

Appendices

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Appendix A1: Policy Adoption over Time (S-Curve)

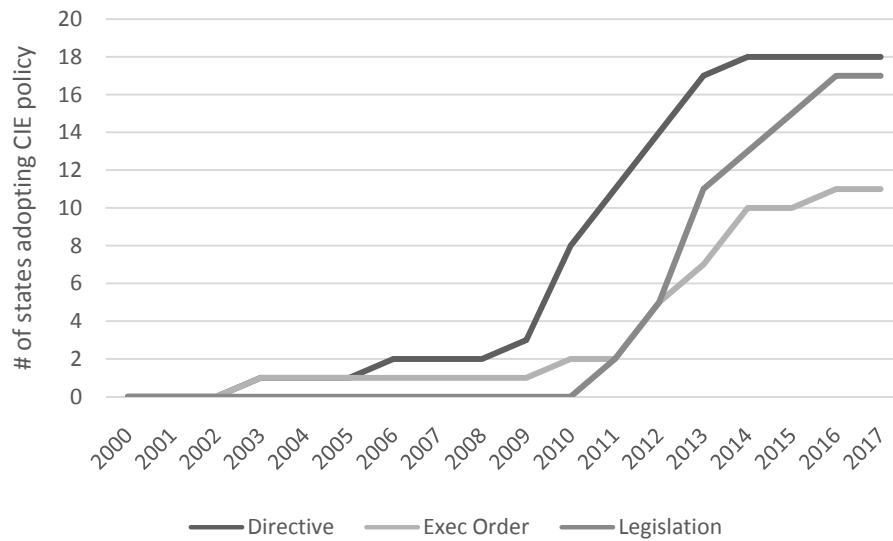


Figure A1: CIE-focused policy adoption, adapted from Nord, 2014 and expanded using LEAD Center Data)

Appendix A2: Key Concepts, Conditions and Anticipated Sources of Evidence

Concept	Condition	Anticipated Source of Evidence
Sources	Change in socio-economic conditions	Overall unemployment Overall labor force participation
	Change in target population attributes	Target population acuity Target population diagnoses
	Change in public opinion	Media attention Survey results
	Change in systematic governing control	Administrative leadership Ideological/political divisions
	Change in venue availability	Lawsuit decision(s) Legislation introduced Administrative rule changes
	Subsystem breakdown	Hurting stalemate Subsystem scandal(s) or crises
	Change in parallel and overlapping subsystem	Education policy Vocational rehabilitation policy Other states' policy
	Hierarchical change	Federal rules, legislation and judicial decision(s)
Context (Stable Parameters)	State political conditions	Social welfare generosity Citizen ideology Government ideology Legislative professionalism
	State economic conditions	Overall unemployment Overall labor force participation
	Subsystem target population	Individuals with I/DD
	Subsystem service history	Antecedent CIE participation HCBS access to services County-based services
	Subsystem service structures	Use of managed care Unionization of HCBS services Service fragmentation
Political Opportunity	Degree of consensus required	Consensual decision rules (macro)
	System openness – Venue structure	Number of decision-making venues Access to decision-making venues
	System openness – Access to input and feedback opportunities	Advocacy channels and networks Public comment opportunities
	System openness – Centralization of authority	Decentralized authority
	Overlapping cleavages	Rural/urban and ideological divides
Coalition Resources: Availability and Use	Formal legal authority	Appointments Lobbying campaigns
	Public and political opinion	Public and political attention Public and political attitudes
	Information	Access to administrative data Access to anecdotes/stories Framing/narrative
	Mobilizable troops	Dedicated members/followers Supply of and access to new recruits
	Financial resources	Private and public funding Dedicated organization
	Skilled leadership	Experience and credibility Skills and stability Federal partnerships

Appendix A3: Summary of Policy Outcomes and Conditions by State

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Policy adoption	Policy directive	Yes (2005)	Yes -- 2007	Interviews; Policy docs
Policy adoption	Executive Order	Yes (2016)	No	Interviews; Policy docs
Policy adoption	Legislation	No (as of 2017); Yes (2018)	Yes -- 2011	Interviews; Policy docs
Policy adoption	Decision by govt authority	Yes	Yes	Interviews; Policy docs
Policy adoption	Institutional rule(s)	Yes	Yes	Interviews; Policy docs
Policy timing	Directive: before 2014 2014 or later	Before 2014	Before 2014	Interviews; Policy docs
Policy timing	EO or legislation: before 2014 2014 or later	After 2014	Before 2014	Interviews; Policy docs
Policy content	Rules included in EO or legislation?	No	Yes	Interviews; Policy docs
Policy content	Any rules to promote CIE?	Yes	Yes	Interviews; Policy docs
Policy content	Any rules to limit CIE?	Yes	Yes	Interviews; Policy docs

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Policy sequence	Sequence of rules, EO, legislation	Exec Order; Media campaign; Institutional rules	Institutional rules; Legislation; Institutional rules	Interviews; Policy docs
Policy outcome	Num/pct service	2000: 23,057 (18%) in integrated employment services 2015: 24,590 (18%) in integrated employment services Note: The percentage in supported employment went up during the 2000s, then down again after 2011. The percentage high was about 31% in 2011.	2000: 6,234 (52%) in integrated employment services 2015: 8,707 (85%) in integrated employment services Note: The percentage increased pretty steadily between 2000 and 2015.	The Coleman Institute for Cognitive Disabilities at the University of Colorado's State of the States in Intellectual and Developmental Disabilities
Context: State attributes	State size: Population	2010: 12,702,379	2010: 6,724,540	U.S. Census Bureau
Context: State attributes	State size: Pop density	2010: 283.9 persons/sq mi	2010: 101.2 persons/sq mi	U.S. Census Bureau
Context: State attributes	Rural/urban divisions: Population	2010: Urban: 9,991,287 (79%) Rural: 2,711,092 (21%)	2010: Urban Areas: 5,651,869 (84%) Rural: 1,072,671 (16%)	U.S. Census Bureau

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Context: State attributes	Govt size = trends in spending as a share of personal income	2000: 12.6% total funds 8.9% state funds 3.0% federal funds 2012: 11.7% total funds 8.9% state funds 3.6% federal funds	2000: 12.0% total funds 8.9% state funds 3.0% federal funds 2012: 11.7% total funds 9.0% state funds 3.6% federal funds	Pew Charitable Trusts
Context: State attributes	Gubernatorial	5 governors from 2000-2017, including: Ridge (R, 1995-2001) Schweiker (R, 2001-03) Rendell (D, 2003-11) Corbett (R, 201-15) Wolf (D, 2015-current)	3 governors from 2000-current, including: Locke (D, 1997-2005) Gregoire (D, 2005-13) Inslee (D, 2013-current)	National Governors Association

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Context: State attributes	Legislature	House: 2000-06 Republican majority 2007-10: Democrat majority 2011-17: Republican majority Senate: 2000-17: Republican majority Full legislature: 2000-06: Republican 2007-10: Split 2011-17: Republican	House: 2000-01: Even split 2002-17: Democrat majority Senate: 2000-02: Republican majority 2003-12: Democrat majority 2012-16: Republican majority (conservative caucus) 2017: Democratic majority Full legislature: 2000-02: Republican 2003-12: Democrat 2012-16: split 2017: Democrat	National Conference of State Legislatures
Context: State attributes	Legislative professionalism (2003 score and rank; Corrected 2015 score and rank)	2003: Score: 6 Rank: 0.339 2015: Score: 0.417 Rank: 4	2003: Score: 17 Rank: 0.197 2015: Score: 0.272 Rank: 11	Squire's 2003 and 2015 Legislative Professionalism Index
Context: State attributes	Citizen ideology	2000-16 average = 56	2000-16 average = 55	Fording's Ideology index (citi6016)
Context: State attributes	Government ideology	2000-16 average = 46	2000-16 average = 64	Fording's Ideology index (inst6017_nom)

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Context: State attributes	Govt spending: State general fund expenditures, and percent change	2000: \$19,295 2017: \$31,766 2000-17: 65% change	2000: \$10,210 2017: \$19,357 2000-17: 90% change	National Association of State Budget Officers
Context: State attributes	Unemployment rates	Unemployment highs: 2002-03, 2009-10 2002-03 peak unemployment rate: 5.8% (Jan 2003) 2009-10 peak unemployment rate: 8.7% (Feb 2010) Unemployment lows: 2000, 2007-08	Unemployment highs: 2002-03 2009-10 2002-03 peak unemployment rate: 7.6% (June 2003) 2009-10 peak unemployment rate: 10.5% (Jan 2010) Unemployment lows: 2000, 2007-08, 2016-17	U.S. Bureau of Labor Statistics

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Context: State attributes	Unemployment among individuals with cognitive disability	2008: 27% 2016: 26%	2008: 27% 2016: 39%	American Community Survey (disabilitystatistics.org)
Context: State attributes	Unemployed and actively looking for work among individuals with cognitive disability	2008: 8.2% +/- 1.21% 2016: 8.5% +/- 1.19%	2008: 8.4 +/- 1.65% 2016: 10.3% +/- 1.81%	American Community Survey (disabilitystatistics.org)
Context: State attributes	Unemployment among individuals without cognitive disability	2008: 20.4 +/- 0.78 2016: 19.8 +/- 0.81	2008: 17.8 +/- 0.98 2016: 17.1 +/- 0.97	American Community Survey (disabilitystatistics.org)
Context: State attributes	Social welfare commitment (TANF participation - % of poor families receiving TANF cash assistance)	2001: 52% 2015: 29%	2001: 61% 2015: 28%	Center for Budget and Policy Priorities (CBPP)

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Context: State attributes	Social welfare commitment (TANF spending)	<p>2015: \$1.02 billion (fed/state) 10% spent on work activities and 1% on work supports and services</p> <p>“In 2015, for every 100 poor families with children in Pennsylvania, only 29 received TANF cash assistance, down from 52 in 2001”</p>	<p>2015: \$1.05 billion (fed/state) 15% spent on work activities and 0% spent on work supports and services</p> <p>“In 2015, for every 100 poor families with children in Washington, only 28 received TANF cash assistance, down from 61 in 2001”</p>	Center for Budget and Policy Priorities (CBPP)
Context: State attributes	Social welfare commitment (Medicaid expansion)	2015 Medicaid expansion	2011 Medicaid expansion	
Context: Subsystem attributes	Working-age adults with cognitive disability	<p>2008: 4%</p> <p>2016: 5%</p>	<p>2008: 4%</p> <p>2015: 5%</p>	American Community Survey (via disabilitystatistics.org)
Context: Subsystem attributes	Major administrative authority	Department of Human Services	Department of Human Services (formerly Department of Public Welfare)	Policy documents

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Context: Subsystem attributes	Service fragmentation	Major DD agency (ODP) does not serve individuals with physical DD. ODP serves individuals with autism, but under a separate bureau and waiver options.	Major DD agency (DDA) serves all eligible individuals with ID or DD.	Interviews; Policy documents;
Context: Subsystem attributes	Unionization	HCBS services not unionized	HCBS services not unionized	Interviews

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Context: Subsystem attributes	Balance of residential and HCBS services	<p>Pct change in ratio of HCBS to ICF=10%</p> <p>2015: HCBS: \$1.10 billion (76%) ICF/ID: \$0.32 billion (22%) Admin: \$0.03 billion (2%) Total: \$1.45 billion HCBS to ICF Ratio: 2.44</p> <p>2007: HCBS: \$0.86 billion (66%) ICF/ID: \$0.39 billion (30%) Admin: \$0.06 billion (5%) Total: \$1.31 billion HCBS to ICF Ratio: 2.21</p> <p>1997: HCBS: \$0.34 billion (40%) ICF/ID: \$0.48 billion (56%) Admin: \$0.03 billion (4%) Total: \$0.85 billion HCBS to ICF Ratio: 0.71</p>	<p>Pct change in ratio of HCBS to ICF=81%</p> <p>2015: HCBS: \$332.3 million (71%) ICF/ID: \$61.5 million (13%) Admin: \$75.5 million (16%) Total: \$469.3 million HCBS to ICF ratio: 5.40</p> <p>2007: HCBS: \$248.9 million (63%) ICF/ID: \$83.2 million (21%) Admin: \$65.4 million (16%) Total: \$397.5 million HCBS to ICF ratio: 2.99</p> <p>1997: HCBS: \$98.9 million (34%) ICF/ID: \$134.8 million (47%) Admin: \$55.3 million (19%) Total: \$289 million HCBS to ICF ratio: 0.74</p>	The Coleman Institute for Cognitive Disabilities at the University of Colorado's State of the States in Intellectual and Developmental Disabilities
Context: Subsystem attributes	Waitlist numbers	2006: 25,000 2014: 14,000	2010: 13,530 2017: 2,560	Interviews; Policy Documents
Context: Subsystem attributes	Waitlist agenda attention	Waitlist high on agenda in 2000s	Waitlist high on agenda in 2000s.	Interviews; Policy Documents

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Context: Subsystem attributes	Waitlist strategy	Troops mobilization	Lawsuit	Interviews; Policy Documents
Context: Subsystem attributes	Alternative agenda focus	2000s: Heavy focus on waitlist (advocacy and admin); institutional services (advocacy/litigation). Arc of PA was engaged in waitlist campaign. Mid-2010s: More focus on Employment First	2000s: Focus on Employment First (advocacy and admin); range of services and waitlist (advocacy/lawsuit). Arc of WA, which has voiced concerns, was engaged in lawsuit during same time period as initial EF efforts. 2010s: Unclear	Interviews; University of Michigan Olmstead Special Collection
Resources: Public opinion	Newspaper stories	2000-17:235 LexisNexis results (not all relevant)	2000-17:403 LexisNexis results (not all relevant) for “Washington”; 23 results for “Washington state”	Lexis Nexis; Giordono (2019)
Resources: Formal legal authority	Changes in party control and appointments	5 leaders: 2000-02: Nancy Thaler, Dep Sec 2003-10: Kevin Casey, Dep Sec 2011-12: Kevin Friel, Dep Sec 2012-14: Fred Lokuta, Dep Sec 2014-15: Steve Suroviece, Dep Sec 2015-17/current: Nancy Thaler, Dep Sec	2 leaders: 2000-13: Linda Rolfe, Director 2013-17/current: Evelyn Perez, Deputy Secretary	Interviews; Websites

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
System events: Changes internal to subsystem	Lawsuits	Olmstead-related litigation (7 cases) predominantly focused on residential/institutional services, including 1) rights to deinstitutionalization/community-based services (5 cases); and 2) rights to institutionalization in a more integrated setting (1 case). One case related to waiting list for individuals with physical disabilities. None of the cases are directly relevant to the provision of employment-related services.	Olmstead-related litigation (6 cases) mostly focused on provision of community-based services, although none are directly relevant to provision of employment-related services. One relevant case (Arc of WA v. Quasim) filed to improve the range of available services, initially resulted in a dismissal b/c the plaintiff "had failed to exhaust administrative remedies". On appeal, the resulting settlement agreement required defendants to seek additional money (from legislature) for waitlist, but did not revisit the range of services, potentially closing the venue to related litigation.	University of Michigan Olmstead Special Collection; DSHS report, 2014
System events: Changes internal to subsystem	Decentralization; DD county role (local discretion)	2000s: Counties administered service provider contracts and provided case management services. 2010s: Counties provide case management services and the state manages service provider contracts.	Counties provide case management services and manage service provider contracts.	Websites; Interviews

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
System events: Changes internal to subsystem	Bureaucratic unit	ODP is a major administrative unit within and is managed by an appointed Deputy Secretary.	DDA is currently a major administrative unit under DHS, and is managed by an appointed Deputy Secretary. Through 2012, DDA (DDD) and was a sub-unit (department) of DHS, and was managed by a Director.	Policy documents
System events: Changes internal to subsystem	System failure	County/state power distribution changes (2011-12)	System failure (late 1990s/early 2000s)	Interviews
System events: Hierarchically imposed events	Federal changes (hierarchical)	2011 HCBS proposed rule 2014 HCBS final rule 2014 WIOA legislation	2011 HCBS proposed rule 2014 HCBS final rule 2014 WIOA legislation	Interviews Policy Documents

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
System events: Changes in external geographies	Contiguous state policy adoption	<p>Maryland: 2009 directive, 2016 legislation</p> <p>Ohio: 2012 Exec Order, 2013 Legislation</p> <p>West Virginia: No policy</p> <p>New Jersey: 2012 Exec Order</p> <p>New York: 2014 Exec Order</p>	<p>Idaho: No policy</p> <p>Oregon: 2013 Executive Order (plus lawsuit)</p>	University of Minnesota, rtc on Community Living (Nord, 2014) Policy Documents
System events: Changes in external subsystems	Residential facilities	2017: 5 remaining “state centers” (with Hamburg closure announced in early 2017)	2017: 4 remaining state centers (RHCs)	State websites
Long-term opp: Degree of consensus needed for change	Veto points	Strong veto players -- Choice	<p>Weak veto players – Choice</p> <p>Defection of most service providers from Choice coalition in early 2000s</p>	Interviews
Long-term opp: Overlapping societal cleavages	Rural/urban	Evidence of cleavages with respect to rural/urban economic opportunities	Evidence of cleavages with respect to rural/urban economic opportunities	Interviews; Giordono (2019)
Long-term opp: Degree of consensus needed for change	System type	<p>Pluralist:</p> <p>High degree of consensus (multiple veto points)</p> <p>High political openness (multiple venues)</p>	<p>Pluralist:</p> <p>High degree of consensus (multiple veto points)</p> <p>High political openness (multiple venues)</p> <p>(Informal) norm of consensus</p>	Interviews

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Long-term opp: Accessible venues	Accessible venues	<p>Multiple accessible venues: bureaucracy, legislature, courts</p> <p>Olmstead opened up venue (but no litigation directly related to CIE-focused services). Waitlist changes pursued via advocacy, not litigation.</p>	<p>Multiple accessible venues: bureaucracy, legislature, courts</p> <p>Tradition of using legislative audit and review system to identify and resolve subsystem problems.</p> <p>Olmstead opened up venue (but no litigation directly related to CIE-focused services). Early 2000s litigation related to range of services dismissed, possibly closing that venue to later lawsuits. Although ultimately the same lawsuit led to additional funds for waitlist.</p>	Interviews; Policy Documents
Long-term opp: Discretion	Degree of state discretion in interpretation and enforcement, relative to feds	State has high discretion	State has high discretion	Interviews; Policy documents

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Long-term opp: Discretion	Degree of local discretion in interpretation and enforcement, relative to state	County admin (2000s) = counties had high discretion, state had low discretion State admin (2010s) = state has high discretion, counties have low discretion Service providers have high discretion (street-level bureaucracy)	County admin (2000s and 2010s) = counties have high discretion, state has low discretion Service providers have high discretion (street-level bureaucracy)	Interviews; Policy documents
Short-term opp: Short-term constraints and resources	Short-term constraints and resources	EF Constraints: Waitlist campaign (2000s) Change to power distribution EF Opportunities: HCBS transition plan	EF opportunities: Stakeholder working groups (2000s) pathway to employment HCBS transition plan	Interviews; Policy documents
Coalition divisions: core beliefs	Core beliefs	Coalitional Divergence: Role of government Value of services and supports Individual capacity to work	Coalitional Divergence: Role of government Stakeholder motivation Individual capacity to work	Interviews; Giordono (2019)
Coalition divisions: policy core beliefs	Policy core beliefs	Coalitional Divergence: Nature of the problem Cause of the problem Priority outcome	Coalitional Divergence: Nature of the problem Cause of the problem Priority outcome	Interviews Giordono (2019)

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
		Subpopulations of concern		
Coalition divisions: Secondary beliefs	Secondary beliefs	Coalitional Divergence: Data-based evidence	Coalitional Divergence: Data-based evidence	Interviews Giordono (2019)
Coalition divisions: Coordination	Collaboration	2000s: Low EF coordination Low Choice coordination 2010s: Formal EF coordination Ad Hoc Choice coordination	2000s: High EF coordination Ad hoc Choice coordination 2010s: Formal EF coordination Formal Choice coordination	Interviews; Policy Documents; Giordono (2019)
Coalition divisions: Coordination	Collaboration avoidance	Little systematic avoidance of opposing coalition	Little systematic avoidance of opposing coalition	Interviews; Giordono (2019)
Coalition divisions: Membership	Members	2000s: EF==Choice EF: Service providers, families, admin Low service provider defection	2000s: EF>Choice EF: Service providers, families High service provider defection	Interviews; Policy Documents
Resources: Formal legal authority	Formal legal authority	2015-current: EF – formal authority, including federal backing Choice – historic authority	2002-current: EF – formal authority, including federal backing Choice – historic authority	Interviews; Websites

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Resources: Information	Framing	EF: Change = civil rights opportunity Change = untapped labor source Choice: Change = threat to civil rights Change = threat to safety	EF: Change = civil rights opportunity Change = untapped labor source Choice: Change = threat to civil rights Change = threat to safety	Interviews; Documents; Giordono (2019)
Resources: Information	Narrative (NPF)	EF -- Story of hope: hero (of change) = individuals with I/DD; families villain = sheltered workshop operators victim (of status quo) = individuals with I/DD Choice -- Story of decline: victim = individuals with I/DD; families	EF -- Story of hope: hero (of change) = individuals with I/DD; families villain = sheltered workshop operators victim (of status quo) = individuals with I/DD Choice -- Story of decline: victim = individuals with I/DD; families	Interview; Hearings; Giordono (2019)
Resources: Information	Access to information	Unclear	Robust data system	Interviews
Resources: Information	Data use	Data: Little evidence of data use by either coalition	Data: EF uses to justify policies Choice uses to oppose policies	Interviews

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Resources: Mobilizable troops	Numbers	Individuals with I/DD served: 2017: 30,461 served 18% in integrated employment services 1999: 21,161 served; 19% in integrated employment services	Individuals with I/DD served: 2017: 9,149, 86% in integrated employment services 1999: 6,937 served; 58% in integrated employment services	State I/DD Agencies: Statedata.info (Note: Similar numbers available from the Coleman Institute are cited above)
Resources: Mobilizable troops	Types of troops mobilized	EF: Self-advocates Parents/families Service providers Legislators Choice: Service providers Parents/families Legislators	EF: Self-advocates Parents/families Service providers Legislators Choice: Service providers Parents/families Legislators	Interviews Websites

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Resources: Mobilizable troops	Mobilization strategies	<p>Mobilizing self-advocates: EF -- #iwanttowork campaign</p> <p>Choice – rally/protest</p> <p>Mobilizing parents/families: EF – unclear Choice – rally/protest, direct appeals (motivated by service providers)</p> <p>Mobilizing service providers: EF – involvement of service provider associations Choice – self-mobilization by service providers (involvement by state associations unclear)</p>	<p>Mobilizing self-advocates: SAIL advocacy</p> <p>Mobilizing parents/families: EF – direct appeals, testimony Choice – testimony, legislature events, direct appeals</p> <p>Mobilizing service providers: EF – heavy mobilization by CEA Choice – mobilization by CCDV</p>	Interviews; Websites
Resources: Financial resources	Source of resources	<p>EF>Choice, namely related to formal authority, federal resources and national TA resources</p> <p>Less EF access to EF resources in 2000s</p> <p>Strong disability rights org (e.g., Benjamin settlement)</p>	<p>EF>Choice, namely related to formal authority, federal resources and national TA resources</p> <p>Weak disability rights org</p>	Interviews
Resources: Financial resources	SELN membership	SELN member from 2007-11 and 2013-17/current	SELN member from 2007-17	Self-Employment Leadership Network data

Outcome/Condition	Measure	Pennsylvania	Washington	Data Source
Resources: Financial resources	Federal grants	ODEP EFSLMP participation started in 2014	ODEP EFSLMP mentor state started in 2007 (?)	U.S. Department of Labor Website
Resources: Skillful leadership	Experience	EF: Suroviec and Thaler	EF: Rolfe	Websites
Resources: Skillful leadership	Skills	EF: Suroviec, Thaler, Hartley Choice: CCABH leader(s)	EF: Rolfe, Thompson, Coulson Choice: CCDV leader(s)	Interviews
Resources: Skillful leadership	Stability	2000-17: 6 administrative leaders	2000-17: 2 administrative leaders	Websites
Resources: Skillful leadership	Presence of change agent among bureaucrats	Thaler = strong change agent Suroviec = moderate change agent Lokuta/Friel = not change agents Casey = not change agent	Perez = not change agent Rolfe = strong change agent Thompson = strong change agent Coulson = strong change agent	Interviews

Appendix A4: Interview Guides

State-level Telephone Interview Questions

- 1) Please tell me about your background and your current role.
- 2) How would you describe your state's current approach to employment services and supports for individuals with I/DD, and important policies or practices? *For my purposes, policies and practices can mean many things, from formal legislative action and rulemaking to the "business" of service provision to less formal norms and priorities.*
- 3) Thinking back over the last fifteen to twenty years, since about 2000, what major changes to policies and practices have occurred, for better or worse, relating to employment services and supports in your state?
- 4) [AS NECESSARY, FOR THE 2-3 TOP CHANGES CITED ABOVE. ALSO ASK ABOUT EMPLOYMENT FIRST IF NOT MENTIONED.]:
 - a. What (specifically) changed and when did it occur?
 - b. What problem was the change intended to address?
 - c. Which stakeholders or groups were most heavily involved, and what was their position?
 - d. What were the main arguments for and against the change?
 - e. How did supporters and opponents attempt to influence the outcome?
 - f. What conditions or events were they key drivers of the change?
 - g. How were any differences resolved, if at all?
 - h. What role did you or your organization play in efforts to influence the outcome?
 - i. Were there any specific individuals who were essential to influencing the outcome?
- 5) With which groups does your organization collaborate most at the state level to influence policies and practices, and why? With which groups do you avoid collaborating, and why? How has this changed over the last fifteen to twenty years, if at all?
- 6) With which national groups does your organization collaborate or avoid collaborating, and why? How has this changed, if at all?
- 7) Is there anything else about your state's policies and practices related to employment services for individuals with I/DD that you'd like to tell me about?
- 8) Is there anyone else that you would recommend contacting about these issues? [IF YES, request name and organization]

National-level Telephone Interview Questions

- 1) Please tell me a little bit about your background and your current position.
- 2) How would you describe current state-level approaches to providing employment services and supports to individuals with IDD, including important policies and practices? *For my purposes, policies and practices can mean many things, from formal legislative action and rulemaking to the “business” of service provision to less formal norms and priorities.*
- 3) Thinking back over the last fifteen to twenty years, since about 2000, what major changes to state-level policies, practices, and priorities have occurred, for better or worse, relating to employment services and supports? [AS NECESSARY, FOR THE 2-3 TOP CHANGES CITED ABOVE]:
 - a. What (specifically) changed and when?
 - b. To what degree did the change occur across states?
 - c. What problem was the change intended to address?
 - d. Who were the most involved stakeholders or groups, and what was their position?
 - e. What conditions or events were the key drivers of change?
 - f. What were the main arguments for and against the change?
 - g. How did supporters and opponents attempt to influence the outcome?
 - h. How were differences resolved, if at all?
 - i. What role did you or your organization play in efforts to influence the outcome?
 - j. Which states moved quickly to change? Which states resisted change?
- 4) With which national stakeholders or groups does your organization collaborate most to influence policies and practices related to employment services, and why? How has this changed over the last fifteen to twenty years, if at all?
- 5) With which groups do you avoid collaborating, and why? How has this changed over the last fifteen to twenty years, if at all?
- 6) Is there anything else about state-level policies, practices and priorities relating to employment services that you’d like to tell me about?
- 7) Is there anyone else that you would recommend contacting about these issues? [IF YES, request name and organization]

Appendix A5: Number of Completed Interviews by Stakeholder Type

	Washington	Pennsylvania
Government agencies	4	6
Interest group/advocacy organizations	8	2
Service providers	4	3
Professional associations	2	2
Other (e.g., consultant, media, lobbyist, etc)	2	1
Total	20	14

Appendix A6: Detailed Codebooks

Appendix A5.1: Codebook (Beliefs and Coalitions)		
Primary Level	Secondary Level	Tertiary Level
Coalition Support	Employment First	Activity
		Support
		Reservations about support
	Choice	Activity
		Support
		Reservation about support
Core Beliefs	Stakeholder Motivations	Concern
		Self-interest
		Values
		Fear
	Value of Services	Provision of services
		Individualization of services
	Government Authority	Government prescription of services good
		Government prescription of services not good
Policy Core Beliefs	Nature of the problem	Individuals are underengaged
	Cause of the problem	Individuals are underemployed
		Services are at risk
		Confusion about benefits
		Access to services
		Implementation
		Capacity to deliver services
		Individual skills
		Funding
		Economic opportunities
		Exposure to opportunities
		Services not available in area
		Low expectations
	Nature of capacity for work	All can work
		Not all can work
	Priority outcomes for individuals	Engaged
		Happy
		In community
		Independent
		Safe
		Wage
		Learning
		Self-determination
	Priority outcomes for family	Employment
		Finances
		Respite
	Priority target populations	Stability
		High-acuity
		Rural

Table A6.1: Codebook (Beliefs and Coalitions)		
Primary Level	Secondary Level	Tertiary Level
Secondary policy beliefs	Data use	Data should be used to inform decisions
	Data findings	Data does not yield support for CIE
		Data yields support for CIE
Policy preferences	Policy preferences	Allow non-CIE services
		Address waitlist
		Provide a wide array of services
		Prioritize CIE
		Limit facility-based services
Collaboration	Avoid collaboration	Avoid EF
		Avoid Choice
		No avoidance
	Collaborate	Collaborate EF
		Collaborate Choice

Table A6.2: Codebook (External or System Events)		
Primary Level	Secondary Level	Tertiary Level
Public opinion	Changes in opinion about sheltered workshops	n/a
	Changes in other stakeholders' opinions	n/a
	Changes in consumer/family preferences	n/a
Socio-economic conditions	Changes in autism prevalence	n/a
	Recession-related changes	n/a
Systemic governing coalition	Administration change	n/a
Other states	DOJ Olmstead litigation	n/a
	EF policy decisions	n/a
Subsystem Events	Locus of control	n/a
	Formal audits/reviews	n/a
	In-state litigation	n/a
	Institutional rules	n/a
	Performance accountability	n/a
Related subsystems	HCBS services for other disability types	n/a
	Deinstitutionalization	n/a
	K-12 education	n/a
	Minimum wage	n/a
	Caregiver training and reimbursement	n/a

Industry trends	Assistive technology	n/a
	Automation	n/a
	Industry models	n/a
	Communication modes	n/a
National events	Healthcare	ACA/Medicaid funding
	Home and community-based services	CMS sheltered workshop plan
		CMS transformation waiver renewal
		Olmstead decision
	Education	High school transition
	Workforce	WIOA legislation

Table A6.3: Codebook (Resources Availability and Use)		
Primary Level	Secondary Level	Tertiary Level
Resources	Formal authority	n/a
	Information	Aggregate data
		Anecdotal data
		Policy information
	Public opinion	Broad public opinion
		Targeted stakeholders' opinions
	Financial resources	n/a
	Mobilizable troops	n/a
Strategies	Skillful leadership	n/a
	Other resources	n/a
	Arguing against opponent's position	n/a
	Convincing decision-makers	n/a
	Policy development	n/a
	Solidifying coalition membership	n/a
	Swaying public opinion	n/a

Table A6.4: Codebook (Policy change)		
Primary Level	Secondary Level	Tertiary Level
Decisions by government authorities	Executive Orders	Disability-related
		Management-related
	Legislation (introduced)	EF legislation
		Choice legislation
	Legislation (passed)	CIE services
		Transition services
		Constitutional rules
		Operating budgets
Institutional rules	Informal rules/culture	n/a
	Formal rules	Accountability
		Staff certification
		Service eligibility
		Family of 1
		Individualizing services
		Pathway to Employment
		Rate structures
		Sheltered workshop transition/closure
		Self-directed services

		Service delivery structure
		Service definitions
Resource allocation	Overall resource levels	n/a
	Resource allocations to counties	n/a
	Resources directed to specific purposes	For community access
		For capacity-building
		For employment services
		For transition services
Appointments	State-level	n/a
Results of policy decisions	Policy outputs	n/a
	Policy outcomes	n/a

Appendix A7: Detailed Analytic Summaries

Washington State

Washington was an early adopter of CIE-focused policy changes, with minor and major changes adopted during the mid-2000s to early 2010s.

History of Support for Integrated Employment

Multiple respondents describe early efforts by the state of Washington to institutionalization of integrated employment opportunities during the 1990s, including participation in a federal Systems Infrastructure Grant (SIG), continued support for the resulting technical assistance organization Washington Initiative for Supported Employment, an in-depth county visioning process and regular state-supported visioning conferences (e.g., Ellensburg, Alderbrook). By 1999, 58% of Day Habilitation and Employment participants were participating in integrated employment services, which subsequently grew to 85% by 2015.

System Failure and a Closed Venue Leads to an Opportunity

In the late 1990s, the I/DD system as a whole was experiencing substantial criticism and review, resulting in a Joint Legislative Audit Review Committee (JLARC) study, a review of the DD Home and Community Based Waiver by the Center for Medicare, an independent review contracted by DSHS, and multiple lawsuits (Washington Department of Social and Health Services, 2014). One DSHS report summarizing the early 2000s states that “Just prior to the turn of the century, the Division of Developmental Disabilities (DDD) was facing what appeared to be an oncoming super storm” (Washington Department of Social and Health Services, 2014, 3). One of the lawsuits was filed in 1999 by the Arc of Washington State (Arc of Washington State et al. v Quasim), which used the Olmstead decision to argue that “Washington State had failed to provide the full range of services offered through its HCBS waiver” (Washington Department of Social and Health Services, 2014, 6). The Arc of WA case was initially dismissed in 2003 based on the argument that it could be addressed via the administrative process. While the case was remanded in 2005 to discuss elements of the case related to the waitlist, resulting in a 2007 settlement agreement (Washington Department of Social and Health Services, 2014; University

of Michigan Law School, n.d.), the earlier dismissal effectively closed the judicial venue to arguments in favor of a full range of services.¹

In the meantime, the Secretary of DSHS and the Chair of the Senate Health and Long-term Care Committee issued a joint “challenge” for the system to undertake a serious self-reflection process and in response, DHS convened a multi-year DDD Strategies for the Future Stakeholder Workgroup (Stakeholder Workgroup), which was formalized by legislative statute (Washington Legislature 1998). One respondent draws a clear connection between the ongoing stakeholder tensions and the formation of the Stakeholder Workgroup: *“In the late '90s the department put together a stakeholder task force that were supposed to arrive at an agreement because the field of developmental disabilities is always filled with anger and hostility and tension. ... Said ‘okay you guys achieve agreement on how we go forward’”* (WA_ind39).

The Stakeholder Workgroup was a 5-year, 3-phase process that incorporated input from over 100 stakeholders (Washington Department of Social and Health Services, 2014; Braddock et al., 2002), charged to reach agreement and make recommendations on “future direction and strategies” (Braddock et al., 2002, 16) for five major programs in the DD system, including Employment and Day Services. With respect to those services, the third and final report clearly articulated the Workgroup’s assumption that “All people will be considered to be on a ‘Pathway to Employment’” (Braddock et al., 2002, 57).

Convening stakeholders for the purpose of establishing shared values was not new to Washington stakeholders. Multiple interview respondents note Washington’s history of convening stakeholders for that purpose, including formal conferences and workshops, such as the Ellensburg Employment Conference, which was convened for over thirty years. One interview respondent states: *“A long time ago in the late '70s throughout the '80s and early '90s Washington did a lot of work on values. Washington did a lot of path workshops, pathing workshops, transformational workshops, a lot of work on values, a lot of forums and Ellensburgs*

¹ A second, related lawsuit (Boyle vs. Arnold-Williams) was filed in 2001 with a similar argument, but was initially dismissed in 2003, and was not permitted as intervenor in the Arc of Washington lawsuit. However, an amended complaint to that lawsuit in 2005 resulted in a settlement agreement in 2006 requiring the state to implement a new comprehensive assessment process (DSHS, 2014).

and Alderbrooks and all of that kind of thing. ... I think that set a very strong base for people to have real lives and real options, employment being one of them” (WA_ind39).

Initial Working Age Adult Policy

Washington State stakeholders widely consider the Working-Age Adult Policy as the primary change to Employment and Day Services during the last two decades. The Working-Age Adult Policy, which was initially adopted as a policy directive in 2004 for pilot implementation (Washington Department of Social and Health Services 2004) and subsequently codified by legislative action via SSB 6384 in 2012 (Washington Legislature 2012), remains a current foundation of Washington service delivery policies and related rules (Washington Department of Social and Health Services, n.d.). The Working-Age Adult Policy established that employment supports are the first use of employment and day program funds for working-age adults (21 through 61 years) (Hall et al., 2007; Washington Department of Social and Health Services, 2011).

DDD Leadership: “like fire and brimstone.”

The Working Age Adult Policy references the Pathway to Employment vision articulated during the Stakeholder Workgroup process. Furthermore, stakeholders describe the Strategies for the Future Workgroup process and the resulting Pathway to Employment vision as a major impetus for the Working Age Adults Policy. For example, one respondents states *“Then from the outcome of this Strategies for the Future group came the Working Age Adult Policy and the thought that regardless of the severity of a person's disability, that everybody needed to be afforded the chance to basically work and that working, again, supported all our values: the power and choice, relationship status, contribution, integration, competence, and health and safety” (WA_ind24).*

However, the policy directive was also widely attributed to Ms. Rolfe’s initiative and leadership. For example, interview respondent said *“Linda Rolfe was the one driving it. She used to be the assistant secretary over developmental disabilities. That's what it was called at the time. She's the one that pushed this” (WA_ind37).* One respondent even described the policy as a single-handed effort by Ms. Rolfe: *“There weren't other people involved with the decision by the DD Director. I'm sure that the employment providers, and maybe the bureaucracy was, but that policy, her internal policy was her direction. Period. It wasn't a legislative direction, it wasn't*

like she asked the [advocacy organizations], she wasn't asking for all of our input, that was her goal" (WA_ind02).

Ms. Rolfe is described by multiple respondents, even those who disagreed with her policy positions, as a highly energetic and skilled leader with a strong commitment to employment. For example, one respondent stated *"When you talk with Linda, it's like fire and brimstone. She's just really on it."* (WA_ind02) and another noted that *"The legendary Linda Ralph, [who] was the DDA director, [she] really had a solid commitment to employment"* (WA_ind04).

Service Provider Coalition Defection

As noted earlier, Washington State had a strong history of supporting service providers to innovate in the field of supported employment, as well as supporting service providers to transform from day activities and segregated employment settings to supported employment settings. However, a contingent of service providers continued to provide segregated employment services in the early 2000s. At that time, service providers were represented by two distinct membership organizations, the Rehabilitation Enterprises of Washington (REW) and P2020. In the mid-2000s, those organizations merged and formed the Community Employment Alliance (CEA), which effectively represented a defection from the Choice position. One respondent states *"There were two separate groups at one time. There [were] the Rehab Sheltered Workshop folks and there was a group called P2020 that was focused around supported employment and community employment. And I think it was around 2007 or so, maybe 2008, that those two organizations came together around integrated community employment. And the vision that that could work for all, that we would support each other, in moving away from sheltered workshops and sub-minimum wages, and that we would train and build capacity across the state."* (WA_ind06). The CEA's formal Declaration states the organization's preference for integrated employment and the elimination of sub-minimum wage opportunities (Community Employment Alliance, n.d.).

Respondents cite multiple reasons for transforming their own organizations and more broadly pushing a supported employment agenda. Some respondents cite values as important elements in those decisions, but also refer to a growing recognition of change, and a strong interest in adapting to it. For example, one respondent states *"We had a strong leadership group within REW and P2020 that really wanted to bring it back together. Like, we're not going to*

survive unless we come together and we believe this.” (WA_ind06) Other respondents cite growing information about the preferences of individuals with I/DD, suggesting a learning pathway to change. For example, another respondent who transformed his organization in the early 2000s stated “It started with, well, really David Mank who was then at the University of Oregon, brought some students up and surveyed our clients in sheltered workshop and 80% of the clients said they wanted to work in the community like their mom and dad, or brother and sister... So we had a five year plan, and so then we closed our sheltered workshop in 2004” (WA_ind26)

Not all service providers were willing to support the new organization’s mission, however. One respondent notes that the initial position paper resulted in four service providers members leaving the organization by 2011, which subsequently formed the organization The Coalition of Developmental Disabilities Voices to serve as the lead organization for the Choice coalition in Washington State.

Strong Support and Emerging Concerns

The Working Age Adult Policy was implemented in phases from 2004 to 2006. There is little evidence of any immediate challenges to the Working Age Adult Policy, and there was strong support for the new policy among county governments, which were responsible for service provider contract administration. That said, there were concerns among some interest groups, service providers and legislators about impacts of the policy on high-acuity individuals. One respondent states “*I remember the director, Linda Rolfe was the director that created this policy. She told me once that she knew that some people would be left behind for a while, and she knew that and that was okay with her, and it wasn't okay with me. I mean I just don't think you should have a policy you know you're not going to take care of all of the people*” (WA_ind02).

Respondents clearly articulate that the Working-Age Adult policy reflected a departmental decision to prioritize employment services. One respondent describes the policy as “*an internal policy, it wasn't a legislative directive, but an internal policy... that was really the emphasis of moving the state even further into individualized employment*” (WA_ind02). Similarly, interview respondents also noted the adoption of a policy in the absence of legislative statute. For example: “*Well, it was a policy commitment by the director of the DD administration*

then, and she established it as a policy and it got embedded into provider contracts and it eventually got embedded into state law. That was backwards, you thought it would be in state law first, and then kind of trickle down from there, but it kind of worked backwards... We've been un-ruffling those feathers for about, three or four, maybe even a couple more sessions of the legislature ever since. '" (WA_ind12)

Initial Pushback

Legislation to counter the Working Age Adult Policy (HB 3078/SB 6736) was introduced in 2008, just after the Working Age Adults Policy had been fully adopted (Washington House of Representatives 2008; Washington Senate 2008). That bill's final substitute legislation acknowledged the relevance of employment as a goal for individuals with I/DD, but also promoted the development and promotion of community access services for individuals with severe or profound developmental disability (Washington State Legislature, n.d.). Testimony was held in both the House and Senate to discuss the bills; individuals supporting the bills, including the Arc of Washington and selected family members, expressed strong concerns about the availability of access to appropriate options, especially community access services, for individuals with severe disabilities. Individuals opposing the bills, including P2020 and the Association of County Human Services, expressed concern that the bills would dilute funding for supported employment services (Washington State Legislature, n.d.). Despite proceeding through multiple amendments in both the House and Senate, the bill was never voted on. One respondent indicates that *"Other people were working against it, so that Bill just kind of went away"* (WA_ind40). However, another respondent also states that there were budget repercussions, despite the bill's failure in committee. *"So, no bill passed, but then there were a couple of legislators, who in the budget process then, because they didn't get their bill, basically took away half of the funding for employment"* (WA_ind40).

The 2009 operating budget legislation ESHB 1244 called for the Joint Legislative Audit and Review Committee to conduct a study of Employment and Day Services with a focus on developing recommendations for utilizing outcome-based contracts at the county level (Washington Legislature 2009). In response to that study, which recommended more consistent review and monitoring of county DD contracts, DDA underwent a process in 2011-12 to establish an outcomes-based rate structure.

Attempts to Negotiate a Peace

As instructed by the 2011 operating budget legislation SB 1087 (Washington Legislature 2011), the DDD convened a workgroup “to develop a proposal regarding a new approach to Employment and Day Services” (DDD Employment and Day Services Report, 1), which was submitted to the legislature in December 2011. The legislative objective of the workgroup was to “ensure that adults with developmental disabilities have ‘optimum’ choices and that Employment and Day offerings are ‘comprehensive enough to meet the needs of all clients currently served on a home and community-based waiver’” (DDD Employment and Day Services Report, 4).

The workgroup, which was composed of 23 participants, including an inclusive group of service providers, legislators, family members and interest groups, reached agreement on individuals’ needs, family’s needs additional objectives, and also developed four potential options, but did not reach consensus on recommendations. Three of the four options involved maintaining the working age adults policy requirement. Only one of the options explicitly proposed to “eliminate the Employment First policy” (DDD Employment and Day Services Report, 10). The workgroup ultimately recommended two options that were supported by a majority of Workgroup members, both of which called for maintaining existing working age adult policy requirements and adding more comprehensive day services. The report includes unedited statements by selected members of the workgroup, which highlighted ongoing issues related to funding for services, services for high-acuity clients, rural/urban differences and overall concerns that the working age adult policy led to some clients’ needs remaining unmet.

A Win in Disguise

In addition to ongoing dialogue about the future of the Working Age Adults Policy, budget cuts continued to threaten the Working Age Adult Policy through 2011-12. One respondent states that “*In 2011 in the middle of a really contentious session here, employment funds were being threatened, and we were able to save funds that year. And our response in 2012 was to come back and introduce the Employment's first policy so we didn't have to deal with the threat of the budget cuts every year*” (WA_ind04).

In the wake of the workgroup recommendations, supporters of the Working Age Adult Policy introduced SB 6384 with the title “An Act related to ensuring that persons with developmental disabilities be given the opportunity to transition to a community access program

after enrollment in an employment program.” The major provisions of SB 6384 state that 1) adult clients must be offered the opportunity to transition to a community access program after nine months of enrollment in an employment program; 2) adult clients must be offered the opportunity to transition from a community access program to an employment program at any time; 3) clients may not be authorized to participate in both community access program and an employment program at any given time; 4) the department shall strengthen and expand the community access program; and 5) the department must develop rules to allow for an exception to the nine-month employment program participation policy. The third provision stems from a budget proviso from the 2011 legislation HB 1087 (Washington Legislature 2011), which authorized individual clients for only one service option, either community access or employment services. One respondent describes the budget proviso as having been required by a “*What it did was limit people to only get ... they had to choose either between employment or Community Access, they couldn't get some employment and some Community Access.*” (WA_ind02).

Respondents describe the legislation adopted in 2012 (Washington Legislature 2012) as the “Employment First” or “Work First” law, although that language is not used in the bill, and describe it as a major step in prioritizing CIE. For example, one respondent states “*The Working Age Adults Policy, the... what was called the Employment First law, legislation were huge, had a huge impact*” (WA_ind39). While respondents describe the legislation as an important factor in the effort to prioritize CIE, they do not always describe it as a major change because it was preceded by the Working Age Adults Policy. For example, one respondent states that the legislative statute “*just cemented it in*” (WA_ind38).

The bill’s promotion and passage represented a strategic effort by advocates to codify the earlier Working Age Adults Policy. One respondent states that “*We talked to stakeholders and were very careful to not use the words ‘Working Age Adults Policy’ or ‘Work First’ because they’re very... they set people off, they didn’t like that. So we called it an employment bill, we called it just ‘Developmental Disabilities Employment’*” (WA_ind40).

Key stakeholders involved in promoting the legislation included the Washington State Association of Counties, and the counties themselves; while the counties were precluded from lobbying, WSAC lobbying staff provided substantial leadership support during the legislative

process. The counties are described as having been “*probably the most valuable when it went from Working Age Adult Policy to transitioning to the Employment First legislation*” (WA_ind04). Other important stakeholders including county-based Parent Coalitions and technical assistance provider Washington Initiative for Supported Employment (WISE).

Despite strong support, respondents expressed surprise by the ease with which the bill moved forward, given the earlier attempts to introduce legislation countering Employment First: “*So it got to the house and we were like ‘there’s no way it’s going to get a hearing. If it does, there’s no way she’s going to pass it out.’ So, it got a hearing and all the people got to come in to talk about their jobs and how much they loved them and how valuable it is. With a focus again just on employment...*” (WA_ind40)

Hearings were held in both the House and Senate, with supporters of the bill articulating 1) the importance of supported employment programs for providing the opportunity to work; and 2) the “hope” for more robust community access programs in the future. Testimony in favor of the bill came from a variety of interest groups, including the Arc of Washington State and the Washington State Developmental Disabilities Council, and some service providers, including a representative of the Community Employment Alliance (Washington State Legislature, n.d.). A smaller group of individuals provided “Other” testimony, which centered around a proposal to amend the bill to Adult Day Health services.

Ultimately, the bill passed unanimously, suggesting that the legislation was wholeheartedly supported by most stakeholders and legislators. However, the legislation was described by several respondents as having been passed without a full understanding of the implications by some members of the legislature who had previously been opposed to the Working Age Adults policy. One respondent indicates that “*We did slip it in under the radar.*” (WA_ind40) and another respondent states that “*some of the House members didn’t realize that that’s what happened.*” (WA_ind25). Another indicates “*So then, you know, we made it into the legislation and the new statute. They had conferences in D.C. and they talked about how it’s the first state that got it in statute, and then I guess someone talked to Representative Dickerson and she said, ‘we did what?!’*” (WA_ind40)

Furthermore, as stated above, SB 6384 included explicit language requiring the department to “work with counties and stakeholders to strengthen and expand to Community

Access services” (Washington Legislature 2012), which echoed language in the 2011 operating budget legislation HB 1087 directing the DDD to convene the Employment and Day Services Workgroup (Washington Legislature 2011). Some respondents described support for the legislation as being contingent on an informal understanding that alternative services would be developed, as recommended by the Employment and Day Services Workgroup. *“So, there was a work group to look at the policy during that time. They were also supposed to look at how to expand community access as an option. And that never, even up until now, I mean that was it was six, seven, eight years ago, it still hasn't really happened.”* (WA_ind40).

Growing Conflict in the Wake of the Settings Rule

The growing federal interest in eliminating segregated settings was signaled by the CMS February 2011 proposed rule, which articulated initial settings requirements (i.e., integrated vs segregated) for individuals receiving HCBS services (Centers for Medicare and Medicaid, 2011). Shortly thereafter, in 2013-14, SB 5470 was introduced as “AN ACT Relating to facility-based vocational services”, which called for the term “sheltered workshop” to be replaced by “facility-based services vocational services” and for the Department of Social and Health Services to consider such services as “a viable work preparation option for individuals with disabilities” (Washington State Legislature, n.d.). It is recalled by one respondent as supporting “*preservation of sheltered workshops*” and the group promoting the bill as “*very pro-workshops and they've caused a lot of legislative challenges*” (WA_ind04).

After the HCBS rule was finalized in 2014, Washington State submitted a transition plan to CMS in March 2015, which proposed to eliminate new admissions to pre-vocational services and supports (i.e., sheltered workshops), and re-route existing participants into integrated service options by 2019. The move is described by one respondent as DDD having taken a “*strong stance to close sheltered workshops by 2019*” (WA_ind02). Choice stakeholders, however, take issue with Washington State’s interpretation of the federal rule. One respondent notes “*I'm not sure that when it comes down to CNS policy language, that CNS wants to see all engagement curtailed because I don't believe that that's what the federal regulation is saying. I think that the federal reg[ulation] actually states that choice and the experiential nature of the training that a person derives from participating in a pre-voc[ational] program is still a core tenant of CNS reimbursement, federal reimbursement for pre-vocational services and the payment of sub-*

minimum wage” (WA_ind30). Only about 150 current participants are expected to be impacted by the change, but respondents note that it is controversial nonetheless. One Choice respondent states “*As of July or September of 2015, the front door is locked. In March 2019, every door is locked. So, I was hoping that they would have rounded those corners and recognized that for some folks it's a stepping stone*” (WA_ind38).

Using Information as Tools of Persuasion

Both coalitions use framing and narrative as a major part of their strategy to achieve policy change. The Employment First coalition’s frames CIE as a both a civil right and as an individual responsibility, while the Choice coalition asserts non-CIE services are the civil rights in need of protection. The Employment First coalition tends to portray individuals with I/DD, and some service providers, as heroes in the context of Employment First policy and as victims in the context of Choice policy. Families of individuals with I/DD who do not support Employment First policy are typically portrayed as either victims or inadvertent villains. The Choice coalition typically portrays individuals with I/DD and their families as victims of Employment First policy, and selected advocates (including families and selected service providers) as heroes. Both coalitions use stories of hope and decline to advance their policy positions. However, few respondents describe the opposing side as operating out of intentional animosity; most respondents tend to describe the opposition as inadvertently supporting the wrong side due to fear, costs, etc. Similarly, there is little evidence of “the devil shift.”

Washington State respondents from both coalitions express strong support for using data to inform decision-making. However, they do not fully agree on the degree to which the data support the policy changes that have occurred. Employment First respondents tend to cite two key data points. First, they describe research that shows that individuals with I/DD would largely prefer employment over non-employment. For example, the Community Employment Alliance website refers to relevant research along those lines (Community Employment Alliance, n.d.). Second, they cite Washington State’s national reputation for achieving high employment outcomes among participants with disability as evidence of the Working Age Adults Policy’s success. For example, one respondent states “*The part that we fund well and do really well in is supported employment. I think we lead the nation in outcomes.*” (WA_ind25).

In contrast, respondents aligned with the Choice coalition tend to cite selected employment outcomes, especially wages and hours, to argue against the Working Age Adults Policy. One respondent declares *“It's messed up. Our state says, ‘X thousands of people are in supported employment’. Well, that might be that they're getting authorized by the state to get employment services, but then you go deeper and say, ‘how many people actually have a job and how many hours is that job a week and how much money are they making?’ When you start going deeper, then we don't look as good”* (WA_ind02). Similarly, another respondent states *“I'm data-oriented and I see the trendlines in the employment rates, the employment outcomes, and wages, and hours trending down, especially for the high acuity folks.”* (WA_ind38). Choice respondents also express strong concerns about outputs and outcomes heterogeneity by both region and acuity, contending in particular that clients in rural areas and high-acuity clients (i.e., those with the most severe disabilities) are left behind by the Working Age Adults and subsequent CIE-focused policies (e.g., elimination of pre-vocational services).

Employment First respondents acknowledge these issues, but do not necessarily conclude that non-CIE options are appropriate and tend to describe them as implementation challenges. One respondent states *“I also think it represents an experiment in the struggle of fully implementing those policies because of how long it's been around. And you can see about a 10-year mark now and look at the data and see how much progress has been made and in what areas there hasn't been progress made. And what the areas of struggle on the application side are”* (WA_ind01)

“High Drama” and an Uncertain Future

During the 2017 session, the Washington State Senate introduced HB 1304/SB 5201, bwhich initially proposed to retract the Working Age Adults Policy requirement of 9 months of participation in Employment services and replace it with access to at least 20 hours/week of either Employment or Community Access Services (Washington House of Representatives 2017; Washington Senate 2017). Members of the House of Representatives opposed the bill and proposed amendments. After multiple public hearings in both the House and Senate committees, both House and Senate insisted on their positions and refused to recede, and the legislation did not proceed. The session was described by one respondent as *“one of the highest drama I've ever been in, and I've been in some drama”* (WA_ind32). Another respondent describes ongoing

legislative discontent with the Employment First approach: *“Obviously, there are people who have not always been fans, so we’ve got some legislators who continue to oppose it. Say, ‘Why would we force people to try our most expensive service.’ And we live that every year are in legislation, and again, this year. So, even though we put employment first in policy, now that policy is continually threatened by, you know ... particularly on the East side of our State”* (WA_ind04).

The initial legislative effort was coordinated by members of the Choice coalition, with leadership from the Coalition for Developmental Disabilities Voices (CDDV). One Employment First respondent notes that the bill was introduced *“out of nowhere”* (WA_ind28) and that efforts to negotiate with members of the Choice coalition were not fruitful. The Choice coalition also lobbied successfully for strategic text in operating budget legislation 5883-S.SL, calling for a Joint Legislative Audit and Review Committee (J-LARC) study of DDA Employment and Community Access services (Washington State Legislature, n.d.). One Choice respondent describes a conviction that the study will demonstrate the poor outcomes associated with the Working Age Adults Policy, *“What we’re hoping from the study is that it will show that the trendlines are going down. People aren’t getting hired. It takes, on average, 18 months with an individual with a significant disability to get a job”* (WA_ind30).

Respondents from both coalitions continue to convey conflict. One Choice respondent states *“If the jobs were available now, then Washington would already be an Employment First state. It’s our position that Washington wants to become an Employment Only state under the guise of Employment First”* (WA_ind30). Similarly, an Employment First respondent describes ongoing discontent with the Employment First approach: *“Obviously, there are people who have not always been fans, so we’ve got some legislators who continue to oppose it. Say, ‘Why would we force people to try our most expensive service.’ And we live that every year are in legislation, and again, this year. So, even though we put Employment First in policy, now that policy is continually threatened...”* (WA_ind04).

Causal Process

In the early 2000s, system failure and the closure of a judicial venue provided ripe conditions for a skilled administrator to implement an initial (major) change to institutional rules in the form of the Working Age Adult Policy. There is some evidence of policy-oriented learning

among service providers, although it was not highlighted in technical debate by policymakers. Subsequent (minor) changes were achieved via a variety of coalition resources and strategies, including formal authority, troop mobilization, use of information (especially framing/narrative and data) and strong national support. The Choice coalition formally mobilized after the initial major change and continues to pose regular threats to the Employment First policy changes. See Figure A7.1 for a visual representation of the causal process.

Figure A7.1: Washington Pathway to Policy Change

Pennsylvania

Pennsylvania was slow to prioritize CIE-focused policy. No policy changes occurred until after the 2014 HCBS Final Rule and related guidance, despite early attempts to renew the state’s commitment to employment policies via policy directive. After the federal rulemaking, however, several minor and major changes occurred in Pennsylvania.

History of Low Participation in Integrated Employment Services

Since the 1990 adoption of MR Bulletin 6000-90-06 (Pennsylvania Department of Public Welfare 1990), Pennsylvania has had a written policy supporting access to and prioritizing

employment opportunities for individuals with intellectual disability.² The state also conducted a visioning process in 1991 that culminated in a document that highlighted the vision of an “everyday life” in community, including opportunities for supported employment, which was renewed in both 2001 and 2016 (The Arc, n.d.). However, Pennsylvania’s record of service provision in the last two decades suggests a low level of attention to integrated employment services. In 1999, Pennsylvania reported that 19% of participants received integrated employment services, substantially lower than the average of 29% among all states, and by 2015 the percentage had decreased to 17% (statedata.info, n.d.).

Policy Stasis and Diverted Attention in the 2000s and 2010s

Pennsylvania saw no policy change during the 2000s and early 2010s, with the exception of policy bulletins that renewed the state’s commitment to employment. For example, a 2005 MR Bulletin 00-05-07 “reemphasizes [OMR] commitment to the principles of the existing employment policy” (Pennsylvania Department of Public Welfare 2005), suggesting that an interest by OMR leadership in achieving gains in the area. Similarly, proposed and final policy directives PA. B# 38-1937 (Pennsylvania Department of Welfare 2008) and PA. B# 40-4935 (Pennsylvania Department of Welfare 2010) highlighted community-integrated employment as a goal. These documents were released under one Deputy Secretary (Kevin Casey), suggesting an interest by agency leadership in prioritizing employment. However, no respondents cited them as important indicators of change, and respondents describe much of the 2000s and early 2010s as being static with respect to CIE changes: *“Pennsylvania was one of the first states that really considered itself, touted itself as an Employment First state. That was policy that was written, but we never really got to the place where it was sort of enforced, managed, considered, and had oversight”* (PA_ind51).

Indeed, the 2000s and early 2010s were characterized by political and administrative attention to other issues. Respondents describe heavy involvement in other policy changes during that period, including waiting list and contract reform. The Pennsylvania Waiting List Campaign, which was launched in 1997 to pursue full funding for HCBS services, achieved major gains in 2007 (PA Waiting List Campaign, n.d.). Similarly, the late 2000s and early 2010s shifted

² The PA Office of Developmental Programs provides services only to individuals with Intellectual Disability and Autism. Individuals with other Developmental Disabilities are served through the Office of Long-term Aging.

administrative attention to contract administration and rate structures. In response to concerns voiced by the Centers for Medicare and Medicaid Services (CMS), Pennsylvania removed administrative control from the counties, centralized control at the state level, and imposed a fee schedule on service providers, replacing the previous county-controlled cost-reimbursement system. Multiple respondents describe the waitlist and administrative changes as the political priority during that time period. One respondent even makes a direct connection between the focus on the waitlists, the subsequent changes to county authority, and the delays in CIE-focused policy changes, stating *“We had our county and county-administered funds and as far as ODP was concerned, all the money got spent on waiting list progress, so they didn't have a real hands-on approach and they got in some trouble with the feds, that they really weren't running a state-wide system. So, I think that's one of the answers as to why things didn't happen sooner.”* (PA_45).

Pennsylvania Learns from Other States and from National Organizations

Respondents describe events stemming from other states as an important consideration in Pennsylvania, although not necessarily as a driving force. For example, several respondents note that Olmstead litigation in other states, such as Oregon and Rhode Island, was followed by Pennsylvania policymakers, administrators and advocates. In 2013-14, HR 903 directed the legislative and budget finance committee to conduct a review of Olmstead implementation. The report that resulted from that investigation cited that DHS would rely on a 2014 settlement agreement related to residential services (the Benjamin settlement) for its Olmstead implementation plan (Pennsylvania Legislative Budget and Finance Committee, 2015).

Several respondents also refer to the adoption of “Employment First” policies by other states. For example, one respondent states *“I do think it I think it started right around when you started hearing about the national employment first movement... In Pennsylvania I think you started hearing about employment first and discovery and all that, probably around 2012 or 2013”* (PA_ind01).

One respondent also notes the influence of the “A Better Bottom Line: Employment People with Disabilities” initiative of National Governor’s Association under leadership of Governor Markell (D) of Delaware (National Governor’s Association, 2013). In 2013, Pennsylvania hosted an institute for state policymakers associated with that initiative that

focused on employment challenges faced by individuals with intellectual and other significant disabilities. That event was described as an important turning point: *“Our state really sat together in a powwow at that moment and said ‘It’s time. We have to do something much more proactive.’ Everybody started trying to educate folks, leadership about this.”* (PA_ind51)

Respondents note that national-level organizations, especially professional associations (e.g., NASDDDS, ACCSES, ANCOR, APSE) play a role in providing resources and support to both Employment and Choice coalition actors. For example, Pennsylvania was a State Employment Leadership Network (SELN) member from 2007-11 and from 2013-current. One Employment First respondent describes SELN as providing *“a tremendous amount of technical assistance to Pennsylvania”* (PA_ind21). Similarly, Choice respondents frequently note the role of ACCSES in providing strategic information and resources, stating *“Agencies like Access totally agree with that and ANCOR, likewise, and they’re working from the standpoint, ‘Well, maybe what we have to do is get something like this reintroduced at a federal level, maybe rewritten or an amendment to some of the regulations to give information to the state of Pennsylvania here to say no, no, no. That was never the federal intent of this. This is what we’re looking for’ so we are working likewise at the federal level with Access and ANCOR.”* (PA_ind65).

ODP Leadership: “People listen when she speaks”

ODP leadership has been characterized by considerable turnover during the last two decades. The position of ODP Deputy Secretary has been filled by five individuals, one of whom served twice (in the early 2000s and current). Substantial instability was experienced during the administration of Governor Corbett (R), during which three Deputy Secretaries were appointed. There is no evidence that early ODP leadership worked against prioritizing CIE policy; in fact, Deputy Secretary Kevin Casey signed the 2005 and 2010 policy directives that renewed the 1990 commitment to employment as a goal. However, there is also little evidence that other Deputy Secretaries were champions of CIE policy.

In contrast, the most recent ODP Deputy Secretaries Steve Suroviec (2014-15) and Nancy Thaler (2015-current), prioritized both CIE-focused policy and Employment First. Mr. Suroviec, Ms. Thaler’s predecessor, was ODP Deputy Secretary during a 2013-15 Futures Planning Workgroup that was convened by ODP, and which culminated in a 2015 report that

included a recommendation to “make Pennsylvania an ‘Employment First state’ with employment as the priority for people with disabilities” (PA Legislative Budget and Finance Committee, 2015). Mr. Suroviec was subsequently responsible for preparation of the Executive Order text, as well as the subsequent Employment First Implementation Plan. Similarly, Ms. Thaler has presided over the most recent policy changes, as well as leadership of an Information Sharing Advisory Committee (ISAC) that yielded a renewed “Everyday Lives” document, which is a vision document described as having recommendations that “*are absolutely the template for everything we do*” (PA_ind02). The 2016 Everyday Lives visioning process and 2016 document was spearheaded by the Ms. Thaler as a sequel to an early 1990s visioning process and document of the same name.

Furthermore, their backgrounds suggest a longstanding commitment to employment. Mr. Suroviec took the position of Deputy Secretary after having introduced reforms as the Director of the Office of Vocational Rehabilitation and serving as a leader in both the advocacy community and state government. Nancy Thaler re-entered the position after more than a decade as Executive Director of the National Association of State Directors of Developmental Disabilities Services (NASDDDS), which is the organization that founded and operates the State Employment Leadership Network (a CIE-focused initiative).

They are both described by respondents as skilled leaders. Ms. Thaler is widely described as an exceptional and strategic leader. For example, one respondent states “*Nancy Thaler, she is probably one of the best professionals in the field that I've ever worked with. She is knowledgeable, she has the respect not only in Pennsylvania and throughout the country, and whose experience brings the opportunity to influence change. I think that people listen when she speaks, and I think that she has the perspective, national perspective, but she also has state government, federal government, and local provider experience that helps her form teams and decisions around policy and implementation of policy*” (PA_ind12). Mr. Suroviec is also described in favorable terms, although neither he, nor any of the other Deputy Secretaries, are described in terms of their leadership skills with the same fervor as Ms. Thaler.

Relatedly, some respondents describe administration changes as being a driving factor in employment-related policy. Indeed, multiple respondents note Pennsylvania’s history of divided government and frequent shifts in gubernatorial and legislative party control, suggesting that

CIE-focused policy changes may not be lasting. For example, one respondent notes “... *if I were a betting person, I would think that our current Governor in another year will probably be voted out. It's currently Democrat. It will probably swing to Republican. The person who is in charge right now will be gone. I think as I sit here today, this is probably going to stick, at least for the short to midterm length of time, and depending on what happens in the next general election may undue everything that is being done at this point.*” (PA_ind65).

Pennsylvania Responds to the HCBS Final Rule

Most respondents attribute the observed policy changes to events at the national level, especially the 2014 HCBS Final Rule and the original 1999 Olmstead decision. Over half of respondents described the HCBS final rule as having had a major impact on the system. For example, one (Employment First) respondent states “*The HCBS rule change really forced the I/DD system to look at its settings...*” (PA_ind01), while a second (Choice) respondent notes the importance of interpretation of the final rule, stating “*A lot of this comes down to how people interpret and states interpret the home and community-based services regulations that have come down from the federal government... individuals that have looked at this and have talked about how other states are viewing this, they're basically just mouth wide open saying, 'I can't believe Pennsylvania is doing something like this. That wasn't the intent of the federal government. Why are they interpreting things some of the ways they are?' I think it's just that they've decided they would take an extreme approach*” (PA_ind65).

In response to HCBS Final Rule requirements, Pennsylvania submitted a draft statewide transition plan (STP) to the Centers for Medicare and Medicaid Services (CMS) in April 2015, after incorporating input from a public comment process. The final transition plan was submitted in August 2016. The transition plan asserts that a systematic assessment found that “there are no direct conflicts with the new federal requirements” (DHS, 2016, 19), but that DHS would take steps to “to address areas where all documents reviewed were found to be silent” (DHS, 2016, 19) to assure compliance with the HCBS Final Rule by 2019 (as required). The transition plan also notes that during webinars to solicit stakeholder input “did not end with a consensus, [but] there did seem to be a general recognition that the status quo would not be acceptable and could not continue... Participants urged ODP to consider the full range of abilities and needs of individuals and to ensure a wide range of services are available that will provide opportunities for each individual to grow and

achieve his or her goals.” (DHS, 2016, 19), suggesting that stakeholders experienced conflict related to system goals, although it is not specified whether the conflicts were specific to employment or other services.

The waiver-specific documents associated with the transition plan note an intention to “draft and publish an Executive Order on employment that will clearly articulate employment principles for people with all disabilities” (DHS, 2016, 2). Those documents also include plans to 1) revise service definitions and incorporate revisions in the waiver renewal process; 2) actively engage SELN in those and related efforts; and 3) build service provider capacity for CIE-focused services. Finally, the transition plan noted the formation of a new stakeholder workgroup, the Information Sharing and Advisory Committee (ISAC).

Employment First Supporters Engage Allies

Governor Tom Wolf (D) entered office in January 2015, and the Executive Order 2016-03 (“Establishing ‘Employment First’ Policy and Increasing Competitive Integrated Employment for Pennsylvanians with a Disability”) was signed on April 16, 2016. The Executive Order proclaims that “Competitive integrated employment is the first consideration and preferred outcome of publicly-funded education, training, employment and related services, and long-term supports and services for working-age Pennsylvanians with a disability,” and directs preparation of a written implementation plan with related goals be prepared by the Department of Human Services, the Department of Labor and Industry, and the Department of Education (Office of the Governor, 2016).

Respondents report engaging Governor Wolf and his Advisory Cabinet on Disability even prior to his term. The decision to engage the Governor and proceed with an Executive Order is described in strategic terms. One respondent indicates “*We pushed the governors. We worked with community leaders who talked to the future Governor Wolf to make sure that was a priority. We put language in their hands. They worked on language. They did this detailed executive order*” (PA_ind51). Similarly, another respondent says, “*So you know we had been pushing for either legislation or an executive order for a while, so, and Governor Wolf was very open to it.*” (PA_ind42). A third respondent indicates that by “*having the Employment First policy written down,*” the state was “*positioned*” to make subsequent changes to service definitions as part of the Waiver renewal process (PA_ind01).

While there is little evidence of opposition to the Executive Order, there is some evidence of pushback around the Implementation Plan, which was published in September 2016, and ultimately included 70 recommendations involving multiple stakeholders, including government agencies. One respondent notes opposition from multiple sides, including service providers: *“So when we signed the executive order the you know most people looked and said oh this is great we're now an employment first state. But then when we start writing the plan a lot of the pushback came from sort of the folks in Pennsylvania ... some of the workshop providers, but [also] some of the state use programs people.”* (PA_ind01).

Employment First Supporters Launch a Media Campaign

Self-advocates and advocates also launched a media and advocacy campaign during that period called #iwanttowork that has been described as a major effort to promote CIE-related policy. That initiative began with a grant from the United Way of Southwestern Pennsylvania and the Arc of Pennsylvania to hire five young adults with disability to promote legislative changes related to transition funds for youth (HB 400/SB 26), which passed in 2015 (Pennsylvania Legislature 2015). In addition, the sponsors provided funds for professional support: *“They didn't just sort of say ‘Okay. All of you advocates go out and do this.’ They funded the project to the tune of getting professional lobbying support and really thinking strategically with some very good consultants about how to operate in the current political climate in Pennsylvania. It wasn't just ... It had that feeling of being a grassroots effort, but it also has a very professional feeling.”* (PA_ind51)

One respondent describes the campaign as having been instrumental to the Employment First effort: *“There was a lot of advocacy. The Arc of Pennsylvania and a lot of the Arc chapters participated in a coordinated movement. There's also a huge campaign in Pennsylvania called, #iwanttowork. That organization has had a huge impact, and so that was one of their initiatives was to create the atmosphere in the legislature and in the governor's office to promote an Employment First approach. That had a big impact.”* (PA_ind47).

The Choice Coalition Mobilizes and Employment First Coalition Capitulates

As anticipated by the HCBS Transition Plan, ODP proceeded with the waiver renewal process in 2016. Changes to service definitions and regulations that followed the Executive Order are described as being among the top policy changes that have occurred in the last 15-20

years and are generally described as being aligned with a CIE focus. One respondent states that “*we renewed and radically changed our Medicaid waivers and our reimbursement system to achieve a lot of goals*” (PA_ind02). The changes occurred as part of the most recent CMS Waiver renewal process in 2016-17,³ during which the state made substantial amendments to the existing Consolidated and P/FDS Waivers.

The most controversial change to the waivers involved the community settings requirement for day habilitation services, renamed “Community Participation Support” services in the waiver renewal. Specifically, the state initially proposed a requirement for individuals being provided those services to be served in integrated, community-based settings (i.e., outside of the segregated settings) for at least 75% of the time spent in services. In response, Choice stakeholder mobilized quickly and dramatically. In addition to substantial opposition expressed during the formal public comment period, stakeholders engaged their legislators and staged a rally/protest in Harrisburg in March 2017 (Erdley, 2017). The public comment mobilization and protest were largely spearheaded by two Western Pennsylvania service providers, the Cambria County Association for the Blind and Handicapped, and the Westmoreland County Blind Association, who were inspired by similar “A-Team” efforts in other states to engage individuals and family members to mobilize against the proposed changes.

Multiple respondents note the conflict that arose over the proposed change. One respondent states “There was tremendous push back against that change. We have about 20,000... people who are currently served in those settings in Pennsylvania, and so for many families, that was a very scary proposal. Last year there was a significant push back against that change and consistent advocacy against changing any of the sheltered workshop settings” (PA_ind44). In response to the opposition, DHS/ODP scaled back the proposed changes on the day of the scheduled protest, decreasing the amount to be spent in integrated settings to 25%, and making the “requirement” optional by allowing individuals and families the option to refuse participation.

Other changes in the waiver renewal were also described as being aligned with a CIE focus. For example, the waiver renewal included changes to selected waiver regulations to incentivize continued employment participation, the elimination of sub-minimum wage for small

³ The CMS Waiver renewal process occurs every five years.

group employment, staff certification requirements and new Customized Employment and Benefits Counseling service definitions. The waiver changes were also accompanied by a new rate structure that is intended to incentivize provision of services in the community. One respondent remarks that the changes are likely to do so, stating “*Nobody's going to go out and build more of them. There's certainly no incentive to do that business. If you're in that business, you'll certainly incentivized to get out of that business*” (PA_ind45).

Using Information to Persuade

There is very little use of data by either coalition to support their position or to provide evidence against the opposition. However, there is widespread use of framing and narrative. The Employment First coalition frames CIE as a civil right (e.g., the #iwanttowork campaign) and as an avenue to prosperity (e.g., the NGA Blueprint for Governors). In contrast, the Choice coalition frames non-CIE services as a civil right in danger of restriction. From a narrative perspective, Employment First heroes include individuals with I/DD, their families and selected service providers in the context of Employment First policy, although those groups are portrayed as victims in the context of Choice policy. Choice families of individuals with I/DD are portrayed by Employment First as inadvertent villains. In contrast, the Choice coalition portrays individuals with I/DD and their families as victims of Employment First policy. Both coalitions use stories of hope and decline to advance their policy positions. The evidence does not indicate “the devil shift,” wherein policy actors misinterpret and distrust opposing coalitions and perceive them as more powerful and evil than they are (Fischer, 2016; Sabatier, 1987; Shanahan et al., 2011). Instead, they typically describe the opposition as inadvertently supporting false position due to understandable costs, fears and constraints.

Recent Attempts to Codify Employment First in Legislation

Most recently, Employment First advocates have organized to promote Employment First legislation, which was introduced as HB 2130 in the 2015-16 session (Pennsylvania House of Representatives 2015) and as HB 1641 during the 2017-18 session (Pennsylvania House of Representatives 2017). The legislation was developed by the #iwanttowork initiative with support from over twenty agencies, with special coordination and resources from the United Way of Southwestern Pennsylvania. The legislation calls for Pennsylvania to prioritize Employment First policies, establishes an Employment First Oversight Commission and establishes goals for

state workforce participation by individuals with disability. A memo submitted prior to introducing the legislation indicates that the legislation “will not require additional budgeted state spending but will require Commonwealth agencies to shift priorities within existing budgets” (Pennsylvania House of Representatives, 2017). As noted by one respondent, the legislation is also an opportunity to codify preceding policy changes. *“There’s a House bill and a Senate bill. They’re essentially emulating and expanding and further defining and putting into law what the governor put forward as far as Employment First goes.”* (PA_ind44). Another respondent describes it as an intentional strategy to ensure permanence, to the degree possible, stating *“We didn’t want to lose it again like we did 20 years ago. We immediately started writing legislation”* (PA_ind51). Ultimately, the legislation passed in 2018 and was signed into law by Governor Tom Wolf (Pennsylvania Legislature 2018).

Several respondents note that organizers deliberately avoided including dramatic changes to sheltered workshop rules in the legislation. One respondent states *“I’ll be absolutely frank in saying that we did not want to get into the middle of the sheltered workshop fight. We didn’t think that was a fight that we could win... As much as we would like it to go further, we think there’s only so much appetite politically that we can manage right now”* (PA_ind51). Similarly, another respondent notes *“The state’s really careful to say they’re not mandating closure of these workshops or adult training facilities, but the landscape is really changing.”* (PA_ind45). Respondents do not describe the legislation as particularly contentious, noting that service providers and provider associations seem to be on board. However, at least one respondent highlights political tensions that have made the bill’s passage less certain. As of January 2, 2018, the legislation had been referred to the Committee on Labor and Industry.

Causal Process

The pre-2014 period was characterized by political attention and advocacy mobilization around other issues, including the waitlist and centralization of administrative authority. There is substantial evidence that the Final Rule yielded strategic opportunities for the Employment First coalition to use a variety of resources and strategies to heighten political attention and shift the subsystem agenda, including use of information (especially framing), skilled leadership and mobilizable troops, to pursue policy change. Opposition by the Choice coalition was not activated until major changes were introduced, although there is evidence that Employment First

actors were aware of the presence and magnitude of a low-lying Choice coalition, as well as the possibility of Choice action, which tempered their own actions. Ultimately, several minor changes and at least one major change occurred, based on the definition employed for this study. See Figure A7.2 for a visual of the causal process.

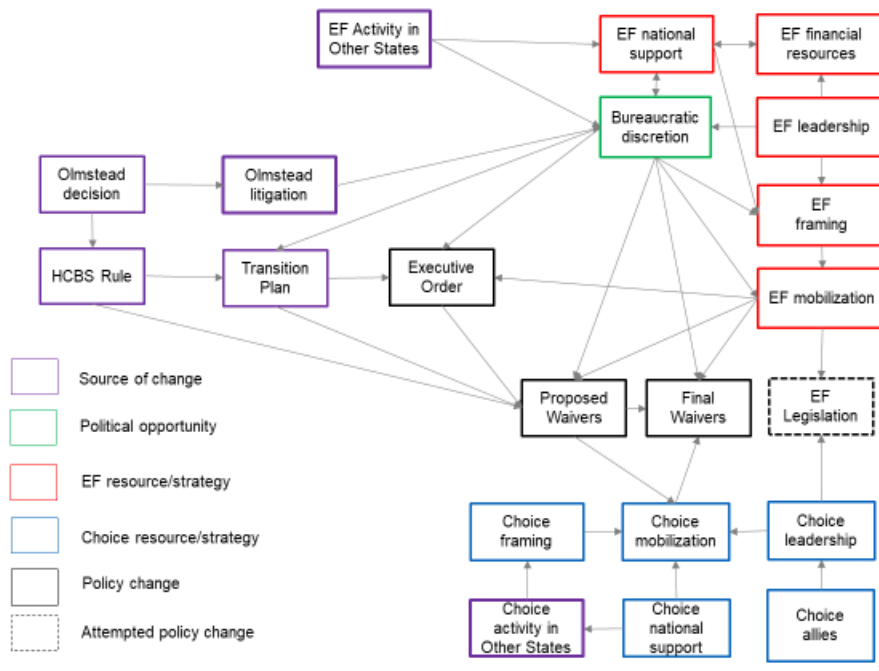


Figure A7.2: Pennsylvania Pathway to Change

Appendix A8: Conditions Associated with Major Policy Changes

	Washington	Pennsylvania
Pre-2014	Source(s) of change: High degree of subsystem breakdown High degree of subsystem attention	Source(s) of change: Low degree of subsystem breakdown Low degree of subsystem attention
	Political opportunity: High bureaucratic activism High national support Moderate legislative professionalism	Political opportunity: Low bureaucratic activism Moderate national support High legislative professionalism
	Context: High antecedent levels of CIE services Low EF policy adoption in contiguous states High contractor use in service delivery	Context: Low antecedent levels of CIE services Low EF policy adoption in contiguous states High contractor use in service delivery
	EF Resources/strategies: Strong connection to allies in authority High degree of mobilizable troops Strong strategic use of information Strong national support Strong service provider support High coalition membership	EF Resources/strategies: Weak connection to allies in authority Low degree of mobilizable troops Weak strategic use of information Moderate national support Weak service provider support Low coalition membership
	Choice Resources/strategies: Moderate connection to allies in authority Low degree of mobilizable troops Strong strategic use of information Moderate national support Low coalition membership	Choice Resources/strategies: Moderate connection to allies in authority High degree of mobilizable troops Weak strategic use of information Moderate national support High coalition membership
2014 and later	Source(s) of change: High degree of hierarchical guidance High degree of subsystem attention	Source(s) of change: High degree of hierarchical guidance High degree of subsystem attention
	Political opportunity: High degree of bureaucratic activism High national support Moderate legislative professionalism	Political opportunity: Low degree of bureaucratic activism High national support High legislative professionalism
	Context: High antecedent levels of CIE services High policy adoption in contiguous states High contractor use in service delivery	Context: Low antecedent levels of CIE services High policy adoption in contiguous states High contractor use in service delivery
	EF Resources/strategies: Strong connection to allies in authority High degree of mobilizable troops Strong strategic use of information Strong national support High coalition membership	EF Resources/strategies: Strong connection to allies in authority High degree of mobilizable troops Strong strategic use of information Strong national support High coalition membership
	Choice Resources/strategies: Moderate connection to allies in authority Moderate degree of mobilizable troops Strong strategic use of information Moderate national support Low coalition membership	Choice Resources/strategies: Moderate connection to allies in authority Strong degree of mobilizable troops Strong strategic use of information Moderate national support Moderate coalition membership