



**Employment First Oversight
Commission Report
FY 2021**

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EMPLOYMENT FIRST OVERSIGHT COMMISSION

FY 2021 ANNUAL REPORT

Executive Summary

This FY 2021 Annual Report highlights the work of the Employment First Oversight Commission (EFOC), which oversees Delaware's policy that competitive employment in an integrated setting shall be considered its first and priority option for people with disabilities. EFOC has regularly scheduled meetings which are scheduled the 2nd Tuesday every other month. Specific information can be located on the State of Delaware Public Meeting Calendar: <https://publicmeetings.delaware.gov/>.

The Commission, like other councils and commissions, faced obstacles in reaching some of its goals due to the pandemic. However, consistent with its stated mandate and responsibilities, EFOC collected data to allow the Commission to continue measuring appropriate objectives to ensure full implementation of the Employment First Act. EFOC solicited information and data from the following State agencies: Department of Education (DOE); Division of Vocational Rehabilitation (DVR); Division of Substance Abuse & Mental Health (DSAMH); Department of Services for Children, Youth and Their Families (DSCYF); Department of Correction (DOC); Division of Services for Aging & Adults with Physical Disabilities (DSAAPD); Division of Social Services (DSS); Division for the Visually Impaired (DVI) and Division of Developmental Disabilities Services (DDDS).

EFOC also solicited and reviewed information on statistics & programs related to employment and persons with disabilities. Programs included the following: Selective Placement & Agency Aide (Selective Placement allows hiring managers access to a list of prescreened candidates with skill sets already identified); Project SEARCH (workforce development program utilizing public and private partnerships focused on individuals with disabilities); and Medicaid Workers with Disabilities (allows individuals with disabilities to work without losing Medicaid health benefits).

While EFOC will continue to monitor the progress of the State to promote the right that all persons with disabilities have the opportunity for competitive integrated employment, the Commission/SCPD also has the following objectives:

- Collaborate with legislators and staff, Disabilities Law Program and Department of Labor to overhaul Delaware Code, Title 19, Chapter 7, Subchapter III (Persons with Disabilities Employment Protections) which is outdated and needs many revisions. Progress was made in FY 21 as SCPD staff collaborated with Rep. Kendra Johnson to have a consistent definition of person with a disability in the Delaware Code – the result being HB 224 (<https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=78811&legislationTypeId=1&docTypeId=2&legislationName=HB224>) which has been signed

by the Governor. However, this Chapter of the Delaware Code is still problematic in many areas. EFOC will determine the best path forward to remedy those provisions in FY 22.

- Develop a plan to phase out subminimum wage (14c) certificates in Delaware. EFOC was an integral part of the development and passage of HB 122 (<https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=48483&legislationTypeId=1&docTypeId=2&legislationName=HB122>) and had the privilege of working with the lead prime sponsor, Rep. Deborah Heffernan and the lead prime in the Senate, Sen. Nicole Poore. The bill phases out the use of subminimum wage (14c) certificates in Delaware by January 31, 2024. EFOC is mandated by HB 122 to appoint organizations and others who could assist with the development of the plan. The plan is due to be completed by July 1, 2022.
- Enhance State employment opportunities by implementing a more robust Selective Placement system and integrating it into the hiring process.
- Continue to collaborate with the Department of Human Resources (DHR) on better exposure to State employment options through the provision of increased State agency internship opportunities for youth and adults with disabilities.
- Remove screening barriers that present challenges to job seekers applying for jobs at the State (e.g., requiring a driver's license when it is not an essential function of the job).
- Monitor national grant and other funding opportunities, which would enhance competitive integrated employment for persons with disabilities in Delaware. Coordinate with appropriate State agencies and encourage them to apply for such opportunities.

Summary of barriers across agencies in promoting and achieving meaningful and competitive employment include the following:

- Limited provider network or limited provider capacity for both pre-vocational and supported employment services. This seems to be a direct correlation to the direct support professionals high turn-over rate.
- Limited assessment locations for individuals to be able to have employment options that are in line with their person-centered goals with employment.
- Lack of EF data on employment/vocational support services.
- Insufficient funding to effectively administer, promote and sustain employment support programs, community stakeholders/partnership networks, integrated IT/MIS systems and relevant resources.
- Achieving competitive employment is often not a top priority or personal goal (e.g., DSAAPD, DSCYF, DOC) but may be a secondary objective.
- Finding common ground among multiple agencies with different target populations, funding sources and partnership networks is challenging.
- Adapting to changes in programs after implementation based on evaluation, continuous quality improvement, funding and/or related changes.
- Alignment of plans, funds, and resources to achieve mutual goals and outcomes.

- Low expectations for students with disabilities (especially moderate and severe disabilities).
- Lack of willing businesses to participate in work-based learning opportunities.
- Lack of knowledge among administrators around transition planning.
- Lack of communication across agencies at the local level.
- DOC specifically indicated that prison systems involve a limited amount of job opportunities within each prison and the majority of institutional employment opportunities do not lead to meaningful careers once released to the community.

History

Delaware's Employment First Act (H.B. 319) was signed by the Governor on July 16, 2012 and promotes the right that all persons with disabilities have the opportunity for competitive integrated employment and establishes the Employment First Oversight Commission (EFOC) under SCPD. The law has been amended by HB 370 and HB 241, which were signed by the Governor in September 2018 and September 2019, respectively. HB 370 added the Department of Human Resources (DHR) and the Community Legal Aid Society (CLASI) to the Commission. In addition, it clarified that a member did not have to be a resident of the State of Delaware but could also work in the State of Delaware and whose employment agency shall either represent or advocate for the employment of persons with disabilities. HB 241 further expands the membership of EFOC by adding the Director of the Division for the Visually Impaired (DVI), the Director of the Division of Substance Abuse and Mental Health (DSAMH), and other councils, committees, agencies, organizations, and individuals as approved by both the EFOC and the affected council, committee, agency, organization or individual. This bill further expands the officer's services from 1 year to 2 years and allows them to be reelected for an additional consecutive term. Finally, it provides amendments which enables the Commission to better fulfill its stated mandate.

The Act recites that it is the policy of this State that competitive employment in an integrated setting shall be considered its first and priority option for people who are of working age, including people with disabilities. All State agencies that provide services and support to persons with disabilities shall follow this policy and ensure that it is effectively implemented in their programs and services. Competitive integrated employment means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting, and for which a person with a disability is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by persons without disabilities.

The law also requires State agencies to coordinate efforts to ensure that State programs, policies, procedures, and funding support competitive employment opportunities. In addition, the law requires State agencies to, whenever feasible, share data and information across systems in order to track progress toward full implementation of this Act. Finally, State agencies are encouraged to adopt measurable goals and objectives to promote assessment of progress in implementing this Act.

HB 319 also establishes the Employment First Oversight Commission (EFOC) under the purview of State Council for People with Disabilities (SCPD). Membership, consistent with the aforementioned amendments, is as follows:

- Four people with disabilities appointed by the Legislature.
- Ability Network of Delaware (AND).
- Division of Industrial Affairs (DIA).

- Division of Vocational Rehabilitation (DVR).
- Department of Education (DOE).
- Department of Health and Social Services (DHSS).
- Division of Developmental Disabilities Services (DDDS).
- Developmental Disabilities Council (DDC).
- Department of Human Resources (DHR).
- Community Legal Aid Society (CLASI).
- Division for the Visually Impaired (DVI).
- Division of Substance Abuse and Mental Health (DSAMH).

Duties of the Commission include reviewing measurable goals and objectives submitted by each relevant State agency to ensure implementation of this Act; tracking the measurable progress of State agencies in implementing this Act; and preparing an annual report detailing progress and identifying barriers to achieving outcomes, along with effective strategies and policies that can help realize the EFOC initiative. State agencies are required to fully cooperate with the Commission in providing data and information to assist the Commission in carrying out its duties.

Data from State Agencies

Consistent with its stated mandate and responsibilities, EFOC again attempted to collect data to establish a baseline, which will allow the Commission to begin measuring appropriate objectives to ensure full implementation of the Employment First Act. EFOC solicited information and data, consistent with this Act, from the following State agencies: Department of Education (DOE); Division of Vocational Rehabilitation (DVR); Division of Substance Abuse & Mental Health (DSAMH); Department of Services for Children, Youth and Their Families (DSCYF); Department of Correction (DOC); Division of Services for Aging & Adults with Physical Disabilities (DSAAPD); Division of Social Services (DSS); Division for the Visually Impaired (DVI) and Division of Developmental Disabilities Services (DDDS). The information collected was the result of the following questions being asked:

1. Does your agency have a strategic plan that identifies measurable goals and objectives relative to promoting and achieving employment for the individuals with disabilities you serve (NOT employees of your agency)?
2. Is your agency offering Employment First (EF)? If so, is EF being offered as the first option? If so, how many individual plans document that EF is offered as the first option?
3. What data, if any, does your agency compile on people with disabilities in your system that receive vocational supports? Please provide such data from your agency's most recently completed fiscal year. What vocational support and/or services are provided by your agency? In your last fiscal year, how many individuals were served in the categories below? Please check all that may apply.
 Sheltered Workshops
 Competitive Employment
 Career Track Plans/Continuing or Higher Education
 Other (please explain – for example, skills training, career exploration, job shadowing, internships)
4. What are the barriers your agency experiences in promoting and achieving meaningful and competitive employment?
5. Please identify any innovative ideas, best practices, or partnerships your agency may have regarding the achievement of meaningful and competitive employment opportunities for persons with disabilities.
6. How has your agency been addressing issues and working to provide services to the individuals with disabilities you serve during COVID-19?

Agency Responses & Highlights

DVR (Through September 30, 2021)

DVR services during FY 2021 were primarily virtual as providers and internal business relations specialists ramped up job placement activities. Department of Labor offices opened to the public in September with appointments required while DVR Transition Counselors returned to their assigned schools to engage students in Pre-Employment and Transition Services. DVR providers offered virtual services and on site with businesses albeit in a limited capacity. Our overall data and employment outcomes were impacted by the pandemic; however, improvements were made over FY20 performance measures.

Partnerships and collaborations are a highlight of FY21. We are core partners in the Delaware Workforce Investment Board and the Director continues to serve as a board member to promote the inclusion of people with disabilities in workplaces. DVR continues to expand programs with the Department of Education and all the local school districts, Project SEARCH and the Pipeline program highlight innovation that is designed to help students access their career paths and employment goals. Current MOU's with DDDS, DSAMH and DSS support collaborative programs to increase employment opportunities for mutual consumers in supported employment and TANF programs. This past summer DVR supported the DOL summer youth program to include youth with disabilities in paid employment.

<u>Performance Measures FY21 (10/1/2020 to 9/30/2021)</u>	<u>Results</u>
Achieved competitive integrated employment for at least 90 days	698
Number of Individualized Plans for Employment (IPE's) developed	2,785
Average wage of the 698 employed individuals	\$13.25/hr.
-Avg. wage for Supported Employment clients	10,42
-Avg. wage for transitioning students	\$12.45
-Avg. wage non-SE and Transition	\$14.43
Total number of clients receiving DVR services	4,295

DVI (Through June 30, 2021)

DVI provides vocational rehabilitation (VR) services to citizens who are blind or severely visual impaired. As the statewide agency for the blind and Workforce Innovation and Opportunity Act Delaware partner, DVI establishes and updates employment goals and objectives in the Combined State Plan and works with the U.S. Department of Education-Rehabilitation Services Administration to define and achieve performance measures.

Competitive integrated employment is always the first option for DVI consumers. Job seekers are offered the support they need to achieve maximum independence. DVI-VR promotes career development, presents opportunities for consumers to gain marketable skills through education and/or training and strives to eliminate barriers to independence. Services include career counseling, post-secondary education, pre-employment transition services, post-employment services, employer training, skills training, supported employment, job placement, job coaching, orientation & mobility, job carving and independent living. DVI provides self-employment assistance for people who wish to go into business for themselves and quality entrepreneurial opportunities made possible by the Randolph Sheppard Act, through the Business Enterprise Program (BEP).

DVI goals and objectives that support, and measure successful employment outcomes are woven into the Workforce Innovation Opportunity Act (WIOA) Combined State Plan. The WIOA core partners, including DVI, represent the entire workforce development system in Delaware. The plan outlines statewide strategies to improve employment outcomes for Delawareans. Additionally, DVI recently developed a strategic plan which supports and measures successful employment outcomes for consumers who are blind or severely visual impaired.

The global pandemic continued to impact programming throughout fiscal year 2021. Although DVI continued to provide essential face-to-face services at work, in homes, and in the community, many participants were hesitant to seek employment. In response, DVI continued to offer hybrid and virtual services which allowed a way for participants to work with VR counselors, technology trainers and providers. During the summer of 2021, DVI created a weeklong-overnight Pre-Employment Transition experience, Blind and Socially Savvy, for students that included guest speakers, networking, pre-employment transition, career services, and paid internships. Mission Transition, an overnight program on a college campus designed to explore post-secondary education, was offered in both a weeklong format and the traditional weekend format as well. DVI is currently developing additional programming to enhance parent engagement with informational sessions and coaching.

Data Element	PY2021*
New VR eligible consumers	11
New completed VR plans	15
People who achieved successful competitive integrated employment	6
Average hourly rate of those who were successfully closed	\$24.16
Average weekly hours worked by those who were successfully closed	37.7
Transition age student received transition services	75
Career Track Plans/Continuing or Higher Education	39

***data is based on RSA program year, 7/1 through 6/30**

DSAMH

Assertive Community Treatment (ACT) and Intensive Case Management (ICM) goals are to improve the client's opportunity to be successful in social and employment roles and activities. The teams will provide support (i.e., education, advocacy) to the consumer's support network.

Supported Employment services will be provided to any individual who wants to work and who is in need of supports. Community Reintegration Support Project (CRISP) outcomes include participation in work-related skill training or educational programs and employment or participation in volunteer work.

Targeted Care Management includes assessment of employment needs, employment supports are provided with a goal of employing at least 30% or peer staff.

Table 1: Employment Status - Unduplicated Client Counts (as of Most Recent Record) ACT, ICM, CRISP, Sober Living and Group Home Employment Status SFY 2021 (July 1, 2020 to June 30, 2021)

Employment Status	ACT	ICM	CRISP	Sober Living	Group Home	Total
Full Time	25	18	0	166	1	210
Part Time	65	43	2	87	5	202
Number Sub-total Employed	90	61	2	253	6	412
Sheltered Student	0	0	0	4	1	5
Unemployed - Looking For Work	13	2	0	1	0	16
Not in Labor Force	274	61	10	352	11	708
Military - Active Duty	982	226	99	260	136	1,703
Not Specified	2	0	0	0	0	2
Total	1,396	356	113	888	158	2,911

DDDS

DDDS does not have a formal strategic plan that identifies measurable goals and objectives, but the agency has taken steps to ensure people served by our division have as their first service option, employment in the community. One such effort is the development and implementation of the Pathways to Employment Program (PTE). PTE is a Medicaid State Plan Option for youth, aged 14 to 25, with a qualifying disability, to get ready for work, find jobs and be successful in the workplace. PTE includes a menu of services designed to meet the needs of youth with goals to obtain and maintain employment in his/her community. This has led to a 9% increase of individuals in the program securing employment during FY21. Another strategy in process by DDDS and DMMA is to amend the Pathways SPO and remove the upper age limit (currently age 25). This will allow adults, with a qualifying disability, to enroll in PTE regardless of age and receive these enhanced employment services. Although the pandemic has delayed this strategy, we are at the final stages and anticipate obtaining approval by CMS by the end of the calendar year 2021.

DDDS offers employment as the first option. The Pathways to Employment staff work closely with local education agencies, DOE, DVR, and DVI to coordinate employment services starting at the age of 14. At the close of FY21 there were 523 individuals authorized to receive one or more Pathways to Employment services. As part of the annual planning activities, Community Navigators discuss employment as the first option.

Relevant data includes service recipients in the following work environments:

- (202*) in Sheltered Workshops – These programs were closed due to COVID through the entire SFY 2021; thus no one was served in this category. (* The number of individuals served as of 3/1/2020 – pre COVID program closure.)
- 555 (1018*) in Competitive Employment – These programs were significantly impacted by COVID through the entire SFY 2021. Many decided to stay home and not pursue employment. (* The number of individuals served as of 3/1/2020.)
- 19 in Career Track Plans/Continuing or Higher Education (UD CLSC program)
- 47 in Other (Career Exploration and Assessment via Pathways to Employment)

Barriers DDDS experiences in promoting and achieving meaningful and competitive employment includes limited provider capacity for both pre-vocational and supported employment services. This seems to be a direct correlation to the direct support professionals high turn-over rate and the increased challenges with the provider workforce made more severe due to the competing demand from other employers.

DDDS continues its partnership with Department of Education (DOE), DVR, DVI, and local education agencies to improve cross agency collaboration for students transitioning from school services to adult services. During FY21, DDDS continued to take a lead role in planning the

quarterly transition cadre meetings, along with DOE, DVR, and DVI. These meetings bring all partners together along with school educators, transition staff, parents, and providers to collaborate and improve transition services (and outcomes) for students. During FY 21, DDDS worked collaboratively with DOE, DVR, and DVI on initiative called the PIPEline Project. Fiscal year 2021 is the third year of this project designed to increase the enrollment of students with disabilities in Career and Tech Education career pathways. There has been a total of nine schools that have been involved in this Project and have seen increases of enrollment of students with disabilities in career and tech ed pathways.

DDDS has continued to provide services during the Covid-19 by doing, in part, the following:

- Continuing to attend IEP meeting for potentially eligible individuals to introduce them to and connect them with services that may be available.
- Coordinating meetings with schools to discuss students who may be eligible for services
- Ensuring continued coordination with DDDS Employment Navigators in the Pathways to Employment Program for individuals who may be eligible and interested in participating in this program
- DDDS hosting and attending school hosted virtual provider fairs and virtual town halls for individuals and families
- DDDS continues to work with Providers serving individuals. During this time, supported employment supports and the number of hours individuals with disabilities are working have increased.
- DDDS has participated in monthly collaboration meetings between DDDS, the Targeted Case Management Provider, DVR, and DOE to make the transition process and connecting with supported employment providers more effective.
- DDDS was part of the Statewide Transition Planning team ensuring information about employment and the Pathways to Employment Program are being communicated to DOE and local school district staff.

DSAAPD

DSAAPD has several programs, services, and plans with measurable goals and objectives that address employment and related support services for the populations this agency serves: older adults (age 60 and older), adults with physical disabilities (age 18 and older), and family caregivers. These include:

- Senior Community Service Employment Program (SCSEP)
- Pathways to Employment Program (PTE)
- Delaware Aging and Disability Resource Center (ADRC)
- Information and Assistance/Referral (I&R/A)
- Options/Person-Centered Counseling (OC)
- Delaware State Plan on Aging (2020-2024)

Note: For more information about DSAAPD and the programs/services referenced above, visit the DSAAPD website at <https://dhss.delaware.gov/dhss/dsaapd/>.

DSAAPD continues to administer the Senior Community Service Employment Program (SCSEP) and refer to the Pathways to Employment Program (PTE). Though both target different populations, each has measurable goals and objectives specifically related to promoting and achieving competitive employment. Information about these and other support programs is available on the agency's website and through the Aging and Disability Resource Center (ADRC). DSAAPD's ongoing commitment to self-determination, independence, and person-centered services is reflected in its mission and embedded in State plans, policies, operational practices, and management systems.

For example, the current State Plan on Aging (October 2020 - September 2024) identifies several goals, objectives, and strategies, along with associated performance measures, that are related to the SCSEP program. In brief, the Delaware State Plan is developed every four years and submitted to the Administration for Community Living (ACL) to meet the requirements of the Older Americans Act (OAA), which provides federal funding for a variety of programs and services for older Delawareans and their caregivers including supportive services, nutrition programs, disease prevention and health promotion initiatives, elder rights protection activities, and caregiver support programs. Many of the OAA services and programs also offer essential employment supports for Delawareans aged 60 and older.

The following citation from the current State Plan highlights a selected goal that specifically addresses the coordination between the SCSEP and other OAA programs:

Goal #1: Promote excellence in the delivery of core Older Americans Act programs.
Objective 1.1- Develop and implement best practices in person-centered case management and coordination of services and supports.

Strategy 1.1.3 Incorporate a strengths-based approach as a foundation for collaborative support of each participant's needs, goals, and decisions - resulting in participant-driven, non-duplicative care planning.

Objective 1.2- Improve coordination between the Senior Community Service Employment Program (SCSEP) and other Older Americans Act programs.

Strategy 1.2.1 Provide annual SCSEP overview training to community operations and ADRC staff.

Strategy 1.2.2 Update community service program options counseling and case management protocol to include discussion of employment-related participant goals.

Strategy 1.2.3 Expand employment opportunities available to Delaware's older adults by connecting individuals with SCSEP and community employment resources that encourage and develop access to meaningful employment options for older adults and adults with physical disabilities.

Performance Measures for Objective 1.2 - 100% of ADRC and community operations case management staff (currently 45) receive annual SCSEP overview training. 100% of interested individuals are referred to SCSEP.

NOTE: The current Delaware State Plan on Aging is available to view and/or download on DSAAPD's website at

https://www.dhss.delaware.gov/dsaapd/files/state_plan_on_aging_20_24.pdf.

Despite the unprecedented challenges of the Covid-19 pandemic and current recovery period, DSAAPD continues to make progress in the implementation of State Plan strategies and performance measures.

For example, per the State Plan and revised operational protocols, all individuals participating in DSAAPD services are asked to identify their personal and employment goals, priorities, and plans. DSAAPD staff use a person-centered approach and adhere to such standards in discussing participants' goals, employment interests, exploring options, and supporting them in achieving their goals. Also, in response to providing program training for agency staff, partners, and stakeholders, SCSEP developed a short introductory video that was launched during DSAAPD's virtual Aging Expo in May 2021 in recognition of Older Americans Month. Nearly 300 individuals participated in this community resource event and the recordings are now available for anyone to view. DSAAPD will continue to use this and other strategies to expand targeted program outreach. Plans are also underway to expand virtual trainings and integrate these into standard curriculums and a designated learning platform for DSAAPD staff.

DSAAPD offers Employment First (EF) primarily through the SCSEP, PTE and related supports provided by or through this agency and the Delaware Aging and Disability Resource Center (ADRC). The ADRC plays a key role in supporting EF by serving as a primary access point for information, assistance, and referrals to the SCSEP and PTE employment programs and other relevant resources available throughout the aging and disability network (e.g., Options Counseling, Case/Care Management, Personal Attendant Services, Transportation/Mobility Support, Assistive Technology, etc.).

In the delivery of DSAAPD/ADRC services, all participants are asked to identify their goals and preferences. If employment is a priority, DSAAPD staff will work with these individuals to achieve their goals, often through a direct referral to employment support resources and programs such as SCSEP and PTE. However, given the populations served by DSAAPD, EF is usually not the first option participants and/or caregivers want to explore when seeking critical long-term services and supports for themselves, a spouse, parent, or family member.

Like all DSAAPD programs and services, the employment support programs collect and maintain data on participants or enrollees. DSAAPD is exploring strategies for optimizing the use of its existing Wellsky care management systems to consistently collect and analyze EF data.

DSAAPD does not collect data related to Sheltered Workshops, Competitive Employment, Career Track Plans/Continuing or Higher Education, or other options. DSAAPD compiles information and data on the services it provides and the individuals receiving those services. Data about persons with disabilities who receive vocational support is collected for the SCSEP. The program administrator monitors, and tracks program data submitted by operating partners/contractor. For example, the SCSEP program administrator uses the U.S. Department of Labor SCSEP Performance and Results System to collect participant and program data, as well as to generate quality assurance reports.

For FY21, there were 43 persons with disabilities out of 209 total participants who received vocational support through SCSEP. All other referrals were reviewed for eligibility and transferred to other operating partners - primarily the Division of Developmental Disabilities Services (DDDS) which continues to receive most of these referrals.

As noted, DSAAPD provides direct employment support for qualified individuals through the SCSEP which offers job training/placement, benefits and financial counseling, transportation, and more. In addition, the Delaware ADRC provides information, assistance, and referrals to employment support programs and related services 24/7 by phone, email, or via the Delaware ADRC website and searchable database. Given the agency's commitment to independent living and self-determination, DSAAPD addresses individuals' employment/vocational goals and related supports during the assessment and delivery of person-centered services such as options counseling, case management for home and community-based services, etc. For persons with disabilities who are employed or who want to work, these support options may also include transportation, financial coaching, assistive technology, etc. Detailed information about these programs and services is available on the DSAAPD and Delaware ADRC websites or by contacting the Delaware ADRC directly at 1-800-223-9074.

Some of the more obvious challenges or barriers to promoting and achieving meaningful and competitive employment this past year are related to the following:

- Covid-19 pandemic.

- Host agencies had difficulty in finding employment for their trainees.
- Age (65 and over).

A brief description of these and related barriers follows:

- During the pandemic, DSAAPD and other service providers in the aging and disability network had to respond quickly and reallocate staff and resources to address critical needs and services during the pandemic. Outreach primarily focused on COVID-related services.
- Per ADRC reports, requests for critical support services (e.g., COVID testing/vaccines, grocery/Rx deliveries, home health, caregiver support, etc.) increased significantly during the past year as compared with employment/vocational supports.
- For SCSEP, host agencies had difficulty in finding employment for their trainees.
- Among individuals age 65 and older, many of whom are retired, seeking competitive employment during the pandemic was not identified as a top priority or personal goal. Instead, most were seeking COVID-related information or other essential services. However, inquiries from caregivers increased during the pandemic, as did their requests for financial support and reimbursement for providing more direct care for their loved one while other home and community-based services were suspended.

Throughout the pandemic, DSAAPD was challenged to quickly reassess and innovate the administration and delivery of essential services to meet the needs of those we serve. Some examples:

- Inclusion of specific goals and objectives in the current State Plan on Aging that support EF and employment/vocational support services for DSAAPD's target populations.
- Continued engagement in employment support programs based on collaborative service models and integrated systems/processes: Both the PTE and SCSEP programs offer DHSS agencies and other departments a collaborative model designed to ensure access to competitive employment for older adults and/or adults with disabilities. Multi-agency initiatives like PTE bring DHSS staff and non-traditional partners together to work on all phases - from planning, implementation, and evaluation – often resulting in better outcomes through improved coordination and integration of shared processes across agencies and departments. In brief, these projects help to identify priority issues, concerns, and needs of older adults and persons with disabilities who are preparing for competitive employment. It also helped to clarify the roles and responsibilities of all involved and to mobilize partners to address these concerns and challenges more effectively.
- For SCSEP, an emergency sick leave policy was created to pay participants who were unable to go to work or to the Host Agency. Most Sub-Grantee offices and Host Agencies closed for a period of time, and participants were fearful of being onsite for the few that remained open. For agencies that remained opened, policies were put in place to utilize

proper PPE and other safety protocols. Anything that could be accomplished remotely was done so.

Throughout the COVID-19 pandemic and this reporting period, DSAAPD continued to provide essential services and supports for Delawareans age 60 and older adults age 18 and older with physical disabilities, and their caregivers. The Delaware Aging and Disability Resource Center (ADRC), which also serves as the Adult Protective Services report line, continued to provide 24/7 access to a range of essential long-term services and supports. During this time, DSAAPD and other providers quickly pivoted to offer alternate services and delivery models, such as virtual/telephone reassurance calls, home-delivered meals/groceries, medication/personal care deliveries, enhanced caregiver supports and resources, etc. While agencies and service providers are moving into the early stages of the pandemic recovery process, most are beginning to reopen and serve their communities. Other ways that DSAAPD addressed issues related to service delivery for individuals with disabilities include:

- DSAAPD served on multiple State task forces to increase COVID-19 testing and vaccine distribution and to reduce vaccine hesitancy among older Delawareans, adults age 18 and older with disabilities and caregivers. DSAAPD also continues to serve on the Delaware Developmental Disabilities Council and participated in the development of its current strategic plan.
- DSAAPD secured Covid-19 funding to enhance service infrastructure and capacity ensuring the continuous delivery of essential services and programs to the populations this agency serves, especially those socially isolated and in most need of support.
- DSAAPD expanded its use of social media, technology, and virtual meeting/events platforms to promote community resources, facilitate access to services, and improve communication with partners throughout the aging and disability network. These were also used to improve cross training of staff and partners and overall agency interoperability.
- Used pandemic grants/funds and resources to expand supports for targeted populations and essential service providers throughout the aging and disability network.
- Continued collaboration and alignment of plans, funds, and resources across agencies and sectors to achieve mutual goals and outcomes in a more efficient and cost-effective way.
- Enhanced support for caregivers providing direct home care for loved ones in the absence or suspension of adult day and other home and community-based services. An example includes:

Family Caregiver Support Services – This past year, DSAAPD partnered with Easterseals Delaware and Maryland’s Eastern Shore to assist eligible caregivers who suddenly were providing more daily personal care, companionship, and enrichment for their loved ones because of the suspension of Adult Day Services and other services during the COVID-19 pandemic. Most caregivers were challenged with juggling the demands of caregiving while managing their own jobs and family lives. Those caregivers who lost their jobs or were forced to leave their jobs prematurely to care for a loved one during this period were also

seeking financial relief, employment support, and other services to support them in providing essential support services for their loved ones. This service assisted 22 caregivers during the COVID-19 pandemic.

DSS

DSS does not have a strategic plan that specifically identifies measurable goals and objectives relative to promoting and achieving employment for the individuals with disabilities it serves.

The federal grants with employment and training (E&T) components administered by DSS include the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF). The SNAP and TANF E&T programs do not require measurable employment goals for individuals with disabilities. Employment First for clients with disabilities is not a requirement for the SNAP and TANF programs. E &T requirements for abled bodied individuals are a condition of eligibility for SNAP and TANF benefits. Individuals who submit verification of a disability, health issue, or impairment are medically exempted from mandatory E&T requirements. Clients with a medical exemption may volunteer to participate in the SNAP and TANF E&T programs and will be provided appropriate accommodations. The SNAP and TANF E&T programs track and monitor and employment services and create measurable goals for all E&T clients. DSS also provides case management for all E&T clients to address barriers to obtaining and maintaining employment.

During the COVID-19 public health emergency, E&T services have been modified to allow for social distancing and telephonic/online programming options. The SNAP and TANF E&T programs are providing technology assistance by offering laptops to clients so that they can participate remotely. Eligible clients can also be given access to broadband internet services when it is identified as a barrier to participation.

SNAP E&T

The SNAP E&T program helps SNAP clients gain skills and find work that moves them forward to self-sufficiency. Through SNAP E&T, SNAP clients have access to training and support services to help them enter or move up in the workforce. These programs also help to reduce barriers to work by providing support services – such as transportation and childcare – as clients prepare for and obtain employment. SNAP clients with a medical exemption may volunteer to participate in the SNAP E&T program.

TANF E&T

The TANF E&T program helps TANF clients gain skills and find work that moves them forward to self-sufficiency. Through TANF E&T, TANF clients have access to training and support services to help them enter or move up in the workforce. These programs also help to reduce barriers to work by providing support services – such as transportation and childcare – as clients prepare for and obtain employment. TANF clients with a medical exemption may volunteer to participate in the TANF E&T program.

The TANF program creates partnerships with employers to subsidize wages or provide transportation to job sites for eligible clients for a specified time. The primary goal is to provide clients with the basic skills, education, and on-the-job training needed to acquire and retain employment with the partnering company. Job site transportation services will be provided to

employer partners who hire five or more clients. These practices and partnerships are allowing our agency to partner with employers to provide opportunities for all eligible clients.

DSS developed the Transitional Work Program (TWP) to provide assessment and case management services to TANF clients who are medically exempt from E&T. These clients may be referred to TWP or can request to volunteer to participate TWP or TANF E&T. TWP completes the following with the clients it serves:

- Develop an Employability Plan with identified activities and measurable goals that promote self-sufficiency. The Employability Plan is developed in collaboration with the client and is tailored to the client's individual circumstances.
- Promote wellness activities and health maintenance planning for clients with short-term disabilities.
- Identify and access accommodations, educational programs, and appropriate work settings for clients with disabilities amenable to those interventions.
- Identify and assess clients who are potentially eligible for federal disability programs and assist clients in applying for those programs; and
- Provide in-home services, when necessary.

All clients were exempt from DSS employment and training requirements from July 1, 2020 to June 30, 2021 because of the pandemic. Seventeen individuals were approved for Social Security with TWP's case management assistance.

DOE

The Department's vision, mission and priorities are listed below.

Vision Every learner ready for success in college, career, and life.

Mission To empower every learner with the highest quality education through shared leadership, innovative practices, and exemplary services.

Priorities

- Engaged and informed families, schools, districts, communities, and other agencies
- Rigorous standards, instruction, and assessments
- High quality early learning opportunities
- Equitable access to excellent educators
- Safe and healthy environments conducive to learning

In addition we have federal guidelines around transition planning in the IEP (known as Indicator 13) and reporting of Post School Outcomes (known as Indicator 14). Targets are set for each indicator with stakeholder input.

Indicator 13: Secondary Transition

Compliance indicator: Secondary transition: Percent of youth with IEPs aged 16 and above (For Delaware Beginning with the earlier of the first IEP to be in effect when the child turns fourteen (14) or enters the eighth (8th) grade, or younger) with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority. (20 U.S.C. 1416(a)(3)(B))

Indicator 14: Post-School Outcomes

Results indicator: Post-school outcomes: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.

- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school. (20 U.S.C. 1416(a)(3)(B)).

The Department has specific regulations for Employment First as it relates to transition planning for students with disabilities:

- Title 14 : 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs
- 925.20.2 Transition services: Beginning with the earlier of the first IEP to be in effect when the child turns fourteen (14) or enters the eighth (8th) grade, or younger if determined appropriate by the IEP Team, and updated annually thereafter, the IEP must include:
 - 20.2.1 Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
 - 20.2.2 The transition services and activities (including courses of study) needed to assist the child in reaching those goals.
 - 20.2.2.1 The IEP team shall discuss employment options with children and parents consistent with Delaware's Employment First Policy articulated by 19 Del.C. §743.
 - 20.2.2.2 *Progress made on activities and services that reasonably enable the child to reach the child's postsecondary goals in transition IEPs shall be reported with the same frequency as academic goals.*
 - 20.2.2.3 *The child's strengths, interests, and postsecondary preferences, and plans to make application to high school and career technical educational programs.*

For the 2019-2020 School Year, 9314 were monitored for appropriate transition planning and all 9304 (99.89%) were found to be in compliance. Part of the monitoring includes is there a measurable, post-secondary employment goal for each student.

Relevant Data

	2016-17			2017-18			2018-19		
	All Students Gr 9-12	SWD Students	Percent of Students Gr 9-12	All Students Gr 9-12	SWD Students	Percent of Students Gr 9-12	All Students Gr 9-12	SWD Students	Percent of Students Gr 9-12
CTE Participants	29,896	4,343	14.5%	30,296	4,674	15.4%	30,287	4,267	14.1%
SWD Students meeting CCR Benchmarks (DSSF)	4,049	150	3.7%	5,766	220	3.8%	5,439	261	4.8%

CTE SWD Students Completing CTE Pathways (2S1/3S1)	5,243	485	9.3%	4,846	437	9.0%	5,118	169	3.3%
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- Post School Outcomes Data for the Exiters during the 2018-2019 School Year
- Response Rate – 52% (674 respondents out of 1304 total)
- Enrolled in higher education within one year of leaving high school – 360 or 53.41%
- Enrolled in higher education or competitively employed within one year of leaving high school – 495 or 73.44%
- Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school – 591 or 87.69%

Enrolled in higher education as used in measures A, B, and C means youth have been enrolled on a full- or part-time basis in a community college (two year program) or college/university (four or more year program) for at least one complete term, at any time in the year since leaving high school.

Competitive employment as used in measures B and C: States report in alignment with the term “competitive integrated employment” and its definition, in section 7(5) of the Rehabilitation Act, as amended by Workforce Innovation and Opportunity Act (WIOA), and 34 CFR §361.5(c)(9). For the purpose of defining the rate of compensation for students working on a “part-time basis” under this category, OSEP maintains the standard of 20 hours a week for at least 90 days at any time in the year since leaving high school. This definition applies to military employment.

Enrolled in other postsecondary education or training as used in measure C, means youth have been enrolled on a full- or part-time basis for at least 1 complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps, adult education, workforce development program, vocational technical school which is less than a two year program).

Some other employment as used in measure C means youth have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services, etc.).

The following are some barriers DOE experiences in promoting and achieving meaningful and competitive employment:

- Low expectations for students with disabilities (especially moderate and severe disabilities)
- Lack of willing businesses to participate in work-based learning opportunities.
- Lack of knowledge among administrators around transition planning.
- Lack of communication across agencies at the local level.

Below are innovative ideas, best practices, and partnerships regarding the achievement of meaningful and competitive employment opportunities for persons with disabilities.

PIPEline for Career Success for Students with Disabilities

A collaboration of Delaware state agencies and national organizations that serve SWD will modify a proven change process to increase positive educational and employment outcomes for SWD to address these disparities. The National Alliance for Partnerships in Equity's (NAPE) Program Improvement Process for Equity™ (PIPE) has been successfully implemented with school districts across the country to close gender gaps in CTE career pathways leading to nontraditional career fields. PIPE engages teams of educators, community members, and other stakeholders to: use data to conduct a performance and participation gap analysis; learn about the research literature on root causes for these gaps; conduct action research to identify the root causes in play at their institution; select and implement an aligned intervention that directly addresses the identified root causes; and evaluate their success.

This iterative process will be applied to the context of SWD to increase the enrollment, matriculation, graduation, and transition to postsecondary education and competitive employment of SWD through CTE career pathways. Initially, a team of subject matter experts and instructional designers will modify the PIPE curriculum and tools and create new tools in the context of SWDs. A pilot will be conducted in Delaware schools to implement the PIPEline to Career Success for Students with Disabilities (PIPEline) project, to determine its efficacy, and to inform modifications or refinements before scaling to national, state, and local stakeholders.

Participant Local Education Agencies (LEAs)

- Cohort 1 – Appoquinimink, Capital, Laurel
- Cohort 2 – Colonial, Smyrna, Sussex Tech (dropped)
- Cohort 3 – Brandywine
- Cohort 4 – Christina, Odyssey Charter

Impacts from participating LEAs

- Increased students with disabilities enrollment in CTE programs aligned with their IEP goals from 72 to 133 students in one year.

- Reduced the percentage of students with disabilities enrolled in CTE programs that did not match their IEP goals from 38.7% to 19.4%.
- Increased the percentage of students with disabilities approved for CTE immersion from 0% to 7.9%.
- Work-based learning experiences for students with disabilities increased from 0% participation to 3%.
- Increased students with disabilities enrollment in Early Childhood Education from 10% to 19%.
- Increased the percentage of students with a disability who receive an industry credential from 0% to 2%.

PIPEline brought School administrators and CTE staff to the table with State Agencies

- Common goal to increase work-based learning (WBL) for students with disabilities.
- School Strengths- Strong relationships with student and family, access to IEP team members and support services, oversee student schedule, lesson planning and delivery
- School Challenges - staff time available to support students with disabilities in WBL, expertise of staff in providing WBL and employment readiness to SWD.
- Collaboration between LEA and Division of Vocational Rehabilitation to create a new WBL Specialist to provide Pre-ETS Services to promote competitive integrated employment.

Project SEARCH

New Castle County (Red Clay/Christiana Care)

Open to all local education authorities (LEAs) in NCC

Kent County (Capital/Bayhealth and Caesar Rodney/DelDOT)

Open to all LEAs in Kent Co.

Sussex County (Seaford/Nanticoke)

Open to all LEAs in Sussex Co.

Total Employment Outcomes 2011-2020

162 of 217 (67%) Competitive Integrated Employment

Current Interns – 28

Christiana – 89 of 92 interns entering the program completed the program – 97% completion rate. 60 of 92 interns employed since 2011-2012 implementation - 65% employment rate. There are 12 interns in this year's class.

Bayhealth – 68 of 70 interns entering the program completed the program – 97% completion rate. 53 of 70 interns employed since 2014-2015 implementation - 76% employment outcomes. They have 5 interns in this year's class.

Nanticoke – 17 of 17 interns entering the program completed the program – 100% completion rate. 15 of 17 interns employed since 2017-2018 implementation - 88% employment outcomes. They have 2 interns in this year's class.

DelDOT – 37 of 38 interns entering the program completed the program – 97% completion rate. 34 of 38 interns employed since 2017-2018 implementation - 90% employment outcomes. They have 8 interns in this year's class.

Totals – 162 of 217 across all sites are employed - 75% employment outcomes.

Professional Development

Developing and Supporting Authentic Customized Work-Based Learning Experiences and Jobs for Students and Adults with Disabilities: A Boot Camp for Educators and Employment Professionals (Employment Boot Camp).

- Offer 3x year
- Open to anyone serving transition age youth
- Free Training
- Typically, 30 individuals per session
- 3-day training

Since COVID-19, DOE transitioned the Employment Boot Camp to a virtual format. The format consists of 8 on-line learning modules covering the following topics:

- Cultivate a Mindset of Possibility
- A Career Coaching Approach to Vocational Support
- Whole Person Assessment
- Position and Pitch Yourself as a Business Person
- Build Your Employer Network
- Pave the Road to Customized Employment
- Workplace Supports (Part 1): From Job Coach to Workplace Consultant
- Workplace Supports (Part 2): Techniques Through a Career Coach Lens

Transition Cadre (Began May 2013)

- Assistance from National Secondary Transition Technical Assistance Center (NSTTAC) and National Post School Outcomes Center (NPSO)
- Now the National Technical Assistance Center on Transition (NTACT)

- Meet on monthly basis (3rd Thursdays)
- Provide technical assistance and professional learning
- Highlighting best practices within LEAs
- DVR, DDDS, DVI partner to co-facilitate

DSCYF

The mission of the Department of Services for Children, Youth and Their Families (DSCYF) is to Engage families and communities to promote the safety and well-being of children through prevention, intervention, treatment, and rehabilitative services. The DSCYF Strategic Plan does not have a specific goal related to promoting Employment First (EF) for our clients. The overwhelming majority of our clients are under the age of 18 and receive community-based services. Youth served in the community receive educational and vocational services from their home school.

Youth in our Division of Prevention and Behavioral Health Services (PBH) residential settings receive services based on the assessments completed for the individual client upon entry into the program. Youth in residential treatment centers (RTC) receive individual and group therapy as outlined in the individual treatment plan. Education services provided within the RTC are based on the age and grade of each client. For youth with an individualized education plan (IEP), the IEP dictates the educational path for the youth.

DSCYF also serves youth in our Division of Youth Rehabilitative Services (YRS) Level 4 and 5 juvenile justice facilities. Youth in these facilities are court ordered to the placement for public safety reasons. The youth participate in school and follow all state and federal educational guidelines including testing for, developing, and implementing IEPs. Education and credit recovery are a priority for these youth. YRS does not currently have a vocational program for youth, but each youth is assigned a transition specialist prior to discharge. The transition specialist works with the youth, family, and school to ensure a meaningful transition back to the home school.

All youth served in the Division of Family Services (DFS) contracted residential facilities have educational goals until they graduate from high school. Clients over the age of 18 and enrolled in our Independent Living Program (IL) all go through a Steps To Encourage Personal Success (STEPS) plan that details many activities which include education and employment. These plans are developed for all youth, including those who may be a person with a disability.

DSCYF does not offer EF as a first option for youth receiving services within any of the three operating divisions. The vast majority of our clients are under age 18 and working towards fulfilling mandated state educational requirements to remain on track to earn a high school diploma.

DSCYF does not collect specific disability data for our clients in our system receiving vocational supports. DSCYF clients requiring vocational supports are referred to the Division of Developmental Disabilities and the Division of Vocational Rehabilitation. DSCYF does not offer vocational support or services. DSCYF concentrates on providing support and services related to identified needs for: mental health treatment; substance use disorder treatment; and educational supports while youth are admitted to our residential treatment centers. We do offer

career exploration activities for youth in IL services and residential settings when nearing the end of their educational goals.

In YRS, we had 134 youth take part in career and technical education opportunities. This is a total number and not just youth with an identified disability. Likewise, we had 38 youth in Level 5 facilities take part in career exploration activities. Again, this is a total number.

In the DFS IL programs, the CY2021 2nd quarter outcomes report showed 217 total youth (not just youth with identified disabilities) received at least one IL service between the ages of 16 and 21. The report indicates 68% of eligible youth received employment related skills. 42% of youth ages 20-21 reported they were currently enrolled and attending school or a vocational program.

Our juvenile justice youth face employment barriers related to having a criminal record. WE have worked extremely hard to minimize this barrier. In the past few years, new laws have been passed making it easier to expunge a juvenile record. Likewise, efforts to “ban the box” on job applications asking if one has ever been convicted of a felony has helped as well.

Our youth aging out of foster care often face housing barriers while trying to start a career. Independent Living Programs help address this issue, but it does not provide a solution for all the youth who age out during a year. As described here, the housing issue is not related to persons with disabilities.

As DSCYF focuses mainly on youth under age 18 in the areas of child welfare, juvenile justice, and behavioral health, we help our clients navigate to services in DVR and DDDS when the need is identified. While with DSCYF, the goals for youth are treatment and education.

DSCYF continued full operations during the pandemic. We did move some meetings and client interactions to a virtual platform when face to face contact was not an option. However, we continued to investigate all screened in allegations of child abuse against children, some of whom may qualify as a person with a disability. Many of the behavioral health treatment options changed from face to face to virtual after Medicaid made allowances to existing rules. All our residential facilities remained fully operational throughout the State of Emergency.

DOC

The mission of the Delaware Department of Correction is to protect the public by supervising offenders through safe and humane services, programs, and facilities. Each offender entering the custody of the DE DOC must undergo a series of assessments to determine appropriate security classification and program track for rehabilitation. DE DOC affords work and vocational opportunities to those in DOC custody who demonstrate the need to acquire marketable skills for reentry. The DOC does not have a formal plan however, the facilities assist all offenders in obtaining identification, social security cards and birth certificates. We also provide all offenders assistance and guidance in developing resumes.

The DE DOC does not offer (EF) as a first option for those within prison custody. As previously stated, each offender entering the custody of the DE DOC must undergo a series of assessments to determine appropriate security classification and program track for rehabilitation. Each offender receives a comprehensive treatment plan with identified program tracks to promote a successful rehabilitation.

The Department had 144 persons with physical disabilities in custody during fiscal year FY21 at Level V. Physical disabilities are either disclosed by an offender or visibly diagnosed by a clinician. Of those in custody with physical disabilities during fiscal year FY21, 35% of those were in HRYCI, 35% at SCI, 23% at JTVCC, and 6% at BWCI. Each individual within our custody will undergo a risk and needs assessment to determine their rehabilitative needs including education, vocational training, activities, and employment.

At our Level IV facilities they work with the Delaware Department of Labor Division of Vocational Rehabilitation to make referrals to agencies and other community partners. The Level IV facilities assist offenders in completing disability paperwork, through collaboration with medical and mental health departments. Assessments are completed which identify the needs of the offenders and provide guidance to the staff to address these needs. The Bureau does not have a mechanism in place to report the number of offenders with disabilities that they serve.

Shortcomings of achieving meaningful employment opportunities in a prison system involve a limited amount of job opportunities within each prison and the majority of institutional employment opportunities do not lead to meaningful careers once released to the community. To expand workforce-training opportunities to those in custody, DOC must retain qualified staff to offer vocational training with financially supported budget. Furthermore, the location of the training must meet security protocols for a diverse classification of offenders. We are working on expanding our vocational training in our level V facilities.

Executive Order 27, issued December 2018, established the Delaware Correctional Reentry Commission (DCRC). The DCRC consists of an oversight committee which reports to the

Governor's office, and seven subcommittees to include members of State Departments of Correction, Education, Labor, State Housing Authority, Courts, and community stakeholders from fields including behavioral health, data analytics, case management, and community support providers. The oversight committee administers the implementation of the state's comprehensive reentry initiatives and ensures services align with evidence-based practices (EBP).

Each of the subcommittees is responsible for objectives unique to its discipline. Deliverables of the employment subcommittee are to increase prison employment training and educational opportunities, increase workforce development, and work with employers to increase employment opportunities.

The DOC continues to employ a variety of prevention, screening, cleaning, and containment measures to guard against the spread of the coronavirus. DOC implemented new virtual video transmission capabilities across Level IV and Level V facilities to enable expanded medical and behavioral health telemedicine and inmate programming. DOC is also expanding the use of electronic tablets among the inmate population, where available.

Summary of the Agency Data

The results are useful in updating and assessing the State's overall understanding of Employment First and determining where to concentrate in furthering the Employment First efforts given that State agencies are required to coordinate efforts to ensure that state programs, policies, procedures, and funding support competitive employment opportunities. As reported last year, EFOC does not believe that all agencies truly understand the concept of Employment First and will collaborate with them to further implement this option.

Statistics & Programs Related to Employment and Persons with Disabilities

According to the “Disabled World” website, 2019 Report on U.S. Disability Employment Rate by State, nationally, out of more than 20 million working-age people with disabilities, approximately 7.5 million have jobs. This data also shows the serious gaps that remain between disabled and non-disabled Americans. 37 percent of U.S. civilians with disabilities ages 18-64 living in the community had a job, compared to 77.2 percent for people without disabilities. Delaware’s statistics in these contexts are comparable with the national average – the report ranks Delaware 32nd with a 37 percent of people with disabilities being employed. North Dakota ranks 1st with 56.3 percent of individuals with disabilities being employed. The full report can be located at:

[2019 Report on U.S. Disability Employment Rate by State | Disabled World \(disabled-world.com\)](https://disabled-world.com/2019-report-on-u-s-disability-employment-rate-by-state/)

Other data resources include:

[PERSONS WITH A DISABILITY: LABOR FORCE CHARACTERISTICS — 2020 \(bls.gov\)](https://www.bls.gov/news.release/disablty2.pdf)
[Disability Employment Statistics | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov/eis/whd/stats/disability/)

A. Selective Placement & Agency Aide from the Department of Human Resources (DHR)

Agency Aide Program – All 10 positions are filled. They are Paygrade 1. The positions are located in the following agencies: 1 each in DNREC; DSCYF; DHSS; and Family Court. There are 2 positions in Delaware State Police: Finance and DelDOT. There was one person hired through the Agency Aide Program in FY 21 as someone in that program retired from DelDOT and the position was filled.

Selective Placement – There were 4 people hired in the Merit System through Selective Placement in FY 21. Past years are as follows:

Year	Merit Hires	Casual/Seasonal Hires	Interns
2019-2020	0	1	0
2018-2019	0	0	0
2017-2018	3	0	0
2016-2017	5	2	0
2015-2016	8	3	2
2014-2015	10	1	1
2013-2014	11	0	0
2012-2013	7	0	0

DHR has 67 active applicants of which 10 applied in FY 21. DHR is focused on ensuring there are active candidates available to the agencies. Also, many people with disabilities do not want to disclose and go through the Selective Placement Program.

B. DMMA - Medicaid for Workers with Disabilities

The Medicaid for Workers with Disabilities Program (MWD) will assist individuals with disabilities by allowing them to work without losing health benefits provided by the Medicaid program. Authorization for this program is found in the following federal legislation: The Ticket to Work and Work Incentives Act of 1999 (TWWIA).

An applicant must meet certain criteria as follows in order to be eligible for Medicaid for Workers with Disabilities:

- Must be between 16 and 64 years of age.
- Must have a disability as defined by the Social Security Administration.
- Must be engaged in full or part time paid employment.
- Must be paying FICA.
- Unearned Income must be at or below \$1124.00/monthly.
- Earned income cannot exceed 275% of the Federal Poverty Level (FPL).
- Standard disregards are applied to earned income in order to obtain countable income amount.
- Spousal income is considered when determining eligibility.

The MWD program requires the individual to pay a monthly premium prior to receiving Medicaid coverage. However, the premiums are temporarily waived during the current Public Health Emergency Declaration.

The current MWD premiums based on countable earned income are listed in the chart below:

Percentage of FPL	Percentage of FPL		Monthly Premium Amount
	Single	Couple	
Up to 100%	Up to \$1,073	Up to \$1,451	\$0
>100% - 125%	\$1,073.01 - \$1,341	\$1,451.01 - \$1,813	\$25
>125% - 150%	\$1341.01 - \$1,609	\$1,813.01 - \$2,176	\$35

>150% - 175%	\$1,609.01 - \$1,877	\$2,176.01 - \$2,539	\$45
>175% - 200%	\$1,877.01 - \$2,146	\$2,539.01 - \$2,902	\$60
>200% - 225%	\$2,146.01 - \$2,414	\$2,902.01 - \$3,264	\$75
>225% - 250%	\$2,414.01 - \$2,682	\$3,264.01 - \$3,627	\$90
>250% - 275%	\$2,682.01 - \$2,950	\$3,627.01 - \$3,990	\$105

MWD FY 21- July 1, 2020 – June 30, 2021

- MWD applications from July 1, 2020 – June 30, 2021: 25
- Results: 22 Approvals; 3 Denials
- Total Active MWD Enrollees as of 6/30/2021: 112

Other Issues and Recommendations

Issue – Delaware Code, Title 19, Chapter 7, Subchapter III (Persons with Disabilities Employment Protections) is outdated and needs many revisions. Much of the language in the current law went into effect in 1988 with some minor amendments thereafter and does not appear to incorporate the ADA Amendments Act of 2008. There is problematic language throughout the law, some of which may be illegal. For example, the current law, in part, does not require an employer to make changes to accommodate a person with a disability where:

1. For a new employee the cost of such changes would exceed 5 percent of the annual salary or annualized hourly wage of the job in question; or
2. For an existing employee the total cost of the changes would bring the total cost of changes made to accommodate the employee's disabilities since the employee's initial acceptance of employment with the employer to greater than 5 percent of the employee's current salary or current annualized hourly wage.

Recommendation – Collaborate with legislators and staff, Disabilities Law Program and Department of Labor to overhaul this Subchapter.

Status – EFOC staff met with House Representatives, legislative staff, and attorneys to review this issue. It was agreed that legislation may be needed to rectify the problematic language in the Delaware Code. Due to COVID, this issue was not able to be addressed by the General Assembly in FY 20. EFOC will be revisiting this issue in FY 21

Issue - EFOC supports exploring the development of programs that would phase out the use of subminimum wage (14c) certificates in Delaware by moving existing service recipients in those programs into competitive and integrated employment with the appropriate level of support. This, most likely, would not be able to occur without restructuring existing systems and the development of additional capacity. In echoing recent national recommendations — “any transition should be well designed with the necessary resources in place to ensure improved outcomes in the quality of life for the people we are serving.” EFOC is aware of only 2 organizations within Delaware that hold section 14 (c) certificates. This is an improvement since, only a few years ago, there were 7 organizations/agencies which paid subminimum wages, including 2 from State agencies.

Status – HB 122 has been signed by the Governor. This Act is called the Jamie Wolfe Employment Act in recognition of Jamie Wolfe, a powerful disability rights advocate who worked tirelessly on behalf of people with disabilities for equal rights and equal access to education, housing, competitive and integrated employment, transportation, and community-based services. The Act requires that authorization to pay individuals with disabilities less than the minimum wage will be phased out by January 31, 2024. The Employment First Oversight Commission created in the Employment First Act is charged with the responsibility of developing and implementing a plan for the phase-out and ensuring that the needs of affected

providers and employees with disabilities working at less than minimum wage are considered as the phase-out is implemented. EFOC is mandated by HB 122 to appoint organizations and others who could assist with the development of the plan. The plan is due to be completed by July 1, 2022.

A. Other Recommendations

EFOC is advocating for the recommendations below consistent with last year given that there is still a need. The State of Delaware should provide leadership in the Employment First as the largest employer of diverse populations, including persons with disabilities, by reviewing and implementing the following practices:

- Incorporate a top-down required disability employment training into the State’s employee education system. Fear of the unknown and a general lack of understanding of disabilities lead to inadvertent discrimination practices in the hiring/employee retention process. Persons with disabilities are proven to be more dependable, contribute to less attrition, and rarely require accommodations to perform the essential duties of their jobs. The cost of the average accommodation is less than \$500! Require targeted employees (e.g., leadership, HR liaisons, managers) to participate in mandatory disability employment best practices training. The Mid-Atlantic ADA Information Center may be a resource to assist with the initiative.
- Implement a more robust “Selective Placement” system and integrate it into the hiring process. Selective Placement allows hiring managers access to a list of prescreened candidates with skill sets already identified. Hiring managers can forego the burdensome competitive posting of job opportunities and recruit directly from the list of candidates with disabilities. Require appointed employees to act as Selective Placement Liaisons to ensure that each division, department, agency, etc. first look at the candidates on the Selective Placement list before posting a merit position. Each State entity’s Liaison will be required to report to the EFOC updates regarding their use of the selective placement system as compared to the total number of hires within each Quarter. Consideration should be given to DHR reviewing current list to determine who is still job seeking. Consideration should also be given to a Delaware Code change in furtherance of this objective.
- EFOC collaborated with DHR in FY 21 regarding efforts to develop a statewide internship for persons with disabilities. Individuals should be granted access to more work opportunities through internships (akin to the Project Search and Frameworks for Success). This will not only benefit agencies from the work that interns provide, but the more broadly impacting outcome is the culture shift that invariably occurs when leaders dare to look beyond the norm. The current goal is for every State agency to have at least one internship opportunity.
- Remove screening barriers that present challenges to job seekers applying for jobs at the State. Posted entry-level (Pay grade < 8) classifications at the State require a minimum 6 months of work experience in a relevant field in order to be considered eligible for consideration for the job. In addition, the requirement that job applicants have a Driver’s

License for any job can be problematic. Instead of focusing on the Driver's License requirement, it should focus on whether an employee is dependable, reliable and on time. There are other means of transportation such as DART or walking to their workplace. The Driver's License requirement is a barrier for people with disabilities. EFOC would like to work with Department of Human Resources (DHR) and other relevant stakeholders to identify classifications and related requirements that should be revised. EFOC also recommends that DHR insert clarifying language within the classification table and job posting system that reminds hiring managers that they are obligated to consider related training and educational experience as equally valuable as "paid work experience."