

**Kansas Employment First Oversight Commission
2023 Recommendations to the Governor and
Members of the 2024 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 and integrated employment. This is the Commission's annual report, making recommendations to the Governor, Legislature, and state agencies on strategies to increase the number of Kansans with disabilities in competitive and integrated employment.

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Kansas Employment First Oversight Commission Report

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Executive Summary - Kansas Employment First Oversight Commission Report

1. Recommendations to the Kansas Legislature and Governor:

A) Increase Funding to Reduce I/DD and PD Home and Community Based (HCBS) Medicaid Waiver Waiting Lists by 20% in FY 2025 and Eliminate the Wait over the next five years

Increase funding to add an additional 1,100 slots on the Intellectual/Developmental Disability (I/DD) waiver and 480 slots on the Physical Disability (PD) waiver in FY 2025 as part of a plan to fully eliminate waitlists over the next five years. HCBS Waiver waitlists are a significant barrier to obtaining competitive integrated employment.

B) Pass Kathy's Bill into Law

- Kathy's Bill (Senate Bill 308, which passed Senate Ways & Means last year and is currently on Senate General Orders), establishes a hiring preference for people with disabilities in state employee jobs, helping to make Kansas a model employer of people with disabilities.
- Passing Kathy's Bill would finally bring Kansas into conformity with former Governor Sam Brownback's Executive Order 15-02, creating a hiring preference for Kansans with disabilities in state jobs.

C) Enact a Kansas state law that mirrors federal bipartisan legislation to phase out 14(c), subminimum wage and sheltered work, ensuring Kansans with disabilities are paid competitive wages in integrated settings.

- Kansas should join the growing list of states – including some of the most recent states of Virginia, South Carolina, and Tennessee – to thoughtfully transition away from these settings over the next five years.

D) Rectify the significant gaps and barriers in the recruitment of individuals with disabilities into state government jobs in Kansas by implementing the recommendations in the [2018 Allied Global Report](#).

- This report was commissioned by Governor Jeff Colyer, and prompted by Governor Sam Brownback's Executive Order 15-02, which directed state agencies to create a hiring preference and break down barriers to employment in state jobs for people with disabilities. The report made many helpful recommendations. Some key highlights include:
- Set a target that 7% of new state government hires be people with disabilities (aligning with the Federal government's standard); Revise the "tax clearance" process to be more accommodating for applicants with disabilities; Help recruit Kansans with disabilities with an abbreviated application, alternative application methods, and a helpline for applicants with disabilities; Create a Disability Employment Coordinator position to actively recruit more people with disabilities to meet the 7% target.
- The full Allied Global Report is at: <https://kcdinfo.ks.gov/allied>.

E) Fix the broken Supported Employment Rate on the I/DD HCBS Waiver to enhance employment opportunities for Kansans with disabilities – Take Kansas from "Worst to First" in Supported Employment.

- At a minimum, fund the Kansas Dept. for Aging and Disability Services (KDADS) FY 2025 budget request to increase the Supported Employment rate to \$53 per hour, making it more competitive with rates in other states and incentivizing disability providers to provide Supported Employment over congregate services.
- Broaden the scope of activities billable to the Supported Employment rate, incentivizing providers to place more individuals with disabilities in competitive integrated employment.
- Develop clear definitions of allowable billable services under the new rate and implement rewards and incentives for providers to achieve competitive integrated employment for individuals with disabilities, which reduces reliance on government programs.

F) Through a change in law or Governor’s Executive Order, restore and enhance the oversight functions of the Employment First Oversight Commission to ensure accountability, transparency, and effectiveness.

- Create an Office of Employment First within the Governor’s Office, which will prioritize Employment First initiatives and staff the Kansas Employment First Oversight Commission for improved oversight. The Commission has “oversight” in its name but has no oversight functions. This must change.

G) Provide Benefits Planning to Kansans with disabilities, increasing disability employment rates, and reducing dependence on government programs through competitive integrated employment.

- **Increase Benefits Planning Services:** Dramatically increase benefits planning services to dispel myths about keeping benefits while working, providing Kansans with disabilities the tools to obtain employment.
- **The full report provides numerous different options to increase benefits planning, such as:** All HCBS Waivers include Benefits Planning as a service; Benefits Planning as a Medicaid State Plan service; Requiring benefits planning as a service all Managed Care Organizations (MCOs) provide, and include it in the per member/per month rate; All person-centered plans must include a goal and strategies regarding benefits planning, etc.

2. Recommendations to the Governor and State Agencies:

A) Develop a comprehensive Employment First “One-Stop” Data Dashboard to effectively collect and disseminate information and data on Employment First and Competitive Integrated Employment.

- The Kansas Dept. for Aging and Disability Services (KDADS) should develop this Dashboard, with the goal being a “one-stop,” centralized dashboard that offers persons with disabilities and those who care for them (families, providers, etc.) easy access to the number of Kansans with Intellectual/Developmental Disabilities (I/DD) engaged in competitive integrated employment, other data, and Employment First information.

B) Expand Project SEARCH, an evidence-based program that supports training and placement in competitive integrated employment for young adults with I/DD, into a statewide program.

- Vocational Rehabilitation should support Project SEARCH by funding job coaching, referrals, and other services, adopting the high-fidelity funding model (15% of their funds must go to these types of services).
- Kansas State Department of Education should market Project SEARCH as an evidence-based model to all Kansas schools to better support competitive integrated employment for students with I/DD better.

C) Engage business leaders to help them understand how hiring more Kansans with disabilities can address their hiring challenges while also impacting the unemployment crisis for people with disabilities.

- **Develop Strategy:** The Kansas Secretary of Commerce, in collaboration with other agencies and disability organizations, should develop a comprehensive strategy to engage Kansas CEOs, business leaders, HR executives, etc., throughout Kansas.
- **Convene a Private Sector Solutions Summit:** The Department of Commerce should convene a statewide stakeholder summit in 2024 to develop partnerships, best practices, policy strategies, etc.
- **Educate Employers:** Create an effective process to educate employers about the multiple benefits of hiring individuals with disabilities.
- **Eliminate Subminimum Wage from Kansas Supply Chains:** The Kansas Secretary of Commerce, working with disability organizations and providers, should encourage businesses to eliminate the practice of subminimum wage from their supply chains.

D) Enhance the direct recruitment and hiring of individuals with disabilities for state jobs.

- **State agencies should adopt a model similar to the Federal Workforce Disability Recruitment Program.**

- **Establish a Pilot Program:** The Department of Administration should establish a Pilot Program in one or more state agencies, to develop strategies to attract and hire people with disabilities.

E) Establish effective certification for front-line staff providing Supported Employment and other disability employment services in Kansas.

- **Grant Funding:** The Department of Commerce has applied for grant funding that, if awarded, would rely on the stakeholders to develop a plan for creating the necessary certification for these front-line staff.
- **Mandatory APSE Training and Certification:** The State should require APSE training and certifications for all professionals engaged in state programs providing disability employment opportunities.

F) Increase the number of Kansans with Achieving a Better Life Experience (ABLE) accounts.

- **Incentivize Private Employers:** Create opportunities to incentivize private employers to utilize ABLE accounts, where employers provide deposits into ABLE accounts as an employee benefit.

G) Ensure that a new, effective I/DD Community Supports Waiver is established quickly

- **Create Demonstration Sites in 2025 to ensure this Waiver expands statewide no later than Jan. 1, 2026.**

H) Collect data to assist in transitioning individuals with disabilities out of non-competitive and non-integrated settings, such as sheltered workshops.

- **Create a Centralized Data Collection System:** State agencies should create a centralized data collection system to ensure these transitions.
- **Effective Data Reports, Readily Available, Shared Data Systems:** These reports should include relevant data points and be regularly available to KDADS and the public to better manage waiting list issues, facilitate transitions, and ensure conformity to the Employment First mandate.

I) Greatly expand the promotion of the current tax credit, known as the Kansas Targeted Employment Tax Credit (TETC), to encourage businesses to hire people with I/DD.

- **Widespread Distribution of Current Brochures:** The current marketing materials created by KDADS should be printed and shared widely with developmental disability organizations and private businesses.
- **Educate Businesses and Industry regarding tax credits and the benefits of hiring people with disabilities.**

J) Ensure employers outside the disability provider network understand the benefits of and how to navigate the Working Healthy, WORK, and STEPS programs at the Kansas Dept. of Health and Environment (KDHE).

- **Engage Employers:** Promote the benefits of these programs with employers.

K) Implement best practices from other states in Employment First.

- **Research Best Practices:** KDADS should research and gather examples of best practices for Employment First from other states and draft changes to the Commission for feedback.

L) Improve career planning options for Kansans with disabilities.

- Kansas state agencies, led by KDADS, Commerce, and Vocational Rehabilitation (VR), should develop a plan with disability stakeholder engagement that emphasizes career planning for people with disabilities.

M) Improve transportation options for Kansans with disabilities to increase access to employment.

- The Commission invites the Secretary of the Department of Transportation and other Cabinet-level Secretaries to meet with the Commission at a “Transportation Summit” to discuss transportation barriers for Kansans with disabilities while engaging disability stakeholders.

N) Improve engagement by Workforce Centers with Kansans with disabilities.

- Increase the number of Benefits Specialists associated with Workforce Centers and encourage local Workforce Development Boards to educate employers on the value of hiring people with disabilities.

O) Engage temporary staffing agencies to recruit Kansans with disabilities.

- The Dept. of Commerce should develop a marketing plan to reach out to temporary staffing agencies to encourage them to recruit Kansans with disabilities for the jobs they fill.

P) Create a new ongoing process for disability stakeholders and Cabinet-level Secretary collaboration on disability issues, starting with Employment First.

- Use Employment First as a pilot to create this meaningful collaboration.

Q) Create Internal Employment First Planning and Implementation Groups.

- Each state agency should create its own internal planning group with stakeholder engagement.

R) Establish partnerships with Kansas Adult Education to assist people with disabilities with employment.

- KDADS and KDHE should partner with Kansas Adult Education programs to improve competitive integrated employment options for people with disabilities.

S) Establish a Memorandum of Agreement (MOA) between the Executive Branch agencies and the Kansas State Department of Education/State Board of Education (KSDE/SBOE) to enhance collaboration.

- Create a MOA between the Executive Branch agencies and the KSDE/SBOE, which outlines the collaborative efforts to promote transition to competitive and integrated employment as the primary option for transition-age students with disabilities, including a detailed action plan.

T) Measure the effectiveness of Individual Plan of Study (IPS) Transition Plans.

- Establish a Memorandum of Agreement (MOA) between the KSDE and Vocational Rehabilitation (VR) for data sharing, including a definition of post-secondary success and a method to track student success.

3. Recommendations to Congress:

A) Phase Out Subminimum Wage for People with Disabilities – Support the Transformation to Competitive Integrated Employment Act (TCIEA), which aims to phase out the subminimum wage for individuals with disabilities under section 14(c) of the federal Fair Labor Standards Act.

B) Enact Federal Reforms to Supplemental Security Income (SSI) Program – Support the SSI Savings Penalty Elimination Act, which aims to update SSI’s asset limits for the first time since the 1980s, raising the caps to \$10,000 for individuals and \$20,000 for married couples.

C) Make the “ABLE to Work” Provision Permanent – Support making the ABLE to Work provision, which allows individuals with disabilities who have Achieving a Better Life Experience (ABLE) accounts and are working to increase their annual contribution limit, permanent.

Kansas Employment First Oversight Commission

Full 2023 Report & Recommendations

1. Recommendations to the Kansas Legislature and Governor:

A) Increase Funding to Reduce I/DD and PD Home and Community Based (HCBS) Medicaid Waiver Waiting Lists by 20% in FY 2025 and Eliminate the Wait over the next five years

The issue of extensive waiting lists for Home and Community-Based Services (HCBS) Waiver programs is a significant barrier to competitive and integrated employment for Kansans with disabilities. Without these services and supports, individuals with disabilities face challenges in accomplishing their daily activities or maintaining employment due to a lack of personal care staff or other supports.

Proposed Solution:

We support the Big Tent Coalition's (BTC) proposal to increase funding for an additional 1,100 slots on the Intellectual/Developmental Disabilities (I/DD) waiver and 480 slots on the Physical Disability (PD) waiver. This increase will reduce the wait times for HCBS Waivers. This proposal reduces both waiting lists by 20% in FY 2025 and is the first step in a multi-year plan to Eliminate the Wait for HCBS services over the next five years. The BTC is the longest-standing, cross-age and cross-disability coalition in Kansas, whose members advocate for all Kansans with disabilities and senior citizens.

Background:

Over the past eight years, the waiting lists for HCBS services have grown excessively long, with the PD Waiver Waiting List currently at 2,342, and the I/DD Waiver Waiting List at 5,235. The current funding has proven insufficient to meet the demand. In recent years, the Kansas Legislature and Governor have also not provided new funding to address the waiting list, with only one small increase to fund slots to reduce the waiting lists provided in the last eight years (FY 2020), which only lowered the waiting list by a mere 150 people (less than 4% of those who were waiting).

While the focus on funding for HCBS waiting lists has been lacking over the last eight years, the Kansas Legislature and Governor have focused almost exclusively on increasing HCBS I/DD Waiver rates for providers in the amount of \$234.2 million, only a meager \$3 million was allocated to reducing the I/DD waiting list. The Governor and Kansas Legislature provided nearly 80 times the funding for HCBS I/DD Waiver provider rates than they did for the waiting list on the I/DD Waiver. Additionally, over that same period, HCBS Waiver PD provider rates were increased by \$21.5 million, while PD waiting list dollars were only \$3 million.

Funding slots to reduce the waiting list by 20% is part of a multi-year plan to eliminate HCBS waiting lists over the next five years. The current long waiting lists are out of control and need immediate attention.

Points To Consider:

The last time a Kansas Governor recommended any increase in funding for the HCBS waiting list was in 2016. The Kansas Legislature only increased funding for HCBS waiting lists once in the last eight years.

B) Pass Kathy's Bill into Law

Support for creating a disability hiring preference bill into law was established in a report commissioned by Governor Jeff Colyer in response to Governor Sam Brownback's Executive Order 15-02.

Proposed Solution:

We advocate for the passage of Kathy's Bill (the current bill number is SB 308, which passed the Senate Ways and Means Committee and is on Senate General Orders as of the writing of this report), to establish a hiring preference for people with disabilities in state employee jobs, helping to make Kansas a model employer of people with disabilities.

Background:

The report commissioned by Governor Colyer, conducted and written by Allied Global Services (Andy Traub), in December 2018, and is addressed further below.

C) Enact a Kansas state law that mirrors federal bipartisan legislation to phase out 14(c) and sheltered work in Kansas and ensures Kansans with disabilities are paid competitive wages in integrated settings

Proposed Solution:

We recommend a Kansas law that aligns with federal bipartisan legislation to phase out 14(c) and sheltered work over five years, ensuring Kansans with disabilities receive competitive wages in integrated settings. We have already recommended that Congress pass the Transition to Competitive Integrated Employment Act (TCIEA, see Recommendations to Congress below), which will phase out the use of 14(c) nationally over five years while also providing training and technical assistance to states to help with that transition.

Along those same lines, we also recommend the Kansas Legislature pass and the Governor sign into law to join the growing list of states – including some of the most recent states of Virginia, South Carolina, and Tennessee – to thoughtfully transition away from subminimum wage, with a complete phase-out of the use of 14(c) subminimum wage certificates on July 1, 2029. This policy change must ensure that Kansas makes the switch to competitive integrated employment.

Background:

This policy change follows the lead of Kansas I/DD providers, who have already significantly moved away from subminimum wage. There has been a nearly 60% decrease in approved 14(c) certificates in Kansas since 2018 – dropping from 38 Kansas providers with issued 14(c) certificates in 2018 to only 17 today. Only a small handful of Kansas I/DD providers now use 14(c), and those numbers are shrinking. The vast majority of Kansas I/DD providers have stopped this practice. This policy change would follow that promising trend by establishing a certain date to stop the practice of 14(c) certificates in Kansas law and to make the switch to competitive integrated employment.

Providers, advocates, and experts have all indicated there are gaps in the current rate and service structures that need to be addressed, including, but not limited to:

- The supported employment rate and service definition,
- Lack of paid training opportunities for employment professionals,
- The need for additional services and supports to enable competitive, integrated employment.

We understand that issues will need to be addressed with this policy change. This recommendation will give us both the time and incentive to address these issues and add Kansas to the growing list of states that have decided to move beyond 14(c) employment.

D) Rectify the significant gaps and barriers in recruiting individuals with disabilities into state government jobs in Kansas, as recommended in the [2018 Allied Global Report](#).

The job application process within the State of Kansas is not efficient, inclusive, or accessible, and severely and disproportionately inhibits people with disabilities from applying, finishing the application process, and being hired for state jobs. The current process is already burdensome for Kansans without disabilities to apply for state jobs. It is dramatically worse for Kansans with disabilities, as their disability may create a barrier to navigating the burdensome and bureaucratic process.

To address this, in 2018, the Allied Global firm published a report commissioned by former Governor Jeff Colyer, highlighting substantial gaps and obstacles in the recruitment and hiring of individuals with disabilities in Kansas. Governor Colyer had this report conducted in direct response to Governor Sam Brownback's enactment of Executive Order 15-02, which said Kansas should have a preference for hiring people with disabilities. The Allied Global report featured many recommendations we agree with that the state should adopt, such as:

Proposed Solution:

- Set a target that 7% of new hires should be individuals with disabilities, aligning with the Federal government's standard.
- Actively and intentionally recruit individuals with disabilities into state government positions, moving beyond passive efforts that have proven ineffective.
- Revise the "tax clearance" process to be more accommodating for applicants with disabilities, making it a final step only applicable to those offered a job.
- Mandate disability service providers to consistently review state government job openings and promote them to the people with disabilities they serve.
- Transition from bureaucratic job postings to a more marketing-oriented approach that highlights the benefits and opportunities of the positions.
- Emphasize state jobs as stepping-stones to extensive career paths within one of Kansas' largest employers.
- Streamline the application process for Kansans with disabilities by introducing an abbreviated application and making the process quicker and nimbler. Many applicants report the hiring process can last 8-10 weeks, which disproportionately discourages Kansans with disabilities.
- Introduce alternative application method options (such as paper format applications, removal of timeout functions in online applications to cater to diverse needs, and verbally oriented options).
- Establish a dedicated helpline for applicants with disabilities to assist them throughout the application process.
- Modify the language used for requesting reasonable accommodations on job applications to be less intimidating and more inviting, encouraging applicants to request necessary accommodations.

- Introduce a short-form application to allow candidates to express interest in a job quickly. The current process can be lengthy and burdensome, deterring potential applicants, especially those with disabilities.
- Encourage interviewing candidates with disabilities even if they have not fully completed the application. Connect these candidates with the helpdesk to assist in completing the application, keeping the recruitment process moving.
- Allow candidates with disabilities to identify themselves in a non-threatening manner and provide them with the necessary accommodations and support to apply for the job.
- Create a Disability Employment Coordinator position embedded within the Department of Administration to help recruit and hire more people with disabilities across all Kansas government jobs.
- Enforce interview practices across state agencies that proactively consider disabilities and provide adequate accommodations throughout the process.
- Implement consistent and effective disability accommodation policies across all state agencies.
- Reframe “accommodation requests” as “work aids” or “job aids”. These are not burdens but tools that help employees perform their jobs effectively.
- Treat ergonomic evaluations seriously and consistently statewide. They are not optional or elective services but are essential for ensuring a safe and comfortable work environment.

Background: Kansas's current state job application process is bureaucratic, lengthy, and often inaccessible for individuals with disabilities. The existing system is a deterrent for potential applicants, especially Kansans with disabilities who have a disability that impacts their ability to complete the process.

The 2018 Allied Global Report, commissioned by former Governor Jeff Colyer and prompted by former Governor Sam Brownback’s Executive Order 15-02, revealed and addressed these issues. Since then, many recommendations have been overlooked due to administrative changes. This oversight is unfortunate, given that the Commission found the report’s recommendations highly valuable.

E) Fix the broken Supported Employment Rate in the I/DD HCBS Waiver to enhance employment opportunities for Kansans with disabilities – Take Kansas from “Worst to First” in Supported Employment.

The current Supported Employment rate in Kansas is the lowest in the nation at \$17.88 per hour, hindering private sector engagement in Employment First initiatives for individuals with disabilities. The Kansas Department for Aging and Disability Services (KDADS) secured federal funding and brought in subject matter experts affiliated with the federal Office of Disability Employment Policy (ODEP), and is committed to addressing this issue, aiming to elevate Kansas from “worst to first” in Supported Employment.

Proposed Solution:

- At a minimum, the Kansas Legislature should approve KDADS’ monetary budget request to increase the Supported Employment rate to \$53 per hour, making it competitive with rates in other states and incentivizing private sector participation.
- Broaden the scope of activities billable to the Supported Employment rate, encouraging the private sector I/DD Waiver providers to provide more Supported Employment to individuals with I/DD instead of the current incentive for large-group day services (walking around the mall, etc.).
- Develop clear definitions of allowable billable service usage under the new rate, ensuring they are strengths-based and included in waiver amendments and state policy.

- Implement rewards and incentives for the I/DD Waiver providers that contribute to achieving competitive integrated employment for individuals with disabilities, reducing reliance on government programs.

Points To Consider:

The current supported employment rate makes it nearly impossible for the I/DD Waiver providers to deliver on the promise of Employment First for Kansans with disabilities.

Implementing these changes will better equip the upcoming generation of transition-age youth to prioritize competitive integrated employment or post-secondary education. This not only fosters independence for individuals with disabilities but also reduces long-term expenses for taxpayers.

F) Through a change in law or Governor’s Executive Order, restore and enhance the oversight functions of the Employment First Oversight Commission to ensure accountability, transparency, and effectiveness.

The Kansas Legislature amended the Employment First Initiative Act but has failed to provide actual oversight functions, even after ten years. This lack of oversight has hindered effective implementation, leading to fewer Kansans with disabilities obtaining competitive integrated employment, and taxpayers footing the bill.

Proposed Solution:

- Create an Office of Employment First within the Governor’s Office, modeled after Colorado’s approach. This office will prioritize Employment First initiatives and staff the Commission for improved oversight.
- **In-depth Study:** Assign topics related to employment support certification processes to this office. It will explore how Kansas can develop a system where individuals who provide employment supports are adequately certified (including job coaches, job developers, employees of Vocational Rehabilitation contractors, etc.).
- Ensure that Kansas has adequate employment support provider rates to facilitate this certification.

Points To Consider:

Other states (including South Dakota, Ohio, Pennsylvania, Tennessee, and Iowa) have successfully implemented similar models that ensure individuals providing employment supports are certified, indicating potential for success if adopted in Kansas.

Enhancing oversight will not only benefit Kansans with disabilities but also lead to increased tax revenues as more people secure competitive integrated employment.

Background:

- 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 13 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. Passage of the bill or a Governor’s Executive Order would fix that.
- Colorado’s Employment First initiative is a model of dedication and progress. A team of professionals works year-round to implement and advance the principles outlined in their Employment First law. The Colorado Legislature originally funded the initiative, with additional support from Vocational Rehabilitation and the Department of Labor.

This funding has developed training programs for employers, creating a sustainable model that is not solely reliant on state funds. This approach could be of interest to the Governor and Kansas Legislature. Despite some initial costs, it could help address workforce issues and promote independence for more individuals in the long run. For more information on Colorado's program, please visit the Employment First Colorado website: <https://employmentfirstcolorado.org/>

G) Provide Benefits Planning to Kansans with disabilities, increasing their employment rates and reducing dependence on government programs through competitive integrated employment.

The proposals below, which change some aspects of Kansas' Medicaid program, have the added benefit of reducing 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 same goal:

Proposed Solutions:

- **Increase Benefits Planning Services:** Dramatically increase benefits planning services to dispel myths about keeping benefits while working and encourage Kansans with disabilities to seek employment.
- **Support Private Sector Solutions:** Implement an HCBS Medicaid Waiver service for all eligible Kansans with disabilities, ensuring they receive the necessary support to enter and thrive in the workforce.
- **Include Benefits Planning in MCO services:** Include benefits planning in the per member, per month rate for Managed Care Organizations (MCOs) for KanCare, facilitating collaborations with private sector employers with highly trained benefits planning specialists. Benefits planning is not currently a service provided by MCOs.
- **Make benefits planning a Kansas State Plan Medicaid service,** allowing all Kansans who receive Medicaid (not just those enrolled in the HCBS Waiver programs) to receive benefits planning from the private sector entity of their choice.
- **Strategic Integration:** Kansas should ensure that every person-centered plan or employment support plan includes a goal and specific strategies to help people with disabilities obtain competitive integrated employment, including providing benefits planning.

Points To Consider:

Kansas could also consider reclassifying benefits planning as an administrative match Medicaid service, where the federal government would pick up 50% of the cost.

In this scenario, the Kansas Department of Health and Environment (KDHE) would increase its workforce with additional, highly skilled benefits planners. Their role would be to debunk misconceptions and guide Kansans through the intricate subject of benefits and employment. While this solution does not involve the private sector, it is worth noting that the current benefits planners at KDHE perform exceptional work. The challenge lies in the fact that the existing staff is insufficient to meet the demand – with only a handful of KDHE benefits planning counselors serving 105 counties, a significant number of Kansans are left without access to these crucial services.

Background:

There are misconceptions about losing benefits while working, which has led to a reliance on government programs. The proposal aims to debunk these myths and encourage employment by offering increased benefits and planning services.

One of the biggest challenges to disability employment is that people with disabilities may not realize how employment can increase their independence. For example, according to a survey conducted by the Employment Systems Change Coalition, 76.4% of Kansans with disabilities receiving Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) mistakenly believed that they will have less money in the end if they earn income from a job, or that they “will never come out ahead”.

Our recommendations to increase access to benefits planners will directly target these and other myths, increase employment for Kansans with disabilities, and reduce taxpayers' costs in the long run.

2. Recommendations to the Governor and State Agencies:

A) KDADS should develop a comprehensive Employment First “One-Stop” Data Dashboard to collect and disseminate information and data on Employment First and Intellectual/Developmental Disability (I/DD) Competitive Integrated Employment effectively.

Proposed Solution:

The Commission recommends that Kansas Department for Aging and Disability Services (KDADS), including KDAD’s Long Term Support Services (LTSS) Division, work with the University of Kansas (KU), as the contractor on the Employment First project to develop recommendations regarding how this data should be gathered and reported to the public.

We ask that KDADS and KU report back to the Commission on their recommendations on this issue sometime during the second quarter of 2024. Specifically, the Commission requests KDADS and KU review the following ideas regarding what data to collect and how to disseminate it.

Additionally, we request that the data tracked and compiled not just include static numbers but also compare those numbers to the first-year baseline. For example, tracking the:

- **Increase/Decrease in the number of individuals with I/DD:** working in competitive integrated employment; working in subminimum wage employment (14(c)); working in non-integrated employment settings.
- **Number of adequately trained, skilled, and competent staff** across agencies, including Kansas State Department of Education (KSDE), KDADS, Vocational Rehabilitation (VR), Department of Labor (DOL), etc., that are knowledgeable about Employment First principles and practices.
- **Increase/Decrease in the number of** partners, families, and other stakeholders trained in areas of supported employment and benefits counseling.
- **Increase/Decrease in the number of** businesses utilizing the tax credit to employ people with I/DD.
- **Number of individuals enrolled in Working Healthy and the WORK program**, as those are indicators involving competitive integrated employment.
- **Other data detailing whether the Employment First Initiative Act is being fully and faithfully implemented by the Kansas State Government.**

The ultimate goal is to implement a “one-stop,” centralized dashboard that offers persons with disabilities, families/natural supports and agency supports/providers easy access to not only the number of Kansans with I/DD engaged in competitive integrated employment but also data and resources supporting the Employment First law in Kansas.

Background:

Obtaining accurate and comprehensive data regarding the number of Kansans engaged in competitive integrated settings in I/DD services has been challenging.

Previous reports have shown inconsistencies; for instance, in 2017’s national “State of the States” report, over 3,000 Kansans with I/DD were reported as being in competitive employment, while last year’s number was only around 200. When the Commission discussed this discrepancy, state agencies admitted that the 200 figure was accurate and the other was erroneous.

The proposed solution addresses this issue by providing a centralized dashboard that offers Kansans easy access to data and resources supporting the Employment First Initiative Act.

Points To Consider:

The Dashboard could serve as a one-stop-shop for issues surrounding competitive integrated employment of people with disabilities and how to navigate challenges that might arise.

It should also incorporate benefits planning/navigation for families, teachers, individuals, etc., to determine how an individual should get the services needed and how referrals will be sent.

Additionally, the Dashboard could ensure that all entities charged with providing some employment service have a central place to obtain data and information to help their clients obtain competitive integrated employment as the first and preferred option, which is the requirement in the law.

Minnesota and Colorado both have dashboards successfully implemented:

1. Minnesota: <https://disabilityhubmn.org/>
2. Colorado: <https://employmentfirstcolorado.org/>

B) Expand Project SEARCH, an evidence-based program that supports training and placement in competitive integrated employment for young adults with I/DD, into a statewide program.

Project SEARCH is a highly effective program, with a success rate of 74% nationally. This recommendation aims to extend Project SEARCH and make the program accessible to all Kansas youth with disabilities.

Proposed Solution:

The proposed solution involves multiple stakeholders:

- **Vocational Rehabilitation (VR):** VR should support Project SEARCH by funding job coaching, referrals, and other services. We recommend that a portion of the 15% of funds that VR is required to spend on Pre-Employment Transition Services (Pre-ETS) be used to support the expansion of Project SEARCH sites across Kansas. Some of those supports could include job coaching, timely application to VR Services, referral to adult service providers, and alignment with what other states already have in place.
- **Kansas Workforce System:** The Workforce System should also contribute financially to the success of Project SEARCH.
- **Kansas State Department of Education (KSDE):** KSDE should market Project SEARCH as an evidence-based model to support competitive integrated employment for students with I/DD. KSDE should also provide a point of contact for any Superintendent or Special Education Director interested in starting Project SEARCH.
- **Adopt Successful Models from Other States:** Kansas should adopt the high-fidelity funding model suggested by Project SEARCH and used in other states to expand the program statewide.

Background:

Project SEARCH currently operates in a fiscal structure where the school district pays for the teacher and/or the paraprofessional who teaches the program, as well as any other expenses such as a job coach. The model requires a partner business that provides a classroom on-site and offers natural supports and options for students to learn about different careers within their company.

Some businesses and districts have resorted to private fundraising to offset some of the expenses. State funding for job coaching is not currently being used to support Project SEARCH in Kansas; however, as recommended above, VR could use its Pre-ETS dollars to assist with job coaching and other support.

To expand this program statewide, Kansas needs to articulate a financially sustainable model clearly.

C) Engage business leaders to help them understand how hiring more Kansans with disabilities can address their hiring challenges while also impacting the unemployment crisis for people with disabilities.

The private sector can play a pivotal role in helping to solve the unemployment crisis for people with disabilities in Kansas. Additionally, private employers are finding it far more challenging to fill their job openings with qualified and dedicated employees. People with disabilities have a proven track record of often being more reliable and loyal employees when compared to their non-disabled peers. This process should involve working with the Secretary of Commerce to convene a summit to develop a comprehensive strategy.

Proposed Solution:

The proposed solution involves the following steps:

- **Develop Strategy:** The Kansas Secretary of Commerce, in collaboration with KDADS, DCF, other state agencies, and the Kansas Employment First Oversight Commission (KEFOC), should develop a comprehensive strategy to engage Kansas business leaders, Chief Executive Officers, Human Resource professional, etc., throughout the state.
- **Convene a Private Sector Solutions Summit:** The Department of Commerce should convene a statewide stakeholder summit in 2024. The focus of this summit should be on developing partnerships, best practices, policy strategies, and other critical resources to ensure Kansas companies are recruiting people with disabilities into their workforces.
- **Educate Employers:** The State of Kansas should create an effective process to educate current and prospective employers in the business community about the multiple benefits of hiring individuals with disabilities. This includes providing training and resources to businesses regarding best practices for developing a skilled workforce with individuals with disabilities.
- **Encourage the Elimination of Subminimum Wage from Kansas Business' Supply Chain:** Encourage Kansas vendors, suppliers and any business that has a Kansas presence in the state to adopt added language to its Supplier Code of Conduct to reconfirm the obligation of their vendors/contractors not to pay subminimum wage in the Sunflower state. This business practice follows suit of many companies, like Microsoft, who are taking steps to ensure their business supports equal wage standards for workers with disabilities and ensures they do not work with any subcontractor who pays subminimum wages for work.

D) Enhance the direct recruitment and hiring of individuals with disabilities for state jobs.

Proposed Solution:

Our recommended solution involves two critical steps in directly recruiting people with disabilities:

- **Adopt a Similar Model to the Federal Workforce Recruitment Program:** State agencies should consider adopting a model similar to the Federal Workforce Recruitment Program (<https://www.wrp.gov/wrp>).

- **Establish a Pilot Program:** The Department of Administration Division of Personnel Services should establish a Pilot Program in one or more state agencies. The purpose of this program would be to determine the most effective strategies to attract and hire individuals with disabilities.

E) Establish effective certification for front-line staff providing Supported Employment and other disability employment services in Kansas.

This process is needed to ensure that individuals providing employment services to people with disabilities are qualified and adhere to an effective standard, such as the APSE training and certification standard.

Proposed Solution:

The proposed solution involves the following steps:

- **Apply for Grant Funding:** The Department of Commerce has applied for grant funding that, if awarded, would rely on the Transition Transformers Coalition and other stakeholders (such as the Big Tent Coalition, the federal Developmental Disabilities Network, and other partners) to develop a plan for creating the necessary certification for these front-line staff.
- **Collaboration among State Agencies:** If the grant funding is not awarded, the KEFOC agrees to work with the Department of Commerce, KDADS, and other state agencies to develop additional opportunities to create this change in certification.
- **Mandatory APSE Training and Certification:** The State should require APSE training and certifications for all professionals engaged in state programs providing employment opportunities for Kansans with disabilities (including supported employment, job coaches, etc.).

Points to Consider:

The Commission would also like to note the Topeka Workforce Center and the Kansas Department of Commerce have applied for grant funding that may assist in this effort, the Equitable Transition Models (ETM) Demonstration Grant through the U.S. Department of Labor and Office of Disability Employment Policy (ODEP). A primary objective of the ETM grant is to develop scalable strategies to enable multiple marginalized youth ages 14-24 to transition successfully into the workforce.

The grant, if awarded, is for \$17,412,500 for a performance period of 60 months. The Commission applauds this effort to obtain additional resources to assist with this critical issue.

F) Increase the number of Kansans with Achieving a Better Life Experience (ABLE) accounts.

The Commission supports the State of Kansas, as one of the largest employers in the state, actively encouraging the use of ABLE accounts as an employee benefit through the Department of Administration by adopting the easy-to-use payroll deduction, as well as promoting equity and retirement for people with disabilities and protection of their assets.

Proposed Solution:

The proposed solution involves the following steps:

- **Incentivize Private Employers:** State agencies should create opportunities to incentivize private employers to utilize ABLE accounts, where employers provide deposits directly into the ABLE account as an employee benefit.

Background:

The bipartisan Stephen Beck Jr., Achieving a Better Life Experience (ABLE) Act became law in December 2014, establishing tax-free savings and spending accounts for people with disabilities.

Kansas was one of the first states to pass an enabling state law to implement the ABLE program. In January 2017, the Kansas ABLE program was launched by the Kansas State Treasurer, allowing individuals living with a qualified disability to save beyond the individual resource limit of \$2,000 and still remain eligible for needs-based monthly SSI income and other benefits tied to this eligibility. The Kansas ABLE program currently has 1,821 open accounts with total assets under management of \$16,916,237.21.

Points to Consider:

In 2017, the U.S. Congress adopted a new law called ABLE to Work, which was included in the Tax Cuts & Jobs Act (TCJA). This update to the original ABLE Act allows for individuals with disabilities who have ABLE accounts and are working to increase their annual contribution limit up to the federal poverty limit (2023 limit is \$13,590 per year) on top of contributions from other sources (2023 limit is \$17,000 per year), allowing a working adult to contribute a total of \$30,590 per year into an ABLE account.

This crucial provision is scheduled to sunset at the end of 2025 if not addressed. We strongly support making the ABLE to Work program permanent.

G) Ensure that a new, effective Community Supports Waiver can be established for Kansans with I/DD quickly, and no later than January 1, 2026.

The Commission recognizes Kansas Legislators' support to continue pushing forward a new Community Support Waiver for Kansans with I/DD. KDADS is working on a plan to write and implement this new Waiver, focusing on employment and transportation during 2025.

Proposed Solution:

- **Establish Demonstration Sites:** The Kansas Employment First Oversight Commission (KEFOC) recommends establishing demonstration sites for the new Waiver throughout 2025.
- **Refine the New Waiver Proposal:** The new Waiver proposal should be refined based on the experiences from the demonstration sites.
- **Implement the New Waiver Statewide:** The new Community Supports Waiver should go statewide no later than January 1, 2026. We understand that this may be considered a “stretch goal” by some in state government. However, the Community Supports Waiver is so important that it is paramount that it begin no later than this timeframe.

H) Collect data to assist in transitioning individuals with disabilities out of non-competitive and non-integrated settings, such as sheltered workshops.

This involves creating a centralized data collection system to better understand the needs of the people it serves and to help them transition out of settings they may currently be in.

Proposed Solution:

- **Create a Centralized Data Collection System:** KDADS (LTSS and Behavioral Health (BH) Divisions), KSDE, Kansas Workforce Centers, KDHE, and VR should partner to create a centralized data collection system. Note: this data should be incorporated with the previously described Dashboard recommendation.
- **Make Data Reports Readily Available:** These data reports should be readily available to KDADS (LTSS) and the public regularly to better manage waiting list issues and ensure a quality review over the Employment First requirement that competitive integrated employment must be the first option for all Kansans with disabilities, including but not limited to individuals on the waiting list and those coming off the waiting list and into HCBS Waiver services.
- **Include Relevant Data Points:** As an example, the Kansas 2022-2023 Indicator 14 Post-School Outcomes Survey should be one of the data points.
- **Establish Shared Data Systems:** One of the foundational strategies to obtain improved outcomes with competitive integrated employment is to establish shared data systems meaningfully.

Background:

Data collaboration like this is already occurring in other areas. KSDE and VR have been working with the National Technical Assistance Center on Transition (NTACT) to improve long-term outcomes. One of the foundational strategies to obtain improved outcomes with competitive integrated employment is to establish shared data systems meaningfully.

Points to Consider:

This specific recommendation is limited to focusing on data to assist in making the transition away from non-competitive and non-integrated employment settings.

I) Greatly expand the promotion of the current tax credit, known as the Kansas Targeted Employment Tax Credit (TETC), to encourage businesses to hire people with I/DD.

The State of Kansas has the TETC for businesses to use when they hire people with I/DD. However, this tax credit was used by less than five businesses in 2022, indicating a need for greater promotion and awareness.

Proposed Solution:

- **Widespread Distribution of Current Brochures:** The brochure created by the KDADS should be printed and shared widely with developmental disability organizations and businesses. This will assist when approaching employers for job placement of their clients.
- **Effective Education of Business and Industry:** Kansas state agencies must seek and conduct effective education of business and industry regarding the tax credits and the benefits of hiring people with disabilities.

- **Implement an Effective Marketing Plan:** KDADS, Commerce, and other relevant state agencies should create and implement an effective marketing plan to inform Kansas employers of all available disability employment tax incentives, including but not limited to the TETC.

J) Ensure employers outside of the traditional disability provider network understand the benefits of and know how to navigate the Working Healthy, WORK, and STEPS programs at KDHE.

A solid indicator of competitive integrated employment trends in Kansas is found in the number of individuals with disabilities who are accessing the benefits of Kansas' Medicaid Buy-In program called Working Healthy as well as WORK Opportunities Reward Kansans (WORK) and Supports and Training for Employing People Successfully (STEPS). These programs offer several incentives for individuals with disabilities to earn a fair wage or salary without fearing losing essential benefits.

Proposed Solution:

- **Promote the Programs:** KDHE should work with disability organizations, VR, I/DD providers, and other key stakeholders to promote these programs, including how to navigate and utilize the benefits to the broader disability community.
- **Engage Employers:** KDHE program leadership should also begin to promote the program to Kansas companies and employers, chief human resource officers/human resource professionals, and diversity equity and inclusion executives. Doing this will ensure more companies are aware of these opportunities provided by the programs.

K) Implement best practices from other states in Employment First.

We ask KDADS (LTSS and BH) to work with the Employment First Project Vendor (KU) to research and bring examples of best practices regarding Employment First from other states to the Kansas Employment First Oversight Commission (KEFOC) for further discussion and consideration.

Proposed Solution:

- **Research Best Practices:** KDADS (LTSS and BH) should research and gather examples of best practices for Employment First from other states, such as Wisconsin, Minnesota, and Tennessee.
- **Draft Changes:** Based on the researched best practices, KDADS should draft changes in policies, procedures, programs, and funding.
- **Present Findings to the Commission:** The gathered information and drafted changes should be brought back to the KEFOC next year for feedback.

Background: The Commission recognizes the importance of learning from successful practices in other states to implement Employment First better. Encouragingly, much information is readily available on best practices. This information will help KDADS make effective changes.

L) Improve career planning options for Kansans with disabilities.

As the state emphasizes Employment First, it is crucial to provide support to help Kansans with disabilities look beyond entry-level jobs and focus on education and career planning.

Proposed Solution:

- Kansas state agencies, led by KDADS, Commerce, and DCF/VR, should develop a plan that emphasizes career planning for people with disabilities.
- KDADS (including the LTSS division) should spearhead this initiative, forming a workgroup to study models from other states and formulate specific recommendations.
- KDADS should revise HCBS Waivers to ensure that career planning is funded across all waivers.
- KDADS should create easy-to-understand, cross-age, and cross-disability informational handouts for use by various entities such as providers, mental health centers, centers for independent living (CIL), Community Developmental Disability Organizations (CDDO), Managed Care Organizations (MCO), schools, etc.
- The plan should also include professional development for career and technical education teachers and involve general education counselors and other relevant individual education plan (IEP) team members in incorporating Individual Plans of Study (IPS) into the IEP transition plan.

M) Improve transportation options for Kansans with disabilities to increase access to competitive integrated employment.

Transportation is a significant barrier to employment for Kansans with disabilities. The Commission recommends these steps to address this problem.

Proposed Solution:

- We invite the Secretary of the Kansas Department of Transportation and other Cabinet-level Secretaries to meet with the KEFOC to discuss transportation barriers for Kansans with disabilities. This meeting could serve as a type of “Disability Transportation Summit,” involving disability service providers, self-advocates, and other stakeholders to discuss transportation solutions.
- Discuss potential incentives for employers who provide van pools or transportation stipends.
- Facilitate a plan for accessible, affordable, flexible transportation.
- Develop a state plan, Waiver, or other service prioritizing employment and transportation in 2024 as a demonstration initiative.
- Discuss the feasibility of Kansas expanding Non-Emergency Medical Transportation (NEMT) in its Medicaid services. (see CMS site below)
- Request the Kansas Legislature support changes to the Medicaid state plan, HCBS Waivers, or other services developed (see above) that prioritize employment and transportation in 2024 as a demonstration initiative.
- Meet with Kansas Mobility Managers to collaborate on transportation issues.
- Recommend local municipalities develop accessible community transportation plans.
- Raise awareness that NEMT under Medicaid is generally limited to coverage for medically necessary appointments. However, this should not stop us from pursuing every opportunity that Medicaid presents.

- Provide a website resource from CMS that describes the optional or alternative means that CMS would look at approving proposals developed by Kansas to expand NEMT in its Medicaid benefits.

Reference:

The following website resource from CMS describes optional or alternative methods that CMS would approve. This website provides options for Kansas to expand NEMT and Transportation in its Medicaid benefits potentially:

<https://www.medicaid.gov/sites/default/files/2023-09/smd23006.pdf>

N) Improve engagement by workforce centers with Kansans with disabilities.

The KEFOC recognizes the positive training, fund development, and policy changes the state workforce system made in recent years. The workforce centers are encouraged to continue to improve their engagement with individuals with disabilities and their families.

Proposed Solution:

- Increase the number of Benefits Specialists associated with the workforce system.
- Prioritize individuals with disabilities in the Workforce Innovation and Opportunity Act (WIOA) state and local planning requirements.
- Participate in cross-training with other state agencies serving individuals with disabilities.
- Continue support for the Transition Transformers Coalition.
- Encourage Local Workforce Development Boards to educate employers about the availability and value of the underutilized talent pool comprised of individuals with disabilities.

O) Engage temporary staffing agencies to recruit Kansans with disabilities.

There are considerable positive outcomes involving hiring people with disabilities in jobs. These positive outcomes can also be experienced by temporary staffing agencies.

Proposed Solution:

- Develop a marketing plan to contact temporary staffing agencies (e.g., Allegis, Manpower, etc.) to encourage them to recruit Kansans with disabilities as temporary employees.
- Continue the development of funding sources specifically to assist people with disabilities and their employment preparation needs, with temporary jobs being one viable opportunity.
- Emphasize the work of the Transition Transformers Coalition and the University of Kansas's efforts to reinstitute/develop transition councils and other structures for public school transition to employment services, including educating parents and family members to encourage employment as an expected outcome for their children/young adults with disabilities.
- Develop information and materials to educate private employers and temporary staffing agencies regarding the talents and abilities of individuals with disabilities, how hiring them can improve their bottom line, how disability accommodations can be made easily and for no to little cost, and the tax credits available for hiring individuals with disabilities.

P) Create a new ongoing process for disability stakeholders and Cabinet-level Secretary collaboration on disability issues, starting with Employment First.

Kansas must create a new process that ensures ongoing and meaningful collaboration between the Cabinet-level Secretaries, their key staff, and disability stakeholders on disability issues, including Employment First.

Proposed Solution:

- Use the topic of Employment First as a pilot to make significant improvements in collaboration across agencies and with disability stakeholders.
- Leverage the \$2 million federally funded Employment First Project (administered by KDADS and performed by the University of Kansas) to create a more effective ongoing interagency collaboration and stakeholder engagement plan around disability issues, including but not limited to Employment First.

Background: Under the administrations of Governors Brownback and Colyer, this process was known as the Disability Subcabinet and the Disability Employment Working Group. Decision-makers from the highest levels of state government (including Cabinet-level Secretaries) engage with disability stakeholders on significant disability issues. Achieving Cabinet-level buy-in is critical to improving the employment outcomes for Kansans with disabilities.

Points to Consider:

The Commission is greatly encouraged that Laura Howard, who is both the Secretary of 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 working with Secretary Howard as she takes a leadership role in creating this new collaborative process to engage stakeholders directly with cabinet-level Secretaries engaged in Employment First.

Q) Create Internal Employment First Planning and Implementation Groups.

Proposed Solution:

- The Secretary of each state agency that has a liaison to the Employment First Commission should create its own Internal Employment First planning and implementation group. This will ensure that their liaisons have the necessary information, input, and engagement across their agency to implement Employment First and collaborate with the Commission effectively.
- These agency-level planning and implementation groups should also establish a method to effectively engage external stakeholders, similar to KDADS's "Collaborative Partners in Employment First" working group.
- The planning and implementation groups should utilize the data from the University of Kansas, the contractor implementing the Employment First Project (the \$2 million program funded with federal dollars). Doing this will ensure that funding, policies, training, etc., align with best practices. The Employment First Commission should also utilize this data.

- State of Kansas agencies should ensure that any collaborative partners they engage with their Employment First planning and implementation group are specifically invited and strongly encouraged to attend the KEFOC meetings. As one example, below are the collaborative partners for the KDADS Employment First group:



R) Establish partnerships with Kansas Adult Education to assist people with disabilities with employment.

Proposed Solution:

- KDADS, including the LTSS and the BH divisions, and KDHE should partner with Kansas Adult Education programs.
- These partnerships should aim to integrate short-term and long-term training classes to help people with disabilities acquire skills.
- The training should focus on preparation for General Education Development (GED), money management, and computer skill development.
- The ultimate goal is to assist people with disabilities in transitioning out of non-integrated, non-competitive settings.

S) Establish a Memorandum of Agreement (MOA) between the Executive Branch agencies and the Kansas State Department of Education / State Board of Education (KSDE/SBOE) to enhance collaboration on disability issues.

Proposed Solution:

- Formulate an MOA between the Executive Branch agencies and the KSDE/SBOE, which outlines the collaborative efforts to promote transition to competitive and integrated employment as the primary option for transition-age students with disabilities.
- The MOA should include a detailed action plan on how the parties will work to implement Employment First in schools and during post-secondary transition.
- Harness the momentum from the ongoing MOA development between KSDE and VR to bolster support for this broader MOA between the Executive Branch and KSDE/SBOE.

T) Measure the effectiveness of Individual Plan of Study (IPS) Transition Plans.

Currently, the Department of Education measures success by Indicator 14 post-school outcomes, and VR measures success by the number of cases they have closed. This misalignment makes it challenging to track success across agencies over time. The proposed solution aims to address this issue.

Proposed Solution:

- Establish a Memorandum of Agreement (MOA) between the Kansas State Department of Education (KSDE) and VR for data sharing.
- Develop a shared definition of post-secondary success.
- Create a method to track the successful implementation of a student's IPS throughout their VR journey.

3. Recommendations to Congress:

Support national Employment First efforts and improve competitive integrated employment in Kansas.

Under section 14(c) of the federal Fair Labor Standards Act, workers with disabilities can legally be paid a subminimum wage under this U.S. Department of Labor program. Sixteen states have eliminated the use of subminimum wage in an effort to increase competitive integration employment (CIE). In fact, four of these states did so in the last two years (Rhode Island, South Carolina, and Tennessee in 2022; Virginia in 2023; and six additional states in the 2022-23 session.)

Several federal legislative efforts underway could significantly impact and improve Employment First and competitive integrated employment in Kansas. The (KEFOC) supports these efforts to become federal law, particularly the two bills mentioned below:

Proposed Solutions:

A) Phase Out Subminimum Wage for People with Disabilities:

The KEFOC supports the enactment of the Transformation to Competitive Integrated Employment Act (TICEA). Introduced by Representatives Bobby Scott and Cathy McMorris Rodgers, Senator Bob Casey, and Senator Steve Daines in February of 2023, TICEA aims to phase out the subminimum wage for individuals with disabilities under section 14(c) of the federal Fair Labor Standards Act. The legislation also proposes a new competitive state grant program to assist states in transitioning all 14(c) certificate holders to models that support competitive, integrated employment for individuals with disabilities over the next five years.

B) Enact Federal Reforms to the Supplemental Security Income (SSI) Program:

The KEFOC also supports the SSI Savings Penalty Elimination Act, a bipartisan, bicameral federal legislative effort led by U.S. Senators Bill Cassidy, M.D., and Sherrod Brown. This bill aims to update SSI's asset limits for the first time since the 1980s, raising the caps to \$10,000 for individuals and \$20,000 for married couples and indexing them to inflation moving forward.

Currently, individuals with disabilities are punished for saving for their futures and emergencies. Under existing laws, individuals receiving SSI benefits are limited to \$2,000 in assets; for married couples, it's \$3,000 (unless those monies are contained in an ABLE account). The average current monthly benefit is \$585 for individuals. For approximately 60% of recipients, SSI is their only source of income.

C) Make the "ABLE to Work" Provision Permanent:

The Commission recommends making the Achieving a Better Life Experience to Work (also called "ABLE to Work") provision permanent, which allows individuals with disabilities who have ABLE accounts and are working to increase their annual contribution limit.

Appendix:

Private Sector Engagement – Compilation of Recommendations for Kansas Businesses

This section compiles all the major recommendations of the Kansas Employment First Oversight Commission (KEFOC) regarding engagement with private businesses into one appendix. Having this separate appendix will help our partners in the private sector more easily see how KEFOC’s recommendations can help their companies and Kansans with disabilities. We further urge all Kansas businesses to collaborate exclusively with vendors that uphold the standards of competitive integrated employment and refrain from those utilizing 14(c) certificates, which allow the payment of subminimum wages to workers with disabilities.

A) Have Kansas private sector businesses adopt these General Guidelines to help improve employment opportunities for Kansans with disabilities – In line with this, we encourage the following general guidelines for the private sector. We would note that these general guidelines are becoming standard across the nation:

1. **No Subminimum Wage:** Businesses should reconfirm their commitment to not pay subminimum wages, regardless of disability status. This includes having businesses requiring their subcontractors and vendors to pay the applicable minimum wage and not use 14(c) subminimum wage certificates.

For example, in 2019, Microsoft added language to its Supplier Code of Conduct to emphasize this obligation. Microsoft does not support separate wage standards for people with disabilities nor permit subcontractors to pay subminimum wages for their work.

2. **Promote Competitive Integrated Employment:** Prioritize partnerships with vendors that promote competitive integrated employment. This approach ensures that individuals with disabilities work in inclusive settings, receive fair wages, and have the same opportunities for advancement as their peers without disabilities.
3. **Vendor Selection:** During the vendor selection process, private businesses must consider the prospective vendors’ employment practices. Choose to work with vendors that demonstrate a commitment to competitive integrated employment and do not utilize 14(c) certificates.

By adopting these practices, your business can significantly promote inclusivity and equal opportunity in the workplace. We believe that these changes will not only benefit individuals with disabilities but also enhance the diversity and richness of your business environment.

Additionally, the Kansas Employment First Oversight Commission has prepared the following list of additional recommendations for the private sector that, if implemented, would greatly assist both private businesses and Kansans with disabilities. These other recommendations are:

B) Engage business leaders to help them understand how hiring more Kansans with disabilities can address their hiring challenges while also impacting the unemployment crisis for people with disabilities.

The private sector can play a pivotal role in helping to solve the unemployment crisis for people with disabilities in Kansas. Additionally, private employers are finding it far more challenging to fill their job openings with qualified and dedicated employees. People with disabilities have a proven track record of often being more reliable and loyal employees when compared to their non-disabled peers. This process should involve working with the Secretary of Commerce to convene a summit to develop a comprehensive strategy.

Proposed Solution:

The proposed solution involves the following steps:

- **Develop Strategy:** The Kansas Secretary of Commerce, in collaboration with KDADS, DCF, other state agencies, and the Kansas Employment First Oversight Commission (KEFOC), should develop a comprehensive strategy to engage Kansas business leaders, Chief Executive Officers, Human Resource professional, etc., throughout the state.
- **Convene a Private Sector Solutions Summit:** The Department of Commerce should convene a statewide stakeholder summit in 2024. The focus of this summit should be on developing partnerships, best practices, policy strategies, and other critical resources to ensure Kansas companies are recruiting people with disabilities into their workforces.
- **Educate Employers:** The State of Kansas should create an effective process to educate current and prospective employers in the business community about the multiple benefits of hiring individuals with disabilities. This includes providing training and resources to businesses regarding best practices for developing a skilled workforce with individuals with disabilities.
- **Encourage the Elimination of Subminimum Wage from Kansas Business' Supply Chain:** Encourage Kansas vendors, suppliers and any business that has a Kansas presence in the state to adopt added language to its Supplier Code of Conduct to reconfirm the obligation of their vendors/contractors not to pay subminimum wage in the Sunflower state. This business practice follows suit of many companies, like Microsoft, who are taking steps to ensure their business supports equal wage standards for workers with disabilities and ensures they do not work with any subcontractor who pays subminimum wages for work.

C) Greatly expand the promotion of the current tax credit, the Kansas Targeted Employment Tax Credit (TETC), to encourage businesses to hire people with I/DD.

The State of Kansas has the TETC for businesses to use when they hire people with I/DD. However, this tax credit was used by less than five businesses in 2022, indicating a need for greater promotion and awareness.

Proposed Solution:

- **Widespread Distribution of Current Brochures:** The brochure created by the KDADS should be printed and shared widely with developmental disability organizations and businesses. Doing this will assist when approaching employers for the job placement of their clients.
- **Effective Education of Business and Industry:** Kansas state agencies must seek and conduct effective education of business and industry regarding the tax credits and the benefits of hiring people with disabilities.
- **Implement an Effective Marketing Plan:** KDADS, Commerce, and other relevant state agencies should create and implement an effective marketing plan to inform Kansas employers of all available disability employment tax incentives, including but not limited to the TETC.

D) Engage temporary staffing agencies to recruit Kansans with disabilities.

There are considerable positive outcomes involving hiring people with disabilities in jobs. These positive outcomes can also be experienced by temporary staffing agencies.

Proposed Solution:

- Develop a marketing plan to reach out to temporary staffing agencies (e.g., Allegis, Manpower, etc.) to encourage them to recruit Kansans with disabilities as temporary employees.
- Continue the development of funding sources specifically to assist people with disabilities and their employment preparation needs, with temporary jobs being one viable opportunity.
- Emphasize the work of the Transition Transformers Coalition and the University of Kansas's efforts to reinstitute/develop transition councils and other structures for public school transition to employment services, including educating parents and family members to encourage employment as an expected outcome for their children/young adults with disabilities.
- Develop information and materials to educate private employers and temporary staffing agencies regarding the talents and abilities of individuals with disabilities, how hiring them can improve their bottom line, how disability accommodations can be made easily and for no to little cost, and the tax credits available for hiring individuals with disabilities.