



Application of the Integration Mandate of Title II of the ADA to State and Local Governments

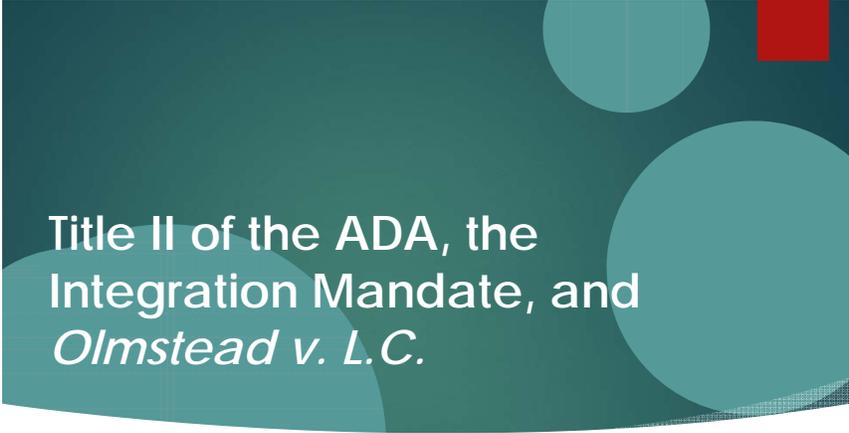
National Association of Councils on
Developmental Disabilities (NACDD) Annual
Conference

July 14, 2017

Salt Lake City, NV

Overview

- ▶ Title II of the ADA, the Integration Mandate, and *Olmstead v. L.C.*
- ▶ DOJ's Enforcement of the Integration Mandate
- ▶ Supported Housing Services in DOJ Settlement Agreements



Title II of the ADA, the Integration Mandate, and *Olmstead v. L.C.*



Title II of the ADA

- ▶ Prohibits discrimination by public entities in services, programs, and activities on the basis of disability
- ▶ Integration mandate requires that services, programs, and activities be administered **in the most integrated setting** appropriate
- ▶ The “most integrated setting” is one that enables people with disabilities to **interact with people without disabilities to the fullest extent possible**

Olmstead v. L.C.: Unjustified Segregation is Discrimination

- ▶ In 1999, the Supreme Court recognized that Title II of the ADA prohibits the unjustified segregation of people with disabilities
- ▶ Held that the prohibition on unjustified segregation reflected “two evident judgments” about institutional placement:
 1. “**perpetuates unwarranted assumptions** that persons so isolated are incapable or unworthy of participating in community life”
 2. “**severely diminishes the everyday life activities**” of people with disabilities, including family, work, education, and social contacts

Olmstead v. L.C. (cont'd)

- ▶ Court held that public entities are required to provide community-based services when:
 - ▶ Community-based services are **appropriate** for the individual; and
 - ▶ The individual **does not oppose** community-based treatment; and
 - ▶ Community-based treatment can be **reasonably accommodated**, taking into account the resources available to the entity and the needs of others receiving disability services.

What Does the Integration Mandate Cover?

- ▶ Title II applies to all services – not just residential services.
- ▶ Includes sheltered workshops, segregated day services, and segregated schools.

Who Does the Integration Mandate Cover?

- ▶ The ADA does not just protect individuals who **currently** receive services in segregated settings.
- ▶ It also protects people **at serious risk of institutionalization or segregation**, *e.g.*:
 - ▶ People with disabilities with urgent needs on waitlists for services
 - ▶ People with disabilities subject to cuts in community services leading to their unnecessary institutionalization



DOJ's Enforcement of the Integration Mandate



DOJ "Tools" to Enforce the Integration Mandate

- ▶ Investigations & findings letters leading to settlement agreements or litigation
- ▶ Intervention in private *Olmstead* litigation
- ▶ Technical assistance
- ▶ *Olmstead* website (www.ada.gov/olmstead)
- ▶ Relief has directly affected 50,000+ people



Important Principles in DOJ Enforcement

- ▶ DOJ's *Olmstead* complaints and settlement agreements include relief designed to create integrated, quality community based alternatives – not just about moving people out of institutional settings
- ▶ Ensure that people have opportunities for integration in all aspects of their lives: where they live and how they spend their days
- ▶ Engagement of a range of stakeholders – consumers, families, advocates, providers – is essential to successful outcomes



Supported Housing Services in DOJ Settlement Agreements

What is Supported Housing?

- ▶ Scattered-site apartments for which the State provides rental assistance and housing-related support services
- ▶ Housing-related support services can include assistance managing tenant/landlord relations, transition assistance, assistance with living skills such as shopping, maintaining living environment, medication management, and/or personal care services

United States v. North Carolina

- ▶ United States and North Carolina entered into settlement agreement in 2012
- ▶ Agreement resolved United States' claims that North Carolina's mental health service system, which serves thousands of individuals with mental illness in large adult care homes, violates the ADA
- ▶ Agreement covers adults with mental illness in, or at risk of entry into, an adult care home
- ▶ Expands access to community-based supported housing

United States v. North Carolina, cont'd

- ▶ North Carolina agreed to provide community-based supported housing to 3,000 individuals who currently reside in, or are at risk of entry into, adult care homes
- ▶ To date, over 1,000 individuals have transitioned into supported housing
- ▶ In addition to expanding access to supported housing, North Carolina also agreed to provide supported employment services to 2,500 individuals

United States v. North Carolina, cont'd

- ▶ Criteria for housing slots:
 - ▶ Permanent housing with tenancy rights
 - ▶ Tenancy support services, as needed and desired by the resident
 - ▶ Enable individuals with disabilities to interact with individuals without disabilities to the fullest extent possible
 - ▶ No limitation on ability to access community activities at times, frequencies and with persons of the individual's choosing

United States v. North Carolina, cont'd

- ▶ Criteria for housing slots, cont'd:
 - ▶ Scattered site housing: no more than 20% of units in any large development occupied by people with disabilities
 - ▶ Choice in daily life activities such as eating, bathing, sleeping, and visiting
 - ▶ Priority is for single-occupancy housing

United States v. North Carolina, cont'd

- ▶ Criteria for housing slots, cont'd:
 - ▶ Housing slots cannot be used in adult care homes, family care homes, group homes, nursing facilities, boarding homes, assisted living residences, supervised living settings, or any setting required to be licensed
 - ▶ Individuals are free to choose other housing options after being fully informed of all options available

United States v. North Carolina, cont'd

- ▶ State agreed to transition 1,166 people into supported housing by July 2016, but only 650 individuals occupied housing slots at that point
- ▶ DOJ filed a motion to enforce the settlement agreement in January 2017; motion is pending
- ▶ Motion seeks declaratory relief regarding the definitions of "housing slots" and the target population for supported employment services, an order setting monthly obligations, and quarterly status conferences

United States v. Virginia

- ▶ Parties entered into a ten-year settlement agreement in 2012; relief for more than 5,000 people
- ▶ Goals of the Agreement:
 - ▶ Prevent unnecessary institutionalization of individuals with DD who are living in the community, including thousands of individuals on waitlists for community-based services
 - ▶ Ensure that people in institutions have a meaningful opportunity to receive services that meet their needs in the community

United States v. Virginia, cont'd

- ▶ Topics in settlement agreement:
 - HCBS waivers
 - Discharge planning
 - Individual and family supports
 - Crisis system
 - Integrated housing
 - Integrated employment
 - Family to family and peer programs
 - Case management
 - Access and availability
 - Quality assurance
 - Oversight and accountability

United States v. Virginia, cont'd

- ▶ Integrated housing provisions:
 - ▶ Belief that people with disabilities can live in their own homes, family homes, or small integrated housing (4 or fewer beds)
 - ▶ Priority for one's own home/family home
 - ▶ Meaningful options & choice
 - ▶ Coordination with providers and families
 - ▶ Peer-to-peer/Family-to-family
 - ▶ "Barrier busting"

United States v. Virginia, cont'd

- ▶ Virginia agreed to:
 - ▶ Facilitate waiver recipients' ability to live in their own home, apartment, or family home (if desired and appropriate)
 - ▶ Establish an \$800,000 fund for rental assistance
 - ▶ Develop a housing plan to increase access to independent living options

Supported Housing in Other DOJ Settlement Agreements

- ▶ Settlement Agreements with other states (Delaware, Georgia, New Hampshire, New York) also include supported housing provisions and/or housing assistance as part of system-wide relief.
 - ▶ E.g. Delaware settlement agreement: ended successfully in 2016 and created permanent supported housing for hundreds of people with SMI in Delaware
- ▶ These settlement agreements provide relief to people with mental illness, people with I/DD, or both

Contact Information

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PROJECT HIRE

NACDD 2017 Annual Conference
Project HIRE
Serving The Community
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AGENDA

Project
HIRE

- A. What is Project HIRE
- B. Education overview
- c. Employment overview
- D. Barriers to success



27

What Is Project HIRE?

Project
HIRE**Helping Individuals Reach Employment**

- In 2012, Texas Council for Developmental Disabilities awarded a five-year \$1,250,000 grant to DARS (now Texas Workforce Solutions Vocational Rehabilitation Services)
- To support up to 50 individuals between the ages of 18 to 25 with developmental disabilities
- For those individuals who want to pursue post-secondary education at South Texas College in McAllen, Texas, and gain employment



28

Helping Reach Employment

Project
HIRE



Recently Completed 5th Successful Year at
South Texas College in McAllen, Texas



29

Cross-Section of Disabilities

Project
HIRE

- Intellectual disabilities
- Visual impairment
- Deafness and Hard of Hearing
- Spina Bifida and Cerebral Palsy
- Epilepsy
- Speech impediment
- Autism
- Others



30

 Partners Project HIRE



31

Educational Component Services Project HIRE

- Six week summer college readiness training
- Educational coaches
- Monthly team meetings
- Bi-yearly person centered planning meetings
- Social skills and assistive technology evaluations and trainings
- Accommodations and services through STC Counseling & Student Disability Services

52 Students Served

Project HIRE



Cohort #1 - 2012



Cohort #2 - 2013



Cohort #3 - 2014



Cohort #4 - 2015

33

Core Services

Project HIRE



Educational Coaches



34

Purpose of the Educational Coach

Project HIRE

To assist with the inclusion of students in college courses and campus life, and to help the students be successful with their academic goals



Educational Coaches

Project HIRE

How To Access Tutoring and Accommodations

Study, Test Taking and Organizational Skills



How To Access Campus Resources

Appropriate Classroom Behavior

Time Management

“Model & Teach”



STC Certificates Selected

Project HIRE

- Office Management & Legal Office Management
- Marketing, Management & Culinary Arts
- Childcare Development & Civil Drafting
- Multi-Media Specialist & Digital Imaging
- Computer Applications & Computer Information Specialist
- Automotive Technology & Construction Supervision Assistant

southtexascollege.edu



37

Educational Outcomes

Project HIRE

Cohort	# of Students	Start Date	Retention Rate	Graduates with STC Academic Certificates	
Cohort #1	12	June 2012	58.4%	7	
Cohort #2	15	June 2013	58.4%	8	+ 2 in Dec. 2017
Cohort #3	16	June 2014	43.8%	6	+ 1 in Dec. 2017
					+ 1 in May 2018
Cohort #4	9	June 2015	89%	3	+ 3 in Dec. 2017
					+ 2 in May 2018

Cumulative GPA is 2.77 with 2,375 Credit Hours Completed



38



PROJECT HIRE



"Project HIRE, what an awesome concept!. My wife and I have been fortunate to see the concept in practice. The program has opened up our daughter, diagnosed with Asperger's Syndrome, like a flower. She always barely made the grade in high school, but because of Project HIRE's individualized approach to discovering and improving her areas of challenges (and there are many) and more importantly her abilities, Lindsey's GPA in her area of study is a 3.8!"

- Daryl Young, Lindsey's Dad

Employment Component Services

Project
HIRE

- Business mentoring days each summer
- Long term business mentoring through:
 - Project HIRE
 - Workforce Solutions Youth Work Experience Program
- Job coaching at business mentoring site
- Job clubs
- Employment services



41

Business Mentoring

Project
HIRE

The intent of the program is to help students develop a relationship with an established professional, engage in worksite experiences, exchange ideas, ask questions and to emerge with a clearer sense of self and career choice.



42

Business Mentoring

Project HIRE



Employment Outcomes

Project HIRE

- Over 80 employers involved in Business Mentoring
- 51 students participated in Project HIRE Business Mentoring
- 15 students participated in WFS Youth Work Experience Program
- 10 students gained permanent employment in field of study
- 7 additional students gained employment in another field





"I'm so grateful for this program and for what the educational coaches and staff have taught Yahaira. Through Project HIRE, Yahaira has made so much progress in reaching independence and obtaining an education for successful future employment!"

- Elvia Mendez, Yahaira's Mom

Positive Results of Project HIRE

Project HIRE

- Project HIGHER established in El Paso in 2015
- Higher Education Collaborative Grant awarded to Texas A&M by TCDD in 2017 to replicate successful post-secondary education & employment grant programs for individuals with disabilities



Why is Project HIRE a Success?

Project
HIRE

- Intensive case management and immediate follow-up by STC
- Assistive technology
- Win-win from all partners
- Family involvement
- Student activities that keep students engaged
- Opportunities provided that would not otherwise be available



47

Barriers to Success

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HIRE

- Difficulty transitioning into college
- Lack of college readiness
- Poverty
- Lack of educational support at home
- Transportation
- Employer's lack of knowledge about disabilities



48



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“Florida’s Transportation Voucher Pilot Program: A Model for 24-Hour Inclusive Community Transportation”

Presentation by
Sheila Gritz-Swift, Deputy Director of Programs



Conceptual Idea

- Transportation to employment, postsecondary education/training and the greater community
- Vouchers for requesting rides
- Sedans and paratransit with wheelchair lifts as needed
- Seven days a week, including nights, weekends and holidays at no additional cost to rider



Collaboration

- Florida Department of Transportation (FDOT)
- Florida Developmental Disabilities Council, Inc. (FDDC)
 - Urban Model
 - Hillsborough Area Regional Transition Authority (HART) HARTPlus Customer Choice Voucher Pilot Project
 - Rural Model
 - Citizens for Improved Transportation (CIT)

Awards and Implementation

- Start-up Funding
- Process/Procurement
- Pricing
- Quality Assurance
- Issues Along the Way

Outcomes and Impact...

- HART
 - ¾ mile trips to 7.6 mile trips
 - 3 day notice to 24-hour transportation availability
 - Improved access to community
 - 27,813 trips at \$16.00 a trip
 - Cost of \$445,008 versus \$1,001,268
 - Total savings of **\$556,260**
 - 8% growth
 - Self-supporting after one year of funding

...Outcomes and Impact...

- CIT
 - Year 2
 - 1,533 rides
 - Approximately \$54,912.06 to date (Year 2) for paratransit, monthly bus passes and taxis
 - Employment, education and job training with majority for employment
 - Working on sustainability and more options for flexible schedules

...Outcomes and Impact

- CIT
 - Belle Glade, South Bay and Pahokee residents
 - \$8.05 per hour to \$16.00 per hour
 - Access for training and employment
 - Several riders unemployed and turning down jobs; now employed at \$10.00 per hour
 - Access to employment

Promising/Supporting Legislative Action 2017

- CS/HB 221 “Uber/Lyft Bill”
 - s. 627.748, F.S.
 - Background checks
 - Insurance requirements
- Senate Bill 2502, Section 13
 - Task Force to examine Transportation Disadvantaged Services
 - FDDC named as a required member
 - Report by December 2017

“Peak performers see the ability to manage change as a necessity in fulfilling their missions.”

Charles Garfield