

Work Matters

A Framework for States on Workforce Development for People with Disabilities

Using the Emerging Disability Policy Framework to Enhance Employment Opportunities for People with Disabilities

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Introduction—The Emerging Disability Policy Framework

- How do state policymakers view people with disabilities?
- Over the past two and a half decades, state and federal policymakers have made a concerted effort to articulate in public policy the precept, goals, and major policies governing the treatment of people with disabilities (the emerging disability policy framework).*
- In general, this framework can be used as a lens, guidepost, or benchmark to assess social policy from a disability policy perspective and to design a generic system of services and supports that reflects the concept of universal design (both physical and programmatic access). If a program works for people with disabilities, it is likely to work for all qualified persons.
- In particular, this framework provides guidance and insight that can be used by state policymakers to develop, implement, and support public policy that enhances employment opportunities for people with disabilities.

The Old and New Paradigm of Disability Policy

The Old Paradigm:

- Historically, policy makers and professionals treated people with disabilities as "defective" and in need of "fixing."
- If a professional couldn't "fix" a person with a disability, policy makers supported exclusion, segregation, and denial of services and supports.
- Sometimes the exclusion or isolation was based on malevolent treatment resulting in the enactment by policy makers of "ugly laws" barring persons with physical impairments from being seen in public or the exclusion from public education because an individual was "defective" and "produced a nauseating effect" on others.

* *Emerging Disability Policy Framework: A Guidepost for Analyzing Public Policy*, Iowa Law Review (August 2000, Volume 85/No. 5).

Available on the web at: http://www.ncwd-youth.info/assets/framework/silverstein_framework.pdf



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- Sometimes exclusion, isolation, or segregation was based on malevolent assertions by professionals that persons with developmental disabilities were a "menace to society responsible for many, if not all social ills facing society" and therefore should be sterilized or forced into institutions against their wills.
- Similar malevolent assertions were made about persons with psychiatric disabilities resulting in forced institutionalization, seclusion, restraint, and unwanted services.
- Sometimes institutionalization was benevolent—persons with disabilities were placed in institutions as "charity cases" because they were perceived as vulnerable/dependent persons.
- Justice Thurgood Marshall characterized our nation's treatment of persons with developmental disabilities as "grotesque."

The New Paradigm (Precept of Disability Policy):

- The new paradigm fundamentally rejects the old paradigm.
- The new paradigm is based on the precept that disability is a natural and normal part of the human experience that in no way diminishes a person's right to fully participate in all aspects of society.
- The focus of the new paradigm is on fixing the physical and social environment to provide effective and meaningful opportunity to persons with disabilities; not on fixing persons with chronic or remitting conditions.

Goals of Disability Policy

- Equality of Opportunity
- Full Participation
- Independent Living
- Economic Self-Sufficiency

Core Policies

Equality of Opportunity:

- **Individualization**—Make decision affecting an individual based on facts, objective, evidence, state-of-the-art science and a person's needs and preferences; not based on administrative convenience and generalizations, stereotypes, fear, and ignorance.
- **Effective and Meaningful Opportunity**—Focus on meeting the needs of all persons who qualify for services and supports, not just the "average" person by providing reasonable accommodations and reasonable modifications to policies, practices, and procedures.
- **Inclusion and Integration**—Administer programs in the most integrated setting appropriate for the individual (i.e., the presumption is that a person who qualifies for a public program must receive services in an inclusive setting with necessary support services and the burden of proof is on the government agency to demonstrate why inclusion is not appropriate to meet the unique needs of the individual) and

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administer programs to avoid unnecessary and unjustified isolation and segregation (i.e., do not make a person give up his/her right to interact with nondisabled persons in order to receive the services and supports).

Full Participation:

- Provide for active and meaningful involvement of persons with disabilities in decisions affecting them specifically (e.g., right to choose and refuse particular services and supports), as well as in the development of policies of general applicability i.e., at the systems/institutional level. ("Nothing about us without us.")
- This means policies, practices, and procedures provide for real, informed choice; self-determination, empowerment; self-advocacy; person-centered planning and budgeting.

Independent Living:

- Recognize independent living as a legitimate outcome of public policy.
- Provide for independent living skills development.
- Provide necessary long-term services and supports, such as assistive technology devices and services, and personal assistance services.
- Provide cash assistance.

Economic Self-Sufficiency:

- Recognize economic self-sufficiency as a legitimate outcome of public policy.
- Support systems providing employment-related services and supports.
- Provide cash assistance with work incentives (make work pay).

Implementation of Policies

Criteria and Methods of Administration:

State agencies should consider adopting criteria and methods of administration that facilitate and do not impede accomplishment of the precept, goals, and policies of the state agency's program, consistent with the emerging disability policy framework.

Examples include: strategic planning; design elements; financing systems, scheme for reimbursing providers; interagency coordination and collaboration; accountability, including monitoring and reporting, and outcome performance measures; outreach, information dissemination, and technical assistance; and capacity building and personnel development.

Infrastructure:

State agencies should consider establishing an infrastructure (e.g., cabinet level position, interagency task force, and working group) that facilitates and does not impede accomplishment of the precept, goals, and policies of the state agency's program, consistent with the emerging disability policy framework.