

**Kansas Employment First Oversight Commission
2020 Recommendations to the Governor and
Members of the Kansas Legislature**



The Kansas Employment First Oversight Commission was created by the same state law that requires competitive and integrated employment to be the first option when serving people with disabilities (KSA 44-1136 to 44-1138, also called the Employment First Initiative Act).

Under this law, the focus of the Commission is on making recommendations to increase the number of Kansans with disabilities in competitive integrated employment. The Commission issues an annual report making recommendations to the Governor, Legislature and state agencies on strategies to increase the number of Kansans with disabilities in competitive integrated employment.

Kansas Employment First Oversight Commission

2020 Report & Recommendations

The Kansas Employment First Oversight Commission was established as part of the Employment First Initiative Act in 2011 and amended in 2013 (K.S.A. 44-1136 et seq., as amended). The law establishes Employment First as the official policy of the State of Kansas. The purpose is to increase the number of Kansas residents with disabilities employed in competitive and integrated settings. All state agencies, their programs, and services must ensure that competitive and integrated employment is the **first** option when serving people with disabilities.

As part of the law, the Kansas Legislature established a seven-member “oversight” commission. Unfortunately, the term “oversight” is merely in the Commission’s title. The Commission does not currently have any “oversight” function regarding implementation of the Employment First law. See our recommendations to fix this problem.

Three Sections of the Commission’s 2021 Report:

- **Section #1 – Top Four Recommendations for 2021 – These are the Commission’s Top Four 2021 Priorities for the Legislature & Governor.**
- **Section #2 – Master Compilation of the First 10 years of Commission Recommendations (2011-2020) – The Commission additionally fully supports these recommendations and strongly encourages implementation by the Legislature and Governor.**
- **Section #3 – Reports from Key State Agencies Regarding Progress Towards the Employment First law, The First 10 years – These are narrative reports submitted directly by State Agencies regarding any progress towards implementation of the law.**

Section #1 – Top Four Recommendations of the Employment First Oversight Commission for 2021.

Below are the Commission’s Top 4 Recommendations. Additionally, the Commission supports all of the recommendations detailed in this report, including both this Section and Section #2 (Master Compilation of the First 10 years of Commission Recommendations, 2011-2020).

- 1. Provide the Employment First Oversight Commission proper “oversight” functions by either tweaking the existing law or having the Governor create an Executive Order. Both will better ensure oversight, accountability, and transparency.**
 - Kansas was the first State in the nation to pass an Employment First law in 2011. Since then, nearly 40 states have followed Kansas’ lead. Unfortunately, even after 10 long years, the promise of Employment First has still not become an everyday reality in Kansas. “Oversight” is in the title of the Commission. However, there are no actual oversight functions provided to the Commission.
 - This lack of oversight has prevented effective implementation of the Kansas Legislature’s 2011 Employment First law. Fewer Kansans with disabilities are obtaining competitive integrated employment, and taxpayers are footing the bill.
 - When Kansans with disabilities obtain competitive integrated employment, they are less reliant on expensive government programs, they pay more taxes, and are more independent.
 - Create an Office of Employment First within the Governor’s Office based on the Colorado model, ensuring Employment First is a top priority. This Office would also staff the Employment First Commission to help ensure appropriate oversight. Currently, both Legislative leaders and the Governor appoint the members of the Commission. This should continue.
 - Assign to the Office of Employment First the study topic of how Kansas can best craft a certification process for individuals who provide employment supports and services (job coaches, job developers, employees of Vocational Rehabilitation contractors,

etc.). Several states do this now (South Dakota, Ohio, Pennsylvania, Tennessee, Iowa, etc.).

- As part of this, Kansas would have to ensure adequate employment support provider rates are provided to enable this certification.

2. Focus on local, private sector solutions to help many more Kansans with disabilities obtain competitive integrated employment and fix the broken Supportive Employment HCBS Medicaid Waiver rate. The current rate makes it nearly impossible for the private sector to deliver on the promise of Employment First for Kansans with disabilities. These steps will fix this:

- Incentivize the Supported Employment rate for the private sector in order to get individuals with disabilities jobs in competitive integrated settings, which reduces reliance on government programs.
- Kansas has the lowest Supported Employment reimbursement rate in the nation at an abysmal \$12 per hour (source: Kansas Council on Developmental Disabilities).
- There are many Paths to Fix this Problem in a Cost Neutral Manner:
 - Kansas already spends between \$10,000 and \$28,000 per person, per year on Intellectual/Developmental Disabilities (I/DD) day services , depending on the individual's Home and Community Based Services (HCBS) Waiver Tier rate. If Kansas caps its Supported Employment rate by setting an acceptable rate and then allows private sector providers to bill up to the same annual amounts charged by HCBS Waiver day services or sheltered workshops, that would allow the flexibility to obtain jobs for Kansans with disabilities. Capping the overall cost and maintaining flexibility for the private-sector providers are paramount. This will also prevent the need for additional management or interventions by Managed Care Organizations (MCO). Over the long-term, this change would easily be cost-neutral and would most likely save substantial taxpayer dollars.
 - The State is also examining setting the Supported Employment rate at approximately the same rate as Vocational Rehabilitation Services. This would also be a positive step in the right direction.

- Nationally, States that have adopted a Supported Employment model, like we are proposing, spend on average only around \$7,000 to \$10,000 per year on such services. Kansas is already spending between \$10,000 to \$28,000 per year on HCBS day services, proving this is at the very least cost neutral and will most likely save money.

3. Support private sector solutions by dramatically increasing benefits planning services, which will dispel myths, get Kansans with disabilities employed in competitive integrated jobs, and reduce reliance on other expensive government programs. The proposals below, which change some aspect of Medicaid, have the added benefit that they will reduce costs for Kansas taxpayers by ensuring the federal government will pay for at least 60% of any Medicaid costs. Over time, the reduced reliance on government programs brought about by benefits planning will also pay for these initiatives. The following are various options to accomplish this goal:

- Support private sector capacity by, at a minimum, making benefits planning an HCBS Medicaid Waiver service for all Kansans with disabilities who want to work and are served by HCBS programs. Those receiving HCBS Waiver services have the most severe disabilities. They often experience the most significant barriers to competitive integrated employment. Investing in benefits planning for these individuals also can save the most taxpayer dollars, because those on HCBS Waiver services often utilize more government supports to accommodate their significant disabilities. Additionally, because Kansas does not have an adult mental health Medicaid Waiver program, this proposal includes a component to serve those not served by a Waiver program who have Severely Persistently Mentally Illness – SPMI.
- Include benefits planning in the per member, per month rate for Managed Care Organizations (MCOs) for KanCare (which is Kansas' Medicaid program). This private-sector solution would enable MCOs to subcontract with other private sector Kansas employers with highly-trained benefits planning specialists under Kansas' Medicaid program.
- Make benefits planning a Kansas State Plan Medicaid service, which would allow all Kansans who receive Medicaid (not just those enrolled in

HCBS Waiver programs) to receive benefits planning from the private sector entity of their choice.

- If the State of Kansas wanted more direct control over the provision of these services, benefits planning could be an administrative match Medicaid service where the Kansas Department of Health and Environment (KDHE) would employ additional numbers of highly trained benefits planners to dispel myths and help Kansans navigate the tricky topic of benefits and employment. Although this last option is not a private sector response, the current benefits planners at KDHE do awe-inspiring work. The problem is there are nowhere near enough staff to fill the need – there are only six KDHE benefits planning counselors for 105 counties and tens of thousands of Kansans who need their services.
 - Along with the above solutions to increase access to benefits specialists, Kansas needs to have every person-centered plan or other employment support plan include a goal and specific strategies to support the person with a disability to obtain competitive integrated employment, including providing benefits planning.
 - One of the largest barriers to disability employment is that people with disabilities do not understand how employment can make them more independent. All of the above options to increase access to benefits planners will dispel myths, increase employment for Kansans with disabilities, and reduce taxpayers' costs in the long run.
 - 76.4% of Kansans with disabilities receiving Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) mistakenly believe if they earn income from a job that they will have less money in the end or they “will never come out ahead” (source: ESC Coalition survey of 1,700 Kansans with disabilities and their families). Both those myths are entirely wrong and they prevent Kansans with disabilities from obtaining employment, which would reduce dependence on programs. These myths can be dispelled by effective benefits planning services. In fact, Kansans

with disabilities will have more money in the end if they have a job while receiving SSI or SSDI.

4. Make Collaboration Across State Agencies and Disability Stakeholder Engagement on Employment First a Top Goal for State Agencies Serving Kansans with Disabilities. Action steps include:

- Bring in a nationally known consultant on disability employment to improve competitive integrated employment of Kansans with disabilities.
 - Federal dollars may be available to cover most, if not all, of these costs. The federal Office of Disability Employment Policy (ODEP) has funded the State of Kansas for these exact types of initiatives numerous times.
 - Ensure that the chosen consultant has experience working with states and disability providers to make the shift to competitive integrated employment.
 - There are minimal (if any) up-front cost due to federal grants. In the long run, it will save much more money by speeding up the shift to Employment First, which will save taxpayer dollars, promote independence, and reduce reliance on government programs.
- Make significant improvements in collaboration across agencies and with disability stakeholders – starting with the implementation of the Employment First law.
 - Under the prior Administration, as part of this interagency collaboration, the Disability Subcabinet and decision makers from the highest levels of state government were engaged in this process. Achieving Cabinet-level buy-in is critical to improving the employment outcomes for Kansans with disabilities
 - Previously this initiative was called the Disability Subcabinet and the Disability Employment Working Group. Whatever the Administration of Governor Laura Kelly calls it, this interagency collaboration and stakeholder engagement are absolutely needed to make

the promise of the Employment First law an everyday reality in Kansas.

- The Commission is encouraged that Laura Howard, who is both the Secretary of the Kansas Department of Aging and Disability Services (KDADS) and the Secretary of the Department for Children and Families (DCF), has pledged to the Commission that she will work on this cross agency and disability stakeholder engagement in the upcoming year, with the first assignment being better delivery on the promise of the Employment First law.
 - Additionally, the Commission would note that such a collaboration effort could be further coordinated under the Kansas Office of Employment First (if it is established).

Section #2 – Employment First Oversight Commission

Recommendations –

Master Compilation of the first 10 years of Commission

Recommendations (2011-2020).

The Employment First Oversight Commission fully supports each of these recommendations detailed below. We strongly encourage the Governor and Kansas Legislature to implement them.

How to Read the Recommendations Below in this Master Compilation: Most of the 17 enumerated recommendations below were actually recommended multiple times over the past ten years by the Commission. You can tell what year(s) the recommendation was made by the year(s) listed in parenthesis. A year that is listed in **bold type** means that the exact report language from that year is used verbatim in this compilation document. Listed after each enumerated recommendation are additional “supporting” recommendations made by the Commission that support that main recommendation. This compilation document typically only lists one year in which these “supporting” recommendations were made; however, these were typically also recommended multiple times. **A key takeaway is that the Employment First Commission has made many of these recommendations multiple times over the past ten years. Unfortunately, few of these recommendations have been fully implemented. To finally move the needle and deliver on the awesome promise of the Employment First law, the Governor, state agencies, and the Legislature will have to follow-through and implement these recommendations.**

1. ***“The Promise of the Employment First law must become an everyday reality for Kansans with disabilities”.*** What is meant by this statement is that every Kansan with a disability has the opportunity to prepare for, pursue, obtain and maintain competitive integrated employment. A central part of all disability employment policy in Kansas should be

incentivizing services and supports towards competitive integrated employment and away from non-competitive, non-integrated employment. (This recommendation appeared in the following Commission reports: 2014, 2015, 2016, 2017, 2018, **2019**). Additional points that support this recommendation includes:

- To incentivize the Goal of Employment First, the state needs to adjust the way employment and support services are funded to incentivize the outcome of increasing numbers of Kansans with disabilities in quality competitive and integrated employment. **(2014)**
 - The state should coordinate and adjust funding to dramatically increase the numbers of Kansans in integrated and competitive employment **(2014)**.
 - Reward vendors that keep people employed in competitive and integrated settings **(2014)**
 - Ensure timely adequate funding in order to obtain effective outcomes
 - Work with stakeholders to change incentives and design a more effective outcomes-based business model, focused on competitive and integrated employment. **(2014, 2015, 2019)**

2. ***Implement Strong & Effective Employment First Policy.*** Each state agency will develop a strong and effective policy outlining how it will implement the Employment First law and secure that competitive integrated employment is the first option with all its programs, supports and services (This recommendation appeared in the following Commission reports: **2011, 2013**). Additional points that support this recommendation includes:

- State agencies will conduct a comprehensive assessment of their policies, procedures, programs and services and obtain input from the disability community on ways to make adjustments and changes to fully implement and integrate Employment First **(2013)**
- State agencies will have a written policy and plan publically available detailing exactly how they have changed policies, procedures, programs and services to

effectively implement the Employment First policy. Copies of these plans/policies will be provided to the Commission. **(2013)**

- In the examination of normal agency operation and day-to-day programmatic decisions, each state agency will develop specific strategies of how it can better integrate and implement Employment First into its operations, programs and services. When reporting to the Commission their written Employment First plans, state agencies will report how they integrated and implemented Employment First in this regard. **(2013)**

3. ***Collect Comprehensive Data on Employment First.*** The state must have a comprehensive data collection system to show improvement in the Employment First requirement (This recommendation appeared in the following Commission reports: 2013, **2014**, 2015, 2019). Additional points that support this recommendation includes:

- The state must track data specifically detailing the numbers and percentages of Kansans' with disabilities in competitive and integrated employment **(2014)**.
- Most state agencies are not sufficiently tracking data specifically about the numbers of Kansas with disabilities in competitive and integrated employment. Some examples: **(2014)**
 - KSDE should track the cost of and numbers of students being transitioned to a sheltered workshop or other non-competitive, non-integrated settings. **(2014)**
 - State programs needs to track numbers of people who end up in competitive and integrated employment settings and those who do not. **(2014)**
- Because Employment First is not an everyday reality, Kansas needs to follow the lead of States such as Ohio by hiring a consultant to assist the state with determining a data plan and conducting a study to measure performance and cost effectiveness of Employment First. **(2014)**

4. ***Prove Measurable Progress on Employment First.*** State agencies need to issue a yearly report to the people of Kansas proving measurable progress and full implementation of the Employment First law by detailing specific strategies and changes that the agencies have made at the program, policy, procedure, funding and systemic levels. (This recommendation appeared in the following Commission reports: 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019). Additional points that support this recommendation includes:
- Employment First Oversight Commission would like to receive a copy of that yearly report and pledges to help the State promote and distribute it to Kansas stakeholders. Doing this is an important step to ensuring that Employment First becomes the everyday reality in Kansas. (2011, **2014**, 2016, 2017, 2018, 2019).
5. ***Expand Medicaid.*** That State of Kansas should pass a Medicaid Expansion law that ensures people with disabilities not otherwise eligible for Medicaid can benefit from this needed health care program (This recommendation appeared in the following Commission reports: **2019**). Additional points that support this recommendation includes:
- Medicaid Expansion can be a potential tool to ensure many people with disabilities access competitive integrated employment. Lack of access to effective healthcare can be a barrier to individuals with disabilities obtaining competitive integrated employment. Additionally, access to effective health care can help direct-care workers continue to work in the disability field, which is important to providing the supports Kansans with disabilities need to obtain or maintain competitive integrated employment. The longer a person with a disability is denied effective health care the less likely they are to ever be employed. (**2019**)
 - An Effective and streamlined Medicaid Expansion Law would help address these underlying issues and better support Kansans with disabilities in obtaining competitive integrated employment. Such a law should contain measures that have been successful in supporting persons with disabilities in other states and should not contain requests for waivers or exemptions that would delay implementation of Medicaid Expansion. (**2019**)

6. **Improve Transition Services.** The state should ensure better funding and services that support the transition from school to work. (This recommendation appeared in the following Commission reports: 2011, **2014**, 2019)
- Kansas Rehabilitation Services (KRS) must better assist with job training and development to better ensure that students can transition from school to an adult career that is both competitive and integrated (**2014**). Additional points that support this recommendation includes:
 - KRS needs to ensure that its transition services are robust and ensure active engagement by KRS, starting at age 14, based on meeting specific benchmarks (**2014**).
 - Braiding of funding and resources must occur between the school system, KRS and adult long term care services, with the goal of employment before the student exists school (**2014**).
 - KRS fund contractors to work with students in school work programs, like Project SEARCH (**2014**).
 - KSDE needs to work with stakeholders to develop easy to use tools and materials for transition-aged students with disabilities and their parents (**2014**).
7. **Change Rates to Incentivize Employment First.** The current system is insufficient to obtain effective outcomes. Rates need to incentivize the outcome of competitive, integrated employment (This recommendation appeared in the following Commission reports: **2014**, 2019). Additional points that support this recommendation includes:
- The current pay for performance rates are not sufficient to pay for the series costs needed to obtain competitive and integrated employment (**2014**, 2019).
 - KRS payments should be more reflective of the costs to achieve each milestone (**2014**, 2019).
 - KRS must make it easier to obtain job coaching (**2014**, 2019).

- KRS needs to better fund and support an in-depth, effective discovery process (**2014, 2019**).

8. ***Increase Benefits Planning.*** Benefits planning should be available to all Kansans with disabilities. (This recommendation appeared in the following Commission reports: 2014, 2015, 2017, 2018, **2019**). Additional points that support this recommendation includes:

- There are currently fewer than 10 certified benefits planners for 105 counties, which is nowhere near sufficient. There are at least 110,000 potential customers of benefits planning who are SSI or SSDI recipients. (**2019**)
- To empower these Kansans to pursue meaningful employment, Kansas must greatly expand benefits planning services by making benefits planning a Medicaid state plan service and fund and embed many more benefits planners in regional DCF and other state agencies (**2019**)
- KSDE needs to increase the number of benefits planners to at least two for each Kansas workforce area, and direct them to work with both active and non-active job seekers. (**2014**)
- KDHE and KDADS need to create both policy and procedural safeguards to ensure that when services are provided to members with disabilities that they cover basic benefits planning and ensure certified benefits planning to all members who want it. (**2014**)
- KRS, through the VR program, needs to ensure benefits counseling is part of the employment plan for all customers seeking employment and make benefits counseling a requirement within all fee-for-service and contract employment services. (**2014**)
- The Department of Commerce needs to ensure all its KANSASWORKS employment counselors stress the importance of effective benefits counseling. (**2014**)
- The State of Kansas should reinvest 50% of the State's share of Medicaid savings due to Managed Care towards reducing HCBS waiting lists in order to better ensure that Kansans with disabilities can obtain competitive and integrated employment. Doing

this will ensure that individuals waiting for HCBS services have the supports they need to be able to choose competitive integrated employment. **(2011)**

- Every individual person centered plan and other employment support plans developed by state agency programs, contractors or service providers will include a goal for competitive integrated employment. **(2011)**

9. ***Support Innovation in Employment Services*** – State of Kansas agencies need to aggressively pursue resources to support innovation in employment services to better advance and implement the Employment First initiative (This recommendation appeared in the following Commission reports: 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, **2019**). Additional points that support this recommendation includes:

- The state of Kansas needs to apply for a 1915i State Plan Option to provide employment services, focused on competitive and integrated employment, for persons with disabilities not otherwise eligible for the 1915c HCBS Waiver. **(2019)**
- Build on to the Successful WORK program. There should be an examination of whether the WORK program requirement could be adjusted so that a person with a disability who meets the SSI definition of disability and is employed could still qualify for and receive services from this program. If this is possible, then this policy should change (2011, **2014**, 2015).
- State agencies will promote the use of the Working Healthy Program, which allows for participants to buy into Medicaid on a sliding scale based on earnings. **(2011)**
- Make Project Search more successful- KSDE should make adjustments to allow rural communities to benefit more from Project SEARCH. **(2014)**
 - Project Search is an education and employment skills program for high school youth and adults with Intellectual/Developmental Disabilities in their last year of high school eligibility, or are currently eligible for day services at a participating provider. **(2015)**
 - Kansas currently has 12 Project SEARCH sites in 10 different communities, including 2 adult sites. Project Search is currently in its fourth year of

implementation in Kansas with technical support funded by the Kansas Council on Developmental Disabilities. **(2015)**

10. Create Systems Change to Enable Employment First – the Commission recommends state government embrace an effective systems change planning process regarding Employment First, where disability stakeholders are key partners in driving positive changes (This recommendation appeared in the following Commission reports: **2015**, 2016, 2017, 2018, 2019). Additional points that support this recommendation includes:

- The state must do this by adopting policies and a specific plan to support disability stakeholders to adapt to many changes. These changes include, but are not limited to: WIOA (Workforce Investment Opportunity Act), the Final Settings HCBS Rule, Medicaid, other programmatic guidance, closing sheltered workshops, elimination/phase out of the use of subminimum wage by several states (including but not limited to Alaska, Maryland, New Hampshire, Oregon, Nevada) **(2019)**.
- It is important that as these changes take shape that this does not result in simply moving more Kansans with disabilities to congregate day services. The state must closely follow the Employment First mandate and ensure that competitive integrated employment is truly the first and preferred option for all Kansans with disabilities **(2019)**.

11. Implement HCBS Final Setting Rule in Compliance with Employment First Law – the state must implement the HCBS Final Setting Rule in a manner that ensures settings are truly the most integrated. To the Commission the most integrated employment settings are those that comply with the Employment First Law regarding competitive integrated employment (This recommendation appeared in the following Commission reports: 2015, 2017, 2018, **2019**). Additional points that support this recommendation includes:

- When Kansas implements federal policy changes (HCBS Final Settings Rules, etc.), it needs to ensure that it looks at and adheres to the Kansas Employment First Law as an additional requirement and overlay to these federal requirements. **(2019)**

12. ***Kansas should become a model employer of people with disabilities*** (This recommendation appeared in the following Commission reports: 2014, **2019**). Additional points that support this recommendation includes:

- State agencies should establish a baseline of how many people with disabilities Kansas currently employs and establish goals to increase those numbers across all departments of state government. (**2019**).
- The current application process for state employment is a barrier to employment for many Kansans, especially those with disabilities. Kansas should remove the barriers in its recruitment and application process to ensure it is universally accessible to all Kansans, including those with disabilities (**2019**).
- The commission recommends that the Governor implement the existing Governor’s Executive Order 15-02, providing a preference to employ Kansans with disabilities within state government (**2019**).
 - There is existing training and technical assistance provided by the US Department of Labor Office of Disability Employment Policy showing employers how they can implement such hiring preferences (**2019**).
 - States that have a commitment to training and technical assistance regarding the delivery of quality employment services obtain better outcomes. Kansas needs to establish a formal mechanism for statewide training and technical assistance on implementation of Employment First and quality employment. This is an important component that has been demonstrated to result in better outcomes by other states, such as Washington (**2014**).

13. ***Engage Stakeholders & Rebuild Relationships*** – The state of Kansas needs to rebuild its relationships with disability stakeholders (This recommendation appeared in the following Commission reports: 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, **2019**). Additional points that support this recommendation includes:

- The term disability stakeholders includes but is not limited to: Kansans with disabilities, disability advocates, self-advocates, providers, parents/family members. **(2019)**
- When the state shifted to a managed care system for the provision of Medicaid services, it shifted its engagement and focus away from the disability stakeholders and towards the managed care corporations. The state of Kansas must actively repair these relationships through intensive and effective engagement. **(2019)**
 - The recommendation is to ensure that the conversation and engagement is robust and that it includes all stakeholders. **(2019)**
- The Commission recommends that the State bring in a national expert to engage disability stakeholders and develop reimbursement rates that incentivize the desired outcomes of competitive integrated employment, including but not limited to addressing the crisis with the lack of utilization with Supported Employment rates on the Intellectual/Developmental Disability HCBS Waiver. **(2019)**
- The Commission recommends that all HCBS Waivers and disability specific services contain an option for employment services and supports necessary to obtain competitive integrated employment. **(2019)**

14. Busting Myths – The survey results from the Employment Systems Change Coalition report provide specific data and details of how the vast majority of Kansans with disabilities fundamentally misunderstand working and how it impacts their benefits (2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, **2019**).

- The state should closely examine feedback from stakeholders and its state agencies concerning the many pervasive myths regarding working and keeping one’s benefits. The state must bust these myths. **(2019)**
- Survey results show that nearly 80% of Kansans with disabilities and their decision-makers wrongly believe the incorrect myths that either: 1) they will “never come out ahead” when their paycheck is combined with their SSI or SSDI check, 2) they will

- lose their entire disability check and benefits if they work at all, regardless of the number of hours they work. **(2019)**
- There are many myths about ABLE accounts, misunderstandings regarding saving money through these accounts and how it impacts disability benefits. **(2019)**
- There is a myth that people in congregate work settings are somehow safer than competitive integrated employment. **(2019)**
 - Collectively these myths are rampant and they are a huge barrier to Kansans with disabilities engaging in competitive integrated employment. **(2019)**
- The state needs to work with stakeholders to develop universally accessible materials to address these myths and educate Kansans about the many opportunities to engage in competitive integrated employment and how they can work and maintain needed services and supports. **(2019)**
 - Example: a Kansans can even be working full time and access Working Healthy and the WORK program to maintain needed services and supports that empower them to be gainfully employed. **(2019)**

15. Engage and Support Businesses – The State needs to make the business case for employing people with disabilities in competitive and integrated settings, including the following: (This recommendation appeared in the following Commission reports: **2014, 2015, 2019**).

Additional points that support this recommendation includes:

- Approaching business's about employing people with disabilities with a proposition on the value they will bring, not an appeal to their corporate responsibility **(2014)**
- Anticipating questions from businesses about their concerns for employing people with disabilities. **(2014)**
- Develop materials for employers to answer these questions **(2014)**
- Continuing support for the development of local Business Leadership Network **(2014)**
- Find and engage business to help promote the employment of people with disabilities in competitive and integrated settings **(2014)**

- The state should find businesses that want to employ people with disabilities and support them with a dedicated state employee who can discuss the benefits of doing so. **(2014)**
- Develop the appropriate level of expertise and designated staff of state agencies
- Gather input from employers to determine what Kansas can do to assist with accommodations that empower persons with disabilities to be employed. **(2014)**
- The state need to support business in employed people with disabilities. **(2014)**
 - Provide one point of contact to interact with business, and encourage that contact to communicate regularly **(2014)**
 - Ensure that people with disabilities have the skills businesses need **(2014)**
 - Provide job coaches when appropriate for individuals who otherwise would not be able to work in an integrated setting **(2014)**
 - Maximize funding sources that support people with disabilities toward job training (example: New Hampshire’s revolving sector-based training fund) **(2014)**
- The state needs to support self-employment for people with disabilities. **(2014)**
 - People with disabilities are twice as likely as people without disabilities to own their own business. The state needs to develop specific strategies to maximize this opportunity. **(2014)**

16. **Accountability and Gatekeeping** – To ensure that Employment First consistently occurs, the state should establish proper accountability measures and gate keeping to help ensure that competitive and integrated employment is truly the first options (This recommendation appeared in the following Commission report: 2014). Additional points that support this recommendation includes:

- Establish gatekeepers to focus on competitive and integrated employment.

- KSDE to offer technical assistance detailing that schools that only fund placements or supports in competitive and integrated setting will be in compliance with Employment First. **(2014)**

17. **Form Interagency Agreements** – State agencies will enter into formal interagency agreements to successfully implement, support and track the Employment First policy and the goals and objectives established by the Commission. (This recommendation appeared in the following Commission reports: **2011**, 2012, 2016, 2017, 2018, **2019**). Additional points that support this recommendation includes:

- State agencies should obtain stakeholder input specifically to identify issues, gaps and coordination issues where an interagency agreement would prove helpful towards implementation of Employment First. State agencies present a summary of this information to the Commission. **(2011)**
- Formal interagency agreements are in place between agencies involved with employment services or supports to outline cross-agency implementation issues, such as shared services delivery, service coordination and data sharing across all systems. At a minimum these interagency agreements should include the agencies that operate the following programs: Special Education, Vocational Rehabilitation Services, HCBS Waivers serving individuals who are employment age, Workforce Services, mental health, TANF, and others that may apply. **(2011, 2016)**
- The Governor must ensure the Secretaries and leaders of all state agencies take a leadership role in successfully implementing the Employment First Mandate. **(2019)**
- Because K-12 education is under the purview of the State Board of Education, there should be effective engagement between the leadership of state cabinet-level agencies and the leadership of the Kansas State Department of Education/ State Board of Education. **(2019)**
- The Kansas Board of Regents needs to be engaged with this process given their key role in preparing Kansans for employment. **(2019)**

Section #3 – Reports from Key State Agencies Regarding Progress Towards the Employment First law, The First 10 years

Below are the narrative reports submitted directly to the Employment First Oversight Commission by State Agencies regarding any progress the agencies believe they have made towards implementation of the law. The reports below have not been edited or changed by the Commission. The State Agencies note what they believe to be their progress under some of the different “goals” established by the Commissions. The “goals” are detailed in Section 2 of this report (Master Compilation of the first 10 years of Commission Recommendations). Although State Agencies are clearly doing some things regarding Employment First, the promise of Employment First has never become an everyday reality in Kansas. Kansas State Government must build on the activities below and ensure the 2011 Employment First law is finally, fully, and effectively implemented in all of its programs, services, and funding.

Report from the Kansas Department of Aging and Disability Services (KDADS)

Goal 2. Implement Strong & Effective Employment First Policy

KDADS has a provision in its Intellectual/Developmental Disability (I/DD) Crisis Exception policy which provides for an exception for persons transitioning from Vocational Rehabilitation Services (VRS) which require ongoing support to maintain employment and self-sufficiency.

KDADS also provides a safety net for persons in the Working Healthy/Work Program to transition between Waiver and WORK Services seamlessly. This is designed to encourage participation in the WORK Program without out concern for what happens if a person loses their employment. They can also easily transition onto the Work Program from a Waiver Program.

KDADS will continue to review policies to increase employment opportunities.

Goal 3. Collect Comprehensive Data on Employment First

KDADS reviewed our data collection and reporting methodologies for our State of the State reports and Institute for Community Inclusion (ICI) National Survey of State I/DD Agencies; Employment and Day Services for I/DD Services. We reviewed our data to show how many waiver participants utilized the Supported Employment Code and those diagnosed with I/DD that Rehabilitation showed as being competitively employed. These numbers were reviewed with the I/DD Council staff.

Goal 7. Change Rates to Incentivize Employment First

KDADS is currently working on a model to incentivize employment in the I/DD System.

We are in the early stages of this process but have made provision to significantly increase the rate for Supported Employment should funding be approved. We will be rolling this plan out to stakeholders for review in the new year.

Goal 9. Support Innovation in Employment Services

As stated above KDADS is looking at an I/DD Employment model that will incentivize Supported Employment. Additionally, KDADS serves on the KDHE Employment Pilot to assist 500 persons obtain and maintain employment.

Goal 11. Implement Home and Community Based Services (HCBS) Final Setting Rule in Compliance with Employment First Law –

KDADS has worked to implement the Final Settings Rule. To date we have completed the provider self-assessment desk review and are currently in the remediation process for Providers to come into compliance with the Final Settings Rule. KDADS will work with the Commission to braid Employment First goals into our State Transition Plan. KDADS looks forward to working with the Commission for input on the Final Settings Rule.

Goal 13. Engage Stakeholders & Rebuild Relationships

KDADS has engaged stakeholders regularly regarding waiver renewals, amendments and initiatives always promoting the most integrated settings for supports and services for persons with disabilities.

Report from the Kansas State Department of Education

Goal 1. Improve Transition Services

The state should ensure better funding and services that support the transition from school to work. (This recommendation appeared in the following Commission reports: 2011, **2014**, 2019)

Kansas Rehabilitation Services (KRS) must better assist with job training and development to better ensure that students can transition from school to an adult career that is both competitive and integrated **(2014)**.

2019: KSDE and KRS are in the process of revising the MOU for transition. It is anticipated that the MOU will be signed off in 2021. Revisions have been made to better reflect Pre-ETS and collaboration between the two agencies.

KRS needs to ensure that its transition services are robust and ensure active engagement by KRS, starting at age 14, based on meeting specific benchmarks **(2014)**.

Braiding of funding and resources must occur between the school system, KRS and adult long term care services, with the goal of employment before the student exits school **(2014)**.

KRS fund contractors to work with students in school work programs, like Project SEARCH **(2014)**.

KSDE needs to work with stakeholders to develop easy to use tools and materials for transition-aged students with disabilities and their parents **(2014)**.

2019: KSDE SEAC is finalizing a parent/student guide for transition that will be available for districts to share with parents and students with disabilities before the student turns age 14. The document will be available on the KSDE website along with training on what the guide includes and recommendations on how it can be used. In addition, KSDE created a secondary transition website with relevant resources, including information on Employment First. KSDE is hosting

monthly webinars on transition-related topics and has created a transition listserv to assist with networking and sharing information to stakeholders.

Report from the Department of Commerce – Workforce Services

Goal 6. Improve Transition Services

Goal 10. Create Systems Change to Enable Employment First

Goal 13. Engage Stakeholders & Rebuild Relationships

Commerce staff supported KU Center on Developmental Disabilities' grant proposal through the Administration on Community Living to form the Kansas Self-Determined Transition Taskforce. Upon grant award in late 2020, Commerce became a member of the Steering Committee for the grant and a member of the Task Force. Commerce also participated in completing the efforts of the State Board of Education Employment Workgroup policy recommendations for supporting students transitioning from secondary school to postsecondary education and/or careers. Finally, Commerce continued to staff the Transition Transformers Coalition.

Goal 8. Increase Benefits Planning

In mid-2020, the Commerce Employment Network Coordinator completed coursework and practical experience through the Virginia Commonwealth University to be certified as a Community Partner Work Incentives Counselor. The Commerce Benefits Specialist partners with the Kansas Department of Health and Environment Benefits Specialist to coordinate services and increase the state's capacity to provide work incentive counselling to Kansans.

Goal 15. Engage and Support Businesses

For the program year 2019 (July 1, 2019 through June 30, 2020) Commerce programs funded through the Workforce Innovation and Opportunity Act (WIOA) and Labor Exchange (Wagner-Peyser), **individuals with disabilities achieved the following outcomes:**

Adult, Dislocated Worker, Youth (WIOA Title I) Case Management and education/training services resulting in certifications and/or credentials; employer support and engagement

69.16% of participants achieved employment by the 2nd quarter after exit from their participation

Median (not average) earnings were \$4,777.98 for the 2nd quarter after exit
71.7% of participants achieved a measurable skill gain

69.81% achieved an industry-recognized credential or education certification

Labor Exchange (Wagner-Peyser – WIOA Title III) Clearinghouse matching participant job skills with available jobs; includes limited job-readiness skills development; employer engagement

55.9% of participants achieved employment by the 2nd quarter after exit from their participation

Median (not average) earnings were \$4,345.89 for the 2nd quarter after exit

Report from the Kansas Department of Health and Environment (KDHE) – Working Healthy Program

Goal 1. The Promise of the Employment First law must become an everyday reality for Kansans with disabilities

KDHE supports innovations developed by Managed Care Organizations to increase the number of Kansans in integrated and competitive employment.

Working Healthy also does this but additionally provides outreach to many individuals, their representatives and state and community partners. This outreach includes information regarding the many benefits of employment including income and the positive impact on social determinants of health.

Goal 2. Implement Strong and Effective Employment First Policy

The current Working Healthy and Work Opportunities Reward Kansans (WORK) programs incentivize competitive and integrated employment for Kansans with disabilities. Competitive and integrated employment is an eligibility policy requirement for enrollment in Working Healthy. Working Healthy participants are required to have earnings at or above the federal minimum wage, to pay FICA or SECA (if self-employed), and not be employed in sheltered workshop settings.

These programs provide opportunities for employment and information through benefits planning. Working Healthy coordinates with other agencies to enhance and support their initiatives.

The new 1115 Employment Support Pilot was written and will be implemented by Kansas Department of Health and Environment. Success of this initiative will be dependent upon the support of other agencies to develop and implement. Partnerships with State Vocational Rehabilitation and Education will be imperative toward assuring successful outcomes for Kansans with disabilities who are interested in pursuing employment. Program policies, processes, rules and regulations will be developed and implemented to offer opportunities as well as track progress of program participants toward competitive and integrated employment. It is hoped that this pilot will demonstrate that competitive and integrated employment will be reached by program participants if they have supports and training available.

Goal 5. Expand Medicaid

KDHE leadership is fully prepared to implement the Medicaid expansion plan when approved by the Kansas Legislature. The benefits of health care access will support many Kansans with disabilities to obtain competitive integrated employment.

Goal 6. Improve Transition Services

KDHE supports the current Working Healthy program and the new employment support pilot. These supports, and services are for members age 16-64 years of age. It is hoped that the new pilot will provide support and training for students to transition to competitive integrated employment instead of waiver services or no employment. It is imperative that KDHE develop and maintain a collaborative

relationship with Vocational Rehabilitation and Education transition services so that these services and supports are successful.

Goals 7. Change Rates to Incentivize Employment First

KDHE has included competitive provider rates within the employment support pilot. It is hoped that these rates will attract quality providers and incentive employment. These rates are included within the 2022 budget proposal to the legislature and are in line with planning approved by Center for Medicaid and Medicare (CMS).

At this time there are no rate increases for current WORK services although the pilot rates may provide support for this need. KDHE would welcome the opportunity to increase rates for this important program but would require an appropriation to do so.

Goal 8. Increase Benefits Planning

KDHE currently has six Working Healthy Benefits Specialists who provide benefits counseling in regional areas across the entire state. Although they are a small group, they are active and well know. The team is well trained, respected, and well known in Kansas. They provide accurate information on how earnings will impact current benefits by breaking down very complex information, so it can be understood. Benefits Specialists provide individualized benefits counseling so that a person can make an informed decision about employment.

KDHE has approved the program to hire two new Working Healthy Benefits Specialists which will give us more capacity to do this important work.

KDHE also works closely with Department of Commerce as they have a Benefits Specialist on staff. This person works closely with our team and we provide whatever support to her that is needed. This additional support from Commerce has allowed us greater capacity for outreach and benefits counseling.

Goal 13. Engage Stakeholders and Rebuild Relationships

KDHE will provide an opportunity to offer Community Support Services as a case management service within the Employment Support Pilot. This case management service was approved in KanCare 2.0 and has not yet been implemented within the waivers. We believe it is a good match for the pilot as it gives case managers the ability to provide a broader range of billable services to the individuals. This service provision offers community agencies the ability to provide service and for state and local disability groups to more clearly hear the voices of people with disabilities in how services are provided, what is needed, and how things should change. It is hoped that implementing this service for the pilot will be successful and may lead to a wider expansion within waivers.

Goal 14. Busting Myths

KDHE's Working Healthy Benefits Specialists are actively encountering and busting myths in their work. Providing benefits counseling to members and their representatives is the best way to demonstrate how earnings will impact their current benefits and that they can earn more, keep more of their earnings, and still maintain needed benefits.

Accurate information about employment of people with disabilities needs to be shared more broadly with educators, medical professionals, and individuals and families through expanded outreach.

Report from the Department for Children and Families – Economic Support

Goal 1. The Promise of Employment First law must become an everyday reality for Kansans with disabilities

Department for Children and Families (DCF) Employment Services (ES) purchases individualized job placement and retention services from numerous providers. They are hired to assist the individual in obtaining and maintaining competitive integrated employment. ES also supports clients in gaining skills and education in high demand occupations, thus increasing their earning potential.

Goal 3. Collect Comprehensive Data on Employment First

DCF ES does track individuals receiving the following valuable services but are generally not countable toward meeting the Federal Temporary Assistance for Needy Families (TANF) work participation rates. The activities identify partners who are working with mutual clients: Alcohol and Other Drug Assessment and Treatment, Disability Employment Services (RS), Mental Health Care, Early Head Start, Head Start, Domestic Violence and Sexual Assault, and Workforce Investment Opportunity Act. In addition, ES supports clients in the Kansas Health Profession Opportunity Program (KHPOP) and Accelerating Opportunity Kansas (A-OK).

6. Improve Transition Services

DCF ES has been working to identify mutual clients with Kansas Vocational Rehabilitation (also under DCF), especially those transitioning from high school to higher education and/or employment. Discussions continue with Independent Living (under Prevention and Protection Services within DCF) regarding independent youth and those aging out of foster care.

The key to success is early engagement with the youth whether they have a disability or not.

7. Change Rates to Incentivize Employment First

Placement providers with ES have pay for performance agreements. The provider receives \$500 to develop an action plan with the individual, \$500 at ten days of employment, \$500 at 45 days of employment, and \$1,000 at 90 days of employment (90 days being consistent with RS successful closure mark). This results in a possible \$2,500 paid to the provider. For the individual who's TANF case has closed due to employment, he/she receives a \$100 support payment the first month after closure. When the individual can document they have worked 90 days, they are issued a \$300 support payment. These work retention payments do not count against any food assistance benefits nor count as TANF months on the client's case. The individual may also receive a Work Incentive payment of \$50 for five months. These payments do count as TANF months on the client's case.

Goal 8. Increase Benefits Planning

ES does have internal financial literacy classes in some locations, as well as purchasing from external resources or referring to other partners. One example in Topeka is Housing and Credit Counseling, Inc. For clients on Economic and Employment Support (EES) benefits who decide he/she wants to pursue disability benefits, we have a few staff certified as SSI/SSDI Outreach, Access and Recovery (SOAR) advocates to assist the individual in applying. We have had success in reducing the amount of time it takes for someone to be approved through this service. Some staff have also been certified as Offender Workforce Development Specialists (OWDS) through the Kansas Department of Corrections.

DCF clients (whether mandatory or volunteer participants) receive intensive case management and have a written Self-Sufficiency Agreement between the agency and the client detailing the activities and services utilized to accomplish short and long-term goals leading to obtaining employment. Once employed, a TANF recipient may receive up to 12 months of transitional services following the loss of cash assistance due to employment. The philosophy (as stated in the Economic and Employment Services manual) is that participants will:

1. Retain their jobs for longer periods of time,
2. Avoid exhausting their lifetime TANF limit on assistance,
3. Improve their wage levels, and
4. Identify new personal skills and potential ways to pursue the move toward self-sufficiency.

A more concerned focus on job retention has reduced the percentage of those closed who came back on the TANF caseloads within twelve months of case closure (recidivism).

Goal 9. Support Innovation in Employment Services

Kansas DCF was fortunate to be one of ten states who received a three-year United States Department of Agriculture (USDA) grant designed to develop and test innovative employment and training strategies for individuals receiving food assistance. The Kansas program (GOALS – Generating Opportunities to Attain Lifelong Success) was an employer and labor market driven program, tailoring

services to meet real-time employment opportunities. The program was designed to assist food assistance recipients on the path to successful careers which pay living wages, offer advancement opportunities, and restore their sense of value to themselves, their families and communities. The success of the pilot in a limited number of counties, has had sustained funding identified and services are now available statewide.

Kansas DCF then received a three-year Process and Technology Grant (PTIG) from USDA to develop a communication tool to improve communication between Supplemental Nutrition Assistance Program (SNAP) recipients and ES staff using a human-centered design approach. The project is now ready to pursue the design of a prototype.

In addition, recent program changes allow more individuals to be eligible for services thru Employment Services Programs. Families that have Child Protection Services involvement might be in need and unaware of the services provided. As a result, a collaborative effort between the programs has started in the Southeast Region, to be able to connect families with those services. When a social worker is meeting with a family and an educational, employment, or training need is identified: 1) the family is provided information for Employment Service Programs, 2) followed with a referral to that program, and 3) if the family is scheduled to have a Team Decision Meeting, Employment Services is included if services would be of value and benefit to the household. Since September 2020, in the Southeast Region, 38 referrals have been received resulting in 11 households accessing services. This is 28.9% engagement based on the referrals for this voluntary program.

Goal 10. Create Systems Change to Enable Employment First.

Several years ago, EES discontinued a grant with Kansas Legal Services to assist individuals in applying for SSI/SSDI benefits. It was thought this was counter to our goal of assisting EES benefit recipients to prepare for, obtain, and maintain competitive employment. As mentioned earlier, we do have a few staff certified as SOAR advocates when that seems to be the clients preferred path.

Goal 13. Engage Stakeholders and Rebuild Relationships.

DCF Employment Services has had several activities over the years to engage stakeholders and rebuild relationships. A few of them include:

- All Employment Services staff were trained in customer-centered design. This started with a team of four attending a conference in Washington, D.C. and focusing on how to better engage clients. The group designed different versions of our TANF appointment letter and actually sat in their respective lobbies asking clients waiting which they preferred. Interestingly enough, one location preferred one wording and another location preferred another. Both are now available for staff to use across the state, giving them the ability to tailor the message by client. Several small groups at the ES training came up with ideas of tool to enhance communication with clients. The result was a proposal for the federal technology grant, which the state ultimately received.
- The annual Kansas Conference on Poverty brings together direct service workers, agency/department management, agency Board of Directors, volunteers and anti-poverty advocates from Kansas's non-profit organizations, faith-based agencies, and government offices. ES has had several staff attend, has presented on ES, and has been a vendor during the conference. While attendees take issue with our agency, several commented that they respected us for even being there.
- After receiving the USDA P-TIG grant, grant staff began convening client and staff groups across the state to learn first-hand what kind of communication enhancements would be helpful. They have returned to the same groups to update them on the status of the design, obtaining and utilizing their feedback as the project moves forward. The feedback has constantly been synthesized and incorporated in the design and process elements of the client and staff-side prototype mock-ups.
- ES was an active participant (along with RS) in both attending and presenting at the Workforce Investment Fund cross-training events across the state.
- One aspect of the GOALS pilot was to implement a Collective Impact model in pilot communities across the state. These quarterly meetings had a consistent core of attendees and were open to any and all partners.
- Ten staff were certified to conduct Poverty Simulations. Plans were being developed to conduct this training for staff and partners in various locations across the state, prior to the Covid-19 pandemic.

The DCF Director of Employment Services is a part of a Kansas 2Gen team, which also consists of representatives from Community Action, Inc., the Topeka Community Foundation, and the United Way of Greater Topeka.

Goal 15. Engage and Support Businesses

DCF ES has Regional Resource Coordinators across the state who reach out to area employers to learn about vacancies, skill requirements, and expansion plans. ES has partnered with Johnson County Community College to develop a short-term training program in warehousing, based on the needs of employers within that region. Employers have been engaged in combined hiring events with Food Safety Inspection Services (FSIS) staff, and employers are an integral part of such ES supported training programs as Partners4Success and Bridges Out of Poverty.

Report from the Department for Children and Families – Kansas Rehabilitation Services

Goal 3. Collect Comprehensive Data on Employment First

Kansas Rehabilitation Services (KRS) utilizes our KMIS system to collect data across the state for the purposes of tracking employment, training enrollments, and service delivery. The agency also has an interagency agreement to collect wage data from the Department of Labor and the SWIS system to gather employment information on consumers. The data collection allows us to capture not only current wage data, but to calculate employment numbers and wages for consumers up to four quarters after case closure which is mandated by the Rehabilitation Services Administration.

Goal 9. Support Innovation in Employment Services

During 2020, KRS expanded our Job Preparation Course service code to new providers across the state to continue to focus on employment outcomes even during the COVID-19 pandemic. The expansion allowed consumers to be more engaged with customizable plans to help gain employment

Goal 13. Engage Stakeholders & Rebuild Relationships

2020 was a year of transition for KRS. In March, a new director, Dan Decker, was named and the process of rebuilding relationships began. This process will continue in 2021. Outreach to contracted providers began in the summer of 2020 and quarterly roundtables will be the norm moving into 2021. The process of signing Memoranda of Understanding (MOU's) with the WIOA partners that had gone incomplete in previous years was initiated and the MOUs and IFAs for the upcoming state plan expect to come to completion across all five Local Workforce Boards for the first time since the inception of the WIOA law.

Goal 6. Improve Transition Services

KRS and KSDE are in the process of revising the MOU for transition. It is anticipated that the MOU will be signed off in 2021. Revisions have been made to better reflect Pre-Employment Transition Services (Pre-ETS) and collaboration between the two agencies.

Partnerships across the state are expanding and our relationship with KSDE has provided more opportunities for our Pre-ETS specialists to work with more school districts to provide transition services.

KRS is actively participating in with the University of Kansas, Local Workforce Board Area 1, and other entities on a transition grant pilot project that will be introduced in 2021 in the Saline County area.