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Celebrating Olmstead: It's Time for 14(c) Phase-Out: Lessons Learned from Advancing  
Legislation & Leaving the Shop

Webinar

June 8, 2021

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National Community of Practice: Celebrating Olmstead: It's Time for 14(c) Phase-Out: Lessons Learned from Advancing Legislation & Leaving the Shop

June 8, 2021

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>> DONALD: Hello everyone. Welcome to AOD Disability Employment TA Center Webinar: Celebrating Olmstead: It's Time for 14(c) Phase-Out: Lessons Learned from Advancing Legislation & Leaving the Shop

It is now 3:00 PM Eastern so let's begin. My name is Donald Taylor and I'm the Technical Producer for today's event. Before we begin I want to call your attention to a couple of accessibility features in today's webinar. All of these features are available from the Zoom menu, at the bottom of the Zoom window and that Zoom menu only becomes visible when you roll your mouse cursor over the Zoom bar. If you roll your cursor over, a dynamic window will open up and there will be a couple of buttons at the bottom. First of all, we have a couple of requests for our speakers and we will be having an American Sign Language interpreter spotlighted for our attendees. They are spotlighted so they should stay on the screen a matter what but to make sure they stay at the top we don't want to have too many presenters, presenting at once so if you're not actively presenting we request that you turn your video off and also that you mute your microphone, so we don't catch a stray dogs, lawnmowers, interrupting children etc.

Since we also have captioning, ASL, and Spanish interpretation going on, we ask you to slow down in your speaking a little bit to help these people keep up with this complicated work. Since we have visually and hearing impaired attendees we ask that when you begin your part, you identify yourself and make a brief description of yourself which I will do now.

I am Donald Taylor. I am a white man with dark hair, wearing a dark floral print with a collar. My main computer crashed, so I'm on my old clunker, which means I'm using a 10 year out of date video camera which means my picture's low-quality. You can barely make out an overexposed large plant in the background.

Again, we have the American sign language interpreter as a "pinned video" so you should always see them as one of the participants on the screen, if you do not see them switch from speaker review to gallery view, you can do that by again rolling your mouse over the Zoom window and in the upper right-hand corner is a very small button labeled VIEW. If you click on that and choose the gallery view; you should see a whole strip of presenters.

Captioning is available for today's session. It is available in Zoom from a button labeled closed captioning slightly to the center right of the bottom of the Zoom window.

Spanish interpretation is available as an alternative audio stream. When you choose Spanish to English audio-- the English audio will be reduced in volume and the Spanish audio will play over it. To access the Spanish interpretation again roll your mouse cursor over the Zoom menu and you will see a little globe labeled interpretation and click the button and choose Spanish if you would like to completely mute the English audio there's an option to do that on the interpretation menu as well. And now Amy will say the same thing in Spanish.

(Speaking Spanish)

>> SPANISH INTERPRETER: Turning it back over to Donald.

>> DONALD: You can control your individual volume in the Zoom-- by using the Zoom menu by using the microphone all the way to the left, the icon looks like an old tabletop style microphone, if you click it; it will toggle the microphone on and off if you click the little tiny carat on the button, it will give you a menu in which you can control your individual volume using the slider. If you need any assistance or have an issue during today's webinar, you can request it using the chat box. I will be monitoring the chat and if you put anything there I'll do whatever I can to help you throughout today's session. We will have the Q&A at the end of today's webinar, if you- while there is a chat box, chat box moves very quickly and it can be- questions can get lost as a scroll by, so we request that you use the Q&A button and it is available in the Zoom menu and in the center is a button, Q&A and it has two speech balloons, and if you pose your question there we will address it at the appointed time.

Finally the session is being recorded, and once this is over we will make the recording and a transcript available on the AOD website, and now I'm going to turn it over to Serena Lowe who's going to introduce our main event today.

>> AMY: It's actually Amy Gonzales, Project Manager of the Disability Employment Technical Assistance Center and I'll be going over our agenda. Next slide please.

Thank you very much. And what we wanted to do is give participants a really good understanding about Olmstead and the civil rights for people with disabilities and we really want to ensure that we're providing a wonderful overview about how to leverage Olmstead to focus on placing the people we support in competitive, integrated employment. We're also going to hear from the Washington State team, how they worked together to leverage the legislative process to work with some of the state collaborators to ensure that sheltered work in 14(c) was completely phased out in Washington State and then we're going to transition over to a remarkable panel of some self

advocates that we have from Washington state, from Rhode Island, and from Maryland and we're going to take some time to hear from them. And as we transition over to that panel, I just ask you to open your minds and open your hearts, as we participate in a planning call last week, some of these memories from formally being in a sheltered workshop, were tough on some of these panelists, and we're just very thankful and happy that they are here with us today to share and to let us know about their experiences and how pivotal they are to shaping their lives and especially as it pertains to employment and social economic status for people with disabilities, and after we'll hear from the panel that's going to be moderated by Serena Lowe, we're going to dive in and to questions and an interactive discussion, and I also realize that I failed to introduce myself and I am Amy Gonzales I apologize for that I am the Project Manager, and I'm a middle age Latinx woman wearing a pink button-down shirt and shoulder length hair, and I would like to say we are thrilled and just delighted to have you with us today.

So with that, we are going to move to the next slide please. And I have the pleasure and the honor of introducing one of our first speakers who is Steven Schwartz, J.D., he is the legal Director and former executive Director of the Center for public representation in Northampton Massachusetts. Stephen has practiced disability and civil rights law since 1972, and he has extensive experience in litigating class action cases related to the reform and development of community service systems for persons with disabilities as well as civil rights damage cases for institutionalized persons. Stephen is currently litigating nine community integration cases across the country and really serves as a mentor in providing negotiation support and technical assistance to attorneys throughout the United States that are focusing on disability rights issues and it is just a true pleasure and an honor to turn it over to Stephen, take it away.

>> STEPHEN: Thank you Amy my name is Steven Schwartz, J.D. As Amy mentioned I work for the center of public representation. I am an overweight male I have white hair, a white mustache and I'm wearing a plaid, dark plaid shirt. Next slide. So I'm going to talk a little bit about two topics. First I want to give a little overview of what the ADA and Olmstead means for people in workshops and about segregated employment that is funded by state agencies. And second, I want to talk about the outcomes of two of the leading cases that have brought challenging sheltered workshops in Oregon and Rhode Island. Next slide. So to start with, before 2011 when our firm filed the first case in Oregon, there never was a court that had applied the ADA to the area of employment.

So the case Lane vs Brown in Oregon and the judge first decided that the ADA has unequivocally applied to employment services just like it does with building services and second that sheltered workshops are undeniably segregated settings under the ADA because people who are in sheltered workshops are isolated and removed from the community and have little contact with nondisabled peers except for the people who are paid to work with them. Third, the judge said that Olmstead habits the unnecessary segregation of people with disabilities in workshops. And by unnecessary segregation that would mean anyone who doesn't want to be there, who isn't refusing to leave is unnecessarily segregated in a workshop. And finally Olmstead requires that the states modify their employment service systems so that they expand the opportunity to receive employment services in the most integrated setting. Next slide.

There were some hesitations and some caveats to the judges' decisions, and again this is the only published court decision in the country so far to deal with the issue of sheltered workshops. But the judge noted that first because of an obscure footnote in the Olmstead opinion, it does not require- Olmstead does not require states to modify employment services or to address segregated employment services if they are not the ones funding it. So if there are sheltered workshops or subminimum wage programs that are exclusively funded by the federal government or are privately funded they would not be covered by Olmstead.

Second, the court said that because the state doesn't usually provide the jobs, it provides services that Olmstead does not require the state actually get a job, but does require, however, that people receive sufficient supported employment services that would allow them to obtain a job and to work in competitive integrated employment. So this distinction may be subtle to some folks: you don't have to ensure they get a job, you have to make sure you get the service system support that would allow them to get a job. Next slide.

Olmstead also has always included an exception. It has said that states are not required to provide integrated services if one of two conditions are met. The first condition is that if the integrated services are way more expensive than segregated services, states are not required to spend a lot more money just to transfer from segregated to integrated, and the second exception is that they are not required to provide an entirely new service. Something they never did before. Those two exceptions which are called the Fundamental Alteration Exception in Olmstead. Doesn't have much applicability to either the case in Oregon or Rhode Island, or employment services anyway.

First because sheltered workshops tend to be more expensive than integrated employment services and especially once people get jobs and become more independent and become full participants in the community, the integrated options are substantially less expensive, and second, as long as the state is providing any kind of employment services, like sheltered workshops or supported employment, it wouldn't be a fundamental alteration to provide a different kind of employment services, so courts have generally looked at this and said that if states- Oregon, you are providing some kind of employment services you have to provide integrated employment services, and in most states, even most states that provide- have lots and lots of people in sheltered workshops, they usually have some supported employment. So that exception to Olmstead is called Fundamental Alteration. Is not going to be very relevant to integrated employment. Next slide.

One last problem with Olmstead is that it has this sort of obscure footnote that said that the ADA does not require states to provide a particular quality of care or particular level of benefits, in other words, there isn't an ability to go to court and say that your providing bad employment services, or you're not providing enough employment services. However, in Oregon, the judge rejected that the applicability of that footnote and said that although Oregon can't be forced to apply a particular quality of care, there were outcomes that it would be required to reach and those outcomes are generally expressed in terms of whether people are getting minimum wage or better, and whatever the commensurate wage is for the jobs that they hold compared to nondisabled people who are doing

similar work, second, the amount of hours they work is another outcome and not a quality of care. And third, the benefits that they receive, that is the various kinds of vacations and insurance and other kinds of personal benefits that individuals receive, nondisabled people receive in their factory or in their retail store, the same benefits must be provided to individuals with disabilities and finally, perhaps most importantly, integration and individualization.

So the court in Lane made it clear that that problematic footnote in Olmstead doesn't mean that we can't hold Oregon accountable to providing decent wages, sufficient hours, the same employment benefits that nondisabled people get and integration, that is the actual worksite, the actual opportunities that people have to use common areas; cafeterias, front doors or anything else like that, they have to be integrated and equal to that which is offered to their peers without disabilities. Next slide. So let me turn now, those are the basic principles that came out of the Oregon case and they now represent the basic legal principles that apply to all challenges of segregated employment in the court at least. In Oregon as well as in Rhode Island, there were settlements. Right before trial in Oregon after we had amassed a minor army of experts who were all going to testify why Oregon's system violated the ADA, the same thing in Rhode Island, the two states settled and the settlement agreement is now the Roadmap for other states, if they're going to be sued, if they don't change their employment practices. So the settlement in the Oregon case, Lane versus Brown, includes specific numerical and quality outcomes, just those things the states were worried about before, they agreed to. They must be achieved over seven years. One of the outcomes was they had to reduce the number of people in workshops. Second, they had to increase the number of people in competitive integrative employment which we all call CIA. Third, they had to expand employment services through the Voc rehab agency as well as the DD agency, expand work experiences for young people in schools and require early transition planning. They had to establish and implement competency standards for the staff, they had to transform sheltered workshop providers into supported employment providers and finally they had to create data and monitor their performance through a stakeholder group. Next slide.

Let's see how those requirements in the Oregon case in Lane translated into practice. The next couple of slides try to show what was required and what happened. So in the workshops the settlement agreement prohibited all new admissions to the workshops. After the day the settlement agreement was signed no one has entered a sheltered workshop in Oregon. Second, it required the number of people in the workshops, who had been there for some time, to be reduced from 2672 to 1530, essentially a reduction of about 1200 people. It required a reduction in the number of hours and it required everyone in a workshop be given an opportunity and moved to a community integrated employment setting. And have a career development plan that assesses their interests, their preferences and their skills as well as what their challenges are that would be addressed with support. So what happened with those sheltered workshop outcomes? Initially Oregon substantially further than what the settlement agreement required because of the intersection of the settlement agreement of the workforce innovation opportunity act that Congress passed really months before the settlement agreement was signed, and because of the home and community-based settlements rule that governs the integration of waiver services Oregon decided to end all of its workshop specs over the last five years Oregon has closed every one of its workshops and transferred all 2670 people into community integrated employment or other community opportunities. In addition,

advocates in Oregon were able to convince their legislature to ban subminimum wage in any setting regardless of funding. So even workshops that were supported by private funding, by family funding, or federal funding, now are banned in Oregon. Next slide. What about the outcomes for integrated employment? The settlement said that the state must develop and provide competitive integrated employment to a little over 1100 people and it must provide employment services for over 5000 people and for anyone who is in any kind of employment services, including the sheltered workshops, they must have a goal of obtaining competitive integrated employment. They must have a career development plan that as I mentioned explores their interests, their preferences and their skills. And Oregon was required to increase its rate of expanded services, modify its providers and change its rules so that their entire system supported integrated employment. How about the outcomes? Well, Oregon met the numerical outcomes about numbers of people who obtain jobs and numbers of people obtaining services early. The number of people in supported employment increased from 400-1600 and the average number of hours that people worked in a week increased from 8-15 and most of the quality outcomes were met as well. Next slide.

What about DR, the Voc rehab agency. Under the settlement agreement, VR provides job development and placement for most people. Half of all must receive employment services and get a VR plan for employment. The state was required to set up a memorandum between DDR and schools and it was required to ensure that VR counselors participate in IEP meetings and transition planning meetings for students in schools. Almost all of the numerical outcomes were met early for VR, funding for employment, opportunities for students has been substantially expanded. Most of the quality outcomes are being met, and all of the intake eligibility and service policies of VR were revised so that there is an emphasis on outreach and integration for people with disabilities, as well as serving some of the more-- people with disabilities with the greatest challenges, so there's no ability anymore for VR to deny eligibility or refuse to provide services if you had a significant disability or a complex condition. Next slide.

What about schools? The schools were required under the settlement agreement to stop any form of make-believe sheltered workshops that were operating at the schools. And there were many. There were students in various school systems that were in segregated laundry services, working for the sports teams, and so on. All of those have been banned. Transition planning now begins at age 14 and as I mentioned before there must be coordination with VR. The school system in Oregon has dramatically shifted. They now begin transition planning at 14, they provide in school as well as summer employment opportunities for most students who are interested. Next slide. And finally, some more general outcomes that go beyond the schools VR, and the workshops. Oregon was required to set up a statewide training in technical assistance capacity so that every single staff person who provided employment services had been trained and had demonstrated their competency and integrated employment. There was a technical assistance entity from Washington State wide who helped providers who were doing sheltered work transform providers to do integrated support. There was a broad outreach and education program to be able to teach the general public, families and all other stakeholders about what integrated employment meant, what CIE or competitive integrated employment could do for individuals with a broad campaign called "I Work Succeed".

And if you look at all of the rail buses going through Portland Oregon you'll see advertisements for "I work we succeed" in addition there's a broad social media strategy in public engagement so that all people in Oregon understand what competitive integrated appointment is and how important it is for people with disabilities. Next slide.

So that's what's happened in Oregon, it's been a pretty significant transformation going from 2700 people in sheltered workshop to no one in sheltered workshops over a period of five years and an expansion of commensurate expansion community competitive integrated employment similar successes are experienced in Rhode Island where a case that started focused on the city of Providence, Rhode Island, has shifted to include the whole state. That case which is litigated by the department of justice has I think achieved similar successes. So let me stop here, and turn it back over to Amy, and so you can hear from the people who have really promoted some of that change on the ground in Rhode Island and in Washington. Thank you, Amy.

>> AMY: this is just excellent. Thank you for helping the audience truly understand the true foundation of helping individuals with disabilities to obtain and retain competitive integrative employment and to just be part of their community. Next slide. So you heard about the foundation. Next up we're going to have a team from Washington State to share their experience on this journey they went through to phase-out 14(c). Jeremy Norton Paul is the Executive Director of the Washington State developmental disability Council where he advocates with-- and for people with disability and their family to make the system work better and be forthcoming the Director of the DCC, Jeremy was the state Director of employment and day services for the Tennessee Department of intellectual and developmental disabilities. Next is Courtney Williams. She is currently the Director of the community employment alliance. The community employment alliance is a Washington State advocacy organization working to ensure that people with disabilities have the same community employment opportunities as all other citizens.

As an individual who formerly advocates for community acceptance and support of all people contributing and for dissipating in society. Next I'm going to introduce Ivanova Smith. Ivanova Smith was born in Latvia and spent the first five and half years in an institution before immigrating to the United States. She is a person with an intellectual and developmental disability. Married and has a two-year-old daughter and a three-month-old. Ivanova is an activist and advocate for employment for people with disabilities. Her advocacy includes meeting and testifying before the Washington State legislator and frequently speaking in front of legislators and facilitating other presentations. Next up is John Lemus. John is a policy and system change professional with 16 years in the IDD Field, he lives in Spokane Washington and is currently the advocacy coordinator for at work. Who is a community rehabilitation provider in Washington State? John also works for the University of Washington Center for human development and disability, their ECO autism project. He has experienced being formally paid subminimum wages and has worked tirelessly to end 14(c) in Washington State so now going to turn it over to our Washington State presenters. Take it away.

>> JEREMY: Hi everyone I'm Jeremy Norton Paul and I'm the Executive Director of the Washington State Developmental Disabilities Council. I'm a white man in my mid-30s with clear framed glasses and brown hair parted to the side. I'm really honored to be here today on this webinar and I'm especially proud to be here with some fantastic colleagues and friends. Courtney John and Ivanova. And I'm going to just share a few thoughts from my perspective and then I'm going to get out of the way because I really want you to hear more from the people who really led the push to end sub minimum wages in Washington State. The first thing I want to say is that collaboration gets strung around a lot. Washington State as a quick example, I probably see John, Ivanova and Courtney several times a week every week and sometimes it feels like they are part of the same organization even though they're not.

And I think that's just an indication of how closely we collaborate, that it feels like our separate organizations are really part of one bigger team. So I'm going to share just a few thoughts about collaboration and legislative advocacy in Washington State before I handed over to John and Ivanova. First, just like many developmental disability councils across the country one of our top priorities is advocacy activities. We work really hard to change a system so that it works better for people. And there's a couple of main approaches we take to that. The first approach is the direct advocacy where we as DDE staff and councilmembers are talking with legislators and educating them and talking with other members of the community to advocate for change, but another really important role that we play is creating an advocacy ecosystem, an environment where other individuals and other organizations that are not the DDE Council that are part of the same community can really thrive and advocate for what they need so our role of the DDE Council is to help create and sustain the ecosystem so that they can really thrive. And to do that one of the things that we do is we establish strong effective partnerships among individuals, organizations and coalitions. So a couple of examples of that is we have a long-lasting, long-term program called the advocacy project partnership. Many of the advocacy activities coming out of Washington State are part of that advocacy project that we have with Washington State and within that partnership, we help provide leadership to something called the community advocacy coalition of which John, Ivanova and Courtney are members. And that's really that ecosystem, an environment where people are coming together every single month, dozens of organizations and individuals committed to change in advocacy. And we help play a leading role in that.

And so we have lots of values and principles that we follow to make that successful. One is that it's always been really important for us to center the voices and perspectives of self advocates and family members with lived experience. That's always been a value and priority of ours however, in the last couple of years, I think we've all seen a significant increase in what that actually looks like in practice. I think one of the silver linings of the pandemic and that virtual engagement is that we've seen people participating in advocacy that never really had the chance to do that before or faced such significant barriers to engage in advocacy that they didn't. I think one of the outcomes is that we have more diverse advocates from more parts of the state engaging in really meaningful ways. And so I'm just really excited to see that and hear directly from people with the most lived experience. They are the experts and as always all of our policies, all of our actions, all of our programs are rooted in self-determination, inclusion, independence and equity. So we've got a pretty big ecosystem, a pretty big diverse environment for ideas and innovation but we do have some

parameters and guardrails to make sure that everything that we do is always going to achieve the outcomes that are in alignment with those values. So I'm going to get out of the way and make room for John and Ivanova, but first we have a video. Recently Senator Murray recorded a video clip recorded at a video clip to share at a recent Community Employment Alliance Conference. So you can click play; it's just a couple of minutes long.

>> PATTY: Hello everyone. This is Senator Patty Murray and I'd like to congratulate the Community Employment Alliance for your incredible work to make sure that Washington State workers with disabilities earn equal pay for equal work. Subminimum wages is discrimination plain and simple, but thanks to your leadership and self advocates like John and Ivanova-- this outdated policy is going to be a thing of the past. Of course we need one fair livable wage for everyone across the country, that's why I will keep fighting in the Senate to increase the federal minimum wage to \$15 an hour, and end sub minimum wages nationwide for all workers, for youth workers, and workers with disabilities. So thank you again for your work on this important issue, and know that I'll always be your partner in the Senate.

>> JEREMY: We sincerely appreciate Senator Murray's support and with that I'd like us to go to the next slide and I will hand it over to John.

>> JOHN: Thank you Jeremy my name is John and I am a 36-year-old white male. I'm wearing glasses and a red shirt with a blue blazer. So when we started this effort in Washington State, we started off with House Bill 1706, and this bill ended up being hard-fought and we got it past. It wasn't really what we wanted, it only ended up applying to state agencies. So this past legislative session, we worked on Senate Bill 5284, which is sponsored by the amazing Senator Emily Randall, and we were able to work with both sides of the aisle to get that bill passed, and that included working with self advocates to make sure we did this bill properly, and Ivanova, do you want to talk a little bit more about that?

>> IVANOVA: Hi I'm Ivanova Smith. I'm the chair of self advocates and leadership chair. I have black hair, olive toned skin and a blue shirt and my background is of a person in a wheelchair and is actually a drawing that I did myself. We did a lot of great work to try to make sure this bill would not rust, and that people had time to transition into integrated employment. We wanted to make sure that nobody was going to be kicked out of their job and not given the help that they need and not be given a job in a community. So we brought in a two-year phase-in period for this bill to make it so that people and agencies had time to get into those agencies and integrate jobs into the community, and we have a lot of agencies that are willing to help support.

And we wanted to give agencies that time. As the chair I talked to many members.

There were no excuses, that there was not enough time to transition people that we did not want that. We wanted people to keep the hours that they are working and we don't want people to lose their

hours. We don't want people to lose their jobs. We just want people to be paid equitably for their work. We want people's labor that they worked hard for and they've sown the value in to be respected and be seen as the same labor as any other workers labor so that is our passion. And we want to make sure that everyone is connected with benefit planners to make sure that everybody's benefits did not get messed up, and we are working to do more legislation to make it so that those incomes that do become available to people and have an equitable wage, that doesn't stop people from having an equitable wage and people get to work the hours they want to and we are very passionate about that on that front.

>> JOHN: Thank you, Ivanova. What Ivanova said about collaboration is the biggest reason we were able to get this bill passed this session.

Collaborating with self advocates so that we can be on board with the phaseout period. This also helped us win us over with parents and state legislators, so sometimes having to make those friendly amendments across the aisle really is important to getting bills, especially bills around ending sub minimum wages passed, so we are very excited to see this passing in Washington State and we are looking forward to working on the federal bill so with that I'll turn it back over to Amy or I think Jeremy?

>>AMY: Thank you John. Jeremy, and Washington State team, are there any other comments you want to make?

>> COURTNEY: So I'm Courtney Williams. I'm the Director for the Community Employment Alliance, I'm a white female 33 wearing a white blazer and I'm wearing glasses as well. And the CEA, the community employment alliance, Amy did a wonderful job explaining our role and I just wanted to say that we would like to be a resource and we are your allies, please do not hesitate to reach out if this is something that you'd like to do. We would like to be that resource for you. This year was critical, it was time to do it and I firmly believe that because John and Ivanova as members of CEA lead this effort, that is why it got past. They did it so tactfully and diplomatically and we walked the line and both sides and so thank you John and Ivanova for carrying it to the finish line.

>> IVANOVA: I just would like to make a comment. Being able to do this alongside John is really an honor and to be able to be part of this historical moment for workers with disability is just so rewarding and important and vital that we did this together and that we are advocating about working with the legislature and working with legislators, and making sure-- and I think what worked is we worked with both sides, and we try to make it as bipartisan as possible, because we're really passionate about making it. This is something that benefits everyone; it doesn't matter what your politics are. You are better by having equitable wages. Thank you.

>> JOHN: I guess I would just end on a note that people with disabilities deserve real work, for real pay. And we are passionate about making that happen. 14(c) is an idea whose time that has come and that needs to end, and now that we've gotten this done in Washington state, the next step is just getting the transformation to competitive employment act, and I think as self advocates and providers and parents all collaborate and come together, we may just be able to get that federal bill passed in the next year or two. Definitely, appreciate the opportunity to work with Jeremy, Courtney and Ivanova to get our bill done in Washington State this year.

>> AMY: Thank you so much to the Washington State team for providing us with an understanding of the process that you went through to ensure that 14(c) subminimum wage work was phased out in Washington State. Washington State has definitely been a trailblazer for quite a bit of the rest of the country, and the theme of the June webinar: is collaboration. So we felt like it would be a wonderful opportunity to have the Washington State team here to demonstrate that collaboration when working with legislators and other very critical stakeholders are needed to make those systems change Effort so let's move right along, next slide please. We are transitioning over to the self advocate panels, the stars of the show today. I have already introduced Ivanova Smith and John Lemus so I'm going to introduce the additional two self advocates that are going to be joining the panel today. The first individual that I am going to introduce is Sunny Cerfarri, who has been a resident of Annapolis, Maryland since 1988 and she is the cofounder of the nonprofit organization. The musical arts. She is an autistic self advocate and on the autism spectrum. She's also an active member in the Maryland developmental disabilities Council and she's also a performing pianist and vocalist who plays at a local nursing home and assisted living centers. She was diagnosed with autism in 2001 and is a graduate of the Maryland school for the blind. Sunny's support broker contacted her, connected her to the self-directed advocacy network and she has been attending meetings actively since August 2018 and Sunny is very committed to helping other participants become active members in their community and make others aware of the positive impact that self-directed services have. Our next self advocate is Stephen Porcelli, he has been working in the administrative Field since 2013 as an administrative assistant for automated business solutions, which is a local business in Rhode Island which offers technology solutions and IT managed services.

Stephen is responsible for a number of tasks, such as a lot of computer work, shredding, assisting others doing administrative work, he is currently on leave, since the COVID-- but plans to return and that's something we will also hear about today. And we have the center of Senior Advisor Director, Serena Lowe, who is going to be monitoring that panelist of self advocates. I'm going to turn it over to you.

>> SERENA: Thank you very much Amy; it is my privilege and honor to be part of this panel. And to moderate it. We have four extraordinary human beings on this panel who I think bring such a realistic lens into the barriers that people with significant disabilities encounter in trying to engage in competitive integrated employment and it's really inspiring to see where despite those barriers, they've been able to overcome segregated employment and poor expectations and really go the full stretch of getting jobs and pursuing careers that they really love. So I'm going to propose a question for each of them. I also want to encourage the panelists to turn on their videos so that people can see

them. I am a white middle aged woman in my 40s and I have dirty blonde hair, and I'm wearing a Black and sparkly pantsuit outfit, and I AM in my makeshift office at home. I'm actually going to shut off my screen at this time so we can give proper attention to the four panelists. But I just want to- I think I noticed that Sunny and- Yep, Sunny is up, now I see Ivanova and John, so we're good to go. So our first question I'm going to pose is to Steve. Steve, I know you've had some really unique experiences in Rhode Island and I'd like to hear a little bit about when you were in high school whether or not anyone ever talk to you about what you wanted to do for work after school and whether or not you had the opportunity to participate in internships, or apprenticeships, or any opportunity to develop skills that were important to getting a job after school?

>> STEVE: I did attend Providence High and graduated in 1982 and it was a good experience. I was bullied a lot because I went to special ed and I took the special ed bus, but it was a good experience. At the end of my high school graduation I got a standing ovation from all of my classmates. I didn't think I had friends but after that I made a lot of good friends. It was a good experience. I went from grade 1-12 and I did have some internships at Ace Hardware which was in North Providence. I worked there for a summer, during the summer months and I got paid. And I also did some janitorial work at North Providence high and a school in North Providence. And then I went to vocation resources in North Providence, and through this CIE program which gave me those jobs at the hardware and elementary school I went through training replacement which was Easter Seals, and I was there for years and I'll describe that later. (Describe yourself) I am a white male, and I have a white shirt on with brown hair. And I'm from North Providence, Rhode Island, and a member of the Rhode Island Developmental Disability Council and I am an electorate senior, and I'm also a member of the Holy Men Society which is a men's group in the parish.

>> SERENA: Great. Thanks, Steve. A lot of those opportunities; sounds like they may have given you, gave you some experience but were pretty segregated. How did that make you feel? Did anyone talk to you about jobs that were in the community?

>> STEVE: Well while I was in the workshop when I had my ISP meeting they did say that I was going to get competitive employment every year, every year and nothing ever happened. So I was at the workshop for 30 years, but then in 2013, the Justice Department got involved in the creed and everything and most of my friends got jobs.

>> SERENA: Thank you. That's helpful to know. Sunny, I want to turn to you, I know that you spent several years in a sheltered workshop, despite sharing with people your interest in moving on to work in the community, and I would like to hear a bit from you about your experiences and frustrations with that, and what it was like to work in the sheltered workshop and how your supervisors and others treated you. This is for Sunny.

>> SUNNY: Well hello. I wanted to let everyone know that we are experiencing a thunderstorm here so if my Internet goes out you'll know why. My name is Sunny C. I am an Asian female with

Black hair that runs between my chin and my shoulders. I am wearing a polo shirt and a blue jean skirt, and what color socks do I have? (Black socks)

And so I am wearing a blue jean skirt and black socks. So to answer your question, Serena, I go on and on about this. Unfortunately I graduated from Lane school for the blind in 2007 as my bio said unfortunately I did not have a choice as to where to go. And as I said, in the preparation call last week, I was part of a broken system, which basically meant I had to be placed in a sheltered workshop, and I was there for eight years, I got paid sub minimum wage, I left the sheltered workshop in 2015, because my support broker CJ Charlotte, encouraged me to enter into self-directed services. I was very frustrated at the sheltered workshop and this is a powerful message for the audience because this is where a lot of people have been placed before we started phasing out 14(c).

This was where a lot of people were placed. A lot of people with disabilities were placed, and there were more negative aspects of the sheltered workshop than positive. I would say the only positive thing that happened is I was in the handbell choir and I sang as a vocalist for the handbell choir, but other than that I was unable to walk around. They would not let me walk around the facility independently because they didn't want to be liable, in case I got injured because a client was having challenging behavior. Now the first couple of years in the sheltered workshop, I had to deal with my belongings being broken by a young lady who had severe challenging behaviors, and if I had these devices that I have now in 2007 they would have all been broken by now and they're not cheap to replace. But... Sorry, my iPad was talking. Somebody said something in the chat. Yeah, so it was really frustrating being in the sheltered workshop. The last check I got there was two dollars and some change. A lot of times I would be sitting around in the workshop waiting for work to come. And a lot of times, work did not come. We just sat around, I didn't get exercise, I did not set my own goals, I basically worked at the mercy of somebody else, and that was frustrating. But now, with self-direction I set my own goals, I hire my own staff, I decide where to go, and what to do every day.

>> SERENA: Sunny, that is excellent, and it really emotionally made me angry for you; hearing the struggles and the obstacles that you faced in the sheltered workshop but it's pretty amazing the life you've been able to create for yourself since going into self-direction. So thank you for sharing your perspective and your experience.

I'd now like to pose a question to Ivanova and this is really about your transition from segregated work into the community. So what made you want to look for a job outside the workshop and did anyone tell you that you could work somewhere else or did you ever tell anyone that you wanted to work somewhere else and if so what was their reaction?

>> IVANOVA: Yes. This is Ivanova, my first job. I was stuck there for a whole year. And I remember trying to talk to my employment counselor and tell them that this job wasn't working, that there was a lot of abuse. I was getting verbally abused in the job and I was also getting pushed.

People were literally pushing me and during my breaks I would get restrained from rocking and it made me really scared and I didn't think I could work. I didn't think that all they could offer me was this kind of job. I did not have the confidence to know my rights back then and my mom is the one who helped me get out of that job and she have me get into university and I learned about the disability civil rights movement in the history and why I was getting a job like that and so that's what filled my passion to get into advocacy work.

And so that's what actually got me started getting involved doing work around workers rights for disabilities. I became an intern for the Arc of King County and I became aware of segregated employment and subminimum wage and I gave a speech about my experience. and I also talked about ending subminimum wage and that's how I got connected with that work, and when I gave that speech they were there and they had picket signs saying "end subminimum wage," and they wanted to get more involved in the self advocacy movement and they were very excited and I spoke at the breakfast and I gave a speech and the executive Director Chris Prett, said I want to hire you to do advocacy work because you have a lot of passion in it and so we became friends so he is not just my boss, he's my friend too he's my colleague and I like working there. And it's been really awesome getting to work at a place that's inclusive, like my coworkers and people with disabilities and people without disabilities, is the same thing. I became part of the land leadership education, with developmental disabilities in those of the two jobs.

I love those jobs and I love the natural support I have in those jobs and I think people shouldn't have to feel like they have to be in segregated work to feel like they're in a safe work environment. I was scared to go into work for a long time, after I had that first job experience. And when I first got out of that job I didn't want to work again but it was not and I met people that I realize not all employers are like that. That there are good employers out there that care about their employees and support the employees and have got the employee's backs, and that's something that is so important.

>> SERENA: It is, and Ivanova there were so many nuggets of important information that you shared. First was the critical role that family support and engagement makes and having high expectations of your loved ones to pursue competitive integrative employment. I think the other one I heard was the supportive employers and finding not only a good fit, in terms of your skills, preferences, and strengths but also in finding employers that really match that. And then I think what I heard was the power of having access to self-determination training and learning how to advocate for yourself and really understanding your rights as an individual with disabilities.

So thank you for your perspectives. Those were excellent comments. I'm now to check in with John because I have a question for John. John, I would like to know whether or not, when you were transitioning into competitive employment where there people like a case manager, a transition counselor, a VR counselor or a center for independent living, that helped you get a paid job, and who was at that helped you, in terms of supporting your employment goals?

>> JOHN: I would say my first job was while I was still in high school, and it was working on an ability 1 contract. Pulling weeds at a local Air Force Base. And my first paycheck from that job was about \$70 and I really couldn't understand why it was so low. My sisters were older adults and they had worked all their teenage years and they always made minimum wage so that was kind of a turning point for me. Why was this okay for me? I had very mixed experiences with VR here in Washington State. My goal was to work in disability advocacy and oftentimes the employment providers who were working with me -- it took me a very long time to find my first full-time job in our Field. I started out with a free AmeriCorps program, I was with their local art for about three years and I and transitioned to another organization after their CEO heard me talking at a conference, I was invited to speak at a CEA conference, the CEO of the organization was there. And hearing me talk badly about his organization that paid me \$70 for that first paycheck and shortly after that, they offered me a full-time position with your organization, running community relations. I stayed there for about four years, when I left, I approached DVR, and they weren't really able to find me a job.

All of the jobs that I've found, even with DVR support have just been kind of through my own connections. So after leaving that last job, I was brought onto a congressional campaign. Many of you have probably heard of Lisa Brown, she's a former Washington State Senator, and that was an incredible experience, just gaining that work experience, and then before leaving the congressional campaign, on the day we were cleaning out our office, the regional Director for At work, called me and said, "hey we want you to come work with us with advocacy." And that was my dream job. I've been with the company for about two years and I was able to work up to full time. Making more than the minimum wage. So it was very amazing to be able to have that opportunity after working so hard.

But again, its support agencies like DVR, they don't know how to think outside the box. Oftentimes when people go to them for services, it either ends up just being a generic plan for materials employers or food-service and I think DVR counselors or VR counselors need to learn to think outside those boxes and see people for the strengths and abilities that they have and what they can bring to the table.

>> SERENA: Excellent. John, that was really helpful and I think number one, I just want to acknowledge how hard you've worked to create a career for yourself and it sounds like you really had to rely on yourself quite a bit and some natural support. And I also- what I picked up on in your comments was that systems that are so rigid can't really individualize their thinking about an individual person and what they're interests and needs might be. And that really doesn't help anyone. So thank you for sharing that.

I'm going to turn it back to, I think, I'll leave this question for the group and if I just have one or two of you comment on it I would appreciate it. I'd really like to hear your description based on your experiences, on what the differences are between segregated employment and competitive integrated employment. Steve, would you like to start?

>> STEVE: Okay, training through placement was the name of the agency where I work. It was only people with disabilities working there, and we got paid way less than the minimum wage. We didn't get to leave or meet people outside of the agency unless we went to a dance or something or whatever. That was segregated. It was a good experience, I did make a lot of good friends there and I also met my girlfriend who is now deceased. It was a very special relationship, and that's one of the reasons why I went there. I met her there. And we had a good friendship for 10 years so that was one good thing that happened there. And we had a consent decree in Rhode Island in 2013 and training replacement was closed and Fedcap, which was another agency that came, got me and my friend's jobs right away, and I started working in an office working with people who didn't have disabilities, and it was a very interesting experience. And they're all good people. Like I said I have not been there because of COVID. So maybe I'll go back there soon or maybe to another job where I got paid minimum wage, and I felt good about myself. That is integrated employment. And I knew I could do it. I just needed a chance.

>> SERENA: Excellent. Ivanova, did you want to share your experiences in terms of the differences between working in the community compared to your time working in the sheltered workshop?

>> IVANOVA: So I want to clarify that I was not in a sheltered workshop, I was in a segregated environment, but it was not subminimum wage, it was not C-14, it was an ability one contract. It was segregated (baby babbling in the background) being a kitchen aid.

>> SERENA: We're getting a little bit of background, so if you are not muted as a presenter, could you mute yourself until it's your turn to speak, we would be very grateful. And thank you for clarifying that, Ivanova, that you were in segregated employment but it was in Ability one employment but not sheltered contract, per se. So Ivanova I think is busy being a mom too which I think all of us working moms can really relate to.

>> IVANOVA: Yes I have to go change my daughter right now so I have to step away for a moment. Sorry about that.

>> SERENA: We completely understand family and children come first. So I'm just going to wrap it up with one last question for Sunny and John. It would be great to know in your experience why it's important for all people with disabilities to have the opportunity to try competitive employment and engage in integrative employment, and what type of advice would you give to people who are-- who have a responsibility, professional responsibility to help youths and adults with significant disabilities pursue employment?

>> SUNNY: I can start. Because I really can speak to this. And then I'll give John a turn. I advised that I would give to transitioning youth, you know one of the biggest reasons why people are placed in a sheltered workshop, is as I said before, the system is broken. I also want to add that schools and

families believe that sheltered workshops is the best place for their child, or for their student to go, because the parent oftentimes needs to take their quote unquote child somewhere so that they can go to work during the day. Now once we age out of the school system, and a lot of us don't have a choice as to where we go, and so my advice to VR counselors- like John said earlier, think outside the box. Don't default to the sheltered workshop setting, especially if you have a child or a student who is...

Sorry, my iPad was talking. We have to realize that our children, or our students who are perfectly capable of working in the community, DO NOT, and I repeat, do not need to go to a sheltered workshop. It's not the place for us.

So, I think that people need to look at our options. My best advice would be to look at your advice, weigh your options, don't default to the sheltered workshop, especially if you have a child or a student who is perfectly capable of working in the community or being a part of a community.

You know the main difference between working in a sheltered workshop and working in like- places like self-direction and integrated employment, is you make the decisions on who to hire, you make the decisions on where to go, what to do, you set your own goals. In the sheltered workshop, you didn't have that option.

>> SERENA: Good point, Sunny. John, what's your advice to professionals that are working with individuals with disabilities regarding employment?

>> JOHN: I want to make a couple of comments on that question. The first is what Sunny talked about, educators really needing to have higher expectations. You know you often hear about the school to prison pipeline. In our Field we have the school to workshop pipeline. And the small rural school that I went to, was in Cheney, Washington and I went there for three years. And that's where they sent all of their graduates every year. And that was in a sheltered workshop. And that was unacceptable. That was in 2002. We're supposed to be further along than that. So I really think that it starts with the educators, having higher expectations and really making sure that they're teaching on things during those last few transition school years that are going to help their students gain some marketable job skills, and not just doing volunteer internships at the food bank, or washing the school tables for free after lunch.

But really actually providing some tangible experiences. My last two years of high school, I had to go out that summer and develop the job I wanted for that school year, and I came back and I was 18 and I said, "here's what I set up for you. Please make the connections with the administrator and set it all up and make sure the paperwork is in order. This is what I will be doing this year." And so I think that it's really those educators and the advice I'd give to the front line professionals in our Field who are doing the job coaching and job development as well as the VR counselors, and it starts with the VR counselors because that's where the coaches and developers take their contract directions

from, is really being open to what the individual wants to do and really being able to have person centered discussions and focus on, "okay, here are the tasks" really just customizing a job and moving towards what people want to do and what they're good at.

One of the other things I want to make mention of is that we really need more opportunities for tangible training. A lot of individuals that have disabilities are looking for jobs in artisan careers like baking or coffee. My favorite example of social enterprise is (?) "Bitty and Beau's coffee" (?) and those are amazing. Those are the kinds of things that we need and are things that are going to provide individuals with disabilities tangible training opportunities so they can go out and seek those jobs and be successful and make them wage higher in their community.

>> SERENA: Thank you John. I want to thank advocates and self advocate leaders because they are leaders in their communities. Thank you Sunny, Steve and Ivanova and John for sharing your personal experiences, your expertise and your perspective about what needs to happen in the future. Such a wonderful panel and I'm so grateful to have each of you here today. I'm now going to turn it over to Amy Gonzales again who is going to Field questions from the chat and Q&A box. If you haven't had a chance to put your burning questions in, please do and we'll try to get through as many of them as we can in the last 8-10 minutes of today's webinar. Amy.

>> AMY: Thank you Serena, and to our wonderful presenters. We got this question right after Sunny presented this as a question from Willard Watkins. Sunny, you made two dollars and change for how many days of work?

>> SUNNY: I made two dollars and some change for two weeks worth of work. Yeah. Pathetic, isn't it. Subminimum wage in a nutshell. Two dollars and change for two weeks worth of work was like a slap in the face. My support broker, CJ Shiloh, who is actually upstairs, saw that check and she said, "Sunny, that was a slap in the face."

>> AMY: Thank you, Sunny for answering that. I'm going to share a really strong comment that Andrea made and I think that this is extremely telling in terms of direct service or indirect services that we are providing as grantees or other professionals in the Field. Thank you so much to the panelists and self advocates for sharing your experiences and how you felt about it at that time. I'm now a disabilities advocate in North Dakota my background prior to this was a coordinator for ADD provider I'm so sad to look back and understanding now that at the time I may have contributed to people feeling this way in arranging them to work in a specific sheltered workshop I would say that from my heart if I knew better I would have done better and thank you for helping me understand and I want to be clear in sharing that same message to other people that are on this webinar right now. Those of you who can impact somebody's lives directly or indirectly to really think about these powerful stories that you've heard today to remember these experiences when maybe you even think about referring somebody to some form of segregated setting. I'm just kind of going through comments right now. There is a ton of kudos. People are inspired by your stories. John, Ivanova,

Steve and Sunny. They are feeling pumped and inspired to help other individuals get to competitive integrated employment!

Let me see, inspirational panel. Thank you for sharing your experiences and insights. (referring to chat box)

>> Amy I think we have a few or a couple of questions in the Q&A box too.

>> AMY: Yes we do. Thank you. We have a question from Robert Jackson. Our sheltered workshops are a thing of the past in Oregon, Washington and Rhode Island? Why don't we turn that over to Steven Schwartz, J.D.

>> STEVE: Thanks Amy, they are definitely a thing of the past in Oregon and it sounds like they are also a thing of the past in Washington. There are several other states that I know who have passed statutes similar to what has happened in Oregon and Washington. I think that includes New Hampshire and Maryland. Amy may know better, but there is an increasing number of states that are banning sheltered workshops. That is saying no more subminimum wages, even if the federal law allows it, we're not going to allow it locally. I don't actually know whether Rhode Island has banned sheltered workshops, I know they have significantly reduced the number of people in the workshops but I'm not sure about the ban, so to answer the question, it's actually more than just Oregon and Washington. I think there's now between five and 10 states that are lined up to prohibit sheltered workshops, now and forever.

>> And yes Rhode Island has closed our sheltered workshops.

>> AMY: Ivanova has something to say. Go for it, Ivanova.

>> IVANOVA: I just wanted to say what I was not able to say earlier about segregation. Between-- I think segregation should only happen for like when the person- for a social event, like community events and things like that, but I don't think we should have segregation in employment, but if we do have segregation in employment I think the people who are the leaders, the bosses should also be of people of that community and not be- not of that community. That's the only way I would think that segregation could work well, but segregation where you have nondisabled people being the lead and having the power, that causes a power imbalance that's unhealthy, and so I would say, I think everybody should get community integrated employment and the only segregated would be a small business that's owned by a person with IDD and they are hiring other people with IDD that kind of thing but other than that we should be fully included and nobody should have to be segregated because it just puts a target on our back when we're segregated. I see people get bullied more being segregated than nonsegregated. That's been my experience.

>> COURTNEY: I apologize, Amy my camera is not working can I expand upon that?

>> AMY: Yes please go ahead.

>> COURTNEY: All right perfect. There are no sheltered workshops in Washington state. There are still four Tennessee's certificate holders. And that's less than 270 individuals in Washington state. We have been slowly phasing it out but as of now it is officially eliminated with a two-year transition period in the bill that we helped draft and I want to say there was a comment made concerned with individuals hitting a wall in that transition period. That was a big deal for us as well. The community employment alliance, and all I say is rely on the tools in your tool belt. There are so many organizations, especially within CEA that have transitioned out and have relied on fellow members and we are willing to be supportive to others as well who want to see this pass at the national level, and we don't just hit Washington territory, we are happy to expand our borders.

>> AMY: Thank you Courtney. So let's wrap up right now. We had some rich questions and comments. One specific attendee is asking for a round two for a deeper dive into learning about your experiences which I think is an excellent suggestion. Next slide really quick I'm going to give center updates.

So we would just like to remind you for the next week or so that we still have the environmental landscape reports and five-year strategic plan up on our site newsroom and if you'd like to provide any feedback, please check it out. Next slide please. And we really just want to thank you for being here today. Our upcoming webinar next month will be reflecting on the ADA, in terms of technological support solutions in a COVID world, so we hope to see you there. Next slide please.

And just a friendly reminder if you would like to talk through a challenge, if you would like to hear more from our speakers today, we do have virtual office hours this Friday from 12-1:30 Eastern standard Time, feel free to dial in and we look forward to chatting with you and further diving into some of those challenges you are experiencing.

Next slide.

We'd also like to remind you that if you need technical assistance or training so please reach out to us so that we can work through that need. We're happy to meet your needs at the training and technical assistance. Next slide

Oh here is just our contact information. Thank you so much for being here today. I'm turning it back over to Donald...

>> DONALD: Thank you so much for joining us everyone. As I said at the top, this session is being recorded and for everyone that has participated we will be sending out the recording and the transcript. And do we have a coffee hour? Yes. This Friday we also have the office hour with some of the presenters from today's presentations and you will receive an email reminder to join that office hour and we hope to see them.

Thank you all.

[End of webinar]