

The Disability Law Center of Alaska has conducted an initial systems review and has preliminarily identified the issues below that may pose a barrier to systems change. Research is ongoing, including a review of the annual plans and reports of the invested agencies.

One barrier in particular that warrants immediate attention is the increased level of services expected of DVR counselors and teachers at a time with those programs have been flat-funded or have been cut. This will only create counterproductive tension between programs in the implementation of Employment First objectives, particularly over financial responsibility for transition services.

#### Segregated Employment/Subminimum Wage

- § Alaska's subminimum wage statute (AS 23.10.070) and regulations (8 AAC 15.120) could undermine efforts to ensure integrated employment at competitive wages for individuals with disabilities who want to work. Employers may apply to the Commissioner to provide lower than minimum wages to "an individual whose earning capacity is impaired by physical or mental deficiency." If national efforts to close the Section 14(c) minimum wage exemption are successful, Alaska employers would still have access to subminimum wages for individuals with disabilities under this program.

#### Transition Services provided through schools

- § School districts follow educational standards set in the code of federal regulations and follow state regulations through DEED. To maintain agency eligibility a district must provide a student with an IEP plan which includes transition services. 34 CFR § 300.320. Under DEED regulations, these transition services include vocational and employment planning. 4 AAC 52.145(a). The language of the DEED transition goal regulations should be revised to ensure consistency with the Employment First objectives.
- § Alaska should consider reducing its mandatory age for transition services, which is currently 16. Other states, such as NY, have lowered the required age to 15.
- § Alaska school districts may view Employment First legislation as an unfunded mandate, particularly when funding has remained flat or has decreased. A negative opinion towards this legislation could be a barrier to implementation, especially at the local level.
- § An essential component for a student's transition out of high school is their transition plan. ". . . [P]arents indicated that these plans were generally inadequate with respect to work and employment issues." See University of Alaska, Anchorage Center for Human Developments study, *Family Perspectives about Postsecondary Outcomes for Transition Aged Youth with Disabilities*. (Appendix 3). Developing appropriate transition plans has been an intractable problem in Alaska for many years, clearly a barrier to systems change.
- § Many I/DD youth often have no work experience by the time they leave high school. Increasing collaboration amongst DVR, SDS, and local provider agencies provides the only path to increasing such opportunities.

### Transition Services provided through DVR

- § The lack of counselors who are available to provide thorough transition services for all eligible students is a significant barrier to implementing Employment First. To date, research reveals that this is more a political than legal issue, but a barrier nonetheless.
- § DVR is only required to develop and approve the employment plan for a DVR transition participant before the student leaves the school setting. If mandatory transition age is dropped from 16 to a lower age, this provision should be revisited.
- § Both DVR and DEED are required by law to enter into an operational agreement to coordinate and facilitate the delivery of transition services. A new agreement should be drafted as the present agreement lacks sufficient substance. Consideration should be given to expanding the agreement to include SDS.
- § DVR/DEED should pay more attention to the need for community-based vocational exposure during high school years. If the IPE is not completed until the student is about to graduate, then DVR's role in facilitating such exposure is diminished. This could be addressed in the agreement referenced above.
- § Parents require greater clarity with regard to the degree of support DVR is responsible for during and after high school. This problem could be addressed in DVR's annual state plan.
- § Ambiguity with respect to financial accountability for specific services will pose a barrier to the delivery of those services. This barrier could be addressed in the above-referenced agreement.

### Transition Services provided through Tribal VR

- § In a recent discussion with Tribal VR managers, most expressed minimal involvement with transition services in their communities. Schools are apparently not inviting TVR to transition meetings and parents are likely not aware of this resource. Consideration should be given to Memorandum of Agreements between school districts and TVRs in Tribal VR service areas.
- § There is not a single reference to "transition services" or "students" in the laws governing the operation of Tribal VR programs. Research continues into any guidance from RSA on the matter. If none, Alaska's Tribal VR agencies may want to explore adopting policies promoting Employment First.
- § Throughout HB211, the following phrase is used repeatedly: "the department's primary objective and preferred outcome is to help the individual become gainfully employed in an integrated workplace where individuals with disabilities work with and alongside of individuals without disabilities." For rural Alaska students, subsistence is an acceptable employment status, a status that does not fit squarely into the "primary objective and preferred outcome." As policies evolve in the various state agencies to implement Employment First, policymakers should be mindful of this viable choice for rural students.

## Medicaid

- § Medicaid waiver services in Alaska will serve adults with ID/DD and children with complex medical conditions with supported employment. For transition services, the option of supported employment – training, support, and supervision to help keep a job – can be included in a young persons’ plan of care. 7 AAC 130.230. A plan of care contains a full account of support services the individual will receive: including residential, community support, and modification. However, the regulations regarding a plan of care do not say that inclusion of an employment plan be mandatory, but rather focus on the comprehensive nature of the plan. 7 ACC 130.230 (c)(1)(A). The extrapolation is that employment support is available, but only if someone brings it up while constructing the plan of care. Employment services must be integral to the HCBS waiver plan.
- § SDS should enter into a Memorandum of Agreement with DVR and DEED to facilitate collaboration on the delivery of transition services.

## Benefits Counseling

- § Students and families are uncertain about the effects that work will have on the continued receipt of benefits and monetary supports. See University of Alaska, Anchorage Center for Human Developments study, *Family Perspectives about Postsecondary Outcomes for Transition Aged Youth with Disabilities*. New avenues for the distribution of information on SSA work incentive programs need to be explored because this is another intractable problem in the state. Require distribution at all IEP meetings involving high school age students? Increased training for care coordinators on SSA work incentives?
- § Alaska needs to provide an adequate number of benefit planners to assist individuals to use all available federal resources in the pursuit of gainful employment.

## Transportation

- § Lack of transportation can be a barrier to employment, especially in rural areas. In urban areas, not recognizing that transportation is a barrier to employment can be a barrier in itself. Transportation options/limitations should be explored in connection with other local and community resources. Research is ongoing into insurance issues that may pose a barrier to collaborative transportation services.