

Annual
Report of
the
WSRC



2010

For review by Governor Gregoire and Commissioner Ruttledge

Dear Commissioner Ruttledge and Governor Gregoire,

On behalf of the members and staff of the Washington State Rehabilitation Council, I am pleased to submit this report for 2010 outlining the work of the Council relative to our mandate under the Rehabilitation Act with the Division of Vocational Rehabilitation. At a time when many of our fellow Washingtonians are struggling with fiscal pressures, and when the public at large is assessing what the role of government should be, we are particularly proud of the efforts of our volunteer members to increase the effectiveness and accountability of the Vocational Rehabilitation Service system to both the taxpayers and jobseekers with disabilities.

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It has been a time of transition and uncertainty within our political environment given the unprecedented economic climate. Together our Council members and policy partners at the Division of Vocational Rehabilitation have worked hard to preserve the budgetary and programmatic integrity needed to assist jobseekers in achieving successful rehabilitations. Keeping a singular focus on individuals with disabilities obtaining work has been the hallmark of both the staff of the Division of Vocational Rehabilitation and this Council.

Our members are a diverse and energetic group. At a time when the people DVR serves are facing tremendously difficult reductions in comparable benefits, we are humbled by their pain and motivated to do all we can to help them achieve successes that will support their stability and happiness in their lives. We take our charge seriously and engage in meaningful dialogue with both customers of DVR and the leadership alike – always focused on making the system better so that individuals who want to work can become employed.

This, our shared commitment to the mission and vision of the WSRC and DVR in making sure that customers' hopes and dreams of employment become a reality, truly make a strong alliance.

Sincerely,

Jim Larson
Council Chair

Dear Commissioner Rutledge and Governor Gregoire,

2010 was a very challenging year for many Washingtonians trying to obtain employment, especially those served by DSHS or the Division of Vocational Rehabilitation (DVR). Even so, DVR field staff can be especially proud of supporting 273 additional customers in achieving a successful rehabilitation than they did the year before. I am very proud of our team, of their resourcefulness and commitment to developing solid plans for employment that address barriers and lead people to work.

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During a time of transition, we at DVR have remained focused on the fundamental aspects of the Vocational Rehabilitation process and the potential it has to help motivated customers attain their goals. The Washington State Rehabilitation Council (WSRC) has been a strong policy partner this year; its members have advocated intently for the budgetary and programmatic integrity of DVR. WSRC members have asked us important questions and supported us to achieve our mission.

I look forward to our continued collaboration in the coming year.

Sincerely,

Andres Aguirre
Interim Director,
Washington State Division of Vocational Rehabilitation

The Establishment and Purpose of State Rehabilitation Councils

State Rehabilitation Councils were born out of the tradition of effective advocacy by people with disabilities committed to the success of the publicly funded vocational rehabilitation program. Section 504 of the Rehabilitation Act of 1973 was the first disability civil rights law to be enacted in the United States. The victory was diminished when the Department of Health, Education and Welfare delayed issuing the enacting regulations needed to implement the law.

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By April of 1977, frustration mounted and disability-rights advocates took direct action by leading sit-ins in Washington DC, New York, and San Francisco to pressure Health, Education and Welfare to issue the regulations. While the protests in Washington DC and New York were short lived, advocates in San Francisco persisted. They occupied the offices of Health, Education and Welfare for four weeks. As a consequence Joseph Califano, the Secretary of Health, Education and Welfare, endorsed the regulations. The Rehabilitation Act is the federal law that establishes the publicly funded vocational rehabilitation program as we know it today.

The advocacy did not end in 1977. Since that time disability-rights advocates have continued to work in service of a system that affords customers of the Vocational Rehabilitation program more choices on their journeys toward employment. During the reauthorization process of the Rehabilitation Act in 1993, advocates built on their tradition of effectiveness. They persuaded Congress to create State Rehabilitation Councils (under Title 1 Section 105) as a mechanism to support people with disabilities receiving vocational rehabilitation services to take an active role in shaping those services.

The Washington State Rehabilitation Council

The Washington State Rehabilitation Council (WSRC) was established in 1994 by Executive Order 04-04. The WSRC is a 15-member, Governor-appointed board of volunteers. Our members represent stakeholder groups including individuals with disabilities who are current or former customers of the Division of Vocational Rehabilitation; representatives of business, industry, and labor; a representative of the Client Assistance Program; Division of Vocational Rehabilitation staff; representatives of disability advocacy groups; parent education organizations; and partners from Tribal Vocational Rehabilitation programs. We also have members representing the Workforce Training and Education Coordinating Board, the Office of Superintendent of Public Instruction, and the State Independent Living Council.

The role of the Washington State Rehabilitation Council is to be a policy partner to the Division of Vocational Rehabilitation. We identify systemic issues and trends that need to be addressed to make the system more effective and accountable to those it serves. Our members make

recommendations to improve the quality and availability of services through the Division of Vocational Rehabilitation for eligible people with disabilities seeking employment or career advancement.

The mission and vision that guide our policy partnership are:

MISSION

To support all individuals with disabilities to receive culturally competent vocational rehabilitation services which support their realization of power and pride and exceed their expectations.

VISION

The Washington State Rehabilitation Council honors the unique, collective and diverse voices of individuals with disabilities to support the Division of Vocational Rehabilitation and its customers to achieve employment outcomes by providing guidance, direction and recommendations to increase the quality and availability of vocational rehabilitation services.

We pursue this mission by performing the following functions as defined by Title 1; Section 105 (c) (1-8). Those functions include:

- Garnering feedback from current customers of the Division of Vocational Rehabilitation regarding their satisfaction with services they receive;
- Recommending options to the Division of Vocational Rehabilitation for the purpose of improving service delivery and providing advice and recommendations to the Department of Social and Health Services on matters impacting DVR's budgetary and programmatic integrity;
- Contributing to the development of the Division of Vocational Rehabilitation's State Plan (a document required under federal law by the Rehabilitation Services Administration to identify the goals and priorities guiding service delivery for a three-year period) and tracking its implementation;
- Analyzing program and performance data to assess the Division of Vocational Rehabilitation's performance on federal standards and indicators, and;

- Partnering with the Division of Vocational Rehabilitation to develop and conduct comprehensive needs assessments and surveys of customer satisfaction.

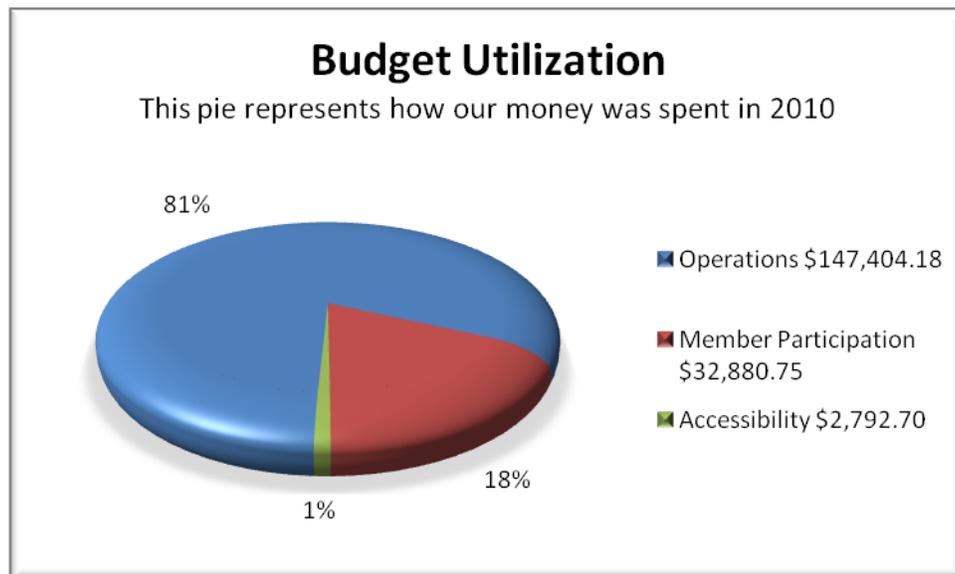
An Overview of the Operations of the Washington State Rehabilitation Council in 2010

Resource Plan

Title I, Section 105 (d) 1 of the Rehabilitation Act requires the State Rehabilitation Council to develop a resource plan annually and to negotiate with the Division of Vocational Rehabilitation to assure receipt of those resources. The law states:

“The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and other personnel, as may be necessary and sufficient to carry out the functions of the Council under this section. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.”

In June of 2009, Jim Larson, the WSRC’s chair, and Joelle Brouner, the Council’s executive director, met with Lynnae Ruttledge, Director of the Division of Vocational Rehabilitation to negotiate our 2010 Resource Plan. The Council secured \$204 thousand for the year.



**The chart reflecting expenditures does not total \$204 thousand because we spent less than we were allocated.*

Staffing

The Washington State Rehabilitation Council (WSRC) has advocated and successfully secured dedicated staffing. We are fortunate to have a full-time executive director, Joelle Brouner, and a half-time executive assistant, JoAnne Lang. Both Council staffers are employed by the Division of Vocational Rehabilitation. Our staff work solely in service of the Council and are accountable to Council members. Because our members make a three-year volunteer commitment (in most cases on top of full-time employment), having staff that help us gather information supports our effectiveness.

Quarterly Meetings

Title 1, Section 105 (f) of the Rehabilitation Act requires our Council to meet at least four times each year and requires us to make our meetings accessible to the public. It states:

“The Council shall convene at least 4 meetings a year in such places as it determines to be necessary to conduct Council business and conduct such forums or hearings as the Council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the general public unless there is a valid reason for an executive session.”

As is true in many states, the economic downturn has created tough decisions for Washington State. It has led to reduced revenue and a succession of cuts to the Washington State General Fund. More than 78 percent of our Council resources are allocated by Congress, to the US Department of Education through the Rehabilitation Services Administration and then to our state: the remainder comes from the State General Fund. Washington State is required to operate under a balanced budget. To achieve reduced spending the State Legislature passed Engrossed Second Substitute House Bill 2617. The new law amends RCW 43.03.220, “Compensation of members of part-time boards and commissions, class 1 groups.” On March 29, 2010, Governor Gregoire signed the bill into law. The law prohibits certain boards and commissions from providing per diem for members on business. It requires such boards to submit requests for exemptions to meet in person and in certain spaces.

We met twice prior to the change in law. After the change in legal requirements, the Council followed the protocol to seek an exemption from the law, which we were granted.

The dates and locations of our 2010 quarterly meetings were:

- January 14-15—Olympia
- April 15-16—SeaTac
- July 15-16—Olympia
- October 14-15—Spokane

Appointment or Reappointment of Council Members in 2010

When our Council is operating with its full complement of volunteers, we have 15 appointed members. During the 2009 recruitment cycle, Governor Gregoire left vacant one position reserved for a representative of current or former customers of DVR. The Council commenced 2010 with 14 members.

Three of those 14 members completed their terms of service or resigned in 2010. Robert L. Roberts of Spokane completed his service to the Council, as a representative of Business and Industry, in November after six years. Sharey Cleveland, our representative of Tribal Vocational Rehabilitation, resigned when she left the Colville Nation's Tribal VR Program to accept a position with their housing program. Lynnae Ruttledge left Washington State DVR, where she had been the director, to embark on a new adventure by invitation of the President. She was confirmed as the Commissioner of the Rehabilitation Services Administration.

Three of the existing 14 members were reappointed to continue serving on the Council this year. Rudy Hernandez and Jerry Johnsen were appointed to be representatives of current professionals working in the field of vocational rehabilitation and of the Client Assistance Program, respectively. Don Brandon was also reappointed. His position on our Council changed from one representing current or former customers of DVR to another representing business and industry.

The Governor appointed two new members to fill vacant positions. Jana Finkbonner, of Bellingham, who works as the director of the North Intertribal Vocational Rehabilitation program, was appointed to serve as our new representative of Tribal Vocational Rehabilitation. Leandro Razo of Grandview, a former customer of DVR, was newly appointed to represent a customer perspective among our ranks. The remaining position for a representative of current or former customers of vocational rehabilitation was left vacant by Governor Gregoire in 2009 remains unfilled.

Member Support

The success of the Council depends on how well we work as a team. Members are most likely to be effective teammates if they feel welcome and empowered to participate. Whether members are new to the WSRC or seasoned veterans of Council service, the importance of ongoing member support cannot be overstated. The staff supports Council members by:

- Prioritizing a strong foundation of accessibility and individual consideration in the quarterly meeting planning process;
- Supporting Council organization by tracking deadlines, gathering and compiling thorough information, distributing quarterly meeting materials two weeks ahead of the meeting;
- Gathering member feedback and using it to improve Council practices, and;
- Arranging reasonable accommodation.

Beyond these actions, cohesion has distinguished the Council over time. We eat together during the meetings, members help one another, and we make a point of recognizing individual and collective accomplishments.

Our goal is to set the standard that other Boards and Commissions in our state look to as an example of how to sustain an accessible Council culture. There is always room to improve.

Our Leadership Team

The WSRC held elections at our January 2010 quarterly meeting. Jim Larson of Olympia was elected to serve a second term as Council chair. Jim represents business and industry on our Council. He is the chief executive officer and president of Morningside. Morningside is a Community Rehabilitation Program that has been supporting people with disabilities living in the South Puget Sound area to become employed for four decades. Among Jim's duties is to lead the Executive Subcommittee, which also includes Jerry Johnsen, the Council vice-chair. Four Subcommittee chairs rounded out the leadership team, including: Jeffrey Abe-Gunter, Don Brandon, Rudy Hernandez, and Martin McCallum.

Council Subcommittee Structure

Although the Council operates as a unified body, most of our work is completed in five subcommittees. The subcommittees are:

- Executive
- Customer Satisfaction and Program Evaluation
- Employer and Rehabilitation Partnerships
- Member Participation and Recruitment
- Planning, Policy and Advocacy

Executive Subcommittee- is responsible for tasks including strategic planning, preparing a resource plan for negotiation and making decisions about Council agendas, budget and staffing. The chair of the Executive Committee assures that each subcommittee chair is making progress on work plan goals.

Customer Satisfaction and Program Evaluation Subcommittee- is responsible for several key Council mandates. It sponsors quarterly customer forums and summarizes feedback from those forums for DVR leadership. Members of this subcommittee review and discuss DVR program and performance data and receive basic information about fair hearings.

Employer and Rehabilitation Partnerships Subcommittee- examines how DVR builds inroads to employers and job opportunities for customers. This subcommittee considers the strategies DVR employs to increase the visibility of the organization and the customers it serves within the community of employers.

Member Participation and Recruitment Subcommittee- conducts surveys of Council members throughout their service to gauge emerging Council needs and to assure that member input is driving the Council work process. This subcommittee also recruits new members.

Planning, Policy and Advocacy Subcommittee- is responsible for drafting the WSRC contribution to the State Plan required by the Rehabilitation Services Administration. Together with DVR, this subcommittee also co-sponsors public forums in communities across the state to receive public input on proposed changes to the State Plan when it is in draft form. In instances when changes to state law are proposed which may impact DVR, or when the Rehabilitation Act is facing reauthorization, the Planning, Policy and Advocacy Subcommittee tracks developments.

Training Provided for Members in 2010

The resource plan we negotiated did not afford us the means to support members or staff to participate in training that required travel or payment for registration fees. Still, being an effective, engaged Council member requires a breadth and depth of subject specific knowledge. We balanced the competing demands by engaging our members (and on one occasion a DVR staffer) to train one another. The training we offered (unless it was available online) was provided during our quarterly meetings. The only additional cost we incurred for providing training was the expense of copying materials.

January 14, 2010

- *New Member Orientation*, led by continuing members and Council staff

April 15, 2010

- *Basic Introduction to Eligibility Determination for DVR services*, provided by Jerry Johnsen and Bob Huven of the Client Assistance Program
- *Requesting Reasonable Accommodation from an Employer* provided by Don Brandon

July 15, 2010

- Review and discussion of *DVR's Approach to Customer Relations and Individual Case Resolution* provided by Pam Whitely, Customer Relations Manager of DVR

October 14, 2010

- Training review and debrief by full Council of *The Basis in the Code of Federal Regulation for Seeking Technical Assistance from RSA*, provided by Executive Subcommittee and Council staff

November 19, 2010

- *Introduction to State Rehabilitation Council Service* online provided by Rehabilitation Services Administration

Understanding the Political and Economic Environment in which the WSRC Operated in 2010

The Economic Environment Facing Washington State

The economic downturn has hit the nation and Washington State hard. According to the Bureau of Economic Research, Bureau of Labor Statistics, between December of 2007 and June 2009 our nation was in recession for 18 months. During that period there was a net job loss of 7,311,000 jobs.

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The job losses have created the worst confluence of circumstance we have seen in eight decades in the State of Washington. Declining revenue has resulted in successive deep cuts to the safety net just as demand for services is increasing. So many cuts have been made that it is difficult to keep track of the total reduction. Further reductions to basic services and essential programs are in store.

Increased Need for, but Declining Availability of Comparable Benefits and Services for DVR Customers

The jobseekers with disabilities that DVR serves are disproportionately impacted by the cuts being made. As this report goes to press, the Governor's budget proposes the elimination of many services that Medicaid recipients have had access to historically, such as dental care; vision exams; podiatry, occupational, physical and speech therapy; and counseling or community-based mental health services. People with disabilities who utilize services provided by support staff for tasks such as bathing and dressing will likely experience a 30 percent reduction in the hours of support available to them. If there is a silver lining to be found, it is that a proposed elimination of prescription coverage for Medicaid recipients who are 18 or older may be avoided.

DVR cannot succeed alone in putting people to work. The essential services that partner programs provide to DVR customers are known as comparable benefits. Maximizing access to comparable benefits plays a critical role in whether or not someone is prepared to work. Leveraging comparable benefits successfully allows DVR customers to have some needs met by other funders. This makes it possible for DVR to serve a greater number of customers with the resources at its disposal.

DVR operated under "order of selection" from November of 2000 through February of 2008. Order of selection is a state of operation required by the Rehabilitation Act in instances when a vocational rehabilitation program has fewer resources to serve its customers than those customers require to achieve a successful rehabilitation. When operating in order of selection, a vocational rehabilitation program is responsible for identifying which of its customers meet a legal definition for experiencing "the most significant disability." Services are prioritized for

those who meet this definition; others who are eligible for services must wait until those with the most significant disabilities are served before resources are made available to them.

Since exiting order of selection, demand for DVR services has increased and caseloads have grown. In 2010 DVR achieved full caseload capacity. Full caseload capacity for our policy partners means that in any given month 13 thousand customers are participating in some aspect of the Vocational Rehabilitation process. DVR leaders do not believe that the organization will need to re-enter Order of Selection as long as: each month DVR continues closing roughly the same number of cases, and serving the same number of customers it does now; and, as long as the actual average cost per case aligns with the projected average cost per case that DVR anticipated.

Transitions in Leadership within DVR

In December of 2009, Lynnae Rutledge was confirmed as the Commissioner of the Rehabilitation Services Administration and vacated her position as the Director of the Washington State Division of Vocational Rehabilitation. Andres Aguirre was appointed as the Interim Director in February 2010, and he continues to serve in that leadership role.

A Summary of the Quarterly Meeting Proceedings of the Washington State Rehabilitation Council in 2010

January 14-15 in Olympia

During the first day of the January quarterly meeting Council members selected subcommittee assignments and finalized annual subcommittee work plans. The Council also hosted the first customer forum of the year. On day two we asked the Interim Director of DVR, Andres Aguirre, to provide insight on three topics: DVR's overall program performance and progress towards meeting performance targets; the status of the state funding needed by DVR to secure the maximum federal match, and; information about the structure and timeframe of the hiring process for the permanent DVR Director position. Council members received an update of quarterly systemic observations about DVR from the Client Assistance Program. We also reviewed the issues they chose to highlight in their annual report. The Council re-elected Jim Larson as Council chair and Jerry Johnsen as vice chair.

We examined some of the budget cuts and service reductions in the Governor's budget to understand potential limits on the availability of comparable benefits for DVR customers. Members also learned about the local approach contractors in Thurston County were taking to implement Project H.I. R. E., an initiative of DVR funded by money awarded to Washington State through the American Recovery and Reinvestment Act. The initiative is discussed in greater detail later in this report.

April 14-15 in SeaTac

Each subcommittee met to advance work goals during the first day of our April quarterly meeting. Members also received training or presentations on three topics:

- Jerry Johnsen, Director of the Client Assistance Program, highlighted what the Rehabilitation Act requires DVR to consider when determining eligibility;
- John Evans, DVR's Employer Relations Manager, shared the outreach strategies DVR employs to connect with employers, and;
- Don Brandon, Director of the Northwest ADA Center, trained members and DVR customers on how to request reasonable accommodation from an employer.

We concluded our first day of work in April by hosting the second customer forum of the year.

During the second day of the meeting, we reviewed actions taken by the State Legislature with potential to impact DVR or the customers it serves. Jeffry Abe-Gunter reported on his

participation in a hiring process for new Vocational Rehabilitation Counselors in the Spokane office. Don Brandon summarized the developments at the most recent meeting of the Washington Business Leadership Network. Vanessa Lewis briefed her fellow members on recent activity at PAVE.

July 15-16 in Olympia

During the first day of the July quarterly meeting, each subcommittee met to continue progress on their respective work plans. Council members were joined by Pam Whiteley, DVR's Customer Relations Manager, to discuss the role of the Customer Relations Manager in supporting DVR customers in instances when they are dissatisfied with services they receive. The Council hosted its third customer forum of the year.

The second day of the meeting included an in-depth discussion of DVR's role in the revised approach to providing General Assistance Benefits to eligible Washingtonians. We also solicited proposals from members on how DVR might allocate the remaining money at its disposal from the American Recovery and Reinvestment Act.

Kathy Richards, the lead Vocational Rehabilitation Counselor in DVR's Olympia office, came to share her perspective on providing services to customers and to tell us a bit more about her personal philosophy related to rehabilitation.

October 14-15 in Spokane

The last quarterly meeting of 2010 featured subcommittee meetings, the development of draft work plan goals for 2011, and a full Council training provided by Council staff and the Executive Committee about the basis for the Council's request for guidance and technical assistance to the Rehabilitation Services Administration. The first day of our work concluded with the final customer forum of the year.

The second day of the quarterly meeting featured an in-depth discussion of caseload capacity, more discussion about the new approach to providing General Assistance Benefits, and a presentation made by Teresa Kutsch, DVR's Area 3 Manager, about the agency's performance in Central and Eastern Washington.

Profiles of the Members Who Served on the Washington State Rehabilitation Council in 2010

Jeffry Abe-Gunter, of Spokane, *representing labor*

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Jeffry has served on the WSRC since spring of 2004. He brings a mix of passion and pragmatism to his service with the Council. His active listening skills, approachable manner, and notable sense of humor make him stand out as a leader who brings people with divergent points of view together. In his professional life, Jeffrey works as a case resource manager for the Division of Developmental Disabilities in Spokane. His familiarity with the issues facing customers negotiating that service system, and his knowledge of collective bargaining, are also assets to the Council. In 2010, Jeffry served as the chair of the Customer Satisfaction and Program Evaluation Subcommittee.

Valerie Arnold, of Elma, *representing the Office of Superintendent of Public Instruction*

Valerie has a long interest and commitment to public education. She worked as a teacher for many years before bringing her talents to the Office of Superintendent of Public Instruction. Valerie is also a quick study. In just a year with our Council she has developed an impressive familiarity with how vocational rehabilitation works. The policy domain of special education is relatively new to Valerie, but she has taken on the responsibility wholeheartedly. Valerie has been an active participant in subcommittee work regarding policy and customer satisfaction.

Andres Aguirre, of Olympia, *representing the DVR Administration*

Andres has been serving as the Interim Director of DVR since February of 2010. He has opened new opportunities for communication with colleagues on the WSRC. He is the first Director of DVR to give time on the agenda of the Senior Leadership Team (the top decision makers within DVR) for the SRC. Andres worked as a vocational rehabilitation counselor, unit supervisor, and program manager in the state office before taking the helm of the organization. In 2004, he served in Iraq as a member of the National Guard.

Don Brandon, of Mountlake Terrace, *representing business and industry*

Don is the director of the Northwest ADA Center. He brings a breadth and depth of knowledge about supporting successful reasonable accommodation for workers with disabilities and their employers. He supports his Council colleagues to consider an employer's perspective on vocational rehabilitation and often brings questions that would otherwise not be considered in Council deliberations. In 2010, Don served as the chair of the Employer and Rehabilitation Partnerships Subcommittee.

Sandra Carr, of Spokane, *representing the State Independent Living Council*

Sandra considers the mission of the Council from a range of perspectives. She understands the vocational rehabilitation service system as a customer and as a professional who provides vocational evaluations. Sandra is passionate about the success of people who are Deaf or hard of hearing and also about assuring that people with psychiatric disabilities and their families receive the information and support they need to succeed. Sandra has served on the Council since spring of 2004, and has served since that time on the Customer Satisfaction and Program Evaluation Subcommittee.

Sharey Cleveland, of Nespelem, *representing Tribal Vocational Rehabilitation*

Sharey led by listening on our Council. She demonstrated a deep commitment to the success of her fellow tribal members seeking employment. A mother of three young children, Sharey always had to travel the furthest distance to attend our meetings. She focused her considerable talents on the Colville Nation's Tribal VR program for three years. When her employment status changed with the tribe and she took a new position addressing housing, she was no longer eligible to represent Tribal VR programs on the WSRC. Sharey's warmth and insight were gifts to our Council that were greatly appreciated.

Jana Finkbonner, of Bellingham, *representing Tribal Vocational Rehabilitation*

Jana works as the director of the North Intertribal Vocational Rehabilitation Program. She was appointed by Governor Gregoire in November and will be attending her first Council meeting in January 2011.

Vickie Foster, of Seattle, *representing current or former customers of vocational rehabilitation*

In her first year as a Council member, Vickie demonstrated a genuine interest in the mission of the Council and DVR with a focus on how both touch peoples' lives. Never the first one to talk, Vickie gives all perspectives a fair hearing before weighing in with a down-to-earth perspective. She always gets at the core of the matter. In 2010, Vickie served on the Member Recruitment and Participation Subcommittee. Outside of her work with the Council, Vickie is an active volunteer on fair housing issues and issues regarding guardianship.

Rudy Hernandez, of Burien, *representing Vocational Rehabilitation Professionals currently working in the field*

Rudy has worked in the field of vocational rehabilitation for more than 15 years. He supervises the DVR office in SeaTac. Prior to focusing on employment for people with disabilities, Rudy worked to as a geriatric social worker specializing in serving Latinos. He is also a Vietnam veteran. In 2010, Rudy chaired the Member Recruitment and Participation Subcommittee. He took a particular interest in welcoming new members and helping his colleagues understand the realities of providing VR services in the field.

Mike Hudson, of Bellingham, *representing business and industry*

Mike works for the Association of Washington Business, which is our state's chamber of commerce. He has a leadership role with the AWB Institute, an arm of the organization that focuses on workforce development policy and partnerships. Mike is an action-oriented person; he cares whether or not the vocational rehabilitation system works, because he wants the people it serves to achieve their potential as they define it. Mike has an extensive background in marketing and working with credit unions. He served in the National Guard for 17 years.

Jerry Johnsen, of Seattle, *representing the Client Assistance Program*

Jerry has worked as the director of the Client Assistance Program for 31 years. His breadth and depth of experience with the vocational rehabilitation system in Washington State is helpful to his colleagues as the Council works to put the issues we learn about in context. In 2010, Jerry served as the Council's Vice Chair and was an active participant on the Executive Subcommittee. He provided training for our members on issues that emerge when DVR is making eligibility determinations. Outside of his Council work and work with the Client Assistance Program, Jerry is an avid cyclist and photographer and has many other civic commitments.

Susan Kautzman, of Grandview, *representing providers of Community Rehabilitation services*

Susan is dedicated to the success of jobseekers with disabilities. She has a longtime commitment to supporting people with developmental disabilities to navigate service systems. Her depth of knowledge about vocational rehabilitation mixed with her practical streak is a powerful tool for the Council because when we are deliberating, she can help us move from the philosophical aim of a recommendation to a useful implementation strategy. Susan served on the Customer Satisfaction and Program Evaluation Subcommittee and the Planning, Policy and Advocacy Subcommittee in 2010.

Jim Larson, of Olympia, *representing business and industry*

Jim Larson was elected to a second term as the WSRC Chair in 2010. He is appreciated and respected by his Council colleagues for assuring that the Council makes progress on its agenda and work goals without shorting discussion. Jim invited the Council to rethink our approach to taking comment at our quarterly customer forums by showing us how effective a town hall style can be. Members and staff alike were in awe of Jim's recipe for being the lead host of the forums. He brought one part Oprah; one part timekeeper; one part peddler of cookies and coffee; three parts compassionate, sensitive listener; and a dash of sly comedian to the role of facilitating a public process with integrity. Outside of Council work Jim is CEO of Morningside, a community rehabilitation program serving four counties in the South Sound area. He is also a Rotarian with many other civic commitments.

Vanessa Lewis, of Tacoma, *representing Washington PAVE, our state's parent education organization*

In her first year of service, Vanessa asked good questions about how DVR does its work. She enjoyed listening to customers who attended the quarterly forums and demonstrated a particular talent for drawing out those who might have otherwise gone unnoticed. As a seasoned systems advocate with expertise in helping families of school-age children with disabilities developing Individual Education Plans, Vanessa is uniquely equipped to help the Council consider the challenges which transition age students face in going to work.

Martin McCallum, of Olympia, *representing the Workforce Training and Education Coordinating Board*

Martin has served on the WSRC since spring of 2004. He served as our Council Chair in 2008. He has always been an active leader chairing a subcommittee. In 2010, Martin chaired the Planning, Policy and Advocacy Subcommittee, an assignment he is well suited to after working as a policy analyst. He has worked in the field of workforce development for more than three decades and is a true civil servant. Martin's great attention to detail and ability to understand how work products will be received by a bureaucracy are useful as we are drafting responses and recommendations.

Leandro Razo, of Grandview, *representing current or former customers of vocational rehabilitation*

Leandro Razo earned a bachelor's degree in social work from Eastern Washington University. He was appointed to serve on the Council in November and will be joining us for his first quarterly meeting in January 2011.

Robert L. Roberts, of Spokane, *representing business and industry*

Robert L. Roberts completed his service on the WSRC in November after volunteering since the spring of 2004. From 2005 through 2007, Robert served as the chair of the Planning Policy and Advocacy Subcommittee. In 2006 he was elected as the Council's vice chair. During his tenure with the WSRC Robert was especially interested in DVR's approach to serving customers transitioning from high school to the world of work. After a career in the military which included serving in the Navy and Army, he was also interested in how DVR might collaborate effectively with the Veterans' Administration Vocational Rehabilitation Program. Through his Council service Robert highlighted the barriers people who become hard of hearing experience. Throughout his service, Robert also encouraged DVR to consider the benefits that apprenticeships may offer to customers with limited work histories or an interest in pursuing a trade.

How Did the Washington State Rehabilitation Council Gather Input about Customer Satisfaction with DVR Services in 2010?

Title 1, Section 105, (h) and (f) of the Rehabilitation Act charge the Washington State Rehabilitation Council with garnering feedback from current customers of the Division of Vocational Rehabilitation regarding their satisfaction with services they receive.

In 2010 our members accomplished that mandate by sponsoring four customer forums. The forums were held in Olympia on January 14 and July 15, in SeaTac on April 15, and in Spokane on October 14. We received a total of 182 comments from customers or other stakeholders who attended the forums in person. Thirty-two people provided written feedback about their experiences with DVR after receiving the invitation to attend the forum. Four people participated in forums by dialing in via telephone. Some provided comment in languages other than English. American Sign Language interpretation was provided at each forum. In addition, interpretation for three spoken languages including Amharic, Spanish and Tigrinian were provided upon request. Some customers required reasonable accommodation beyond the accessibility measures for which we typically plan. In advance of the Spokane forum the Council received a request to provide real-time captioning as reasonable accommodation. The request was met.

The Substance of the Public Input Received in 2010

Although there are as many perspectives regarding satisfaction with DVR services as there are customers being served, there were also certain commonalities in the public comments we received. Some of the repeated comments illuminated:

- *Desire for more frequent and timely communication with counselors;*
- *Need for more information about how the vocational rehabilitation process works and examples of the services DVR provides;*
- *Frustration with the length of time required to complete the vocational rehabilitation process;*
- *Barriers experienced by some customers in securing support for training or higher education or bottlenecks in paying for tuition or supplies;*
- *Frustration particular to coordinating communication between DVR and a provider of community rehabilitation services for those working to achieve supported employment, and;*
- *Less clarity about the VR process for those pursuing self-employment.*

The Customer Forum in Spokane Featured High Turnout by Advocates who Experience Hearing Loss

A core of advocates who are hard of hearing turned out in force to provide input about their experiences with DVR at the Council's October Forum. These impassioned advocates were keen to explain why hearing loss and latent deafness are distinct experiences from being born Deaf. Speakers who were hard of hearing spoke about feelings of isolation and frustration. They shared that it may not be easy or effective to use hearing aids. These advocates expressed a desire to continue using English as opposed to American Sign Language as a primary language. One speaker recommended that DVR make assistive listening devices available at each office. She stressed a need to provide additional training to the staff of DVR about the distinct experience of being hard of hearing.

Reflections from Customers in Their Own Words

Our Council members appreciate the time and energy that those who commented invested in sharing their experiences. We are especially grateful for the comments that focus on how the vocational rehabilitation process might be improved for the next generation of customers. We take seriously the risk and trust it takes for people to discuss the times they have succeeded and especially the times they have not. No matter what is shared with us, connecting with DVR customers is a powerful reminder of why the Council was established. Here are some of the observations customers shared with us in their own words:

A young mother who attended the January 2010 forum in Olympia said, "I won't give up on DVR but I don't want DVR to give up on me."

In April at the forum in SeaTac an older man with psychiatric disabilities highlighted the challenge of developing a common understanding of disabilities across cultures. The man, who was being served by DVR after coming to the United States from Eritrea, shared that the interpreter who joined him at an appointment with his DVR counselor left him with the impression that his counselor believed that the man had a *bad spirit* which made him unable to go to work. The speaker asked, "What can I do to heal a bad spirit?"

At our July forum, a young man who wanted to be a photographer brought his portfolio to share with the group. After the comment period he spoke to one of our members and a staffer. He showed them his body of work and said, "I can't read but nobody here can take a better picture than me."

In October during the Spokane forum one Deaf speaker who attended compared and contrasted her experience with DVR with that of her sister (also Deaf). The sister secured

support from DVR to attend Gallaudet University (the only university in the world to provide all instruction and extracurricular activities in ASL). The speaker's counselor did not support Gallaudet as part of her plan. The counselor urged the speaker to attend Washington State University and use the services of an interpreter. The speaker felt that the two opportunities were categorically different because in an environment where ASL was the primary language, her sister would "learn to be an independent Deaf adult " while the speaker believed that by attending WSU, where English is the primary language, she "would learn how to depend on an interpreter."

Each customer has a different story, but in 2010 we noticed common ground between many who turned out for the forums. Many genuinely wanted to be employed but were struggling to overcome barriers. We also noted that reduced access to other key services only amplified the existing barriers for the majority of those who attended. This was especially evident for those with psychiatric disabilities.

Successes and Appreciations Expressed in 2010

The Council would be remiss if we highlighted only areas where improvement may be needed. Some customers came to share success. One woman who attended the July forum rode the bus in 80 degree heat for two hours each direction just to let us know how much she appreciated her counselor.

The following DVR staff members were among those singled out for praise by those they served: Karen Clack, Laurel Walden, Trish Hines, Christina Martinez, Megan Grudbrecher, Christopher Spenser, Melissa Holton, Adriana Tossani, and Francis Gathenya.

Follow Up After the Customer Forum

DVR staff and the Client Assistance Program follow up upon request with customers who attended the forum in the hopes of securing individual case resolution. The day after the forum, Council members allocate a half hour on the meeting agenda to debrief what we heard. Based on that debrief, we create a summary of our observations, which we send to the Senior Leadership Team of DVR, the area manager, and the managers of DVR offices in the county where the forum was held.

Actions Taken by DVR Due in Part to this Input

- *During his first monthly director's message and with DVR supervisors, Andres Aguirre reiterated the expectation that customers should receive responses to phone messages in one business day, and;*
- *DVR installed video monitors in the common areas of 23 of 39 offices for the purpose of playing a DVD explaining what the agency does. The DVD plays on a loop and is frequently replayed again at orientation.*

What Advice and Recommendations Did the Washington State Rehabilitation Council Make to DVR and DSHS in 2010?

Under Title 1, Section 105, (c) (3), the Rehabilitation Act requires the Washington State Rehabilitation Council to make recommendations to the Division of Vocational Rehabilitation (DVR) for the purpose of improving service delivery. It further stipulates that the Council provide advice and recommendations to the Department of Social and Health Services (DSHS).

Advice and Recommendations Offered to DVR

Recommendations Offered by the WSRC Based on Customer Feedback

After each customer forum, the Customer Satisfaction and Program Evaluation Subcommittee provided a written summary to DVR's Senior Leadership Team, area managers, and to supervisors of DVR offices serving customers who were invited to the forums. These summaries were sent by the WSRC to DVR on January 21, April 20, September 30, and December 17. The WSRC recommended that DVR take the following actions:

1. Reiterate that returning telephone calls and emails from customers is an integral responsibility of caseload management, rather than an additional task;
2. Emphasize the DSHS policy requiring that telephone calls be returned in 24 hours;
3. Recognize staff who model positive communication skills with the customers they serve;
4. Examine, evaluate, and strengthen the approaches taken to customer orientation, and;
5. Develop and implement a "re-orientation to the VR process" targeted to customers who either need to review information repeatedly before it can be understood or retained, or customers who have been served by DVR over the long-term without making satisfactory case movement.

Action Taken by DVR in Response to Recommendations Made by the WSRC Based on Customer Feedback

During his first monthly Director's Message and at a meeting of DVR supervisors, Andres Aguirre reiterated the DSHS policy requiring that telephone calls be returned in 24 hours.

Recommendations Made by the WSRC Regarding the Expenditure by DVR of American Recovery and Investment Act Funds

Project H.I.R.E.

Background

In April 2009 the Division of Vocational Rehabilitation (DVR) was awarded \$8.8 million in federal stimulus funds from the American Recovery and Reinvestment Act (ARRA). Unlike the federal match that DVR receives from the Rehabilitation Services Administration annually, ARRA funds were unsolicited and awarded one time only. The intent of ARRA money was to jumpstart spending, and to save or create jobs, transparently and quickly. ARRA funds must be spent by December 31, 2011.

DVR's Senior Leadership Team spent \$4 million in ARRA funds on a project intended to be three phases targeting a subset of jobseekers with disabilities that were less represented in its customer base. During each phase, contract partners were expected to support more than 300 customers to achieve rehabilitations. From 2000 to 2008 when DVR operated under order of selection, the disability characteristics of its customers became less varied than before. Services were frequently delayed and unavailable for eligible customers who possessed fewer functional limitations. Some of these "less significantly disabled" jobseekers came to DVR with strong employment histories and higher levels of educational attainment than customers with the "most significant disabilities" who were able to be served without delay. Unfortunately, when the wait for services persisted, fewer of these "less significantly disabled" jobseekers identified DVR as a resource to utilize on their journey to employment. The DVR Senior Leadership Team wanted to use a portion of these one-time funds to serve these jobseekers.

DVR's initiative, called Project *H.I.R.E.* (Hiring Individuals Ready for Employment), targeted eligible, employment-ready job seekers with disabilities who did not need the full palate of DVR services for accelerated job placement. DVR envisioned that customers participating in Project *H.I.R.E.* would secure placements working in high demand fields such as healthcare, information technology, manufacturing, aerospace, energy or other sectors offering green jobs. DVR expected customers served through Project *H.I.R.E.* to work 35 hours a week or more, to receive healthcare and other benefits, and to earn a living wage (the definition of a living wage differs depending on the county which a customer lives in).

How did DVR expect to achieve these outcomes in a short timeframe? It established contracts across the state with partners at Community and Technical Colleges, community-based organizations, Workforce Development Councils, and WorkSource partners. Contract partners

worked in teams which included DVR staff in each contract area to secure job placements. DVR anticipated a rehabilitation rate of 73.3% for Project H.I.R.E.

The Outcomes Achieved by Project H.I.R.E.

In the first phase of the project, DVR expected the achievement of 354 successful rehabilitations. One hundred forty-six customers became employed in phase one, 94 of those who became employed achieved a successful rehabilitation. Achieving a successful rehabilitation means that a DVR customer secures and retains employment for a 90-day period. In the second phase of the project, DVR expected the achievement of 354 more successful rehabilitations. One hundred fifty-six customers became employed during phase two and 100 of those customers achieved a successful rehabilitation. The length of the second phase of the project was extended by two months.

Advice Offered by the WSRC to DVR Regarding Project H.I.R.E.

WSRC members supported the intent of increasing the number of DVR customers to be employed full time at a living wage. Still, we had some concerns about the process by which that goal would be achieved. We understand that Vocational Rehabilitation Services are necessarily tailored to the needs of those DVR serves; in order to be eligible for DVR services, a person must experience a disability and the disability has to create a barrier to employment. We were unclear how the project proposed to address barriers to employment. If a customer comes to DVR job-ready, is rehabilitation required? These questions were the focus of fierce debate among our Council members and in conversation with our policy partners at DVR.

Recommendations Offered by the WSRC to DVR Regarding Project H.I.R.E.

- The WSRC recommended that DVR use an independent evaluator to assess the results of Project H.I.R.E.
- On August 13, the Council recommended that DVR discontinue funding any further phases of Project H.I.R.E.

Actions taken by DVR Based on Recommendations Offered by the WSRC to DVR Regarding Project H.I.R.E.

- DVR spearheaded a thorough evaluation of Project H.I.R.E. and invited the WSRC to participate in the evaluation process.
- DVR discontinued Project H.I.R.E. after phase two.

Recommendations Offered by the WSRC to DVR Regarding the Expenditure of Remaining ARRA Funds

DVR had more than \$4 million of ARRA money to allocate beyond what it spent for Project H.I.R.E. On August 13, the WSRC formally recommended that DVR:

- Use funds to hire staff temporarily to fill direct service vacancies;
- Use funds to strategically increase the capacity of Community Rehabilitation Programs to serve targeted populations, and;
- Use funds to mitigate barriers for Deaf and hard of hearing customers within the DVR process.

In addition to these full Council recommendations, on September 9, the Employer and Rehabilitations Partnership Subcommittee inquired whether:

- DVR had considered making strategic investments with ARRA funds to augment its approach to employer relations.

Advice and Recommendations Offered to DSHS

Input Given by the WSRC to DSHS Regarding the Implementation of Changes to the Provision of General Assistance Benefits

Until recently, Washington was one of two states that provided a cash benefit to eligible recipients of the General Assistance Program, which was funded solely by general state funds. Governor Gregoire requested the elimination of that benefit in her proposed budget to the Legislature in January 2010. Rather than accept that request, the Legislature crafted an alternative approach for recipients of General Assistance. They developed a new program called the "Disability Lifeline." The Disability Lifeline provides incentives to become employed. On March 29, 2010, Governor Gregoire signed E2SHB 2782, establishing the Disability Lifeline benefit into law. It was expected to be in effect from January 1, 2011 through June 30, 2013, when it would end.

The new state law made housing vouchers, substance abuse treatment, food subsidies and other essential resources available to eligible Washington State residents for a period not to exceed 24 months in a 60-month period. To receive these essential benefits, recipients must comply with program requirements which include seeking employment. According to the Final Bill Report for E2SHB 2782, "The Economic Services Administration (ESA) must work jointly with

the Division of Vocational Rehabilitation (DVR) to develop an assessment tool to determine whether the programs offered by the DVR could assist persons receiving Disability Lifeline benefits in returning to the work force. The assessment tool must be completed no later than December 1, 2010. The ESA must begin using the tool no later than January 1, 2011. By December 10, 2011, the Department must report on the use of the tool and the success of DVR programs in returning persons to the work force.”

The Council supported the legislative intent of increasing participation in the workforce by workers with disabilities. We encouraged DSHS to take a narrow approach to implementing the new state law to assure alignment with the Rehabilitation Act by:

1. Maintaining the information of applicants or recipients of vocational rehabilitation services confidentially (34 CFR 361.38 [e]);
2. Preserving DVR’s authority to decide how to expend vocational rehabilitation funds (34 CFR 361.13 (c) (1) [iv]);
3. Enabling DVR to handle referrals for vocational rehabilitation services promptly (34 CFR 361.41[a]);
4. Receiving applications for vocational rehabilitation services from those utilizing the Disability Lifeline benefit who intend to achieve an employment outcome, and (34 CFR 361.42 (4) [ii]), and;
5. Assuring that those referred by ESA to DVR for services are exercising informed choice when applying for or receiving vocational rehabilitation services (34 CFR 361. 352 [a]).

The Washington State Rehabilitation Council’s advice to DSHS regarding the implementation of E2SHB 2782 emphasized that if the assessment tool developed by ESA and DVR does not yield appropriate referrals, then costs and caseload sizes may exceed the staffing and budgetary resources available to DVR. Should this occur, DVR would be required to re-enter order of selection. Operating under order of selection would limit DVR’s ability to achieve the legislative intent of E2SHB 2782.

We also suggested that DSHS may avoid the costs associated with inappropriate referrals by:

1. Supporting staff of DVR and ESA to continue meeting regularly following the development of the assessment tool to discuss whether the tool is yielding appropriate referrals, and;

2. Working with DVR to develop measureable indicators to quantify the impact of the use of the assessment tool between the time when the law is implemented and when DSHS reports to the Legislature.

As this report goes to press, despite all of the preparation for implementation, the likelihood that the Disability Lifeline program, as it was originally conceived, will be implemented is in doubt. Because of the economic climate, legislators may revisit who is eligible for the revised benefit. The benefit itself may also change.

Input Given by the WSRC to DSHS Regarding the Implementation of Engrossed Second Substitute House Bill 2921

In March 2010, Engrossed Substitute House Bill 2921 became law. The purpose of the law was to make supplemental operating appropriations to the General State Fund resulting in \$54.8 million in cost savings. The law prohibits out-of-state travel by state employees unless the purpose of the travel meets narrow criteria. It also establishes a hiring freeze for all non-essential positions with the State of Washington. Further, the law prohibits state agencies from establishing new personal services contracts or purchasing equipment which costs five thousand or more.

During the July quarterly meeting of the WSRC we learned that there had been an instance when DSHS requested to review and approve or decline the authorization to purchase equipment for a DVR customer. We were concerned by the decision to apply the new state law to the purchase of equipment for customers.

On August 27, 2010 the Council Chair wrote to DSHS, expressing the Council's concern and highlighting 34 CFR 361.13 which defines the role of DSHS and DVR. We invited DSHS to consider 34 CFR 13 (i) and (v) which provides DVR with the sole authority regarding:

“All decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available services, and the provision of these services... [and over] the allocation and expenditure of vocational rehabilitation funds.”

We urged DSHS to seek guidance and technical assistance from the Rehabilitation Services Administration if questions remained regarding authorizing purchases of customer equipment.

Input given by the WSRC to DSHS Regarding DVR participation in the DSHS Client Registry

DSHS is the largest Department in Washington State Government. It provides a wide range of services that the most socially and economically disadvantaged Washingtonians utilize to keep their families intact and in good health. Many of those seeking services from DSHS are being served by more than one of its component programs. As part of the emphasis on having all the component programs operating with one mission and one vision, DSHS is encouraging its programs to participate in the Client Registry. On August 19, 2010, DVR received a request to participate in the Client Registry. The Client Registry allows component programs to share information with one another regarding the customers they serve.

The purpose of the Client Registry is to support case managers to integrate their work to achieve agency goals. The Client Registry may also increase convenience for DSHS customers by limiting the likelihood that the customer would need to furnish the same information to different programs. It could potentially leverage the knowledge of multiple case managers in service of the customer while reducing the time a customer waits for documentation to be shared between programs.

While the Client Registry may offer a range of benefits to DSHS and its customers, it also raised concerns for our Council members about the confidentiality of customer information. According to 34 CFR 361.38, the information of DVR customers can be used only for the purposes directly connected with the administration of the vocational rehabilitation program unless express written consent is provided by the customer. We shared the basis of our concern with DSHS along with a February 2004 memo from an Assistant Attorney General which was sent on behalf of DVR to DSHS when a similar request to share customer information was made.

Action Taken by DSHS in Response to Input Offered by the WSRC

Between March and September of 2010, DSHS did not respond to the input provided by the WSRC. On September 17, 2010, together with the Washington State Client Assistance Program, the Executive Subcommittee of the WSRC requested guidance and technical assistance from the Rehabilitation Services Administration regarding:

- DVR's participation in the Disability Lifeline Program;
- The extent of DVR's authority over its budget, and;
- Meeting the requirements for customer confidentiality.

On September 20, 2010, Tracy Guerin, the chief of staff for DSHS, opened a new line of communication with our Council. She invited our council chair, executive director and the DVR director to meet with her every six weeks to discuss emerging issues and developments. Since the invitation was extended we have met twice; on October 6, and December 16. Our members appreciate the opportunity for increased dialogue with DSHS leadership. On October 4, DSHS let us know that they will no longer seek to review, approve or decline authorization for the purchase of equipment for customers that costs more than \$5,000.

The Response of the Rehabilitation Services Administration to the Request for Technical Assistance from the WSRC

On December 1, the WSRC received a response from RSA to our request for technical assistance. The response states:

“REFERRALS

RSA acknowledges the concerns expressed by the SRC with respect to the potential impact a large number of referrals from the Disability Lifeline program to DVR may have on the agency's resources, as well as its ability to process referrals in a timely manner in accordance with regulations found at 34 CFR 361.41(a). RSA also recognizes that some referral sources historically yield a lower percentage of successful eligibility determinations, which may adversely impact the agency's ability to manage case flow. . .

To address them, DVR has worked closely with DSHS to ensure that the Assessment Tool contains questions that will better enable its users to make appropriate referrals for VR services. Routine monitoring of the RSA-113 Quarterly Caseload Reports will assist DVR to track the movement of individuals through the VR process, and will indicate when there are spikes in referrals that lead to individuals exiting the VR program in application status. Based on this data and other information, DVR can determine if it is necessary to provide further training to its referral sources and to revise the referral guide, in the event that the agency experiences significant increases in referrals that are determined ineligible.

CONFIDENTIALITY

Under the VR regulations, both DSHS and DVR, as the DSA and designated state unit (DSU), respectively, for the VR program, must adopt and implement written policies and procedures to safeguard the confidentiality of all personal information regarding VR consumers (34 CFR 361.38(a)(1)). Both agencies have access to certain personal information about VR consumers, and must only use the information in their possession for purposes directly related to the administration of the VR program (34 CFR 361.38(b)). Thus, DVR or DSHS may release information to other agencies, including those housed

within DSHS, if needed, only if it is for its own VR program use. For example, DVR could release personal information about a consumer to another agency if DVR were referring that individual to that agency for the provision of VR services. Similarly, DSHS could release personal information about a consumer to the State's auditor, if needed, for the conduct of an audit of the VR program.

The exception to this requirement is if an affected individual consents in writing to the release of that personal information. In that case, DVR may release personal records about that VR consumer to another state agency, including an agency housed within the DSHS, for use by that agency if the agency demonstrates that the information is necessary for the conduct of the agency's programs (34 CFR 361.38(e)(1)). The policies governing the use by DVR of personal information must include information on those situations when the DSU would or would not require the informed written consent of the individual (34 CFR 361.38(a)(1)(iii)(D)). Please note that Washington's own privacy laws and regulations may impose stricter requirements than imposed by the VR regulations with regard to the policies and procedures that DSHS and DVR must establish in accordance with the regulations found at (34 CFR 361.38(a)(1)(v)).

The sharing of VR client information with the DSA without the written consent of the individual clients in accordance with DSHS's administrative policy 5.01, as described in the memorandum of February 27, 2004, appears to violate the requirements of 34 CFR 361.38, as the policy is a blanket requirement that DVR share "confidential" personal information with the entire DSA for the purpose of maximizing efficiencies across the DSA, and is not explicitly concerned with the implementation of the VR program. Nonetheless, [RSA has been assured] that DVR does not submit personal information regarding individuals applying for and receiving services from DVR to the DSHS Client Registry without their written consent. [DVR has assured RSA] that otherwise any such personal information can be used by DSHS (sic) only for the purpose of data verification and in connection with authorized audits of the VR program.

AUTHORIZATION OF SERVICES IN EXCESS OF \$5,000

The allocation and expenditure of vocational rehabilitation funds is a non-delegable function of the DSU in accordance with the regulations found at 34 CFR 361.13(c)(IV) and 361.13(c)(2). In the case of Washington, DVR is the DSU, and as such must retain control over its ability to authorize and expend funds for the purposes of assisting individuals to achieve an employment outcome under an individualized plan for employment (IPE) as described in the Rehabilitation Act of 1973, as amended. Again, Mr. Aguirre informed me that based on these regulatory provisions DVR sought and was granted an exemption from the DSHS requirement that it approve purchases of equipment in the amount of \$5,000.00 or more."

How did the Washington State Rehabilitation Council Contribute to the Development of DVR's State Plan Update in 2010?

Title 1, Section 105 (c)(3) requires the WSRC to contribute to the development of the Division of Vocational Rehabilitation's State Plan (a document required under federal law by the Rehabilitation Services Administration to identify the goals and priorities guiding service delivery for a three year period) and tracking its implementation. Because DVR developed a full new state plan in 2009, RSA required it to undertake a State Plan Update only. This is a less involved process than developing a new State Plan.

The Council contributed to the State Plan Update by writing Section 4.2c of the plan, which addresses our recommendations to DVR, and how they acted upon those recommendations. Within Section 4.2c, we were addressing recommendations made by the Council from October 1, 2008 through September 30, 2009. Because that timeframe falls outside of 2010, we will not recap it here.

The Council also contributed to the development of the State Plan Update by co-sponsoring with DVR three public forums to gather input from stakeholders about the goals and priorities that should be included in the updated plan. The State Plan Forums were held on May 7 in Lacey, May 14 in Spokane and, May 21 in Lynnwood. Each forum was attended by Council members. Council staff co-facilitated two of the three State Plan Forums.

During the State Plan Forums, DVR and the WSRC listened to input from a variety of stakeholders, including the Division of Behavioral Health and Recovery, the Traumatic Brain Injury Board, the Office of the Superintendent of Public Instruction, Workforce Development Partners, mental health advocates, and various community rehabilitation partners. The forums allowed us to hear a variety of suggestions on the goals and priorities Division of Vocational Rehabilitation could adopt to improve services. Feedback included:

- Continue to work with the Wellness Recovery and Action Plan (WRAP,) that was piloted in the Kent office, and expand it to other offices around the state;
- Create cooperative agreements with Regional Support Networks throughout the state.
- Increase the number of licensed mental health agencies with contracts with DVR;
- Encourage licensed mental health agencies and Regional Support Networks to become employment networks under the Ticket To Work program;
- Address inconsistency in interpretation of policies from office to office;
- Address "slow service delivery";

- Increase collaboration between DVR and OSPI to reach out to students earlier in their school careers, including students with 504 plans, and expanding outreach to parents and students;
- Create more opportunities for students who are less academically inclined, such as gaining school credits on a jobsite;
- Work more collaboratively with WorkSource by educating WorkSource partners on accommodating people with disabilities;
- Explore ways to decrease caseload sizes;
- Increase DVR's marketing strategies and include advertisements on social networking sites such as Facebook and YouTube;
- Find ways of better accommodating people with psychiatric disabilities;
- Create better up-front vocational assessments and career exploration;
- Cross train DVR staff with mental health systems, train dedicated staff to be mental health liaisons;
- Encourage community rehabilitation programs to take advantage of the Center for Continuing Education in Rehabilitation training grant;
- Increase the frequency of community rehabilitation program brown bag lunches with DVR staff;
- Provide more training for DVR staff on a broader range of disabilities;
- Assist customers with the social adjustment to a newly acquired disability;
- Learn how to accommodate people with learning disabilities more effectively, as this population may have difficulty processing information starting at the DVR program orientation;
- Increase the number of benefits planners within DVR;
- Utilize apprenticeship programs, and;
- Develop cross training opportunities between the Division of Developmental Disabilities and DVR to help local partners provide services to mutual customers.

How did the Washington State Rehabilitation Council Use Data to Assess DVR's Program Performance in 2010?

According to the Rehabilitation Act, in Title 1, Section 105, (c)(1)(A) (B) and (C), the Washington State Rehabilitation Council is mandated to analyze program and performance data to assess the Division of Vocational Rehabilitation's performance on federal standards and indicators.

Our members endeavor to establish a picture of DVR's performance. Various reports provide parts of the picture, however, the pieces that are most important and difficult to assess are the qualitative pieces. Counseling and guidance are the core services DVR offers. The success of those core services depends on rapport between individuals which is difficult to measure.

The Council staff prepares a comprehensive meeting mailing in advance of each quarterly meeting. That mailing includes extensive performance information including:

- Director's Monthly [data] Report (applications, eligibility determinations, cases eligible for plan over 120 days, Individual Plans for Employment written, cases closed rehabilitated, rehabilitation rate, information specific to those receiving Social Security benefits at application, and wages);
- New Individual Plans for Employment (IPE) developed;
- Average cost per IPE;
- Rehabilitations per month;
- Open plans;
- Division-wide dashboards which establish a graphic representation of current performance per unit, and;
- Governor's Management and Accountability Program data.

Beyond a range of performance data DVR generates, the Council also tracks DVR's performance on a set of standards and indicators adopted by the Rehabilitation Services Administration in 2000.

See the table on the next page.

**DIVISION OF VOCATIONAL REHABILITATION
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Standards and Indicators for Federal FY starting 10/01/2009 through 09/30/2010**

<u>Evaluation Standard 1</u>	<u>Target</u>	<u>Actual</u>	<u>Pass/Fail</u>
<p><i>Indicator 1.1:</i> The number of individuals achieving employment outcomes during the current performance period compared to the previous performance period.</p>	2,403	2,676	Pass
<p><i>Indicator 1.2:</i> The percentage of individuals receiving services under an individualized plan for employment who achieve employment outcomes.</p>	55.80%	51.41%	Fail
<p><i>Indicator 1.3:</i> Competitive employment outcomes as a percentage of all employment outcomes.</p>	72.60%	98.43%	Pass
<p><i>Indicator 1.4:</i> Competitive employment outcomes for individuals with Significant Disabilities as a percentage of all individuals with employment outcomes.</p>	62.40%	97.11%	Pass
<p><i>Indicator 1.5:</i> The ratio of the Average VR Hourly Wage to the Average State Hourly Wage.</p>	0.52	0.54	Pass
<p><i>Indicator 1.6:</i> The percent of individuals achieving Competitive Employment Outcomes who report their own income as Primary Source of Support at Closure as compared to at Application.</p>	53.0	61.9	Pass
<p><i>Indicator 2.1:</i> Access to services for Minorities as measured by the ratio of the Minority Service Rate to the Non-Minority Service Rate.</p>	0.80	0.90	Pass

How Did the Washington State Rehabilitation Council Assess Customer Need and Satisfaction in 2010?

Title 1, Section 105, (c) (3) and (4) requires the Washington State Rehabilitation Council to partner with the Division of Vocational Rehabilitation to develop and conduct comprehensive needs assessments and surveys of customer satisfaction.

The Division of Vocational Rehabilitation and the Washington State Rehabilitation Council did not undertake a Comprehensive Needs Assessment in 2010 because one was completed in 2009.

DVR has surveyed customers on an ongoing basis to assess satisfaction with services. Each month it sends out a survey to a sample of customers who recently had cases closed. In 2010, vacancies in key positions in DVR's Performance Support Unit decreased organizational capacity to analyze the survey data. The Council is pleased to know that DVR has secured an exception to the hiring freeze to bring on a new staffer with greater responsibility for resolving customer concerns and increasing satisfaction with services provided.

The Washington State Rehabilitation Council has prioritized assessing customer satisfaction by sponsoring the quarterly forums which were highlighted previously within this report. Also, in our resource plan negotiation with DVR, we secured an agreement that DVR would pay for the cost of the WSRC conducting a Customer Satisfaction Survey in 2011.

Final Thoughts

2010 has been among the most challenging years that the people of Washington State have known in some time. Anais Nin once said, "The world shrinks and expands according to one's courage." Our members are dedicated to contributing to a time when possibilities expand for people with disabilities and to a time when people with disabilities are in the forefront of contributing to the positive changes that will benefit everyone. One way we demonstrate that commitment is by supporting the Division of Vocational Rehabilitation to be more effective and accountable to those it serves.

