

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

PAULA LANE, et al.,

Case No.: No. 3:12-cv-00138-ST

on behalf of themselves and all
others similarly situated, and

**UNITED CEREBRAL PALSY OF OREGON AND S.W.
WASHINGTON,**

Plaintiffs,

v.

KATE BROWN, Governor of the State of Oregon;
et al.,

all in their official capacities,
Defendants.

UNITED STATES OF AMERICA,

Plaintiff- Intervenor

v.

STATE OF OREGON,

Defendant.

REBUTTAL REPORT OF PAULA JOHNSON

I. REPORTS AND ISSUES ADDRESSED

I have reviewed and am responding to the reports of Kimberly Osmani, Eugene Edgar, and Ric Zaharia. A list of documents is attached to this report as Attachment 3. The focus of my rebuttal is a comparison between the Oregon public schools transition programs and the

internationally recognized evidence based Project SEARCH® model, which was referenced in all three reports.¹

II. EXPERTISE

I am currently a Program Specialist for Project SEARCH® at Cincinnati Children's Hospital Medical Center and am responsible for assisting schools, government agencies, community rehabilitation programs, and employers to develop Project SEARCH® programs in fifteen states and Western Canada. The states include Oregon, Washington, California, Nevada, Hawaii, Idaho, Montana, Wyoming, Iowa, Illinois, Massachusetts, Rhode Island, Delaware, Connecticut, and New York.

Since 1977, I have devoted my work to employment programs for people with disabilities. I began my career at a research-based program in Seattle that was a replication of the University of Oregon's Specialized Training Program. The program provided training and support services for people with intellectual and developmental disabilities who were returning to their communities from two residential state institutions. Individuals learned to perform complex electronic assembly tasks as a result of systematic training techniques that are still considered to be best practice today. Many of these individuals went on to supported employment positions that included working for King County, the City of Seattle, Boeing, and other jobs in the community.

My 35 plus years of experience include job development, job analysis, career planning, marketing, staff training, and management. During my nine-year tenure at the University of San Francisco, McLaren School of Business, I directed California's Supported Employment statewide training projects and led the California Corporate Initiative. Most recently, I served as the national Senior Director of Best Buddies International's Jobs program and led the expansion of ten employment programs across the United States and four programs in Latin America.

A full description of my training and experience is set forth in my Curriculum Vitae included as Attachment 1.

III. ANALYSIS AND CONCLUSIONS

A. Overview of Project SEARCH®

¹ Dr. Zaharia referred to the program as SEARCH in his report. As a point of clarification, the registered trademark name is Project SEARCH®.

Project SEARCH® is a total immersion program that takes place over the course of 9 months and interns have the opportunity to complete three 10-12 week internships in a variety of departments. The placement of interns in the various departments is based on their interests and preferences. If an intern is interested in clerical work, s/he might receive their training in medical records, human resources, and the mailroom. If an intern has an interest in clinical related areas, s/he might complete his or her internships in the lab, the emergency department, and a surgical area. Hospitals are excellent sites for Project SEARCH® because of the multitude of different types of opportunities to work alongside non-disabled peers. The program began in 1996 at Cincinnati Children’s Hospital Medical Center and has since expanded to other industry sectors:

Industry Sectors	
<ul style="list-style-type: none"> • Healthcare: Hospitals and Nursing Homes • Banks • Insurance • Hospitality 	<ul style="list-style-type: none"> • Government • Manufacturing • Distribution Centers • Zoos and Parks • Retail
Sample Hospital Internships include:	
<ul style="list-style-type: none"> • Mail Delivery • Courier • Patient Transport • Recovery: Stocking • Recovery: Escort • Stocking: ER, Wards • Clinic areas • Pathology • Sterilization 	<ul style="list-style-type: none"> • Research • Patient Attendant • Materials Management • Isolette Technician • Linens • Patient Billing • Medical Records • Radiology • Durable Medical Equipment processing
Sample Banking Internships include:	
<ul style="list-style-type: none"> • Mortgage Loan Servicing • Check Processing • Central File Room • Bankcard Processing • Commercial Loan and Lease • Business Analyst/IT 	<ul style="list-style-type: none"> • Credit Card Disputes • Call Center Sales and Service • Dealer Floor Plan • Item Processing • Mail Operations • Investment IT and Operations

The Project SEARCH® program is unique in that it is business led, and built upon a model of effective collaboration between business, education, adult services, and vocational rehabilitation. The funding for the program utilizes a cost-effective approach of braiding funding from each of the partners. The school district pays for the instructor and often a paraeducator that functions as a job coach, and the state vocational rehabilitation agency often funds an additional job coach. Each of these staff members remains at the host site all day, every day and provides training and coaching for the interns and also provides support to department staff.

The model can serve high school students only, adults only, or serve a combination in a program with high school students and young adults who have recently exited school.

A well-developed employment skills curriculum with associated lesson plans is provided to a program once the licensing agreement has been signed with Cincinnati Children's Hospital Medical Center. The curriculum is delivered during the first hour of each day in a classroom that is provided by the host business. All program activities are designed to mirror the typical employment process and interns complete the orientation of the host business and follow their protocols. They also interview with department managers for each internship and are trained to use public transportation whenever possible.

A sampling of photos from Project SEARCH® sites is provided in Attachment 2.

B. Project SEARCH® Outcomes

1. Employment Outcomes

For Project SEARCH®, competitive employment is the only outcome that is considered a success. Moreover, a very rigorous definition of competitive employment is used: at least 16 hours per week at a job that pays the prevailing wage or more, is non-seasonal, and is in an integrated setting (i.e. among co-workers with and without disabilities).

While the average rate of employment for people with disabilities hovers around 30% (Butterworth et. al., 2014), Project SEARCH® currently reports a success rate of 68% of program graduates moving into employment across the 300+ training programs currently in operation (M. Daston, personal communication, October 2, 2014).

Designated personnel at Project SEARCH® program sites are expected to enter information on their program's results into a secure, web-based, password-protected database. The

parameters that are tracked include competitive employment, eligibility for employer-provided benefits, starting salary, and hours worked/week.

The Project SEARCH® database was established in 2010, so the 2010-2011 program year is the first for which cumulative results are available. Results for 2014 graduates are being tabulated at this time.

Cumulative reports from the database show that, for all Project SEARCH® graduates that gained employment through Project SEARCH® from 2010 through 2013, the average starting wage was \$10.22/hour, and the average hours worked per week were 22.32.

2010-2011

220 program sites (outcomes are estimated based on reports from 101 of 220 sites)

1,760 young adults with intellectual and developmental disabilities served²

1,584 completed the program (90%)

1,077 achieved competitive employment (68% of completers)

2011-2012

235 program sites (outcomes are estimated based on reports from 132 of 235 sites)

1,880 young adults with intellectual and developmental disabilities served¹

1,692 completed the program (90%)

1,117 achieved competitive employment (67% of completers)

2012-2013

241 program sites (outcomes are estimated based on reports from 170 of 241 sites)

1,928 young adults with intellectual and developmental disabilities served¹

1754 completed the program (91%)

1203 achieved competitive employment (68.6% of completers)

A Virginia Commonwealth University (VCU) study was published in the *Journal of Autism and Developmental Disorders* in July 2013, which reported the following:

- 87% of those who completed a Project SEARCH® with Autism Supports program achieved employment;

² These numbers are the numbers reported each year. Though Project SEARCH strives for 100% participation, and the rate increases each year, not all program sites participate in data entry. Thus, the actual number of young people served is higher than the numbers reported above.

- Youth with ASD required less intense support as they became more competent at their work tasks; and
- Youth with autism were employed in jobs not typically considered for those with disabilities in a hospital setting. They worked 20 to 40 hours per week and were paid 24 percent more than minimum wage.

2. Changing Business Culture

“Project SEARCH is doing more than providing valuable work experiences for students. It is massaging and changing corporate culture and the receptivity of workplaces to employ people with disabilities.”

Diversity World Magazine, November 2006

Project SEARCH® received the inaugural James W. Varnum National Quality Award on December 1, 2010 at a ceremony held at Dartmouth-Hitchcock Medical Center in Lebanon, New Hampshire. The Varnum National Quality Award, named in honor of Jim Varnum, president of Mary Hitchcock Memorial Hospital for more than 28 years, was established by the Dartmouth-Hitchcock Board of Trustees to recognize "an outstanding national leader or team in health care quality improvement initiatives, especially improvements in which patients, families and staff work together to achieve organizational culture change." This inaugural award includes a dynamic, fully produced documentary video about Project SEARCH® to serve as an educational tool and to help promote this pioneering program as it continues to evolve. The video can be viewed at the following link: <http://www.dartmouth-hitchcock.org/apps/vidPlayback/vidPlaybackPopUp.cfm?ID=11192&nativeCode=1>

Many department managers report that hosting an intern has had a positive impact on their department and has provided an opportunity for employees to interact with people with disabilities in a way they have never experienced before. They take an interest in the intern’s learning and provide natural support that enhances the training experience.

3. Inclusion in the Work Environment

Project SEARCH® interns have an opportunity to build relationships with their co-workers and participate in business-sponsored social activities. Examples include joining potluck luncheons, being part of a Polar Plunge team with Deaconess Hospital employees in Bozeman, MT; donating blood with other coworkers at bi-monthly blood drives at Kaiser Permanente in Harbor City, CA; working side by side with other hospital employees at the annual Kootenai Medical Center Festival of Trees in Coeur d’Alene, ID; participating in a Young Professionals group in Minneapolis, MN; and painting houses with employees of Cincinnati Children’s

Hospital Medical Center. These experiences add breadth to the overall nine month work-based experience.

C. The Defendants' Experts Misapply the Principles of Project SEARCH®

The Defendants' experts have misapplied and misappropriated the meaning of Project SEARCH® and the Project SEARCH® model in their reports. For example, Ms. Osmani states, "What I witnessed at PPS and RSD (i.e., treating each youth as an individual and attempting to meet their interests and needs), is similar to what I observe in the Project SEARCH™ programs we have in Oklahoma." However, there are clear differences between the transition programs that Ms. Osmani describes at Portland Public Schools and Rainier School District, and Project SEARCH®. The most dramatic difference between the Project SEARCH® model and the transition programs described in the Osmani report is that all Project SEARCH® instruction, skill development, and assessment occur in competitive, integrated settings in businesses with multiple internship opportunities that lead to paid employment. The examples of school transition programs that were provided in the Osmani report were all located on school property or Portland State University. Students in those programs received instruction mostly with only other students with disabilities in special education classrooms and lacked the opportunity to be included in the mainstream business community.

Additionally, in the Project SEARCH® programs, the program is designed from the outset with a clearly articulated goal: for students to be placed in individual competitive integrated employment. In fact, competitive employment, eligibility for employer-provided benefits, starting salary, and hours worked/week are individually tracked for every student that participates in the program. However, Osmani's report made no reference to whether the school districts that she observed and visited were designed with the intended outcome of competitive integrated employment or whether such districts individually tracked students. Further, after reviewing the Edgar, Osmani, and Zaharia reports, it was unclear whether any Oregon transition programs are designed to meet specified employment outcomes and if they are, how those outcomes are defined and tracked.

Also, Project SEARCH® participants receive on the job training to build the skills needed to work successfully in that job, and participants are expected to be paid once they are successfully placed. In contrast, neither Osmani nor Edgar make any mention of students being paid in placements upon completion of their training.

Moreover, Project SEARCH® utilizes real life work environments that are individually matched with students based on assessments of students' interests and skills, and the assessments are conducted on-site in those environments. However, it appeared from Ms. Osmani's report that

both of the school districts that she visited utilized transition assessments of student interests and skills that were conducted in school classrooms.

D. Project SEARCH® in Oregon

There has been interest in Project SEARCH® in Oregon since January of 2008, unfortunately, however, to date the program has never had the support or direct involvement of anyone at the state level from Oregon Vocational Rehabilitation Services (OVRS), Oregon Department on Developmental Disability Services (ODDS), or the Oregon Department of Education (ODE). Representatives from Portland-based DePaul Industries traveled to Cincinnati seven years ago to tour Children's Hospital and learn how to start a program. Though they secured grant funding to begin a program and had some success, they never had support from OVRS or ODDS, despite meetings that were conducted with representatives from OVRS at the state and local levels. Due to funding challenges, DePaul Industries chose to end their program in 2014.

In October 2012, representatives from DePaul Industries and Albertina Kerr met to discuss a joint effort to begin a program for youth with intellectual and developmental disabilities at the new Kaiser hospital in Hillsboro. An executive from Kaiser Permanente in Portland serves on the Board of Directors at Albertina Kerr and made the commitment to assist with securing the hospital for the new program. Over time, De Paul Industries chose not to participate and Albertina Kerr provided the leadership to work with Project SEARCH® to develop the new program. They covered the entire cost of start-up and paid the technical assistance fee to Cincinnati Children's Hospital. Throughout this process, ODDS was kept informed of the progress of this program, but did not participate directly in the process. Development activities occurred from late 2012 until late 2014.

During this same time period (December 2012 – May 2014), Albertina Kerr invited representatives from the Hillsboro, Beaverton, and Forest Grove School Districts as well as the Northwest Regional Education Service District to informational meetings. Albertina Kerr was seeking a partnership with at least one of these school districts. Because none of the school districts chose to participate and ODE demonstrated no interest in the program, Albertina Kerr decided to start the program with interns who had already exited school. At this point, Nancy Milligan Mock from Washington County Developmental Disabilities and Karen Burch, a counselor with OVRS were contacted to determine their personal interest in collaborating with Albertina Kerr. They were very positive and assisted the program to move forward. Albertina Kerr invited representatives from ODDS to meet to review their progress and a couple of informational meetings did occur in 2014, however there was no direct involvement from anyone at the state level at ODE, ODDS, or OVRS in the project.

The new Kaiser Permanente Westside Medical Center program was officially launched in January 2015 with eight interns. The first ten week internship was completed three weeks ago and the second internship has just begun. Participating departments include Emergency, Environmental Services, ICU, Food & Nutrition, Medical/Surgical, Mailroom, and Sterile Processing. ODDS was notified that the program was operating and an invitation to tour the program was extended.

It is important to note again that Albertina Kerr has provided the leadership and funding to bring the program to Oregon. It is through their efforts and persistence alone that the program at Kaiser was developed.

I communicated on several occasions with representatives from ODDS beginning as early as 2008, providing the Varnum video and the Project SEARCH® book that was published by Brooks Publishing in 2012. Years passed without an indication of State support to start new Project SEARCH programs, and the program was only brought to Oregon by the leadership of a non-profit organization and not the State.

Project SEARCH® was referenced in the Revised Integrated Employment Plan dated January 31, 2015 under Section 6 – Innovation (page 58). The activity cited is:

“Convene statewide and/or regional meetings to discuss cooperative working agreements, job sharing, co-marketing endeavors, public sector employment, Project Search and other corporate marketing strategies.”

No communication has occurred, however, between the State agencies and Project SEARCH® related to this activity. To date, Project SEARCH® has not been contacted at all by the Oregon Department of Education (ODE).

E. Examples of State Agency Support from other States

1. Rhode Island Vocational Rehabilitation provided the funding for the one-time Project SEARCH® technical assistance fee (\$15,000) for a program at The Miriam Hospital in Providence. The program is completing its first year and two interns have been hired at the hospital and a third offer is being prepared by a hospital department. Job development activities in the local business community are underway for the remaining interns. A second program will begin in the fall at Blue Cross Blue Shield in Providence with another school district. Vocational Rehabilitation will cover the technical assistance fee for this new program as well.
2. Massachusetts Developmental Disabilities Services provided financial support for the technical assistance fee for two programs for adults who had been in sheltered workshops. One program is at Salem State University and one is at Northern Essex Community College.

3. Three Regional Centers in California are providing funding for several programs that are serving school aged interns as well as young adults who have exited school.
4. The Illinois Division of Rehabilitation Services has provided funding to start five programs in the greater Chicago area.
5. The Iowa Vocational Rehabilitation Services has provided funding for job coaching for multiple sites across the state.

F. Conclusion

Project SEARCH® provides a powerful, evidenced based program that leads to good paying jobs and careers for people with intellectual and developmental disabilities. Many school districts that have Project SEARCH® programs also incorporate several of the curriculum components in transition programs for younger students, which help to prepare them for community based work experiences. An example of this from the Providence, Rhode Island school district is bus training at an earlier age so students gain this skill before their last year of school. It is puzzling why there has not been more interest nor any support from ODE, OVRS, and ODDS in light of the mandates of the two Executive Orders regarding transition of youth with intellectual and developmental disabilities. Moreover, the transition programs reflected in the expert reports of Dr. Edgar and Ms. Osmani do not reflect the evidence based standards or practices of successful evidenced-based programs such as Project SEARCH®.

References

- Butterworth, J., Migliore, A., Sulewski, J. S., & Zalewska, A. (2014). *Trends in employment outcomes of young adults with intellectual and developmental disabilities, 2004-2012*. Boston, MA: University of Massachusetts Boston, Institute for Community Inclusion.
- Butterworth, J., Smith, F. A., Hall, A. C., Migliore, A., Winsor, J., & Domin, D. (2014). *StateData: The national report on employment services and outcomes*. Boston, MA: University of Massachusetts Boston, Institute for Community Inclusion.
- Daston, M., Riehle, J. E., & Rutkowski, S. (2012). *High school transition that works: Lessons learned from Project SEARCH*. Baltimore, MD: Brooks Publishing.