

**Kansas Employment First Oversight Commission
2021 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 2021 Report & Recommendations

The Kansas Employment First Oversight Commission was established as part of the Employment First Initiative Act of 2011, and as 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 of the Act is to increase the number of Kansas residents with disabilities employed in competitive and integrated settings. Under the law, all state agencies, as well as their programs and services, must ensure that the policy of “Employment First” is effectively implemented. Employment First means that competitive and integrated employment must be the **first** option when serving Kansans with disabilities.

Although Kansas was the first state in the nation to pass an Employment First law, this policy has still not been fully implemented in all state agencies, programs and services. Kansas was the first state to make the promise of Employment First. Unfortunately, ten long years after passage of the Employment First law, Kansas has still not fully delivered on that promise. Employment First has not become an everyday reality for Kansans with disabilities. The following recommendations would fix that.

The five recommendations below all center around the \$2 million of new enhanced federal dollars dedicated under Governor Laura Kelly’s Administration towards Employment First in Kansas. This new federal funding comes from an enhancement in the Federal Medical Assistance Percentage (FMAP) in Kansas’ Medicaid plan. This funding is the only significant investment of time and resources towards Employment First since the law was passed in 2011.

Top 5 Recommendations of The Employment First Oversight Commission Regarding the \$2 million in Dedicated Federal Funding for Employment First:

- 1. Kansas Legislature Should Follow its own Trailblazing Success and Continue Supporting Employment First** – The Kansas Legislature should continue to support Employment First and the \$2 million in enhanced FMAP federal funding. The Employment First Act was created and spearheaded by the Kansas Legislature in 2011. This \$2 million in federal dollars will help ensure that the vision of the Kansas Legislature regarding Employment First finally comes to fruition. The Kansas Legislature was a trailblazer regarding Employment First, as Kansas was the first state in the nation to adopt the Employment First policy into law.

- 2. Create a Detailed Systems Change Implementation Plan & Finally Deliver on the Kansas Legislature’s Promise of Employment First** – The \$2 million in enhanced federal funding should be squarely focused on creating a detailed systems change implementation plan to finally deliver on the Kansas Legislature’s promise of Employment First. This plan needs to detail the specific, actionable changes that need to occur to finally make Employment First an everyday reality in Kansas. Successful implementation of the Employment Law is what has been lacking for the past 10 years. As part of this implementation, this plan should include the creation of many different initiatives, from whole scale changes to pilot projects, all designed to make Employment First an everyday reality. These could include everything from enhancements and changes in provider rates and rate structures (including but not limited to supported employment), as well as initiatives demonstrating how to build a successful business model around moving away from non-competitive and non-integrated settings. Instead of just “theories” and “ideas,” Kansas needs actual, meaningful and replicable change to occur, thus finally and fully implementing the law and delivering on the promise of Employment First.
- 3. Significantly Engage Stakeholders in the Systems Change Implementation Plan** – Stakeholders, including the various disability organizations and this Employment First Oversight Commission, must be significantly engaged in the process of creating the systems change implementation plan. As part of this process, the State of Kansas must bring in the proper expertise to detail what changes need to be made to policy, programs, procedures and rules to finally ensure effective implementation of the 2011 law. This expertise is absolutely needed to ensure that these policies, programs, procedures, and rules are aligned across all relevant state agencies so that effective implementation finally occurs.
- 4. Incorporate Numerous Past Employment First Reports** – Thankfully, the systems change implementation plan recommended by the Commission will not be forced to start from scratch. Dozens of reports have been issued over the last 10+ years detailing how to implement Employment First. The Employment First Oversight Commission’s 2020 report compiles all of the detailed recommendations we have made over the past ten years. If the Commission’s past recommendations were integrated in this systems change implementation plan, it would help ensure that Employment First would finally become an everyday reality in Kansas. The Commission also recommends the systems change implementation process closely consider the numerous other Employment First recommendations made by disability stakeholders (including but not limited to the Employment Systems Change Coalition, Kansas Council on Developmental Disabilities Roadmap to

Employment, Big Tent Coalition, Kansas Developmental Disabilities Coalition, State Board of Education Transition Workgroup, and the original Department of Social and Rehabilitation Services (SRS) workgroup on Employment First, which pre-dated the 2011 law).

5. **Create a New Ongoing Process for Collaboration on Disability Issues, starting with Employment First** – Through the Employment First systems change implementation plan recommended by the Commission, Kansas must create a new process that ensures ongoing and meaningful collaboration across state agencies and with disability stakeholders on disability issues, including Employment First. The goal should be use Employment First as the test run to make significant improvements in collaboration across agencies and with disability stakeholders. We would note that under the Administrations of Governors Brownback and Colyer, this process was known as the Disability Subcabinet and the Disability Employment Working Group, where decision makers from the highest levels of state government engaged with stakeholders on significant disability issues. Achieving Cabinet-level buy-in is absolutely critical to improving the employment outcomes for Kansans with disabilities. The systems change implementation plan that comes out of the \$2 million in new federal dollars should be leveraged to create a more effective on-going interagency collaboration and stakeholder engagement plan around disability issues going forward, including but not limited to Employment First.
- The Commission is greatly 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 creating and implementing this cross agency and disability stakeholder engagement process. The Commission looks forward to engaging Secretary Howard in these efforts.

Finally, the Commission would note that thanks to the wisdom and foresight of the Kansas Legislature, the Kansas Employment First Law already details numerous powerful accountability requirements that state agencies must follow. The law is not the problem. The problem is that the law has not been fully or faithfully implemented. The law doesn't just support Employment First with generalities. The law instills accountability into state agencies and requires implementation of Employment First. This is another reason why support for this new \$2 million in federal funding to implement the law is so important. The following are just a few of the key quotes from the Employment First law detailing the accountability the Kansas Legislature requires of state agencies:

- “All state agencies shall follow this policy [the Employment First law] and ensure that it is effectively implemented in their programs and services.”
- “All state agencies shall ... ensure that state programs, policies, procedures and funding support competitive and integrated employment of individuals with disabilities.”
- “All state agencies shall, whenever feasible, share data and information across systems in order to track progress toward full implementation of the act.”
- “State agencies are authorized to adopt rules and regulations to implement this act.”