



EXECUTIVE ORDER NO. 15-01

**PROVIDING EMPLOYMENT SERVICES TO INDIVIDUALS WITH
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES**

Individuals with disabilities persistently face higher rates of unemployment than their non-disabled fellow citizens.

As Oregon's economy continues to recover from the 2008 recession, we must strive to ensure that all Oregonians benefit from the recovery, including those with intellectual and developmental disabilities.

Oregon is a leader in providing supported employment services to persons with intellectual and developmental disabilities. Oregon adopted an Employment First Policy in 2008, making it one of the first states to do so. The Employment First Policy makes competitive integrated employment the goal for all Oregonians with intellectual and developmental disabilities. Competitive integrated employment is the much-preferred and optimal form of employment for all Oregonians with intellectual or developmental disabilities, consistent with their abilities and choices.

While the state cannot guarantee a job to any Oregonian, the state can and should consistently work to continue to improve its provision of employment services to provide the best possible opportunities for success and choice for individuals receiving those services. This requires new approaches and partnerships with government, the non-profit services sector, and current and potential employers in the business community.

To further these goals, on April 10, 2013, I signed Executive Order 13-04. Since that time, the state has made significant progress in developing and refining policies and practices, has strengthened its partnerships with employers and stakeholders, and has achieved milestones demonstrating tangible progress in improving employment outcomes for persons with intellectual and developmental disabilities. This Executive Order revises and supersedes Executive Order 13-04 in order to provide further policy guidance intended to continue the state's progress in these areas, including through a substantial reduction in employment in sheltered workshops. Continuing to improve Oregon's delivery of employment services, with the goal of achieving competitive integrated employment for individuals with intellectual and developmental disabilities, consistent with their abilities and choices, will benefit individuals with disabilities, their families, our communities, the economy, and the state.



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NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

Following the strategies set forth in further detail below, the Oregon Department of Human Services and the Oregon Department of Education shall continue to work to further improve Oregon's systems of designing and delivering employment services to those with intellectual and developmental disabilities toward fulfillment of Oregon's Employment First Policy, including a significant reduction over time of state support of sheltered work and an increased investment in employment services.

I. DEFINITIONS

For the purposes of this Executive Order only, as used below, the following terms have the following meanings:

1. "The State" means the State of Oregon, including the Office of Developmental Disability Services ("ODDS") and Vocational Rehabilitation ("VR"), as administered through the Department of Human Services ("DHS"), and the Oregon Department of Education ("ODE").

2. An "Annual Plan" means the written summary a service coordinator completes for an individual who is not enrolled in the waiver or Community First Choice services. An Annual Plan is not an Individual Support Plan ("ISP") and is not a plan of care for Medicaid purposes.

3. A "Career Development Plan" ("CDP") is part of an ISP or Annual Plan regarding ODDS services. A "Career Development Plan" identifies the individual's employment goals and objectives, the services and supports needed to achieve those goals and objectives, the persons, agencies, and providers assigned to assist the person to attain those goals, the obstacles to the individual working in Competitive Integrated Employment in an Integrated Employment Setting, and the services and supports necessary to overcome those obstacles. Career Development Plans shall be based on person-centered planning principles.

4. "Competitive Integrated Employment," consistent with the federal Workforce Innovation and Opportunity Act ("WIOA"), means work that is performed on a full-time or part-time basis (including self-employment) for which an individual:



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a. Is compensated at a rate that:

(1) Meets or exceeds state or local minimum wage requirements, whichever is higher; and

(2) Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or

(3) In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training experience, and skills; and

b. Is eligible for the level of benefits provided to other employees; and

c. Is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and

d. As appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

5. A "Comprehensive Vocational Assessment" is an assessment administered for individuals eligible for employment services from VR or transition services from local educational agencies under the Individuals with Disabilities Education Act ("IDEA") to provide employment-related information for the development of, or revision of, an individual's employment-related planning document, such as the Individual Plan for Employment ("IPE"), or Individual Education Plan ("IEP").



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6. “Discovery” is a comprehensive and person-centered employment planning support service to better inform an individual seeking Competitive Integrated Employment in an Integrated Employment Setting, and to create a Discovery profile for the individual. Discovery includes a series of work or volunteer-related activities to inform the individual and the job developer about the individual’s strengths, interests, abilities, skills, experiences, and support needs, as well as to identify the conditions or employment settings in which the individual will be successful.

7. “Employment Services” provided or funded by ODDS or VR are services that are intended to assist a person with I/DD to choose, get, learn, and keep work in an Integrated Employment Setting. Employment Services shall be “individualized,” meaning that services shall be individually planned, based on person-centered planning principles and evidence-based practices, where applicable. Employment Services may include post-secondary education and/or training to the extent they are reinforced in an individual’s ISP or Individual Plan for Employment Services.

8. “Evidence-based Practices” means well-defined best practices, which have been demonstrated to be effective with the I/DD population or the relevant subset of that population, such as youth sixteen or older, by multiple peer-reviewed research studies that are specific to this population or subset of this population.

9. Individuals with “I/DD” are persons who have an “Intellectual Disability,” as defined in Oregon Administrative Rule (“OAR”) chapter 411, division 320, or a “Developmental Disability,” as defined in OAR chapter 411, division 320.

10. An “Integrated Employment Setting” is:

a. An employment setting that satisfies the requirements for Competitive Integrated Employment, as defined above; or

b. An employment setting that provides opportunities for an individual to have interaction with non-disabled persons. The setting must allow an individual to interact with non-disabled persons in a manner typical to the employment setting. Such settings may include Small Group Employment, as defined below.



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Employment in an Integrated Employment Setting cannot be facility-based work in a Sheltered Workshop, and cannot be non-work activities such as day support activities.

11. “Person-centered Planning” is:

a. A timely and formal or informal process that is directed by the individual with I/DD in which the participants gather and organize information to help the individual:

- (1) Determine and describe choices about personal employment goals, activities, services, providers, and lifestyle preferences; and
- (2) Design strategies and networks of support to achieve goals and a preferred lifestyle using individual strengths, relationships, and resources; and
- (3) Identify, use, and strengthen naturally occurring opportunities for support at home and in the community.

b. The methods for gathering information vary, but all are consistent with the individual’s cultural considerations, needs, and preferences.

12. A “Qualified Employment Services Provider” is a provider of Employment Services that meets the qualification requirements to deliver Employment Services consistent with OAR chapter 407, division 25; OAR chapter 411, division 323; OAR chapter 411, division 340; OAR chapter 411, division 345; and any rule subsequently issued by DHS.

13. “Related Employment Services” are services which are provided by ODDS or VR in conjunction with or after the completion of needed Employment Services in order to enable an individual to maintain or advance in Competitive Integrated Employment. Services may include, but are not necessarily limited to, benefits counseling, transportation support, personal care supports (such as Activities of Daily Living, or ADL), environmental accessibility adaptations, behavioral supports, assistive technology, and social skills training as they relate to continued participation in Competitive Integrated Employment.

14. “Self-Employment” is an option for achieving Competitive Integrated Employment and is recognized as a viable means of promoting



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independence and economic self-sufficiency. Self-Employment generally refers to one person owning and controlling the operations and management of an enterprise that reflects the owner's skills, interests, and preferred work environment. An individual in Self-Employment may or may not receive ongoing supports. Self-Employment yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, who are self-employed in similar occupations or on similar tasks, and who have similar training, experience, and skills.

15. A "Sheltered Workshop" is a facility in which individuals with I/DD are congregated for the purpose of receiving employment services and performing work tasks for pay at the facility. A Sheltered Workshop primarily employs individuals with I/DD and other disabilities, with the exception of service support staff. A Sheltered Workshop is a fixed site that is owned, operated, or controlled by a provider, where an individual has few or no opportunities to interact with non-disabled individuals, except paid support staff. A Sheltered Workshop is not Small Group Employment in an Integrated Employment Setting, and is not otherwise an Integrated Employment Setting as defined in this Order.

16. "Small Group Employment" refers to work performed in regular business, industry, and community settings by groups of two to eight individuals with I/DD. It is not Competitive Integrated Employment, which is the much-preferred and optimal form of employment for Oregonians with I/DD, but it can have value as a way to offer additional opportunities for integration and employment. Small Group Employment support is provided in an Integrated Employment Setting and in a manner that promotes integration into the workplace and interaction between participants and people without disabilities. Small Group Employment must allow an individual to interact with non-disabled persons in a manner typical to the employment setting. The wage paid to the supported individual must meet or exceed State and local minimum wage requirements as specified in Competitive Integrated Employment, and the individual must maintain goals to pursue Competitive Integrated Employment opportunities.

17. "Supported Employment" means services provided to support Competitive Integrated Employment, Self-Employment, and Small Group Employment.

18. "Working-Age Individuals" are adults with I/DD who are 21 or older and who are no longer receiving public school services, and those with I/DD who are age 60 or older who choose to continue employment.



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II. TARGET POPULATIONS

1. ODDS/VR Target Population. At a minimum, the following individuals with I/DD will receive Employment Services described in this Order:

a. “Sheltered Workshop workers.” Working-Age Individuals with I/DD found eligible for ODDS employment services and who worked in Sheltered Workshops on or after the effective date of Executive Order 13-04; and

b. “Transition-age individuals.” Individuals with I/DD who at any time from the effective date of Executive Order 13-04 until July 1, 2022 meet the below definition of “transition-age,” and who are found eligible for ODDS employment services as described in OAR chapter 411, division 345, or who are found eligible for ODDS and VR services.

For the purpose of Section II.1.b, “transition-age” means:

(1) Not older than 24 years of age.

(2) Not younger than 14 years of age. With respect to VR, persons who are under 16 years of age may receive employment services with DHS approval. With respect to ODDS, persons who are under 18 years of age may receive employment services with DHS approval.

2. Education Target Population. The expectations for ODE described in Section X below are intended to benefit the following target populations, to the extent described in Section X below:

a. “Students with I/DD.” All youth with I/DD who at any time from the effective date of Executive Order 13-04 until July 1, 2022 meet the below definition of “transition-age” and who receive services in public schools; and

b. “All transition-age students.” All youth who at any time from the effective date of Executive Order 13-04 until July 1, 2022 meet the below definition of “transition-age” and who receive services in public schools and otherwise are eligible for services under the IDEA.



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For the purpose of Section II.2, “transition-age” may begin as young as age 14, if deemed appropriate by the student’s IEP team (including the student’s parent(s)), and must begin no later than the start of the one-year period of a student’s IEP during which the student reaches 16 years of age. Transition age ends when a student leaves school.

III. SHELTERED WORKSHOPS

1. By July 1, 2014, ODDS and VR shall no longer purchase or fund Vocational Assessments for individuals with I/DD that occur in Sheltered Workshops.

2. By July 1, 2015, ODDS and VR shall no longer purchase or fund Sheltered Workshop placements for:

- a. Transition-age individuals, as defined under Section II.1.b. above;
- b. Any working-age adult with I/DD who is newly eligible for ODDS or VR services; and
- c. Any working-age adult with I/DD who is already utilizing ODDS or VR services who is not already working in a Sheltered Workshop.

IV. EMPLOYMENT SERVICES PROVIDED THROUGH ODDS AND VR

1. ODDS and VR will establish and implement a policy that Employment Services shall be evidence-based and individualized. Where such evidence-based practices have not been identified, Oregon may adopt practices used in other states that are generally recognized as effective practices.

2. Employment Services shall be based on an individual’s capabilities, choices, and strengths and shall be tailored to each person. Specifically, ODDS and VR shall take into account an individual’s capabilities, choices, and strengths in determining the type and duration of the Employment Services provided to that individual, the expected outcomes of the Employment Services, and whether a different type of Employment Service would more fully achieve Competitive Integrated Employment for the individual, as appropriate.



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3. ODDS and VR will provide Employment Services as described in Section IV.6 below to at least 7,000 unique individuals in the ODDS/VR Target Population, including individuals in Section II.1.a of the ODDS/VR Target Population who wish to receive those Employment Services, between July 1, 2013 and July 1, 2022, in accordance with the following schedule:

- a. By July 1, 2014, ODDS and/or VR report that they had provided Employment Services, as defined by this Order, to at least 600 individuals.
- b. By July 1, 2015, ODDS and/or VR will have provided Employment Services to at least 1,350 individuals.
- c. By July 1, 2016, ODDS and/or VR will have provided Employment Services to at least 2,200 individuals.
- d. By July 1, 2017, ODDS and/or VR will have provided Employment Services to at least 3,000 individuals.
- e. By July 1, 2018, ODDS and/or VR will have provided Employment Services to at least 3,800 individuals.
- f. By July 1, 2019, ODDS and/or VR will have provided Employment Services to at least 4,600 individuals.
- g. By July 1, 2020, ODDS and/or VR will have provided Employment Services to at least 5,400 individuals.
- h. By July 1, 2021, ODDS and/or VR will have provided Employment Services to at least 6,200 individuals.
- i. By July 1, 2022, ODDS and/or VR will have provided Employment Services to at least 7,000 individuals.

4. Any Sheltered Workshop worker in Section II.1.a of the ODDS/VR Target Population who, in his or her CDP as described in Section V below, indicates a desire to work in an Integrated Employment Setting and to receive Employment Services as described in Section IV.6 below shall receive these Employment Services. The Policy Group referred to in Section XIV of this Order shall be responsible for recommending metrics aimed at assessing the delivery of



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Employment Services as described in Section IV.6 below to individuals in Section II.1.a of the ODDS/VR Target Population who desire to receive these Employment Services, as well as reviewing the State's performance under those metrics.

5. Both ODDS/VR Target Populations described in section 3 above will receive Employment Services as described in Section IV.6 below. The proportionality of the delivery of Employment Services to different Target Populations will be reviewed by the Policy Group referred to in Section XIV of this Order to assure delivery is consistent with the expected outcomes of this Order. Further, as necessary, the State shall revise the above schedule for the provision of Employment Services to both ODDS/VR Target Populations to further this purpose.

6. For an individual to be counted as being provided an Employment Service under this Section, that person must have received one or more of the following:

- a. Discovery services through ODDS;
- b. Comprehensive Vocational Assessments through VR;
- c. An approved Individual Plan for Employment with VR;
- d. Job development services through ODDS; or
- e. Supported Employment Services through ODDS.

None of the services listed above shall be counted in a way that creates a duplicate count of individuals that were provided Employment Services. Any additions to the list of Employment Services to be counted in this Section will be subject to review and approval by the Policy Group referred to in Section XIV of this Order.

7. The State cannot guarantee a job to any Oregonian, including jobs in Competitive Integrated Employment or other Integrated Employment Settings to Oregonians with I/DD. Nevertheless, the purpose of the Employment Services provided in this Order is to increase the number of jobs in Competitive Integrated Employment or other Integrated Employment Settings for individuals in the ODDS/VR Target Populations, and to decrease the number of individuals employed in Sheltered Workshops. The Policy Group referred to in Section XIV of



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this Order shall be responsible for recommending outcome metrics aimed at assessing the effectiveness of the Employment Services provided in this Order in achieving this purpose, as well as reviewing the State's performance under those metrics.

V. CAREER DEVELOPMENT PLANNING

1. In Executive Order 13-04, I directed that ODDS shall adopt and implement policies and procedures for developing a CDP. The policies will include a presumption that all individuals in the ODDS/VR Target Population are capable of working in an Integrated Employment Setting. DHS reports that such policies and procedures have been adopted, and they should be updated from time to time as appropriate.

2. The CDP shall prioritize Competitive Integrated Employment, and then other employment in Integrated Employment Settings. The career development process shall focus on the strengths of the individual and shall be conducted with the goal of maximizing the number of hours spent working, consistent with an individual's abilities and choices.

3. By July 1, 2015, all working-age individuals in Sheltered Workshops in the ODDS/VR Target Population shall receive a CDP. The expectation for transition-age individuals in that Target Population is that they should have a CDP no later than the date of their anticipated departure from the Oregon public schools, and in any event no later than one year after their departure. The provision of Employment Services by ODDS will not be delayed or denied due to the lack of a CDP.

VI. TRAINING

1. In Executive Order 13-04, I directed ODDS and VR to establish competencies for the provision of Employment Services, and will adopt and implement competency-based training standards for CDPs, job creation, job development, job coaching, and coordination of those services. DHS reports that such competencies have been adopted. The competencies shall be updated from time to time as appropriate.

2. By July 1, 2016, ODDS and VR will purchase Employment Services for people with I/DD only from agencies or individual providers that are licensed, certified, credentialed or otherwise qualified as required by Oregon Administrative



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Rule. Such requirements for the provision of Employment Services will be competency-based and may include, as applicable, such national credentialing programs as the APSE Certified Employment Support Professional exam or a substantial equivalent.

VII. OUTREACH AND AWARENESS

In Executive Order 13-04, I directed , ODDS and VR to develop an outreach and informational education program for all persons in the ODDS/VR Target Population that explains the benefits of employment, addresses concerns of families and perceived obstacles to participating in Employment Services, and is designed to encourage individuals with I/DD and their families to seek Employment Services. DHS reports that the program has been adopted. The program shall be updated from time to time as appropriate.

VIII. PROVIDER CAPACITY

State agencies will make good faith efforts, within available budgetary resources, to ensure that there are a sufficient number of qualified employment providers to deliver the services and supports necessary for individuals in the ODDS/VR Target Population to receive Employment Services consistent with the terms of this Order.

IX. STATE AGENCY ACTIONS

1. Consistent with its authority and the Oregon Administrative Procedures Act, DHS will update ODDS and VR policies and administrative rules related to employment to be consistent with this Order.
2. In Executive Order 13-04, I directed DHS to designate a statewide Employment Coordinator to oversee and coordinate its employment services program and all activities required by DHS, ODDS, and/or VR under this Order. The Employment Coordinator will coordinate with the ODE employees referenced in Section X.3.b. below. The Employment Coordinator has been named and DHS reports that the Employment Coordinator is actively engaged in the coordination of work by the agencies.
3. In Executive Order 13-04, I directed DHS to support new or existing technical assistance provider(s) or use other available training resources to provide leadership, training and technical assistance to employment providers and to



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provider, county, support services brokerage, and VR staff to support the performance of this Order. DHS reports that supports are being provided.

4. In Executive Order 13-04, I directed that DHS adopt an “Integrated Employment Plan” to further carry out the goals of this Order, after review by the Policy Group described in Section XIV below. This Order and the Plan itself are not admissions that such a Plan is legally required, nor are they admissions on any legal issue that is currently the subject of (a) *Lane v. Kitzhaber*, a class action lawsuit alleging violations of the Americans with Disabilities Act, or (b) a parallel United States Department of Justice (“USDOJ”) investigation of a complaint allegedly made to USDOJ made by persons involved in the *Lane* case. Given those matters and Oregon’s longstanding commitment to integrated services for individuals with disabilities, however, adopting a Plan is a prudent step.

X. EDUCATION PROVISIONS

1. As the Superintendent of Public Instruction, I emphasize that all students with disabilities attending public schools in Oregon should receive a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and that prepares them for further education, training, employment, and independent living. This provision is intended to focus attention on students with I/DD.¹

2. Intent. This Order, including these Education Provisions, is not intended to expand the obligations of the State or its schools under the IDEA.

3. Definitions. For purposes of this Section X, the following definitions apply:

a. “Education Goals” means the following goals:

(1) Families, students, and educators will have the expectation of work in Integrated Employment Settings.

¹ The term “intellectual or developmental disabilities” is defined by this Order, but it is not a term commonly used by educators. In the educational context, persons with these disabilities may fall into one or more of several categories mandated by the IDEA. These categories may include, but are not limited to, Intellectual Disabilities, Autism, Emotional Disturbance, and Other Health Impaired.



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(2) Students transitioning to adult services through VR or ODDS will be prepared to transition to integrated work experiences.

(3) Statewide systems will be coordinated to reach the goal of Competitive Integrated Employment opportunities as an outcome of students' education.

b. "Transition Services" means a coordinated set of activities for students in the Education Target Population that:

(1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student to facilitate the student's movement from school to post school activities, which post-school activities may include postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(2) Is based on the individual student's needs, taking into account the student's preferences and interests; and

(3) Includes:

- (A) Instruction;
- (B) Related services;
- (C) Community experiences;
- (D) The development of employment and other post school adult living objectives; and
- (E) If appropriate, acquisition of daily living skills and functional vocational evaluation; and

(4) May be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

c. "Transition Technical Assistance" will be the substance of the work of the Statewide Transition Technical Assistance Network, described in Section X.3.c. below. Transition Technical Assistance will be



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aimed primarily at students with I/DD in Section II.2.a of the Education Target Population, and will include professional development and technical assistance for teachers, administrators, and other educational service providers that include:

- (1) Transition-related curriculum and instructional approaches which are consistent with the Education Goals.
- (2) Outcome-based transition planning approaches that use precepts of discovery and person-centered planning.
- (3) Implementation of transition-related instructional approaches, such as those that are community-based, and which can include authentic experiences such as internships, mentorships, youth work experiences, job skill related instruction, and job shadowing.
- (4) Facilitation and management of interagency teams and resources to help ensure students and families can utilize resources from ODDS, VR, and local education agencies.
- (5) Encouraging the implementation of Transition Services in the schools that are consistent with the Education Goals.

4. Strategies.

a. ODE will implement, through a contract with Oregon's federally-funded Parent Training and Information Center, or other similar entity, an ongoing program of outreach to students, families, and communities to seek to ensure that all individuals in the education target populations are familiar with the Education Goals.

b. ODE will designate staff specialists whose work will be focused on systems-change efforts in schools and communities to focus on liaisons with partner agencies, data quality and tracking, local capacity development, and working with local education agencies to help ensure that the Education Goals are reflected in the provision of Transition Services. ODE staff will also coordinate the work of a Statewide Transition Technical Assistance Network.



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c. ODE will establish a Statewide Transition Technical Assistance Network to assist high schools in Oregon to provide Transition Services. The Transition Technical Assistance Network shall seek to ensure that the Education Goals of this Order are implemented in assessment, curriculum, and instruction for students of transition age, particularly students with I/DD in Section II.2.a of the Education Target Population.

d. ODE will partner with VR and ODDS to review the post-secondary outcomes of students in the Education Target Population, and assess the effectiveness of these strategies on students with I/DD in Section II.2.a of the Education Target Population.

e. Section X.4.e of Executive Order 13-04 directed ODE to support proposed legislative or rule changes that will prohibit local education agencies from contracting with adult service providers for employment or vocational assessment services in Sheltered Workshops. ODE supported and the State Board of Education adopted a rule that prohibits local educational agencies from including Sheltered Workshops in the continuum of alternative placements and supplementary aids and services provided to students. ODE shall continue to support legislation consistent with the intent of the directive to support proposed legislative changes that will prohibit local education agencies from contracting with adult service providers for employment or Comprehensive Vocational Assessment services in Sheltered Workshops.

XI. INTERAGENCY COLLABORATION

1. In Executive Order 13-04, I directed that the State develop and implement one or more inter-agency agreements or Memorandum of Understanding among ODDS, VR, and ODE designed to assist in accomplishing the implementation of this Order that generally addresses the following issues:

a. Allocation of responsibility, funding commitments, and authority for conducting and ensuring the performance of this Order, including career planning, transition planning, outreach, training, Employment Services, data collection and sharing, and service gaps.

b. Employment outcomes through collaboration among ODDS, VR, and the Policy Group described in Section XIV below.



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c. Coordination of funding to accomplish the goals of this Order.

d. Coordinated outreach efforts to individuals in the ODDS/VR Target Populations by Vocational Rehabilitation counselors, personal agents, and service coordinators. DHS reports that a Memorandum of Understanding was adopted. The MOU shall be updated from time to time as appropriate.

2. ODDS will include specific provisions in its contracts with each Support Services Brokerage and each Community Developmental Disability Program (“CDDP”) to accomplish the full implementation of this Order. DHS reports that this work is underway.

3. ODDS, VR and ODE shall, to the extent possible and where efforts may compliment or overlap, coordinate with other State initiative efforts involving employment, such as “Chartering Partnerships for Job Growth and Talent Development.”²

XII. QUALITY ASSESSMENT AND IMPROVEMENT

In Executive Order 13-04, I directed DHS to develop and implement a quality improvement initiative that is designed to promote Employment Services developed in accordance with this Order and to evaluate the quality of Employment Services provided to persons with I/DD under this Order statewide. DHS reports that a plan has been adopted. The plan shall be updated from time to time as appropriate and implementation shall continue.

XIII. DATA COLLECTION AND REPORTING

1. In Executive Order 13-04, I directed that, twice a year, the Employment Coordinator will monitor the progress of implementation of this Order through data collection, data analysis, and quality improvement activities. These monitoring efforts shall continue.

² State of Oregon, Office of the Governor (2013). Executive Order 13-08: *Chartering Partnerships for Job Growth and Talent Development*, retrieved at http://www.oregon.gov/gov/Documents/executive_orders/eo_13-08.pdf.



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2. In Executive Order 13-04, I directed that, twice a year, ODDS and VR shall collect data and report to the Employment Coordinator and the Policy Group the following data for the ODDS/VR Target Populations:

- a. The number of individuals receiving Employment Services;
- b. The number of individuals working in the following settings: Competitive Integrated Employment, Self-Employment, Sheltered Employment, and Small Group Employment (8 or less);
- c. The number of individuals in Supported Employment;
- d. The number of hours worked per week and hourly wages paid to those individuals;
- e. The outcomes of Employment Services selected by individuals through the Career Development Planning process, including the selection of non-employment services;
- f. Complaints and grievances.

This data collection and reporting shall continue. In addition, ODDS and VR shall collect and report the number of individuals receiving Related Employment Services.

3. In Executive Order 13-04, I directed that, twice a year, ODDS, VR, and ODE will report to the Employment Coordinator and the Policy Group on the progress made on the terms of this Order and the results of the data collected under this Section. These reports shall continue.

4. In Executive Order 13-04, I directed that ODDS, VR, and ODE will begin a program of regularly collecting and analyzing data described above in this Section XIII, and will identify problems or barriers to placement in or retaining jobs in an integrated employment setting, as well as service gaps, and will recommend to DHS, ODE, and the Legislature actions to improve services. ODDS, VR, and ODE will review this information on a semi-annual basis and develop and implement measures to improve services with respect to the problems and barriers identified. This program shall continue.



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XIV. ASSURING SUCCESS

1. The involvement of stakeholders is critical to success. In Executive Order 13-04, I directed formation of a group consisting of representatives of ODE, DHS, legislators, and stakeholders shall be formed to make recommendations to the Director of DHS and the Deputy Superintendent of Public Instruction regarding design and implementation on issues including, but not limited to, education, outreach, development of provider capacity, training, and processes for assessment and Discovery. This group is referred to throughout this Order as the Policy Group. Disability Rights Oregon was also invited to attend and is expressly encouraged to participate in the Policy Group.

2. The Policy Group shall continue its work.

3. The Policy Group shall recommend outcome metrics to the State, review the State's performance under those metrics, and make annual recommendations to the Governor for improving performance. Metrics developed by the Policy Group shall not create enforceable rights.

XV. OTHER LAWS

1. Federal statutes, regulations, and guidance in this area continue to evolve, and State agencies should look to revise their regulations and policies as appropriate.

2. State agencies are not directed by this Order to act in a way that would jeopardize the State's federal funding, such as funding from United States Department of Education, Centers for Medicare & Medicaid Services, and/or Rehabilitation Services Administration, or that would violate federal law or regulations.

3. Performance of this Order is subject to Oregon law, including Article XI, section 7, of the Oregon Constitution. To the extent that this Order is not consistent with Oregon state statutes or administrative rules, the Order should be read as requesting a change in state law, so long as that request is consistent with federal law. This Order does not attempt to override any provision of state law but reflects a desired policy change.

4. Wherever possible, this Order shall be read as consistent with federal law. In the event any provision of this Order is declared by a court to be in



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violation of any Oregon or federal law, that law will prevail and the remaining terms of this Executive Order will remain in full force and effect.

XVI. EFFECTIVE DATE AND EFFECT OF THIS ORDER

1. This Order shall take effect on February 2, 2015.
2. This Order supersedes and replaces Executive Order 13-04.
3. This Order addresses employment services for those who have intellectual or developmental disabilities, as well as services to transition-aged students with disabilities. This Order is intended to promote agency coordination by providing a statement of my executive policy preferences, to assist the agencies in working together towards a common goal of better enabling those with intellectual or development disabilities to locate and maintain competitive integrated employment. This Order states my policy preferences and directions to DHS and ODE. Directives that certain measures “shall,” “should,” or “will” occur are not substitutes for rulemaking, which should occur where necessary to implement this Order and satisfy the requirements of the Oregon Administrative Procedures Act (“APA”).



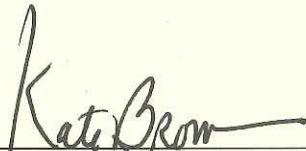
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4. The Order does not create enforceable rights, but is my request to DHS and the State Board of Education to continue to engage in any rulemaking necessary to implement the terms of this Order, consistent with the terms of this Order, the agencies' rulemaking authority, and the APA.

Done at Salem, Oregon, this 2nd day of February, 2015.


John A. Kitzhaber, M.D.
GOVERNOR

ATTEST:


Kate Brown
SECRETARY OF STATE

