MEMORANDUM

DATE: April 26, 2016

TO: All Members of the Delaware State Senate and House of Representatives

FROM: Ms. Daniese McMullin-Powell, Chairperson State Council for Persons with Disabilities

RE: S.B. 221 (Employer Tax Credit: DVR & DVI Referrals)

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 221. The intent of the proposed legislation is to advance the number of work opportunities made available to Delawareans with disabilities beyond those offered through State Use Law. SCPD endorses the proposed legislation since the employment rate for Delawareans with disabilities is very low (36.1%) and this legislation would encourage the hiring of individuals with disabilities. Council also has the following observations.

As background, only 34.5% of non-institutionalized Americans ages 21-64 with a disability are employed. The Delaware statistic is similar, i.e., only 36.1% of such adults with a disability are employed. See attachment. Delaware has several laws which promote the hiring of individuals with disabilities (lines 5-6 and 16 Del.C. §5503). In the past few years, multiple programs have been initiated to “jump-start” training and employment opportunities for this constituency. Such initiatives include the DHSS Pathways to Employment program and the PROMISE program. See attached summaries. These programs are helpful but may be limited to certain age groups and disabilities. For example, individuals with traumatic brain injury, the “signature” injury of the Iraq and Afghanistan conflicts, may not qualify for either program. Federal tax incentives exist to promote hiring of individuals with disabilities. See attachment. Many states, including Maryland and New York, offer a State tax credit to supplement the federal incentives. See attached article.

S.B. 221 authorizes a State tax credit for employers who hire referrals from the Division of Vocational Rehabilitation or the Division for the Visually Impaired after January 1, 2017. The amount of the credit would be equal to 10%, but in no event greater than $1,500, of the gross wages paid to a qualifying person. The credit would be available for the year in which the
employee is hired and the 2 taxable years thereafter (lines 28-38).

One advantage to linking the credit to DVR referrals is that DVR is not limited to only certain disabilities. DVR serves individuals with a wide range of physical and mental impairments, including traumatic brain injury. It focuses on individuals with “most significant” and “significant” disabilities. Consistent with the attached excerpt from 2015 Annual Report from DVR’s Rehabilitation Council, in FY15 it served 7,757 clients of whom 2,861 were new applicants. It achieved a successful employment outcome for 1,138 clients with an average hourly wage of approximately $10.50/hour. The availability of a State tax credit should bolster DVR’s prospects for securing successful employment outcomes since hiring DVR referrals will be more attractive to employers.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc:    Ms. Andrea Guest, DVR
       Mr. Dan Madrid, DVI
       Mr. Brian Hartman, Esq.
       Governor’s Advisory Council for Exceptional Citizens
       Developmental Disabilities Council

SB 221 employer tax credit 4-19-16
Disability Statistics

Online Resource for U.S. Disability Statistics

Find U.S. disability statistics in 3 easy steps

Select a Statistic
Adjust Search Filters
Review Results

http://www.disabilitystatistics.org/reports/acs.cfm?statistic=2
Disability Statistics

Individual Statistics
American Community Survey
- Prevalence
  (reports/acs.cfm?statistic=1)
- Employment Rate
  (reports/acs.cfm?statistic=2)
- Full-Time / Full-Year Employment
  (reports/acs.cfm?statistic=3)
- Annual Earnings
  (reports/acs.cfm?statistic=4)
- Annual Household Income
  (reports/acs.cfm?statistic=5)
- Poverty
  (reports/acs.cfm?statistic=6)
- Supplemental Security Income (SSI)
  (reports/acs.cfm?statistic=7)
- Educational Attainment
  (reports/acs.cfm?statistic=8)
- Search Form
  American Community Survey (ACS)
  (.glossary.cfm?g_id=270&view=true)
  Statistic: Employment Rate
  (.glossary.cfm?g_id=255&view=true)
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  (.glossary.cfm?g_id=236&view=true)
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  (.glossary.cfm?g_id=286&view=true)
  Disability Type:
  Any Disability
  (.glossary.cfm?g_id=234&view=true)
  Age: Ages 21-64
  (.glossary.cfm?g_id=286&view=true)
  Race: all races
  (.glossary.cfm?g_id=275&view=true)
  Education: all education levels
  (.glossary.cfm?g_id=254&view=true)
  Hispanic: regardless of ethnicity
  (.glossary.cfm?g_id=254&view=true)
  Value: Percentage
  Year: 2013

Table
Employment Rate:
The percentage of non-institutionalized, male or female, with a disability, ages 21-64, all races, regardless of ethnicity, with all education levels in the United States who were employed in 2013.

<table>
<thead>
<tr>
<th>Location</th>
<th>Estimate (%)</th>
<th>90% MOE</th>
<th>Base Population</th>
<th>Sample Size</th>
</tr>
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<tbody>
<tr>
<td>United States</td>
<td>34.5 ± 0.28</td>
<td>19,618,200</td>
<td>199,997</td>
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</tr>
<tr>
<td>Alabama</td>
<td>27.2 ± 1.59</td>
<td>409,700</td>
<td>4,295</td>
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<tr>
<td>Alaska</td>
<td>50.8 ± 5.44</td>
<td>44,400</td>
<td>418</td>
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<tr>
<td>Arizona</td>
<td>33.5 ± 1.77</td>
<td>372,300</td>
<td>3,910</td>
<td></td>
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<tr>
<td>Arkansas</td>
<td>28.0 ± 2.02</td>
<td>260,300</td>
<td>2,777</td>
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<tr>
<td>California</td>
<td>32.8 ± 0.78</td>
<td>1,917,800</td>
<td>19,290</td>
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<tr>
<td>Colorado</td>
<td>42.7 ± 2.09</td>
<td>293,300</td>
<td>2,915</td>
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<tr>
<td>Connecticut</td>
<td>41.7 ± 2.71</td>
<td>173,600</td>
<td>1,820</td>
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</tr>
<tr>
<td>Delaware</td>
<td>36.1 ± 4.51</td>
<td>59,500</td>
<td>572</td>
<td></td>
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<tr>
<td>District of Columbia</td>
<td>32.8 ± 5.67</td>
<td>37,300</td>
<td>390</td>
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<tr>
<td>Florida</td>
<td>30.8 ± 0.96</td>
<td>1,159,900</td>
<td>11,763</td>
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<tr>
<td>Georgia</td>
<td>32.4 ± 1.33</td>
<td>651,600</td>
<td>6,600</td>
<td></td>
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<tr>
<td>Hawaii</td>
<td>42.2 ± 4.49</td>
<td>63,500</td>
<td>639</td>
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<tr>
<td>Idaho</td>
<td>37.6 ± 3.49</td>
<td>101,100</td>
<td>1,094</td>
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<tr>
<td>Illinois</td>
<td>37.0 ± 1.33</td>
<td>691,000</td>
<td>7,194</td>
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<tr>
<td>Indiana</td>
<td>35.1 ± 1.56</td>
<td>474,300</td>
<td>4,947</td>
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<tr>
<td>Iowa</td>
<td>43.6 ± 2.30</td>
<td>179,300</td>
<td>1,786</td>
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<tr>
<td>Kansas</td>
<td>42.3 ± 2.73</td>
<td>171,700</td>
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<tr>
<td>Kentucky</td>
<td>27.6 ± 1.61</td>
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<td>4,056</td>
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<tr>
<td>Louisiana</td>
<td>31.9 ± 1.79</td>
<td>354,500</td>
<td>3,610</td>
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<tr>
<td>Maine</td>
<td>32.1 ± 2.92</td>
<td>115,500</td>
<td>1,091</td>
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</tbody>
</table>

http://www.disabilitystatistics.org/reports/acs.cfm?statistic=2
3/28/2016
### Disability Statistics

**Current Population Survey**
- Prevalence (cps.cfm?statistic=prevalence)
- Labor Market Activity (cps.cfm?statistic=activity)
- Employment (cps.cfm?statistic=employment)
- Household Income (cps.cfm?statistic=houseinc)
- Poverty (cps.cfm?statistic=poverty)

<table>
<thead>
<tr>
<th>State</th>
<th>Prevalence</th>
<th>Population</th>
<th>Poverty Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
<td>41.2 ± 2.02</td>
<td>312,700</td>
<td>3,122</td>
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<tr>
<td>Massachusetts</td>
<td>34.6 ± 1.78</td>
<td>376,200</td>
<td>3,799</td>
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<td>Michigan</td>
<td>30.4 ± 1.15</td>
<td>748,800</td>
<td>7,738</td>
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<td>Minnesota</td>
<td>44.0 ± 1.83</td>
<td>282,900</td>
<td>2,983</td>
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<tr>
<td>Mississippi</td>
<td>26.7 ± 1.94</td>
<td>272,400</td>
<td>2,798</td>
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<tr>
<td>Missouri</td>
<td>32.4 ± 1.61</td>
<td>442,900</td>
<td>4,662</td>
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<tr>
<td>Montana</td>
<td>36.0 ± 3.57</td>
<td>69,700</td>
<td>658</td>
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<tr>
<td>Nebraska</td>
<td>45.9 ± 3.22</td>
<td>92,400</td>
<td>991</td>
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<tr>
<td>Nevada</td>
<td>41.1 ± 2.59</td>
<td>189,000</td>
<td>1,785</td>
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<tr>
<td>New Hampshire</td>
<td>40.5 ± 3.94</td>
<td>81,700</td>
<td>787</td>
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<tr>
<td>New Jersey</td>
<td>37.5 ± 1.70</td>
<td>423,600</td>
<td>4,302</td>
</tr>
<tr>
<td>New Mexico</td>
<td>35.6 ± 2.75</td>
<td>159,200</td>
<td>1,440</td>
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<td>New York</td>
<td>32.6 ± 1.05</td>
<td>1,044,300</td>
<td>11,274</td>
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<tr>
<td>North Carolina</td>
<td>31.4 ± 1.29</td>
<td>680,800</td>
<td>7,015</td>
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<td>North Dakota</td>
<td>56.0 ± 6.28</td>
<td>34,100</td>
<td>351</td>
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<tr>
<td>Ohio</td>
<td>33.9 ± 1.21</td>
<td>808,400</td>
<td>8,391</td>
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<tr>
<td>Oklahoma</td>
<td>37.0 ± 1.72</td>
<td>303,800</td>
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<tr>
<td>Oregon</td>
<td>35.3 ± 2.00</td>
<td>300,400</td>
<td>2,772</td>
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<tr>
<td>Pennsylvania</td>
<td>33.6 ± 1.20</td>
<td>820,100</td>
<td>8,165</td>
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<tr>
<td>Rhode Island</td>
<td>34.6 ± 4.33</td>
<td>63,400</td>
<td>650</td>
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<tr>
<td>South Carolina</td>
<td>31.5 ± 1.79</td>
<td>352,200</td>
<td>3,857</td>
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<td>South Dakota</td>
<td>49.1 ± 4.20</td>
<td>54,600</td>
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<td>Tennessee</td>
<td>30.2 ± 1.44</td>
<td>537,500</td>
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<td>Texas</td>
<td>38.8 ± 0.90</td>
<td>1,593,500</td>
<td>15,661</td>
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<td>Utah</td>
<td>42.2 ± 3.03</td>
<td>139,700</td>
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<td>Vermont</td>
<td>34.6 ± 4.20</td>
<td>41,500</td>
<td>400</td>
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<tr>
<td>Virginia</td>
<td>36.8 ± 1.64</td>
<td>452,600</td>
<td>4,660</td>
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<tr>
<td>Washington</td>
<td>37.5 ± 1.64</td>
<td>458,300</td>
<td>4,612</td>
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<tr>
<td>West Virginia</td>
<td>25.3 ± 2.06</td>
<td>202,900</td>
<td>1,951</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>41.7 ± 1.64</td>
<td>347,500</td>
<td>3,430</td>
</tr>
</tbody>
</table>

[http://www.disabilitystatistics.org/reports/acs.cfm?statistic=2](http://www.disabilitystatistics.org/reports/acs.cfm?statistic=2)

3/28/2016
**Written Description**

**Description of Statistics**

In the year 2013, an estimated 34.5 percent (plus or minus 0.28 percentage points) of non-institutionalized, male or female, with a disability, ages 21-64, all races, regardless of ethnicity, with all education levels in the United States were employed.

In other words, 6,775,300 out of 19,618,200 non-institutionalized, male or female, with a disability, ages 21-64, all races, regardless of ethnicity, with all education levels in the United States were employed.

The estimates above are based on a sample of 199,997 persons who participated in the 2013 American Community Survey (ACS).

These estimates may differ slightly from the Census Bureau summary tables. See Frequently Asked Questions (faq.cfm?n=7#Q4) for more information.

**Caution: Sample Sizes and Margin of Error (MOE)**

Caution should be used when interpreting a statistic based on small sample sizes or when the Margin Of Error (MOE) is large relative to the estimate. The MOE is a measurement of the accuracy of the statistic. We highly recommend that you indicate the sample size and MOE when reporting a statistic. Go to Glossary for more about Margin of Error (MOE) (glossary.cfm?g_id=269&view=true) Go to Glossary for more about sample size (glossary.cfm?g_id=219&view=true)

**Definition of**

**Definition of Any Disability**

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<table>
<thead>
<tr>
<th>Location</th>
<th>Estimate</th>
<th>Margin of Error</th>
<th>N</th>
<th>Coverage Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wyoming</td>
<td>51.4</td>
<td>± 5.02</td>
<td>38,300</td>
<td>386</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>22.5</td>
<td>± 1.46</td>
<td>371,800</td>
<td>3,356</td>
</tr>
</tbody>
</table>

Statistics: Search: Description: Table
The ACS definition of disability is based on six questions. A person is coded as having a disability if he or she or a proxy respondent answers affirmatively for one or more of these six categories.

**Hearing Disability** (asked of all ages): Is this person deaf or does he/she have serious difficulty hearing?

**Visual Disability** (asked of all ages): Is this person blind or does he/she have serious difficulty seeing even when wearing glasses?

**Cognitive Disability** (asked of persons ages 5 or older): Because of a physical, mental, or emotional condition, does this person have serious difficulty concentrating, remembering, or making decisions?

**Ambulatory Disability** (asked of persons ages 5 or older): Does this person have serious difficulty walking or climbing stairs?

**Self-care Disability** (asked of persons ages 5 or older): Does this person have difficulty dressing or bathing?

**Independent Living Disability** (asked of persons ages 15 or older): Because of a physical, mental, or emotional condition, does this person have difficulty doing errands alone such as visiting a doctor’s office or shopping?

Go to Frequently Asked Questions for more on defining disability. (/faq.cfm#Q3)
Go to Glossary for more terms and definitions. (/glossary.cfm)

**Source**

These statistics were calculated by the Cornell University Employment and Disability Institute using the U.S. Census Bureau's 2013 American Community Survey (ACS) Public
Use Microdata Sample (PUMS) data.
Go to Data Sources for more about the ACS (/sources.cfm?n=3#acs)

Suggested Citation

We suggest the following citation when using these statistics:
Pathways to Employment

General Information

Pathways to Employment is a program designed to support low-income teens and young adults with disabilities in Delaware who want to work. The program helps participants get prepared for work, find jobs, and succeed in the workplace.

Eligibility

In order to participate in the Pathways to Employment program an individual must:

- Want to work
- Be aged 14 to 25
- Be enrolled in Medicaid and meet related financial eligibility criteria
- Be in one of the targeted disability groups (persons with intellectual disabilities; autism spectrum disorders; visual impairments; or physical disabilities)*
- Meet certain disability-specific functional criteria

* People with mental health support needs are served by a similar program called PROMISE.

Services

Pathways to Employment participants receive employment-related services to meet their individual needs.

Services available through Pathways to Employment include:

- Employment Navigator
- Career Exploration and Assessment
- Supported Employment - Individual
- Supported Employment - Small Group
- Benefits Counseling
- Financial Coaching
- Non-Medical Transportation
- Personal Care (including a self-directed component)
- Orientation, Mobility, Assistive Technology

For a brief description of each service, visit the Pathways to Employment - Services page.

Learn More

Follow the links below to get more detailed information about Pathways to Employment.

- Pathways to Employment Brochure
- Pathways to Employment Flyer
- Pathways to Employment Presentation
- Pathways to Employment State Plan Amendment (approved by Centers for Medicaid and Medicare Services effective 1/1/15)

How to Enroll or Make a Referral

http://dhss.delaware.gov/dhss/DSAAPD/pathways.html

3/30/2016
To enroll in Pathways to Employment or to refer someone who you think might benefit from the program, contact the Delaware Aging and Disability Resource Center (ADRC).

Information for Service Providers

To enroll as a service provider, please visit the Pathways to Employment - Information for Service Providers page.
The PROmise program (Promoting Optimal Mental Health for Individuals through Supports and Empowerment) will target individuals with behavioral health needs and functional limitations to offer an array of home and community-based services (HCBS) that are person-centered, recovery-oriented, and aimed at supporting beneficiaries in the community. PROmise will help improve clinical and recovery outcomes and reduce unnecessary institutional care through better care coordination, and thereby also reduce the growth in overall program costs.

PROmise will provide a variety of community based services such as:

- Care Management
- Individual Employment Supports
- Short-Term Small Group Supported Employment
- Financial Coaching
- Benefits Counseling
- Peer support
- Non-Medical Transportation
- Community-Based Residential Supports Excluding Assisted Living
- Nursing
- Community Psychiatric Support and Treatment
- Psychosocial Rehabilitation
- Respite
- Independent Activities of Daily Living/Chore
- Personal Care
- Community Transition Services

For a description of each of the services listed above, please view the PROmise Services Presentation.

PROmise Public Hearings
In September of 2014, the Division of Substance Abuse and Mental Health (DSAMH), along with the Division of Medicaid and Medical Assistance (DMMA) held three public hearings regarding the 1115 Waiver Amendment (PROmise). The goal of the PROmise program (Promoting Optimal Mental Health for Individuals through Supports and Empowerment) is to improve clinical and recovery outcomes and reduce unnecessary institutional care through better care coordination, and thereby also reduce the growth in overall program costs. During the public hearings, an overview of PROmise was presented to those in attendance, and as a result the state received and responded to numerous questions and comments from the public regarding the PROmise program.

For more information on PROmise and how to qualify, please view the PROmise Brochure.

Provider Information
The Division of Substance Abuse and Mental Health will work with qualified mental health providers to deliver home and community-based, person-centered, recovery-oriented services under the PROMISE program for Delaware residents suffering from severe and persistent mental illness and substance use disorders.

New Provider Information/Training:
- PROMISE Training Requirements
- PROMISE Training Curriculums
- PROMISE Training Calendar
- New Provider Implementation Checklist
- Find Information on Preadmission Screening and Resident Review (PASRR)

Want to become a PROMISE provider in Delaware? Contact the Provider Relations Unit at (302) 255-9463 for information!

Provider Billing:
- PROMISE HCBS Service Certification and Reimbursement Manual-Draft

Contact Information:
- Contact the Eligibility and Enrollment Unit (EEU)
- PROMISE Provider Directory

You may also contact the DSAMH Provider Relations Unit with any additional questions or concerns at (302) 255-9463 or by email at DSAMHPromise@state.de.us.

Beneficiary Information
- Contact the Eligibility and Enrollment Unit (EEU)
- Find a Nearby PROMISE Provider
- Find Treatment Services

You may also contact the DSAMH Office of Consumer Affairs at (302) 255-9421 with any questions or concerns.

Need Immediate Help?
- Contact the Crisis Intervention Unit

Please note: Some of the files available on this page are in Adobe PDF format which requires Adobe Acrobat Reader. A free copy of Adobe Acrobat Reader can be downloaded directly from Adobe. If you are using an assistive technology unable to read Adobe PDF, please either view the corresponding text only version (if available) or visit Adobe's Accessibility Tools page.

http://www.dhss.delaware.gov/dhs/dsamh/promise.html
Tax Credits for Hiring Disabled Workers

By Madison Garcia
eHow Contributor

Under the Americans with Disabilities Act, any employer with more than 15 employees must provide reasonable accommodation for disabled individuals. Although it's a federal requirement, businesses can still get federal tax credits for hiring disabled workers and restructuring the workplace to accommodate them. Tax deductions and state tax credits are also available.

Pay $0 to file your taxes again this year
Promoted by Turbo Tax

Work Opportunity Credit

The federal government offers a federal tax credit for employers that hire new employees out of a targeted group that includes disabled individuals. In order to qualify for this credit, the employee must be certified as disabled by the appropriate governmental agencies. The credit offers employers up to 40 percent of the first $6,000 of wages given to new disabled employees. To claim the credit, the employer should complete IRS Form 5884, Work Opportunity Credit, and include it with the annual business tax return.

Disabled Access Tax Credit

Even if a business didn't hire any new disabled employees, it can still get a tax credit for providing or improving disabled access. The Disabled Access Credit is available to small businesses that earn less than $1 million and have fewer than 30 full time employees. Eligible expenditures include removing accessibility barriers, providing interpreters or audio materials for the hearing-impaired, providing readers for the visually-impaired, and purchases or improvements on any devices for disabled individuals. The maximum annual credit is $5,000. Businesses can claim the tax credit by completing IRS Form 8826, Disabled Access Credit, and attaching it to the business return.

Barrier Removal Tax Deduction

Although large businesses may not qualify for the Disabled Access Credit, they can still take advantage of the Barrier Removal tax deduction. Normally, a business must capitalize any structural improvements to buildings and vehicles and depreciate them over the assets' lives. However, if the improvement is related to improving accessibility for the elderly or disabled, it can deduct the cost immediately. The maximum amount a business can deduct each year is $15,000.


3/30/2016
State Tax Incentives
Along with federal tax credits, many states offer tax incentives for costs connected to disabled individuals. For example, businesses based in Maryland can get a state tax credit for hiring employees with disabilities. Employers can get a maximum credit of $1,800 for employee wages the first year of employment and up to $1,200 in the second year. Maryland also offers a credit up to $600 the first year and $500 the second year for providing transportation and childcare expenses for disabled individuals. New York offers a similar program that provides up to $2,100 in state tax credits.
State Rehabilitation Council for the
Division of Vocational Rehabilitation

State Rehabilitation Council of Delaware

DVR
Linking Ability & Business

2015 Annual Report
DVR RECORDS AND ACHIEVEMENTS

The Division of Vocational Rehabilitation set a new record for successful employment outcomes in FY 2015, increasing the number of individuals who were successfully employed by 92 over the previous year for a total of 1,138! Among the individuals who achieved successful employment outcomes, 1070 (94 %) individuals had significant disabilities and 355 (31%) were individuals who had received Transition services.

![Bar chart showing successful outcomes and successful outcomes with significant disabilities from 2011 to 2015.]

This chart indicates the five-year trend in the number of total successful DVR outcomes, successful outcomes for individuals with significant disabilities, and successful outcomes for individuals who received transition services.

![Bar chart showing average hourly wage from FY 2011 to FY 2015.]

This chart indicates the five-year trend for the average hourly wage of all individuals who were successfully employed through DVR.

During FY 2015, DVR began formal implementation of Pre-Employment Transition Services as required under the Workforce Innovation and Opportunity Act. The division solicited bids for community partners to offer summer programs that would offer transition students exposure to employment expectations and experience in employment situations. DVR funded 11 programs statewide that offered services to over 100 transition students. The feedback from these programs was overwhelmingly positive, and DVR is expanding Pre-Employment Transition Services in FY 2016.
DVR PERFORMANCE REPORT

Successful Rehabilitations: 1,138
   Most Significant Disabilities 357 (31%) 94%
   Significant Disabilities 715 (63%)
   Transition Youth Rehabilitated 355

Total Clients Served: 7,757
   Clients with Most Significant Disabilities 2,614 (34%)
   Clients with Significant Disabilities 4,303 (56%) 90%

New Applicants in FY 2015: 2,861
   Determined Eligible 2,501
   Acceptance Rate 92%

New Transition Students: 782
   Transition Students/Youth Served 2,284

Average Hourly Wage for FY 2015 closures:
   All closures $10.54
   Transition $10.00
   Supported Employment $8.61
   Adults (not TR or SE) $11.15

Individuals in Delayed Status at the end of FY 2015 37