

Delivering on the Promise:

U.S. Department of Education

**Self-Evaluation
to Promote
Community Living for People
with Disabilities**

**Report to the President
On Executive Order 13217**

Department of Education

I. Overview

Secretary Rod Paige named Joanne Wilson, Commissioner of the Rehabilitation Services Administration (RSA), as the lead for coordinating the Department of Education's implementation of Executive Order (E.O.) 13217. RSA is organizationally located within the Office of Special Education and Rehabilitative Services (OSERS). OSERS is led by Assistant Secretary Robert Pasternack and houses the Office of Special Education Programs (OSEP) and the National Institute on Disability and Rehabilitation Research (NIDRR) in addition to RSA. OSERS supports programs that assist in educating children with disabilities, provides for the vocational rehabilitation of youth and adults with disabilities, and supports research to improve the lives of individuals with disabilities.

Each component of OSERS conducted a self-evaluation of the statutes, regulations, policies and programs that it administers in order to identify barriers to the implementation of E.O. 13217, which promotes the availability of community alternatives for individuals with disabilities. In addition, OSERS met with representatives of other offices in the Department of Education (ED) to discuss ED's overall effort to implement the Executive Order and to facilitate similar self-evaluations. The other offices included: the Office of Vocational and Adult Education, the Office of Post-Secondary Education, and the Office for Civil Rights. The Office of the General Counsel and the Office of Elementary and Secondary Education were also consulted. ED's goals were to identify potential barriers that may limit community options for individuals with disabilities and to identify opportunities to enhance community options for this population.

II. Public Input

E.O. 13217 includes a requirement that public input must be sought and considered as the federal review and self-evaluation are conducted. ED officials participated in the "public input" activities organized by the Department of Health and Human Services (HHS), including the National Teleconference on Community Living held on August 15, 2001, and the Public Listening Session held on September 5, 2001. In addition, ED staff have reviewed relevant public input received as the result of the Notice regarding E.O. 13217 that HHS published in the Federal Register on July 27, 2001.

We learned the following from the commenters relevant to ED programs:

- the value and importance of work in the life of an individual with a disability;
- the importance of choice in service delivery and employment options;
- the critical need for independent living services and resources;

- the lack of employment and educational opportunities for individuals with disabilities;
- the need to promote integration in work and school settings;
- the need to increase access to assistive technology for students and adults with disabilities; and
- the growing risk of school failure for students with disabilities – especially those with mental disorders.

III. Initiatives Underway to Promote Community Options

Olmstead Project

OSERS recognized the importance of the Olmstead decision early on and began a joint project with HHS and the Department of Labor (DOL) to promote grass-roots advocacy in support of home/community-based waivers under Medicaid. In federal fiscal years 2000 and 2001, all components in OSERS (RSA, NIDRR, and OSEP) pooled funding to support this project.

The Independent Living Research Utilization project (ILRU) and the Brain Injury Association, Inc. (BIA) are jointly conducting this project by assisting states to implement the Olmstead ruling. ILRU and BIA designated a core group of cross-disability leaders to work with states to develop their five-year comprehensive plan for providing supports and services for people with significant disabilities. The core group has been trained to help states plan, implement, and evaluate strong consumer-directed home and community based services for persons with disabilities. The training is funded by grants from ED, HHS and DOL, while the developmental work was supported by the Robert Wood Johnson Foundation.

As the second year of the Olmstead project gets underway, it will focus on additional training to explore community-based alternatives. The core group of participants trained in the first year will receive additional technical assistance and problem-solving support from experts to assist those participants in implementing the Olmstead decision in each state. A planning session for the second project year was conducted in September 2001.

The goal for the second year of this project is to develop and provide intensive, nationwide training in Olmstead-related issues to leaders in the disability community, in such areas as:

- Conducting comprehensive policy analysis in selected states and preparing training manuals that cover promising practices in the implementation of the Olmstead decision;
- Covering selected topics from the first year in greater detail and addressing specific technical issues related to home and community-based service delivery;

- Introducing new subject areas such as: Workforce Investment-Employment, Housing, Long-Term Service Options and Models, and Assistive Technology;
- Delivering two bi-regional, comprehensive training sessions on implementation of Olmstead provisions to a total of 240 individuals; and,
- Adding an option for providing technical assistance that was developed in the first year via internet and telephone.

Training on the Olmstead Decision

The RSA Rehabilitation Training Program provided funds to both the Rehabilitation Continuing Education Program (RCEP) at the University of Arkansas and the RCEP at San Diego State University to develop and implement training on the implications of the Olmstead decision for vocational rehabilitation and independent living professionals.

The training addresses community-based alternatives for individuals with disabilities and the implications for the independent living and vocational rehabilitation communities. In addition, the training includes learning objectives to ensure that rehabilitation professionals and community organizations have a working knowledge of the Olmstead decision and its applicability to the VR process. The training includes the following four objectives:

- To increase the capacity of VR programs to outreach to and serve potential consumers as the result of the Olmstead decision;
- To increase the capacity of VR programs to coordinate with other relevant agencies that serve consumers who are impacted by the Olmstead decision;
- To train VR staff on both the unique needs of potential consumers who are impacted by the Olmstead decision and effective intervention strategies; and
- To increase the capacity of centers for independent living (CILs) to outreach to and serve potential consumers that are impacted by the Olmstead decision.

Elimination of Extended Employment under the State Vocational Rehabilitation Services Program

On January 22, 2001, OSERS published final regulations that revised the definition of what constitutes an “employment outcome” under the State Vocational Rehabilitation (VR) Services Program. The State VR Services Program is a formula grant program under Title I of the Rehabilitation Act of 1973, as amended, and supports the state-federal public program of vocational rehabilitation services leading to employment for eligible individuals with disabilities. The revised definition of “employment outcome” eliminated extended employment (*i.e.*, sheltered workshops) and other types of employment in segregated settings as employment outcomes under the program. This

regulation became effective on October 1, 2001 in all 80 state VR agencies across the country, thereby, allowing only employment in integrated settings in the community as employment outcomes under this Program.

It should also be noted that the State VR Services Program has expanded since its reauthorization in 1992 in the areas of consumer involvement and informed choice. Consumer involvement is mandated at both the individual and systems levels through self-directed “individual plans for employment” and consumer participation on State Rehabilitation Counsels. Since 1992, the Program has strongly emphasized integrated service delivery and employment options for individuals with disabilities. In fact, state VR agencies are required to justify why a service is provided in a non-integrated setting; and, as noted above, employment in segregated settings is no longer considered an employment outcome under the State VR Services Program after October 1, 2001.

Coordination with One-Stop Centers

The Rehabilitation Act Amendments of 1998 were included as title IV of the Workforce Investment Act (WIA) of 1998. Under these amendments, the State VR Services Program was made a mandatory partner under the One-Stop Career Centers that are established by DOL under title I of WIA. Since that time, RSA has been working closely with DOL and state VR agencies to implement appropriately the new statute. Serving individual with disabilities, especially those with the most significant disabilities, through the One-Stop Career Centers is intended to greatly increase community alternatives for individuals with disabilities.

Improve Transition Services for Students with Disabilities

As children with disabilities move through their educational experiences, planning for and providing transition services become increasingly important. Under the IDEA, transition planning begins at age 14, or younger, if determined appropriate by the child's Individualized Education Program (IEP) team. Transition planning is important for children with disabilities so that they can move easily from secondary school to post-school activities and maximize their self-determination in employment and living options.

The transition requirements of section 614 of IDEA challenge education and other service providers to improve the post-school results of students with disabilities by working more effectively on planning and preparing students and families for the challenges and complexities of the adult world, including independent living.

It is important to note that the IDEA defines transition services to include post-school adult living objectives. The purpose of the transition provisions that are included in the student's IEP is to identify, arrange for and coordinate, before the student leaves the secondary school setting, any anticipated post-school services, programs, and supports that the student needs in order to help the student achieve his or her goals after leaving secondary school.

In addition, the 1992 reauthorization of the Rehabilitation Act of 1973, placed expanded requirements on the State VR Services Program regarding the transition of young adults with disabilities into the world of work. These requirements include the development of formal agreements between the state VR agencies and the state education agencies responsible for special education programs under the Individuals with Disabilities Education Act (IDEA). The area of transition offers many opportunities to expand upon the availability of community options for young adults with disabilities. In this regard, the appropriate agencies within ED are working collaboratively to:

- Improve coordination and policy implementation efforts, including the provision of technical assistance, policy guidance, and other appropriate activities to improve transition services for students with disabilities from secondary to postsecondary education and/or employment.
- Improve the coordination of state-level activities among state educational agencies and state VR agencies to improve post-school results for students with disabilities leaving secondary school.
- Train VR personnel through such mechanisms as RSA's National Employment Conference, DOL's annual Joint Employment Training and Technology Conference, and RSA-sponsored regional conferences highlighting promising practices in the area of transition services planning, including efforts to involve regular and special education teachers in these activities.

Protection and Advocacy Activities

The Protection and Advocacy of Individual Rights (PAIR) program, established under section 509 of the Rehabilitation Act of 1973, as amended, is authorized to protect the legal and human rights of persons with disabilities. RSA provides grants to organizations in each State to provide systemic and legal advocacy for people with disabilities. These organizations are actively working to ensure that the mandate of the Olmstead decision is implemented throughout this nation.

The following are examples of Olmstead-related activities currently conducted by PAIR programs:

- The Arkansas Disability Rights Center, Inc. collaborated with consumer organizations and several state agencies to coordinate public forums on the implementation of a comprehensive state plan addressing the need for community alternatives for individuals with disabilities in that state.
- The PAIR program in California (Protection & Advocacy, Inc.) helped to organize a statewide association of consumers and advocacy groups focused on the development of an Olmstead plan for the state. The recommendations of this association were adopted by and included in the mission statement of the California Long-Term Care Council.

- The Office of Protection & Advocacy for Persons with Disabilities in Connecticut has brought a class action lawsuit on behalf of persons with traumatic brain injuries (TBI) residing in state-operated institutions. This lawsuit was filed in 1990 and seeks to ensure the appropriate treatment and community placement of persons with TBI.

RSA, along with the Administration on Developmental Disabilities and the Center for Mental Health Services, both located within HHS, fund a training and technical assistance contract for the Protection and Advocacy (P&A) system established by the Developmental Disability Bill of Rights and Assistance Act of 2000. The PAIR program is a component of this system. In order to enhance the availability of community options for all persons with disabilities, these federal partners required that the entity holding this contract make community integration issues a priority in its training and technical assistance efforts for the P&A's. In order to comply with this requirement, the present contractor, the Advocacy Training and Technical Assistance Center (ATTAC -- a division of the National Association of Protection and Advocacy Systems (NAPAS)), hired a full-time staff person, who, along with other senior legal staff, provides technical assistance to the P&A's on Olmstead-related issues. ATTAC provided training sessions devoted to this topic at its national conferences, including one entire tract at its annual conference held in June 2001. Furthermore, the federal partners have included Olmstead-related training as a primary task in the contract.

Special Education Activities

The Office of Special Education Programs (OSEP) is the office within ED charged with the implementation of the Individuals with Disabilities Education Act (IDEA). The IDEA provides formula grants to States to assist in the provision of early intervention services to children with disabilities from birth through age 2, and for the provision of special education and related services to children with disabilities ages 3 through 21.

The reauthorization of the IDEA in 1997 added new provisions designed to allow flexibility and improve results for children with disabilities and to promote more inclusive practices and better coordination of services at the local and state levels. OSEP is committed to help facilitate a flexible, systematic coordination of services among local and State educational agencies to implement these provisions that will increase the independence of children with disabilities.

OSEP has identified the following programs and services that relate directly to community-based services for children and youth with disabilities. OSEP actively is engaged in increasing self-determination in living options for children with disabilities as they move from secondary school to adult living.

- Coordinated Services System under the IDEA -- Circumstances outside the classroom, such as inadequate or substandard nutrition, living conditions, or health care, have a negative effect on increasing numbers of children, including

children with disabilities. Such circumstances may adversely impact on their ability to succeed in school. Under the Coordinated Services System provision (section 613(f) of IDEA), a local educational agency (LEA) may use up to 5% of its IDEA Part B funds to develop strategies to improve the access of eligible children and their families to comprehensive social, health, and educational services that can help students succeed in school. Linking public and private agencies to provide these services, LEAs can implement such a coordinated services system by carrying out various activities.

Under section 613(f) of IDEA, LEAs can develop and implement interagency financing strategies for the provision of education, health, mental health and social services, including transition services and related services under the IDEA. Another activity available to LEAs under this section of IDEA is interagency personnel development for individuals working on coordinated services.

IDEA encourages schools' efforts to collaborate with public agencies and nonprofit organizations that provide and pay for services for children and youth with disabilities, including those with intensive health-related needs. Section 612(a)(12) of IDEA requires that states establish written interagency agreements or other mechanisms with agencies such as the health service system, rehabilitation agencies, assistive technology providers, mental health agencies, and other organizations such as centers for independent living. These interagency agreements delineate methods for providing and paying for needed services such as assistive technology devices and services, transition services, and many health-related services including occupational and physical therapy.

- Provision of Assistive Technology Devices and Services under the IDEA -- Assistive technology devices and services are essential for many individuals with disabilities. Under the IDEA, the LEA must ensure that assistive technology devices and services are made available to a child with a disability if required as a part of the child's special education and related services, or supplementary aids and services. In other words, if the student's IEP team determines that the student requires assistive technology in order to receive a free appropriate public education (FAPE), and designates such assistive technology as either special education or a related service, the student's IEP must include a specific statement of such devices and services and provide the devices and services at no cost to the child's parents. The need for assistive technology is determined on a case-by-case basis, taking into consideration the unique needs of each child. If the IEP team determines that a particular assistive technology device is required for home and community use in order for a particular child to be provided FAPE, the IEP team includes it in the IEP and it must be provided to the student at no cost.

Under certain conditions, students with disabilities may use their assistive devices even after the student transitions out of secondary school. For example, in instances in which IDEA funds have been used to purchase an assistive

technology device for a student with a disability to carry out the student's IEP, including post-school transition activities to increase independent living, the student may use that equipment after leaving school.

Research Related to Community Alternatives

The National Institute on Disability and Rehabilitation Research (NIDRR) provides leadership and support for a comprehensive program of research related to the rehabilitation of individuals with disabilities. The agency's programmatic efforts are aimed at improving the lives of individuals with disabilities from birth through adulthood.

The following are examples of how NIDRR-funded research can assist in enhancing community-based alternatives for individuals with disabilities related to the Olmstead decision:

- NIDRR supports considerable research in accessibility of telecommunications and computers, particularly for individuals who have impaired vision or hearing. Through the use of assistive technology devices and universal design, the mission of such research is to minimize the barriers and capitalize on the opportunities presented by current and emerging information and telecommunication technologies, in order to create a world that is as accessible and usable as possible for as many people as possible. In many cases, these technological advances have helped individuals with disabilities achieve greater independence.
- NIDRR is currently sponsoring research in several areas related to technology's role in helping individuals with mental illness live independently. One project seeks to improve software accessibility, training, and user support for the population of persons with significant cognitive disabilities by building on the previous development of accessible life skills software and developing a participatory model for effective consumer training and support. Many persons with significant cognitive disabilities are excluded from the benefits of information technology despite the development of new devices and specialized software that support physical access. Commercial software remains largely inaccessible, and the training and technical support needs of these consumers are not addressed. Other projects seek to improve the capability of computers and sensors to monitor and remind individuals to take certain actions at different times of the day (e.g., take medications, keep appointments, etc.)

NIDRR also administers the Assistive Technology (AT) Act of 1998. The AT Act provides grants to states to increase access to and provision of assistive technology services and devices. There are 56 AT Act projects that provide information, training, awareness, technical assistance, and materials to persons with disabilities, their families, and representatives related to the benefits, availability, and uses of assistive technology. As noted above, assistive technology provides an individual with the means to live, work, play, and learn in the community; allows for independence and full inclusion; facilitates social interaction, participation, and communication; reduces

dependence on care systems and family; and, in general, increases and promotes self-sufficiency. These projects have been operational since 1989 and have improved the independence of individuals with disabilities. In several states, the AT state projects are taking a lead role in implementing the Olmstead decision. For example, in Missouri, the state Olmstead Commission charged the projects with taking the lead on such initiatives as developing a grant program for housing access modifications.

NIDRR will continue to promote the Olmstead decision and the President's New Freedom Initiative by establishing and implementing innovative programs and policies that lead to greater access to assistive technology, employment, and transportation through increased interagency workgroups and rehabilitation research.

Post-Secondary Programs Serving Individuals with Disabilities

The ED Office of Post-Secondary Education (OPE) is responsible for formulating federal postsecondary education policy and administering programs that provide assistance to postsecondary education institutions and to students pursuing programs of postsecondary education. OPE has several programs that address the needs of individuals with disabilities in postsecondary settings encouraging community and independent living, including:

Demonstration Projects to Ensure Students with Disabilities Receive a Quality Higher Education Program -- The purpose of this demonstration program is to provide technical assistance to and professional development for faculty and administrators in institutions of higher education in order to provide them with the skills and support that they need to improve their methods of teaching students with disabilities. In FY 1999, 21 projects were funded for a three-year project period.

Learning Anytime Anywhere Partnerships -- The Learning Anytime Anywhere Partnerships (LAAP) is a grant program that supports partnerships of postsecondary education institutions, businesses, associations, and any other relevant organizations to create effective distance education/training programs. Included in the authorizing statute is a specific encouragement to create learning opportunities for individuals with disabilities.

In the last two years, about 13% of the grants made in the LAAP program have been awarded to institutions that along with their partners, are directly targeting individuals with disabilities or the service providers who work with individuals with disabilities.

Fund for the Improvement of Postsecondary Education -- The Fund for the Improvement of Postsecondary Education (FIPSE) has as its primary legislative mandate "encouraging the reform, innovation, and improvement of postsecondary education, and providing equal educational opportunity for all" (Section 741, 1998 Amendments to the Higher Education Act of 1965). This mandate focuses FIPSE's work on two areas: improving the *quality* of

postsecondary education and improving access to postsecondary education for all Americans.

FIPSE has supported projects specifically designed to increase opportunities for individuals with disabilities to function effectively in their communities. Two projects at Coastline Community College (1994 and 1997), for example, provide rehabilitative training to individuals who have sustained traumatic brain injuries severe enough that those persons would not be able to return to school and/or work without such training.

Enhancing Community Options Through Civil Rights Protections

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights. OCR enforces five federal statutes that prohibit discrimination against persons on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance. Among the statutes OCR enforces are Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504) and Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. § 12131, et seq. (Title II). OCR has 12 enforcement offices throughout the country that handle complaints alleging discrimination on the basis of disability. OCR also engages in proactive measures by providing technical assistance to states and local school districts as well as other stakeholders.

In order to enhance community living alternatives for individuals with disabilities, OCR enforcement offices throughout the country are conducting targeted technical assistance and training initiatives and OCR's Program Legal Group has prepared a resource document in the area of transition from secondary school to post-school opportunities. OCR is engaging in these efforts in order to address the need for accurate information about the different obligations of public secondary school districts and postsecondary institutions and the specific obligations of students with disabilities at the postsecondary level. OCR is conducting targeted technical assistance and training initiatives to assist school district personnel, staff of postsecondary institutions, individual state departments of education, state special education directors, state associations of higher education and disability, students with disabilities and their parents, parent groups, and other stakeholders to meet their responsibilities under the law. Examples of current activities include the following:

- The OCR enforcement office in Chicago is working with school districts, a state department of education, parents of students with disabilities, a parent training group, the Association on Higher Education and Disability (AHEAD), the organization for disability coordinators in the state, the state Special Education Directors Association, and other key stakeholders to address transition issues of students with disabilities from high school to college. Selected colleges and

universities in the state will also be contacted to ease the transition of students with disabilities enrolled in postsecondary institutions.

- At the request of the AHEAD, the Washington Association for Postsecondary Education and Disability, and the Pacific Northwest Association for College Admission Counseling, the OCR Seattle enforcement office is addressing an issue concerning the misunderstandings that many incoming college freshmen with disabilities have about college-level services and responsibilities. The activities have included a review of policies and procedures at Oregon AHEAD and its member colleges and universities; the design and development of a comprehensive web site outlining the rights and responsibilities of students with disabilities in college as compared to high school; and the training of state and school district staff, students, parents and other stakeholders using the materials on the web site. The web site is now fully operational, and monitoring of its content and use is ongoing.
- The OCR enforcement office in Philadelphia has been informed repeatedly by college officials in one of the states under its jurisdiction that freshmen students with disabilities are often unaware of the different requirements and expectations of the Section 504 regulations in the college environment as compared to elementary and secondary school settings. OCR will provide a series of presentations regarding the requirements of Section 504 regulations to college-bound high school students with disabilities, their parents, and high school counselors from selected school districts. Five regional panel discussions will be scheduled in local school and community college meeting halls. High school students who intend to pursue higher education will be invited to participate on the panels along with representatives of postsecondary institutions.
- The OCR enforcement office in Cleveland is working collaboratively with a state department of education and a state university to develop a series of regional conferences. The conferences, entitled "Access, Advocacy, Achievement," will be held in the winter of 2002, and will be designed to provide a forum to assist students with disabilities as they transition from high school to college, vocational, technical, proprietary school, or employment. Participants will include high school students, high school transition specialists, postsecondary disability service providers, specialists and consultants, joint vocational school counselors, rehabilitation counselors, administrators, teachers, parents, and parent mentors.

Other current OCR activities that relate to increasing community options for individuals with disabilities include:

- Need for Appropriate Testing Accommodations for College Entrance Exams -- To ensure that parents, teachers, and counselors are aware of students' rights to accommodations on the PSAT or SAT, consistent with their individualized education programs, the OCR enforcement office in the District of Columbia is collaborating with district schools on a comprehensive technical assistance

initiative in connection with the district's initiative to enhance testing outcomes for all students. During 2001, OCR provided technical assistance and information to the district's community to ensure that qualified students receive appropriate testing assistance.

- Vocational Education Programs -- The OCR Program Legal Group (PLG) has a series of on-going activities that relate to vocational education services for individuals with disabilities to help these individuals progress further in education and employment. The PLG will continue to review state vocational education agency Methods of Administration (MOA) plans and biennial compliance reports and provide case-related policy/legal guidance to MOA coordinators upon request. In addition, the PLG will be conducting capacity-building workshops for state MOA coordinators to facilitate their ability to conduct effective reviews of vocational education programs in their states in order to ensure that they are meeting the needs of students with disabilities.

IV. Results of the Self-Evaluation

ED conducted a self-evaluation of the laws, regulations and policies that relate to the programs and projects that it administers. The following are the results of that self-evaluation. It should be noted that ED program offices identified many issues that relate to societal barriers and barriers in programs and policies not under the purview of ED. Therefore, the following results relate to activities that ED offices can undertake to ensure that ED programs and policies support community options for individuals with disabilities.

Office of Special Education and Rehabilitative Services (OSERS)

Implementation of Community Living Alternatives

Issue/Barrier: Although the Supreme Court's Olmstead decision has mandated the availability of community living options, when appropriate, for people with disabilities, training and technical assistance on such community and independent living options still need to be provided at the state and local levels to the public agencies and individuals who implement and the consumers who benefit from ED programs. Efforts need to be made to ensure that ED and other federal agency statutes, regulations, and programs that require and encourage community living alternatives are being properly implemented at the state and local levels.

Opportunities/Solutions:

- OSERS, in conjunction with DOL and HHS, has undertaken funding the Olmstead Project in which cross-disability leaders and advocates are trained to work with states to develop and implement the comprehensive state plans for

providing consumer-directed home and community-based services for persons with significant disabilities.

- RSA is providing funding to support two regional Rehabilitation Continuing Education Programs to develop and implement training for vocational rehabilitation and independent living professionals, as well as community organizations on the Olmstead decision in order to improve outreach to consumers.

Independent Living Programs

The Independent Living (IL) State Grants Program supports formula grants to states, with funds allotted based on population. Funds may be used to provide IL services, to support the operation of centers for independent living, to demonstrate ways to expand and improve IL services, as well as other related activities.

The Centers for Independent Living (CIL) Program provides grants, on a competitive basis, for consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agencies that are designed and operated within a local community, primarily by individuals with disabilities, and provide an array of IL services.

The following barriers and opportunities for improvements were noted under these two IL Programs:

- Housing:

Issues/Barriers:

- Service providers under the Title VII IL programs can assist individuals in finding appropriate housing by providing information/referrals on housing developments and apartment complexes in their catchment areas. However, referral services are often hindered by the lack of affordable, accessible housing. In addition, some individuals may need transitional housing services.
- Federal agencies lack sufficient information to fully understand the housing needs of persons with disabilities, particularly housing dedicated to people leaving institutions or of individuals trying to avoid institutionalization.
- Individuals moving from institutions may require financial and/or technical assistance in order to make modifications to their living space. IL service providers can assist individuals with disabilities in finding funding sources for home modifications. However, this assistance is often hindered due to the limited number of agencies that provide this service as well as the limited funding available and lack of capacity to provide the needed modifications.

Opportunities/Solutions:

- Explore establishing an ad hoc workgroup comprised of appropriate federal agencies (ED, HHS, Housing and Urban Development, etc.) to address the housing issues associated with individuals with disabilities. This effort should include a mechanism for on-going input from various stakeholders. The workgroup should also develop materials disseminating information and providing technical assistance on public assistance to facilitate the transition from institutions to community living.
- Assess the feasibility of revising CIL reporting requirements to collect data on housing and related needs.
- Identify resources for funding opportunities for modifications to living spaces and disseminate that information to State IL programs and CILs.
- During the State Independent Living Council (SILC) Congress, invite participants to establish a workgroup comprised of representatives from the SILCs and state agencies and consumers to explore various options that directly impact upon individuals with disabilities and provide input to RSA regarding possible statutory changes to the independent living program.
- Transportation:

Issue/barrier: While CILs can assist individuals to find appropriate transportation by providing information/referrals on transportation available in their area, referral services are often hindered by:

- no available public transportation;
- available transportation that is limited to transportation for specific activities (e.g., medical appointments);
- available public transportation that is not accessible; or
- lack of coordinated transportation between HHS and the Department of Transportation (DOT) funded programs.

Opportunities/Solutions:

- Establish a partnership with the Joint Council on Mobility and Access, as well as relationships with DOT and other transportation agencies, to survey transportation problems and barriers, recommend solutions, and promote a network of alternative transportation through community-based and other providers.
- Through partnerships with other public agencies, seek information regarding resources to assist IL service providers to establish and operate transportation systems.

- Survey CILs to ascertain what they have done to expand accessible transportation and disseminate information on promising practices.

- **Attendant Services**

Issue/Barrier: IL service providers can assist individuals to access attendant services by providing information/referrals on services available in their area. However, such referral services are often hindered by:

- the lack of services in the state/local area;
- statewide waiting lists for services;
- the state's funding bias towards institutional care; or
- the lack of reliable individuals to serve as attendants.

Opportunities/Solutions:

- Explore how funds for attendant services can be more “consumer-driven” and directed through partnerships with relevant Federal agencies such as HHS.
- Explore with other appropriate federal agencies options/partnerships that will afford opportunities to train personal assistance service providers, as well as consumers and/or family members or consumer representatives in skill areas such as recruiting, hiring and supervision of personal assistance service providers.

- **Independent Living Skills Training**

Issue/Barrier: CILs, in coordination with other social service agencies, have the expertise to meet the needs of potential consumers who are leaving institutions. Capitalizing on this expertise may require additional resources – both staff and funding. CILs are required, as one of their core IL services, to offer IL skills training to individuals with disabilities. If an individual has been institutionalized for an extended period of time, that individual may need more comprehensive skills training than currently provided by CILS.

Opportunities/Solutions:

- Re-evaluate current methods for providing in-service training for IL service providers (particularly on the needs of individuals transitioning from institutions to the community) and, as appropriate, implement identified improvements.
- Seek additional resources, for example, through the coordination of funding from other federal agencies, to provide focused assistance to CILs and other IL service providers to improve their capacity to provide IL skills training to

those individuals in particular who are transitioning from institutions to the community.

- Empowerment

Issues/Barriers:

- IL service providers are required to provide advocacy at both the system and the individual levels. This can be hampered by a lack of access to individuals who are living in institutions.
- IL service providers provide peer counseling services. As individuals move from institutions into community settings, they may require peer counseling services to help them address their IL needs. An influx of consumers will increase current waiting lists for peer counselors and further overload the current system.

Opportunities/Solutions

- Develop and disseminate public service announcements and other public information to increase awareness of community-based living options and other issues associated with the implementation of the Olmstead decision.
- Increase outreach and recruitment efforts to attract individuals of diverse backgrounds (e.g., race, gender, age, culture, and disability) as peer counselors through partnerships with minority-identified and other appropriate organizations.

Transition Services and Activities under the IDEA and the State VR Services Program

Issue/Barrier: Transition services to individuals with disabilities is a shared responsibility between special education programs and state VR service programs. Improved coordination between these programs at the state and local levels will lead to the provision of better transition services for students with disabilities.

Opportunities/Solutions:

- Coordinate, where appropriate, joint agency monitoring of state VR agencies and state education agencies to improve implementation of transition services requirements under the Rehabilitation Act and the IDEA and, when needed, provide technical assistance to state and local agencies.
- Establish a “prime study group” under the Institute on Rehabilitation Issues and develop a publication targeted to VR counselors, appropriate school officials, and other service providers on transition from school to work for young adults with disabilities.

Protection and Advocacy Services

Issue/Barrier: The Protection and Advocacy of Individual Rights Program (PAIR), administered by RSA, is underutilized as a resource to publicize information to individuals with disabilities regarding their rights to community options and alternatives.

Opportunity/Solution: Develop a Technical Assistance Circular (TAC) for the PAIR programs in order to promote the involvement of these programs in community integration activities. The TAC will include: a discussion of the President's Executive Order on this matter; a synopsis of the past and present activities among the PAIRs; and suggested ways through which the PAIRs can help to increase community options for persons with disabilities.

Parent Training and Information Programs

ED provides funds to support Parent Training and Information (PTI) projects for the purpose of providing training and technical assistance to individuals with disabilities and parents of children with disabilities on the rights, remedies and programs under the Rehabilitation Act of 1973, as amended, and the Individuals with Disabilities Education Act (IDEA).

Issues/Barriers: Many individuals with disabilities and their families have yet to fully appreciate the implications of the Olmstead decision and are not aware of the full range of community services that are available for individuals with disabilities as alternatives to institutionalization. Parent training on the implementation of the Olmstead decision is particularly important for the families of transition-age youth. Parents have a need to know about the resources available to assist and support young adults with disabilities to live independently in the community. PTI projects can play an important role in educating parents and professionals about Olmstead and the ways it will affect and improve the quality of life for many people with disabilities.

Opportunities/Solutions: RSA and OSEP, as appropriate, will coordinate technical assistance activities designed to provide information about the importance of the Olmstead decision and how PTI projects may serve parents and their children with disabilities when information and assistance is needed on home and community living options. The following activities/examples will be explored:

- Trainings for Parents. Parent trainings on the Olmstead decision can help families raise the expectations they have for community integration for their sons and daughters with disabilities. Families need to understand that alternatives to institutionalization and community supports exist that can help people with disabilities live a meaningful life in the community.
- Dissemination of Printed and Electronic Materials. Parent centers could develop and disseminate written materials for parents in a variety of formats such as handouts, newsletter articles, or pamphlets. These materials can explain

Olmstead in easy to comprehend language and can provide information on resources and agencies as well as provide families with information on community-based services.

- Individualized Information and Referral and Advocacy. Parent center staff knowledgeable about the Olmstead decision and its implications can assist families interested in community alternatives to institutionalized care. Parent advocates can provide families with information on consumer rights under Olmstead, advise families on community options, and advise unaware professionals of the Olmstead ruling and its application locally.
- Support for State Parent Training Projects. Parent training projects in every state can play a meaningful role in the dissemination of Olmstead implementation information. By working closely with existing parent centers that serve the families of youth with disabilities in each state, projects have access to comprehensive mailing lists, effective methods of delivering training to families, and relationships with key state agencies.

Assistive Technology Research and Access

Issues/Barriers:

The President's New Freedom Initiative states that:

Assistive and universally designed technologies can be a powerful tool for millions of Americans with disabilities, dramatically improving one's quality of life and ability to engage in productive work. New technologies are opening opportunities for even those with the most severe disabilities.

Unfortunately, assistive and universally designed technologies are often prohibitively expensive for the consumer. In addition, federal funds need to encourage innovation and coordination of assistive technology research and development programs.

Opportunities/Solutions:

Through the Interagency Committee on Disability Research, chaired by NIDRR, the federal effort in assistive technologies will be coordinated to ensure that the highest priority needs of the disability community will be met. In addition, through the Small Business Innovative Research program, NIDRR will facilitate the transfer of new technologies to the market place, and through the Alternative Financing Program under the Assistive Technology Act, NIDRR will establish and implement innovative programs to enhance the ability of people with disabilities to obtain assistive technology.

Office of Vocational and Adult Education (OVAE)

OVAE supports a wide range of programs and activities that help young people and adults secure the knowledge and skills they need to achieve successful careers and productive lives. As part of OVAE's self-evaluation, the following barriers were identified, and solutions to enhance community alternatives for individuals with disabilities were developed:

- The Carl D. Perkins Vocational and Technical Education Act provides more than \$1 billion annually to states to support the improvement of vocational and technical education programs at the secondary and postsecondary levels. Support services for students with disabilities (e.g., curricula and equipment modification, instructional aids and devices) are among the authorized uses of funds. Local education agencies and institutions of higher education are allocated 85 percent of the funds by formula. States may, however, reserve 1 percent of the total funds allocated to the state "to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities" (section 112(a)(2)(A)).

Issues/Barrier: OVAE currently lacks sufficient information on expenditures, as well as information to substantiate the extent to which this authority has been used to support state institutions for persons with disabilities, and if so, for what purposes.

Opportunities/Solution: Over the next year, OVAE will collect information about this issue to evaluate the extent to which state implementation of the authority is consistent with the Executive Order. OVAE expects to make recommendations for amending the authority based upon these findings as part of its forthcoming proposal to reauthorize the Perkins Act.

- The Adult Education and Family Literacy (AEFLA) Act provides more than \$500 million annually to states to support community-based adult basic education, English literacy, and adult secondary education instruction. Several critical factors, including both programmatic and physical accessibility issues, may limit the effectiveness of services for students with disabilities.

Issue/Barrier: An estimated 16 percent of the nearly 3 million individuals served last year were between the ages of 16 and 19; another 25 percent were between the ages of 19 and 24. Due to ambiguity in the language of the AEFLA, some out-of-school youth with disabilities between the ages of 16 through 21 may not be receiving both adult education and the special education services under the IDEA to which they are entitled.

Opportunity/Solution: OVAE will seek to address this barrier to services for individuals with disabilities through administrative action or, if appropriate, in reauthorizing or amending AEFLA.

The Office for Civil Rights(OCR)

Issue/Barrier:

While the number of students with disabilities attending postsecondary institutions is increasing, many of these students do not often understand the different standards that exist and the types of services available in postsecondary settings compared to secondary schools. Students are often confused about their rights and obligations; this can result in unreasonable expectations. Also, students may receive delayed or inappropriate services.

Opportunity/Solutions:

- OCR's Program Legal Group is planning to issue a resource document targeted to parents and students that clarifies the rights of students and the obligations of schools as students with disabilities transition from high school to postsecondary education. A number of excellent resource materials exist already. OCR is collecting and reviewing existing materials and will identify and supplement these, as needed, in the resource document.
- OCR is also conducting technical assistance and training initiatives, through its regional offices, to stakeholders regarding transition of students from secondary school to post-secondary institutions and improved vocational education services to students with disabilities so that they can progress further in education and employment.

V. Conclusion

The Department of Education is committed to eliminating barriers to the effective implementation of E.O. 13217 and the Olmstead decision. Through this self-evaluation, ED has found that there are many ways it currently supports community-based options for individuals with disabilities through ED programs and activities. ED staff also identified barriers in some ED programs and many opportunities to expand options and choices for individuals with disabilities. ED will continue to work to eliminate any barriers to community-based alternatives and will seek avenues to expand upon the options available to individuals with disabilities so that they can fully participate in American society.