

Commission to Study the Division of Rehabilitation Services (DORS)

**Interim Report
(HB 660 of 2022)**

December 2022



MARYLAND STATE DEPARTMENT OF EDUCATION

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Message from the Chair

During the 2022 legislative session, House Bill 660, Commission to Study the Division of Rehabilitation Services (DORS) was passed and established a Commission to Study the Division of Rehabilitation Services. The Commission has been hard at work to fulfill the charge of the Legislative Bill and it is an honor for me to serve as the chair of a highly capable and dedicated group of professionals. Commission members are truly invested in ensuring that this opportunity is not wasted or squandered. Instead, we are committed to using this uniquely distinguished opportunity to elevate and strengthen DORS and the impact the Commission can have to provide services and training for the most vulnerable, and historically underserved citizens in Maryland. Without question, the value of the work of this Commission will have a lasting impact for countless individuals in need of federal and State assistance.

During each meeting, the Commission has taken deep dives into the practices of DORS ranging from policies to stakeholder input, eligibility criteria, pre-employment transitioning services, data and information about DORS and Disability Determination Services, vocational and rehabilitation programs and services, factors influencing the waitlist, public-private partnerships, and budgetary support and considerations. Most importantly, the Commission has been provided with nationally recognized benchmarks and best practices, effective strategies, and service level agreements that have elevated and enhanced services provided to DORS constituents across the nation.

The interim recommendations serve as a roadmap to elevate, refine, and strengthen practices that DORS is undertaking and must implement to better serve Marylanders across the State. DORS is committed to ensuring that its work is rooted in continuous improvement. The interim recommendations include action items that DORS is already focused on implementing. It also includes recommendations that DORS must show urgency in developing and operationalizing.

However, the most important findings of the Commission are that Maryland must make significantly greater investments into DORS fiscally and positionally. This means that the Maryland General Assembly must statutorily ensure that the State provide funds to meet the 21.3 percent to meet the federal Match requirement. Additionally, the Maryland General Assembly should ensure that DORS received at least 74 new FTE State PINS to bring the DORS caseload in line with the national average. These investments will enable DORS to be well-positioned to reduce the caseload levels of VR Counselors and ultimately, eliminate the DORS waitlist and better serve all Marylanders in need.

On behalf of the Commission, I want to assure you that this endeavor is not undertaken without serious commitment and engagement. We look forward to witnessing the Assembly acting on these interim recommendations.

Sincerely,



Marlo Lemon

Executive Summary

During the 2022 legislative session, House Bill 660, Commission to Study the Division of Rehabilitation Services (Student Job Training Reformation Act),¹ was passed and established a Commission to Study the Division of Rehabilitation Services (Commission) within the Maryland State Department of Education (MSDE). The intended purpose of the Commission is to study the Division of Rehabilitation Services (DORS) to evaluate and make recommendations on improving various aspects of DORS' programs and services. DORS is responsible for two major disability programs that affect Marylanders with disabilities, as well as several smaller disability programs.

The two major programs required to be reviewed are the public Vocational Rehabilitation (VR) program, commonly referred to as DORS and the Disability Determination Services (DDS). DORS has 675 employees and an overall fiscal year 2023 operating budget of over \$115 million. Of the \$115 million, \$98 million is from federal funding, \$15 million is from federal funds, and \$2 million is from special funds. The majority of the federal funding comes from two federal agencies, the Rehabilitation Services Administration and the Social Security Administration. Over 87% of DORS funding is allocated for direct client services through the Vocational Rehabilitation and Disability Determination Services (DDS) programs.

This Interim Report provides information about responsibilities of the Commission including:

- stakeholder input;
- eligibility criteria;
- pre-employment transitioning service;
- data and information about DORS and DDS;
- DORS and DDS collaboration;
- vocational Rehabilitation programs and services;
- factors influencing the waitlist;
- public-private partnerships; and
- budgetary support and considerations.

The report includes summaries and presentations about best practices from the [University of Massachusetts Director for Employment Systems Change and Evaluation Institute for Community Inclusion](#), the Massachusetts Deputy Rehabilitation Commissioner, the Massachusetts Director of the Office of Individual and Family Engagement Rehabilitation Commission, and the Director of the Innovation for the Developmental Disabilities Administration. A synopsis of presentations along with data and information provided by MSDE staff at the Commission meetings informed the development of the Preliminary Recommendations. The Interim report covers seven of the ten topics.

¹ <https://mgaleg.maryland.gov/mgawebwebsite/Legislation/Details/hb0660/?ys=2022rs>

PRELIMINARY COMMISSION RECOMMENDATIONS

Preliminary Recommendation 1: Methods for improving stakeholder input on the Division of Rehabilitation services programs and services

To ensure improved and enhanced stakeholder input pertaining to the DORS, the Division should:

- Partner with the Disability Determination (DD) community and provide information to the underserved populations of the State about DORS' services and programs;
- Utilize various existing organizations, such as, the State Agencies Transitioning Collaborative, the Maryland Department of Disabilities' Listserv, and Parent's Place of Maryland to disseminate information to partner organizations, parents, and students;
- Disseminate transitioning information through the Local Education Agencies (LEAs) Transition Coordinators and the Individual Education Program (IEP) chairs, and families;
- Develop two-way communication at the LEA level about services that are being provided by DORS with the school staff who are working with students and families;
- Embed a survey link in the online DORS' referral form to obtain additional information from individuals
- Institute a plain language review of documents to assure that information being communicated to individuals provide a clear understanding of what is being asked of them and solicit stakeholder feedback from various organizations on the changes to the forms and documents; and
- Conduct pre-IEP meetings with individuals that possess knowledge of the transitioning systems and how they intersect.

Preliminary Recommendations 2: Methods for improving the relationship and communication between transition professionals working at the Division of Rehabilitation Services and the Developmental Disabilities Administration

To ensure the improvement of the relationship and collaboration between the professionals at DORS and the Developmental Disabilities Administration (DDA), the Division should:

- Increase the DORS' partnership with DDA and approved employment Community Rehabilitation Providers;
- Increase the number of referrals from DDA providers for individuals seeking to be employed in a competitive, integrated work setting;
- Enter into a Memorandum of Understanding with DDA that will enable DORS to access the necessary medical, psychological, and school documentation of DDA applicants who are seeking DORS services to expedite the eligibility process by DORS, thus creating a more rapid engagement for DORS services;
- Increase focus on joint trainings; and
- Conduct a deep dive into the documentation requirements for DORS and DDA to streamline the necessary supporting documentation of services.

Preliminary Recommendation 3: Methods for improving the amount of time it takes to provide Vocational Rehabilitation and transitional services

To improve the amount of time it takes to provide services, the Division should:

- Continue to explore enhancements that will facilitate and encourage the number of VR Counselors and Disability Claims Examiners that are hired and retained;
- Investigate additional partnerships that can be utilized to assist DORS with transitioning services; and
- Work with the Social Security Administration (SSA) to reduce time it takes to approve background checks for VR Counselors.

Preliminary Recommendation 4: Methods for improving public-private partnership to assist more Division of Rehabilitation Services' clients

To ensure public-private partnerships to assist more clients, the Division should:

- Provide links to resources for employers and individuals;
- Explore partnerships from across the State to increase community-based services and training provided by DORS, including those in non-traditional settings such as the arts, theater, or music;
- Develop partnerships between various employers that aligns with the strengths and interests of individuals;
- Outline processes so employers know about their ability to partner with DORS for training and employment opportunities; and
- Expand partnerships with organizations serving families.

Preliminary Recommendation 5: Methods for improving accountability and transparency of the Division of Rehabilitation Services' programs and services

To ensure accountability and transparency of services, the Division should:

- Provide information concerning performance with all stakeholders and other agencies;
- Expand outreach to families and organizations about the requirements for eligibility for the VR program;
- Continue meetings with the Community Rehabilitation Provider Advisory Committee to provide information about DORS and discuss issues with the leadership of DORS; and
- Provide meetings and opportunities for clients and stakeholders to discuss DORS services.

Preliminary Recommendation 6: Whether the eligibility criteria for the Division of Rehabilitation Services' programs and services should be altered

- The criteria to determine eligibility to receive VR services is the same nationwide. The specific criterion for eligibility is spelled out in federal regulations, [34 CFR 361.42](#). As such, DORS nor the State has the authority to change the criteria used to determine eligibility for individuals who apply for VR services.
- For the DORS waitlist, create an understanding within the disability community that the VR program is for individuals who are seeking employment in a competitive, integrated setting.

Commission Topic #7: Whether the Division of Rehabilitation Services should continue to be a division of the State Department of Education or should be transferred to another State agency

This topic has not yet been fully discussed by the Commission. Recommendations regarding this topic are not included in this interim report. Recommendations regarding this topic will be included in the Commission's final report that will be submitted in March 2023.

Commission Topic #8: If the Commission determines that the Division of Rehabilitation Services should continue to be a division of the State Department of Education, whether the Division of Rehabilitation Services should have a governing board separate from the State Board of Education

This topic has not yet been fully discussed by the Commission. Recommendations regarding this topic are not included in this interim report. Recommendations regarding this topic will be included in the Commission's final report that will be submitted in March 2023.

Preliminary Recommendation 9: Whether there are specific budgetary requests that could support the job training programs provided by the Division of Rehabilitation Services.

To ensure the necessary budgetary investment needed by DORS to support the job training programs provided by the Division, the Division should:

- Statutorily ensure that the State adequately provides general funds to meet the 21.3% federal Match; and
- Statutorily ensure at least 74 new FTE State PINS to eliminate the waitlist, reduce caseload levels of VR Counselors, and expand training and services in community-based settings.

Commission Topic #10: Any other improvements to the Division of Rehabilitation Services' programs and services the Commission considers appropriate.

This topic has not yet been fully discussed by the Commission. Recommendations regarding this topic are not included in this interim report. Recommendations regarding this topic will be included in the Commission's final report, which will be submitted in March 2023.

Commission to Study the Division of Rehabilitation Services

The Commission is charged with meeting five times prior to submission of the final report. An interim report will be presented to the Governor and General Assembly on December 15th, 2022, and the final report will be issued on March 15th. The Interim report includes meetings from September 29th, 2022, through December 8, 2022.

The workgroup, chaired by Ms. Marlo Lemon, met in an in person and virtual format for two meetings in October, one meeting in November, and one meeting in December 2022. All meetings began with an overview of the agenda and outline of prepared presentations and activities that would be covered during the meeting. Each meeting included guiding questions for each section of the presentation that aligned to the legislative mandates and included experts and practitioners who provided examples, strategies, and information about national best practices, research, evidence-based approaches, strategies, and applications related to topics which directly aligned with mandates of the legislation. In addition, staff from DORS and MSDE presented existing State policies and practices and each meeting included State data related to the discussion. Meeting agendas included time to review information from the previous presentation, outstanding questions that required additional clarification, and topics that needed further discussion. Additional time was also provided during the December 8th meeting to allow Commission members to engage with MSDE staff and each other through asking clarifying questions and generating recommendations that aligned with research presented throughout the previous meetings. Workgroup meeting agendas and resources are posted on the MSDE website.²

The legislation charged the Commission with evaluating and making recommendations across ten topics:

1. Methods for improving stakeholder input on the Division of Rehabilitative Services programs and services;
2. Methods for improving the relationship and communication between transition professionals working at the Division of Rehabilitation Services and the Developmental Disabilities Administration;
3. Methods for improving the amount of time it takes to provide Vocational Rehabilitation and transitional services;
4. Methods for improving public-private partnerships to assist more Division of Rehabilitation Services' clients;
5. Methods for improving accountability and transparency of the Division of Rehabilitation Services' programs and services;
6. Whether the eligibility criteria for the Division of Rehabilitation Services' programs and services should be altered;
7. Whether the Division of Rehabilitation Services should continue to be a division of the State Department of Education or should be transferred to another State agency;
8. If the Commission determines that the Division of Rehabilitation Services should continue to be a division of the State Department of Education, whether the Division of Rehabilitation Services should have a governing board separate from the State Board of Education;

² <https://www.marylandpublicschools.org/programs/Pages/Gov-Rel/Commission/index-commission.aspx>

9. Whether there are specific budgetary requests that could support the job training programs provided by the Division of Rehabilitation Services; and
10. Any other improvements to the Division of Rehabilitation Services' programs and services the Commission considers appropriate.

House Bill (HB) 660 mandates that the composition of the Commission contain a specific group of individuals, which include at least one individual from the following categories:

- One parent of a student who reported a favorable outcome after working with the Division of Rehabilitation Services;
- One parent of a student who reported an unfavorable outcome after working with the Division of Rehabilitation Services;
- One individual who reported a favorable outcome after working with the Division of Rehabilitation Services;
- One individual who reported an unfavorable outcome after working with the Division of Rehabilitation Services;
- One individual employed by a local school system as a transition specialist;
- One individual employed by a private school as a transition specialist;
- One individual employed by a local school system as a special education teacher;
- One individual employed by a private school as a special education teacher;
- One individual employed by the State Department of Education as a transition specialist;
- One representative from the Department of Disabilities;
- One individual employed by the Division of Rehabilitation Services with experience working in the Division's training programs;
- The State Coordinator for Autism Strategy;
- One community behavioral health provider who provides vocational programs and employment support;
- One representative of a residential community and vocational program;
- One representative of the State Board of Education;
- One representative of the Developmental Disabilities Administration;
- One representative of the Maryland Association of Nonpublic Special Education Facilities;
- One representative of the Maryland Developmental Disabilities Council;
- One representative of ARC Maryland;
- One representative of Disability Rights Maryland who: is an attorney; and has experience working with the Division of Rehabilitation Services;
- One attorney who; represents children and young adults with disabilities; and has experience working with the Division of Rehabilitation Services;
- One representative of a community college; and
- Other members considered necessary by the State Superintendent of Schools.

MEMBERS OF COMMISSION

Chair

Marlo Lemon, Director of The Training, Parent's Place of Maryland

Parent of a student who reported a favorable outcome after working with the Division of Rehabilitation Services

Marlo Lemon, Director of The Training, Parent's Place of Maryland

Parent of a student who reported an unfavorable outcome after working with the Division of Rehabilitation Services

April Adams, Talbot County

Representative of a community college

Lillian Archer, Dean of Student Development at the Community College of Baltimore County

Individuals employed by private school systems as transition specialists

Darreen Barrios, Maryland School for the Blind, Career Education Program

Individuals employed by private schools as special education teachers

Andrew Burlin, High Road School of Harford County, Non-public School Head Special Education Teacher

One attorney who represents children and young adults

Ellen Callegary, Esq.,

Representative of the State Board of Education

Chuen-Chin Bianca Chang

Individual employed by the State Department of Education as a transition specialist

Eugene Chong Qui, Lead Secondary Transition Performance Specialists,
Maryland State Department of Education

One individual who reported an unfavorable outcome after working with the Division of Rehabilitation Services

James Dean, Division of Rehabilitation Services client

One individual employed by the Division of Rehabilitation Services with experience working with the Division's training programs

James Evans, Department of Rehabilitation Services, Manager for Workforce Development

State Coordinator for Autism Strategy

Katie Gandy, State Coordinator for Autism Strategy, Governor's Office of Community Initiatives

One representative from the Department of Disabilities

Jade Gingrich, Department of Disabilities, Director of Employment Policy

Individual employed by local school system as a transition specialist

Shanieka Herndon, Coordinator of Transition Service, Baltimore City Public Schools

Representative of Disabilities Rights Maryland

Megan Collins Jones, Senior Attorney, Disabilities Right Maryland

Representative of Developmental Disabilities Administration

Stephanie Jones, Director of Innovations, Maryland Department of Health Developmental Disabilities Administration

Representative of ARC of Maryland

Andy Kolp, Executive Director of the ARC of Maryland

Representative Maryland Developmental Disabilities Council

Rachael London, Executive Director, Maryland Developmental Disabilities Council

Representative of a residential community and vocational program

Katherine Lopez, Bilingual Transitioning Youth and Benefits Coordinator, The Arch of Prince George's County

One individual employed by private school as a transition specialist

Laura McKenzie, MANSEF/Non-public Transition Consultant

One Community behavioral health provider who provides vocational programs and employment support

Reanna Miller, Director of Day and Vocational Services, Appalachian Crossroads

One individual who reported a favorable outcome after working with the Division of Rehabilitation Services

Shannon Minnick, Deputy Director, Independence Now

Individuals employed by local school systems as special education teachers

Sarah Ray, Worcester County Public Schools, Special Education Teacher

Individuals employed by local public-school systems as transition specialists

Paul Reilly, Transition Specialist, Calvert County Public Schools

Other members considered necessary by the State Superintendent of Schools

Rene Averitt-Sanzone, Educator Director for the Parent's Place of Maryland

MARYLAND STATE DEPARTMENT OF EDUCATION STAFF

Sylvia Lawson, Deputy Superintendent for Organizational Effectiveness

Scott Dennis, Assistant Superintendent for the Division of Rehabilitation Services

Phil Lasser, Executive Director, Office of the State Superintendent

Yousuf Ahmad, Executive Director of Governmental Affairs, Education Policy, and External Relations

Jody Boone, Director of Office of Field Services for the Division of Rehabilitation Services

Shawn Rushing, Chief Information Officer, Office of Information Technology

Dylan Winslow, IT Partner, Assistant Director, Office of Information Technology

Ruth Downs, Executive Associate for the Deputy Superintendent for Organizational Effectiveness

Overview of the Division of Rehabilitation Services

The Division of Rehabilitation Services was established in 1929 as a Division of MSDE, under Senate Bill 174. The Division was called the Division of Vocational Rehabilitation (DVR) until the name was changed in the 1990's to its present name, DORS. At the time of its creation in 1929, DVR was responsible for providing Vocational Rehabilitation services under the Smith-Fess Act of 1920, which created a federal-state partnership to provide Vocational Rehabilitation services. However, services were limited to individuals with a physical disability.

At its creation DVR (DORS) had two employees and an annual operating budget of \$15,000. Today, DORS is responsible for two major disability programs that affect Marylanders with disabilities, as well as several smaller disability programs. The two major programs are the public Vocational Rehabilitation program, commonly referred to as DORS and DDS. DORS has 675 employees (PIN and contractual) across all its programs and an overall FY 2023 operating budget of over \$115 million. Of the \$115 million, \$98 million is from federal funding, \$15 million is from general funds, and \$2 million is from special funds. The majority of the federal funding comes from two federal agencies, the Rehabilitation Services Administration and the Social Security Administration (SSA). Over 87% of DORS funding is allocated for direct client services through the Vocational Rehabilitation (VR) and DDS programs.

MAJOR PROGRAMS OPERATED BY THE DIVISION OF REHABILITATION SERVICES

Disability Determination Services

[The Social Security Amendments of 1954](#) gave the States the responsibility of determining whether individuals were disabled and were in need of rehabilitation. The task of determining whether individuals were disabled was assigned to the DDS program. Because of the tie to disability and rehabilitation, the DDS programs were incorporated as part of the public VR agencies nationwide.

The DDS is the program that adjudicates claims for individuals who apply for either Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI). The DDS is funded by the SSA as a reimbursement to the State. DDS has 239 employees (PIN and contractual) and is located in Hunt Valley, MD. The DDS has 123 Disability Claims Examiners, and fourteen Quality Assurance Specialists and Supervisors. The remaining staff are medical professionals, physicians, and other support staff.

Due to the complexities of adjudicating a claim, it takes approximately three to four years for a Disability Claims Examiner to become fully trained in all aspects of the SSA claims process. When fully staffed, the DDS will adjudicate approximately 65,000 to 70,000 cases a year. During the pandemic years of 2020 and 2021, the number of cases that the DDS cleared dropped from approximately 63,000 to 49,000 and 43,000 cases respectively.

There were several drivers for this decrease, first SSA made the decision to discontinue in-person medical examinations, which is necessary for individuals who do not have current medical information available that is needed to adjudicate an individual's claim. Even though SSA eventually allowed some telehealth examinations, it was limited to very specific types of medical procedures. Second, was the State's decision to impose a hiring freeze, which prevented the DDS from hiring staff who were still leaving for other opportunities during the pandemic.

The past three to four years have been a challenge to attract and retain highly qualified claims examiners due to several factors. First, the State salaries, which had become uncompetitive when compared to the federal and local governments, as well as surrounding jurisdictions. It often required at least two

recruitments in order to obtain enough applicants to hold interviews. Second, SSA requires an extensive background clearance of applicants prior to the State making a final job offer to them. The background check includes an FBI criminal background investigation, a credit review, and a lengthy personal history questionnaire. This process is very time consuming and frequently results in individuals finding employment opportunities elsewhere at a higher salary.

High Vacancy Rates

Starting in 2019, VR specialist staff began leaving DORS at a significant rate. The COVID-19 pandemic exacerbated the situation. For example, in FY 2019 employees left VR positions at DORS and 16 employees left Disability Claims Examiner positions at DDS, ultimately reducing the number of VR specialists by 36 positions. In FY 2020, that number increased by 16 to 52 vacant positions. In 2021, 39 VR Counselors resigned from DORS and 37 Disability Claims Examiners resigned from DDS resulting in a further reduction in VR specialists of 24 positions from FY 2020. As of May 19, 2022, the resignation of VR specialists at DORS and DDS continued. During May 2022, the total resignation number was 42 for DORS and 48 at DDS. These resignations further reduced overall VR specialists by 14 positions resulting in a total reduction of 90 positions during May for a grand total of 54 positions from 2019 to 2022. As a result of the combination of these factors, the DDS backlog in cases has grown over the last three years to approximately 24,500 cases.

HISTORICAL DIVISION OF REHABILITATIVE SERVICES AND DISABILITY DETERMINATION SERVICES VACANCY DATA			
DATE	DORS	DDS	TOTAL
December 31, 2019	20	16	36
December 31, 2020	30	12	52
December 31, 2021	39	37	76
May 19, 2022	42	48	90

Senior leadership discovered that staff were leaving to acquire better pay in other states. Voluntary DORS exit surveys indicated that staff were leaving for employment opportunities in Montgomery County, Prince George's County, and Baltimore County, as well as Baltimore City, Northern Virginia, and Washington DC. Each of these jurisdictions and States were paying VR specialist staff higher salaries than Maryland. Results from the survey revealed that the starting pay in each of these locations for VR specialist positions was at a rate of \$20,000 to \$30,000 more than what Maryland was paying.

Retain and Attract New Staff

Subsequently, it became evident that the ability to retain and attract new staff was being hindered and impeded by the Department's low pay and starting salaries. At that time, the starting Grade and Step for a VR specialist was a Grade 12 Step 3, which was \$42,035. This compensation made it extremely difficult to attract individuals in the high-cost areas of the State. The surrounding jurisdictions started their VR Counselors at \$50,000 in Northern Virginia and \$57,162 in Washington, DC. The situation was even more problematic in efforts to hire and retain DDS Disability Claims Examiners. The District of Columbia actively recruits seasoned Maryland DDS Disability Claims Examiners due to their extensive training and knowledge and offers them a salary starting at \$76,550. In Northern Virginia, the starting salary for a new DDS Disability Claims Examiner is \$50,000.

Mr. Mohammed Choudhury, State Superintendent of Schools, who began his tenure in July 2021, immediately recognized challenges faced in providing services to Maryland citizens who are most in need due to problematic circumstances in retaining and recruitment of VR Counselors and DDS Disability Claims Examiners. In recognition of that fact, Mr. Choudhury became focused on researching and determining ways and means to alleviate the salary discrepancies between Maryland and other jurisdictions and States. Mr. Choudhury immediately began researching backlog and waitlist issues involving the two key positions for both organizations, VR Counselors for DORS and the Disability Claims Examiners for the DDS. He began meeting with the Assistant Superintendent of DORS on a weekly basis, mandated that three members of the senior leadership team also meet with the Assistant Superintendent on a weekly basis, and prioritized research from other States that would provide information pertaining to strategies that had been implemented nationwide to alleviate hiring, retaining staff, and eliminating backlog issues in organizations similar to DORS. As a result of those meetings, several factors were acknowledged. First and foremost, compensation for VR specialists at DORS and DDS offices in Maryland must compete with other States, jurisdictions, local school systems, agencies, and outside organizations. The fact that jurisdictions such as the District of Columbia, and States including Virginia, and Pennsylvania pay VR specialists above the rate of pay that they receive in Maryland should be corrected and rectified. Existing staff continue to leave for higher paying jobs in these areas, as well as with the federal government and private industry. As a component of addressing the structural pay issues, MSDE began exploring ways to establish competitive pay structures.

SALARY STUDY AND PROPOSAL

Mr. Choudhury directed MSDE leadership to begin a comprehensive salary study to determine what salary rates needed to be established at DORS and DDS for MSDE to become competitive in the marketplace. As a result, MSDE and DORS conducted a pay scale study of the surrounding States and the federal government to determine what Grades and Steps should be established for VR Counselors and DDS Disability Claims Examiners. Once the salary information was gathered, a fiscal analysis was conducted to determine the overall fiscal impact and long-term sustainability of implementing the proposed recommendations for the two programs. While the salary study was being conducted, MSDE reached out to the Department of Budget and Management (DBM) to assess their willingness to work with MSDE in consideration of a reconstructed salary scale for the VR Specialist series. Based on a positive response, MSDE continued working on the salary scale study to determine the feasibility of pay enhancements at DORS and DDS.

APPROVAL AND SALARY PROPOSAL IMPACT

Since the VR specialist's classification is a unique classification within the State Personnel Classification system, it can only be used by DORS. This uniqueness allowed MSDE and DBM to pursue an off-cycle salary review of the positions. Based on the salary study comparison presented by MSDE to DBM, on June 9, 2022, DBM approved MSDE's request for a two (2) Grade and four (4) Step increase in the starting salary for a VR Specialist.

Through the approval of DBM, effective July 1, 2022, the starting salary for an entry level VR specialist increased from \$42,035 to \$54,605, which resulted in a \$12,570 pay increase. The increase in Grades and Steps applied to all existing VR specialists. The salary study resulted in a minimum of a 20% salary increase for new and existing VR Counselors and supervisors. In addition, MSDE requested that specific Staff Specialist and Program Manager positions in both the DORS and DDS programs be reclassified in order to account for the new salary structure. This request was also approved by DBM.

The impact of the new salaries on the retention and hiring for the DORS and DDS programs became evident immediately when:

- Two VR Counselors and two DDS Disability Claims Examiners rescinded their letters of resignation;
- The VR program reached out to six highly qualified VR Counselors who had recently left and informed them about the new salary scale. Four of the six have been reinstated. One of the reinstated VR Counselors had just recently been recruited by DC;
- Neither the DORS or DDS programs has lost any counselor or Disability Claims Examiner to any State agency or outside organization since the new salary structure has gone into effect;
- Prior to the new salary plan, the DORS program had an opening for a VR counselor and received just one (1) application. The position was advertised again after the new salaries were approved and DORS received 40 applications;
- From February to June, DDS only received 26 applications. Since the implementation of the new salary scale, DDS has received 180 applications. Once the interviews were completed 69 individuals were determined to be selectable pending their federal background check; and
- Since July 1st, the VR program has employed or will employ by December 12, 19 VR Counselors. This number is in comparison to a total of 17 VR Counselors for all of FY 2021.

As of December 12, 2022, DORS only has 7 VR counselor vacancies. Since July 1, 2022, DORS has hired 25 VR Counselors. There are two pending promotions for VR Specialist Supervisor positions. One individual starts December 14, 2022, and the other begins on January 25, 2023. Additionally, DDS has hired 35 VR claims examiners since July 1, 2022, and currently has 13 Disability Claims Examiner vacancies. Of these vacancies, 8 candidates will be starting on December 28, 2022.

Realistically, based on the most recent data from DORS and DDS, the ability to hire and retain VR Counselors and Disability Claims Examiners will have an immediate positive impact for clients. Presently, there are more than enough candidates to fill all the vacant DDS Disability Claims Examiner positions. Once these individuals are on board and have completed their training, the backlog at DDS should begin to decrease exponentially. Additionally, the impact of the new salaries on the retention and hiring for the DORS and DDS programs became evident.

FUTURE IMPACT

The ability to hire and retain VR Counselors and Disability Claims Examiners will have an immediate impact on the DORS' waitlist. The federal law governing the VR programs requires that if a State does not have the resources, financial, or human capital to provide the full breadth of VR services as allowed under the Rehabilitation Act, the State must develop and implement an Order of Selection (OOS) process. In the late 1980's, Maryland became unable to provide services required by the federal government. The State implemented an OOS process. The purpose of an OOS process is to categorize the level of an individual's disability so the State agency can serve clients with the most significant disabilities first. Maryland has three Categories. Category one is for the most significantly disabled. Examples of the types of disabilities in this

category would be blind, deaf and blind, quadriplegic, or individuals that have chronic mental illness. Category two provide services and supports for individuals with a significant disability. Examples of the types of disabilities in this category would be hard of hearing, low vision, or attention deficit/hyperactivity disorder. Category three includes individuals who have a non-serve disability. Examples would include carpal tunnel syndrome, mild hearing loss, flat feet, or high blood pressure. In Maryland, category three has been closed since the beginning of the State's OOS determination.

The federal funding formula that is used to determine VR funding level for each State uses poverty levels and population increases as a component in establishing the equation. Due to the relative wealth in Maryland, the VR program has experienced year over year funding cuts. As a result, DORS closed both category one and category two. In 2009, additional State funding was provided and category one was fully reopened, however, category two was only partially reopened, and consumers received assistance within six to nine months of applying for services.

In 2014, the Workforce Innovation and Opportunity Act created a new program within the VR program known as the Pre-Employment Transitioning Services, which focused on in-school students with disabilities. By 2018, due to the additional workload from this program and the difficulty in retaining staff in high-cost areas of the State, DORS was forced to close Category two. With the implementation of the new salary structure, there is a renewed sense that the VR program can now attract and retain high quality staff. As a result, DORS has partially reopened Category two again.

UNIVERSITY OF MARYLAND PARTNERSHIP

In fact, the salary increases for DDS Disability Claims Examiners have contributed to a variety of immediate positive outcomes for consumers throughout the State. Due to SSA restrictions resulting from COVID-19 and the loss of DDS Disability Claims Examiners, the backlog of cases at the DDS has steadily increased. In 2019 there were 2,449 cases. Currently, there are over 24,000 cases waiting to be adjudicated. Prior to the change in the salary structure, the DDS was only able to employ nine (9) individuals who met the necessary qualifications to be a DDS Disability Claims Examiner. In the most recent recruitment initiative for DDS Disability Claims Examiners, after the new salary structure was put in place, DDS interviewed 69 candidates who met the necessary qualifications. Presently, there are more than enough candidates to fill all the vacant DDS Disability Claims Examiner positions. Once these individuals are on board and have completed their training, the backlog and waitlist at DDS should begin to decrease exponentially.

Mr. Choudhury also researched waitlist issues. Simultaneously with efforts to increase pay for VR specialists, an initiative was investigated to reduce the waitlist. The Pre-Employment Transitioning Services Intake Partnership Program (Pre-ETS IPP) was launched with the University of Maryland (UMD) as a two-year pilot program for students with a disability which causes difficulty transitioning to employment. The grant program also provides for the independent study of a fee-for-service model. The Pre-ETS IPP is managed by DORS. This direct grant to the UMD Office of Research Administration is a program intended to be a two-year pilot program for the delivery of Pre-Employment Transition Services (Pre-ETS) qualification determination and assist eligible individuals in gaining access to training and skills necessary to enter the workforce.

Eligibility and Determination Unit

On February 1, 2022, DORS implemented its new Eligibility Determination Unit (EDU). The EDU focuses solely on determining the eligibility for VR Services or determining whether a student with a disability qualifies for Pre-Employment Services (Pre-ETS). The Pre-ETS programs provide education and hands-on learning experiences designed to support students. Specialized management services are employed to meet the special needs of youth preparing and transitioning to employment. This includes direct coordination and

partnership with the 24 local education agencies, Maryland Institutions of Higher Education, and other alternative secondary education programs. Additionally, to help track time frames, DORS is utilizing a product called Power-BI to create visualization that make it easier for Counselors, supervisors, and managers to track timelines on cases and address issues on the cases that have exceeded the requirements.

Innovative Partnership With the University of Maryland Center on Transitioning and Career Innovation

In addition, DORS partnered with the University of Maryland Center on Transitioning and Career Innovation to assist the EDU in handling the delegable workload for Pre-Employment Transitioning Services. This partnership will assist in connecting with students and families quicker. Most recent data from the start of the partnership is showing that 55% of the Pre-ETS referrals have submitted the necessary documentation for services compared to 39% at the start.

UMD must report progress towards stated service delivery and program goals. The college will also develop a plan for how relevant stakeholder groups, including MSDE and DORS will be informed of findings. Data will be gathered which will help inform the development of a fee-for-service program model for the pilot to be implemented during the final year of the grant period. In year two of the Pre-ETS IPP, grantee(s) are expected to evaluate data including, but not limited to, the number of received referrals, the number of completed intakes, the number of intakes not completed, and the number of non-contact referrals. This data will be used to develop a fee service program. The overall goal is to develop a fee-for- service model that will enable the VR program to shift those job functions that can be delegated from the VR Counselors to an outside organization. Thus, freeing up the VR Counselors' time to focus on those specific responsibilities that they are required to do. When fully implemented, this program will ensure the reduction of the waitlist and the ability of DORS to provide services to customers in a more expedient manner. The initial format will be developed by October 31, 2023.

Vocational Rehabilitation Program

The Vocational Rehabilitation program is authorized by the Rehabilitation Act of 1973 as amended (Act). The Act was reauthorized and amended in 2014 as Title IV of the Workforce Innovation and Opportunities Act. In the 2014 amendments, the Act set out five specific goals or objectives that Congress wanted the legislation to address, which are as follows:

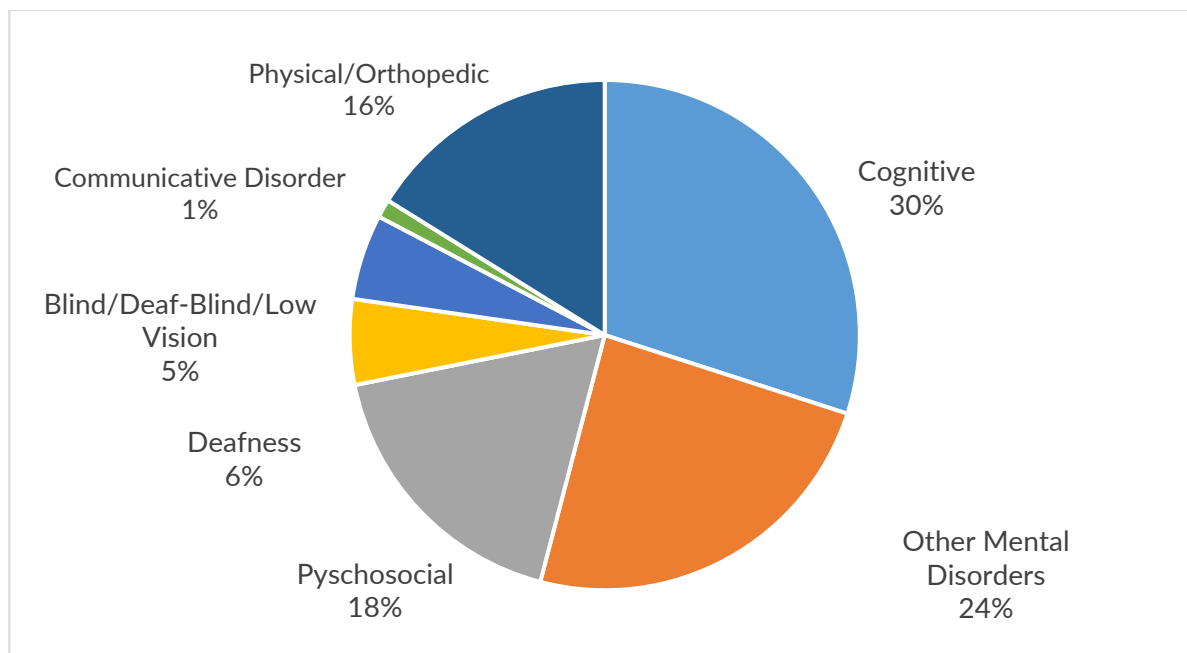
- To empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society, through— (A) statewide workforce development systems defined in section 3 of the Workforce Innovation and Opportunity Act that includes integral components, comprehensive and coordinated state-of-the-art programs of Vocational Rehabilitation; (B) independent living centers and services; (C) research; (D) training; (E) demonstration projects; and (F) the guarantee of equal opportunity;
- To maximize opportunities for individuals with disabilities, including individuals with significant disabilities, for competitive integrated employment;
- To ensure that the Federal Government plays a leadership role in promoting the employment of individuals with disabilities, especially individuals with significant disabilities, and in assisting States and providers of services in fulfilling the aspirations of such individuals with disabilities for meaningful and gainful employment and independent living;
- To increase employment opportunities and employment outcomes for individuals with disabilities, including through encouraging meaningful input by employers and Vocational Rehabilitation service providers on successful and prospective employment and placement strategies; and

- To ensure, to the greatest extent possible, that youth with disabilities and students with disabilities who are transitioning from receipt of special education services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and receipt of services under section 504 of this Act have opportunities for postsecondary success.

In Maryland, the Vocational Rehabilitation (VR) program has an authorized staff of 390 State PIN and 46 contractual employees to deliver VR services across the State. The VR program provides services to a wide range of disabilities with the largest groups being cognitive, mental, and psychosocial. Services are provided around the State in twenty-three field offices and the Workforce and Technology Center. Under the Rehabilitation Act of 1973, as amended, allows for States to select one of three organizational structures:

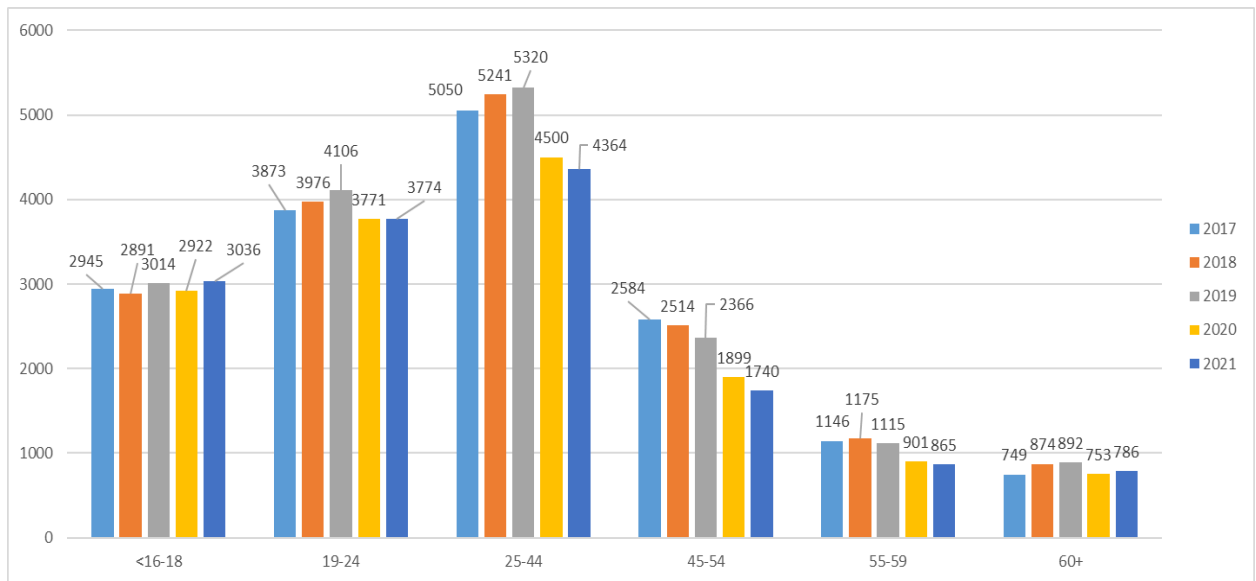
- Combined, which is a VR agency that provides services to all disability groups;
- General, which is a VR agency that provides services to all disability groups except individuals who are Blind; and
- Blind, which is a VR agency that only provides services for Low Vision, Blind, or Deaf/Blind. In Maryland, the VR program is a Combined agency.
- Direct services to VR consumers are provided through these three programs:
 - Office of Field Services, which provides services to all disability groups, except the blind;
 - Office of Blindness and Vision Services, which provides services to those individuals who are Low Vision, Blind, or Deaf/Blind; and
 - Workforce and Technology Center, which provides training and assessments for individuals who are eligible to receive VR or Pre-Employment Transitioning services.
- In FY 2022, DORS had 20,506 individuals in the VR program and 7,051 students in the Pre-Employment Transitioning Services program.

Clients Served by Disabilities, 2017-2021



In addition, the VR program does not establish a specific age range by which VR services can be provided.

Clients Served by Age Range, 2017-2021

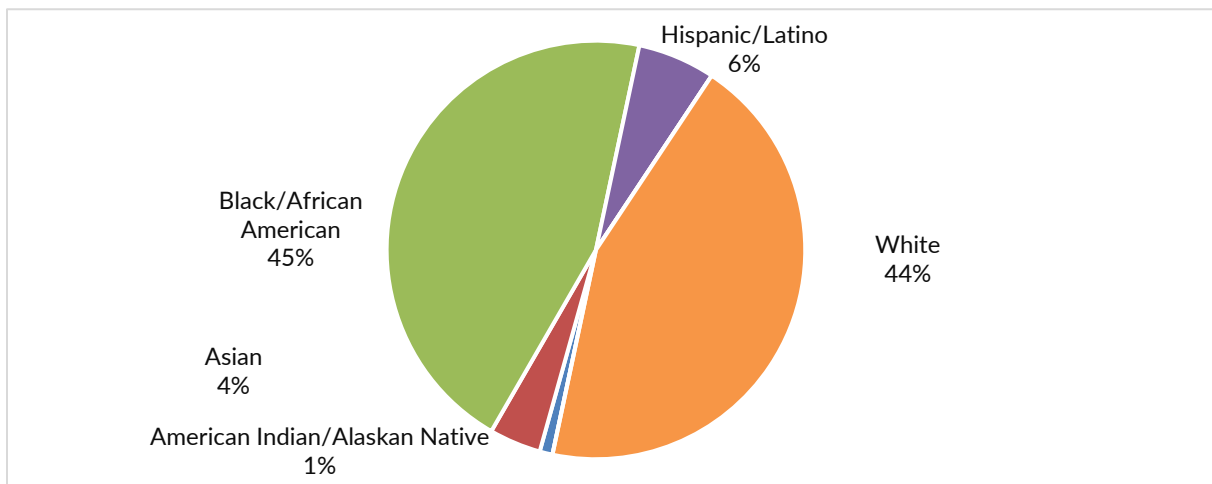


Prior to 2014, the VR program had a single focus on the employment of individuals who were determined to have a significant or most significant disability. In 2014, the Workforce Innovation and Opportunities Act (WIOA) dramatically altered that focus with the introduction of the Pre-Employment Transitioning Services (Pre-ETS) program. Pre-ETS does not focus on employment outcomes but rather provides an exposure to the world of work and possible career choices as part of a student with a disability transition from school into adulthood.

Under WIOA, each state agency is required to set aside 15% of their annual VR grant to provide five specific services for students with a disability. WIOA defined students with a disability as an in-school student, who is between the ages of 14 but less than 22, has a disability as indicated on their Individual Education Program, 504 plan, or through other medical documentation.

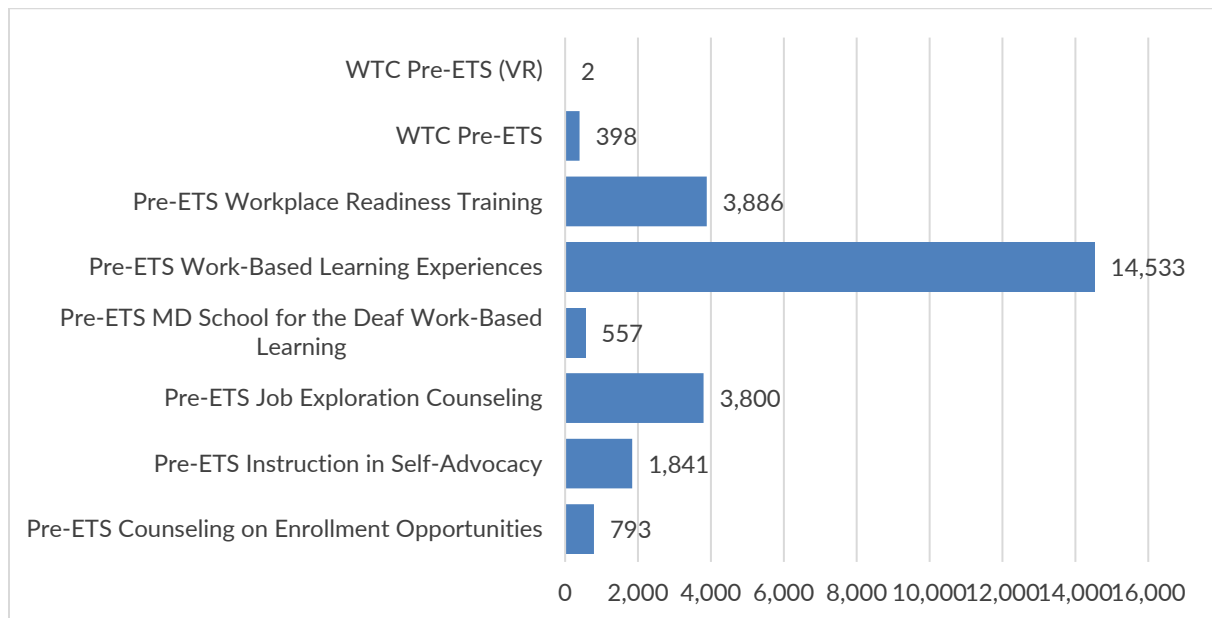
The Pre-ETS program serves an ethnically diverse group of students.

Current Pre-Employment Transitioning Services by Race



The five Pre-ETS services are Job Exploration and Counseling, Work-based learning experience, Counseling on post-secondary opportunities, Work readiness, and Instruction in self-advocacy.

Pre-ETS Services provided since 7/1/2017



As a result, the introduction of Pre-ETS had a ripple effect in several different areas. First, DORS had to shift a number of existing VR Counselors’ positions away from providing VR services to focus on providing and coordinating Pre-ETS services. Second, is the 15% federal funding set aside, which is approximately \$7 million in FY 2022. For the funding that supports the client services’ budget, the Pre-ETS funds represent 25% of the budget. The combination of these two factors has had an impact on the service delivery for the VR program.

Commission Topic #1: Methods for improving stakeholder input on the Division Rehabilitation Services programs and services

The Rehabilitation Act of 1973³ as amended assures that stakeholders have input into the programs and services offered by a State VR agency through the State Rehabilitation Council (SRC). The composition of the SRC is established in accordance with 34. CFR 361.17 and the role and responsibilities of the SRC. Members of the SRC are appointed by the Governor and can serve up to two three-year terms. The SRC must represent a cross section of individuals with disabilities and employers. The SRC meets four times a year, in February, May, September, and November.

The SRC has specific responsibilities which include, working with the VR specialist to review Order of Selection, if applicable, the waitlist, the extent, scope, and effectiveness of services provided, employment outcomes, assist in the development of goals and objectives, advise and review performance of the agency carried out in accordance with the State's Combined or Unified Workforce Plan, collaborate in the VR agency's assessment of needs, and review the satisfaction of consumers in the services received by the consumers.

DORS is also required to seek stakeholder input through the Tri-Annual is the Comprehensive Statewide Needs Assessment (CSNA). The CSNA requires stakeholder input from consumers, the disability community, service providers, and employers. The CSNA is used as a guide to address areas of concern in the delivery of services and programs from around the State. The CSNA can be found on the [DORS website](#).

Another area that DORS seeks stakeholder input is through the community rehabilitation provider (CRP) community. DORS holds three CRP Advisory meetings with the CRPs each year, in which information is shared on what DORS is doing and feedback on how and where DORS can improve. It also allows DORS to share data trends within the Division and concerns when the trends are not positive. These meeting dates and times are advertised about all DORS approved CRPs, as well as on the [DORS website](#).

Additionally, DORS holds several public meetings to discuss DORS plans and services. These meetings are advertised to the public and DORS consumers via the [DORS website](#), Facebook, emails, and text messages. Internally, DORS reviews its demographic data to identify underserved populations around the State. Currently, DORS also engages with several providers and organizations to increase knowledge of what DORS needs to do to increase the Division's presence in the Hispanic/Latino communities. Currently, the VR program has identified that Hispanic/Latino only represents about four percent of DORS VR consumers. According to 2020 census data, Hispanic/Latino represent 12% of Maryland's population. When reviewing data from Montgomery and Prince George's counties, the percentage is approximately 20%. When reviewing the student population in both counties, the percentages are even higher.

Further, DORS is partnering with Parent Place of Maryland to conduct listening sessions with parents and students concerning transitioning services. DORS hopes to gain a better insight as to what specific information is important to parents concerning the services that DORS can provide for students who are transitioning from school. Finally, DORS has a VR counselor assigned to every high school equipped to attend Individual Education Program (IEP) meetings with the school transitioning team, parents, and students.

³ <https://www.eeoc.gov/statutes/rehabilitation-act-1973>

PRELIMINARY COMMISSION RECOMMENDATIONS

To ensure improved and enhanced stakeholder input pertaining to the Division of Rehabilitation Services the Division should:

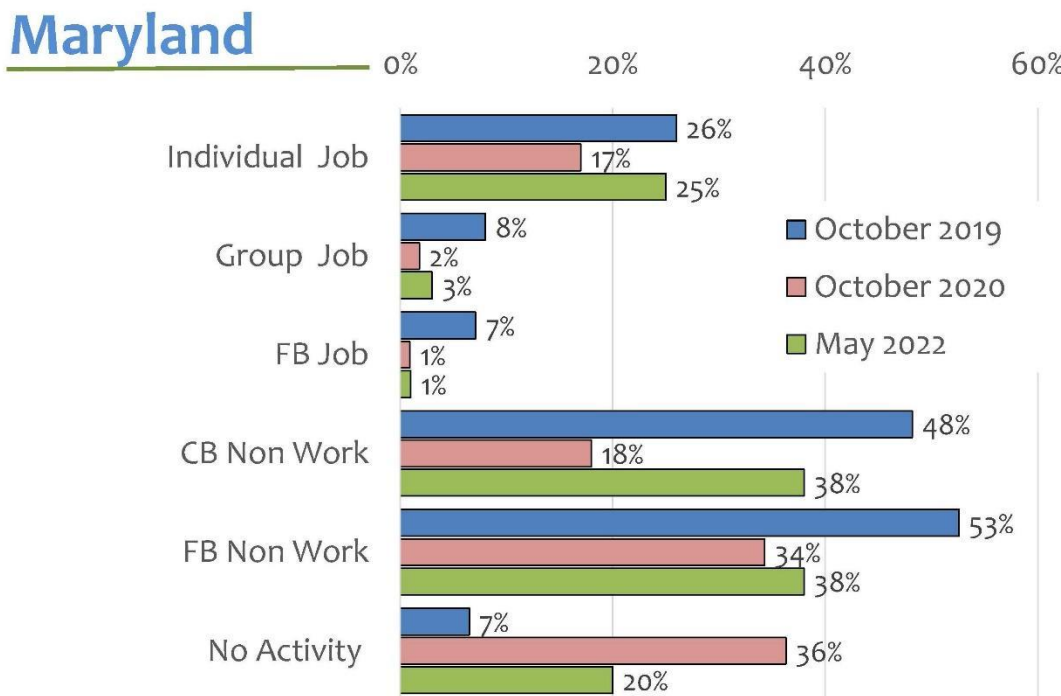
- Partner with the DD community and provide information to the underserved populations of the State about DORS services and programs;
- Utilize various existing organizations, such as, the State Agencies Transitioning Collaborative, the Maryland Department of Disabilities' Listserv, or Parent's Place of Maryland to disseminate information to partner organizations, parents, and students;
- Disseminate transitioning information through the LEA Transition Coordinators and the Individual IEP chairs, and the families;
- Develop two-way communication at the LEA level about services that are being provided by DORS with the school staff who are working with students and families;
- Embed a survey link in the online DORS' referral form to obtain additional information from individuals;
- Institute a plain language review of documents to assure that information being communicated is clear and that individuals have a complete understanding of what is being asked of them as well as solicit stakeholder feedback from various organizations on the changes to the forms and documents; and
- Conduct Pre-IEP meetings with individuals that possess knowledge of the transitioning systems and how they intersect.

Commission Topic #2: Methods for improving the relationship and communication between transition professionals working at the Division of Rehabilitation Services and the Developmental Disabilities Administration

According to the National Core Indicators in 2018-2019, during the pre-pandemic, approximately 68% of the individuals who are served by Developmental or Intellectual Disability agencies were in either unpaid community-based (CB) activities or facility-based (FB) activities. While approximately 32% of the individuals were in an employment setting, with 16% of those individuals were placed in an individual employment setting, followed by a facility-based employment setting at 14%.

However, when comparing these figures to the 2020-2021, it is clear that the pandemic had a significant impact on this population. For individuals who were in either an unpaid community-based activity or a facility-based activity, the percentage fell to 46%. While individuals who were employed fell to 16% overall, whereas individual employment fell to 11% and group-supported job settings fell to 4%.

The below chart shows how individuals who receive services through DDA fared during the same period.



Source: [Maryland DDA Employment Outcome Information System](#)

Please note the percentage totals above exceed 100%, since an individual can be enrolled in multiple services.

In Maryland, there were several events that strengthened the partnership between DORS and DDA. These were the increased focus on Employment First for DDA, the passage of the Workforce Innovation and Opportunities Act (WIOA) for DORS, and the Ken Capone Equal Employment Act, which impacted both DDA and DORS. All three of these initiatives have a single focus on employment of individuals with significant disabilities.

In 2008/2009, DDA undertook an initiative to engage stakeholders in their strategic planning process. A part of that strategic plan was to improve employment outcomes for people with developmental disabilities in Maryland. According to the DDA Employment First website, Employment First focuses on facilitating the full inclusion of people with the most significant disabilities in the workplace and community. Under the Employment First approach, community-based, integrated employment is the first option for employment services for youth and adults with significant disabilities.⁴

WIOA made a legislative change in the definition of what it is considered employed under the Rehabilitation Act by making it clear the individual must be employed in a Competitive Integrated Employment setting in order to receive VR services. What this means is that an individual is making hourly wages not less than the federal or state minimum wage, whichever higher. The hourly wage and benefits must be the same as their non-disabled peers for the same job. The individuals must be fully integrated into the work environment with their non-disabled peers doing the same job. The individual must have the same promotional opportunities as their non-disabled peers.⁵

In addition, under section 511 of the Rehabilitation Act the public VR agencies are required to provide guidance and counseling on Competitive Integrated Employment for all individuals who are paid sub-minimum. For an individual to be allowed to continue to be paid a sub-minimum wage they are required to participate with DORS in a guidance and counseling session on Competitive Integrated Employment. DORS and DDA worked together to notify all DDA providers who held 14c licenses, which allowed them to pay individuals sub-minimum wages for work that the individual performed under a contract, of this federal requirement. From 2017 to October 1, 2020, DORS conducted these sessions with individuals who were earning sub-minimum wages.

The Ken Capone Equal Employment Act of 2016 made Maryland just the second State in the country to eliminate the use of 14c for sub-minimum wage and sheltered workshop environments. In addition, the legislation adapted the definition of Competitive Integrated Employment as the new employment norm for individuals with significant and most significant disabilities in Maryland. By Oct 1, 2020, sub-minimum was abolished in Maryland.⁶ The timing of the abolishment of sub-minimum wage corresponded with the requirements under Section 511 under Rehabilitation Act. As such, DORS worked with individuals who were starting to phase out of sub-minimum wage jobs into Competitive Integrated Employment.

In 2018, with these three initiatives in mind, DORS and DDA signed a new interagency agreement with the focus on employment of individuals with a significant disability in a competitive integrated setting. The MOU sets out what specific services each agency would be responsible for providing to mutual consumers.⁷

In addition, prior to the pandemic, DORS and DDA leadership met on a quarterly basis to address systemic issues and services gaps. During the pandemic, these quarterly meetings were suspended so that each agency could focus on the critical services delivery needs at that time. These meetings have now been reestablished on a quarterly basis.

DORS and DDA also collaborate on joint training of staff to review the workflow for each of the organizations and the critical points in the process that need to be aware of. Unfortunately, the pandemic impacted the ability for DORS and DDA to bring staff together to continue this important training. With a number of new staff at DORS and DDA, both organizations are committed to resuming the critical training necessary for staff.

⁴ [DDA Employment First](#)

⁵ [Competitive Integrated Employment](#)

⁶ [Ken Capone Equal Employment Act](#)

⁷ [DORS/DDA MOU](#)

PRELIMINARY COMMISSION RECOMMENDATIONS

To ensure the improvement of the relationship of communication professionals at the Division of Rehabilitation Services and the Developmental Disabilities Administration the Division should:

- Increase DORS partnership with DDA and approved employment Community Rehabilitation Providers;
- Increase the number of referrals from DDA providers for individuals seeking to be employed in a competitive integrated work setting;
- Enter into a Memorandum of Understanding with DDA that will enable DORS to access the necessary medical, psychological, or school documentation of DDA applicants who are seeking DORS services to expedite the eligibility process by DORS, thus a more rapid engagement for DORS services;
- Increase focus on joint training; and
- Conduct a deep dive into the documentation requirements for DORS and DDA to streamline the necessary supporting documentation of services.

Commission Topic #3: Methods for improving the amount of time it takes to provide Vocational Rehabilitation and transitional services

The Rehabilitation Act sets the federally required benchmarks for the initiation of VR services. Once an individual applies for services, the regulations indicate that a VR agency has 60 days to make an eligibility decision or if there is a need to extend that timeframe, there is an agreement between the agency and the individual. Once an individual is determined eligible, if a State has an Order of Selection, and the individual is placed into a service category that is currently open, then the agency has 90 days to have a signed Individual Plan for Employment (IPE).

In FY 2022, DORS made eligibility decisions in 37 days on average. Overall, 96.1% of all VR eligibility decisions by DORS were made within 60 days. The national average for VR agencies was 94.6%. For IPEs, DORS completed the IPE development within the 90-day requirement 94.3% of the time. While the national average was slightly higher at 95.5%, it should be noted that during this same time frame, DORS had between 38 to 43 VR counselor and supervisor vacancies in the VR program.

There are factors that come into play that influence the time it takes for either an eligibility decision or a plan development to occur. For example, eligibility decisions must have the availability of current medical documentation in order to make the correct decision. The Behavioral Health Administration (BHA) provides specific Counselors to assess the BHA case management system to pull the necessary supporting medical documentation. On average, it takes 23 days to make the eligibility decision and 31 days to move that individual into an IPE. For those individuals who do not have current medical documentation, DORS needs to obtain a current medical assessment before making an eligibility decision, then it takes an average of 51 days to make that decision. It then takes 63 days to move that individual into an IPE.

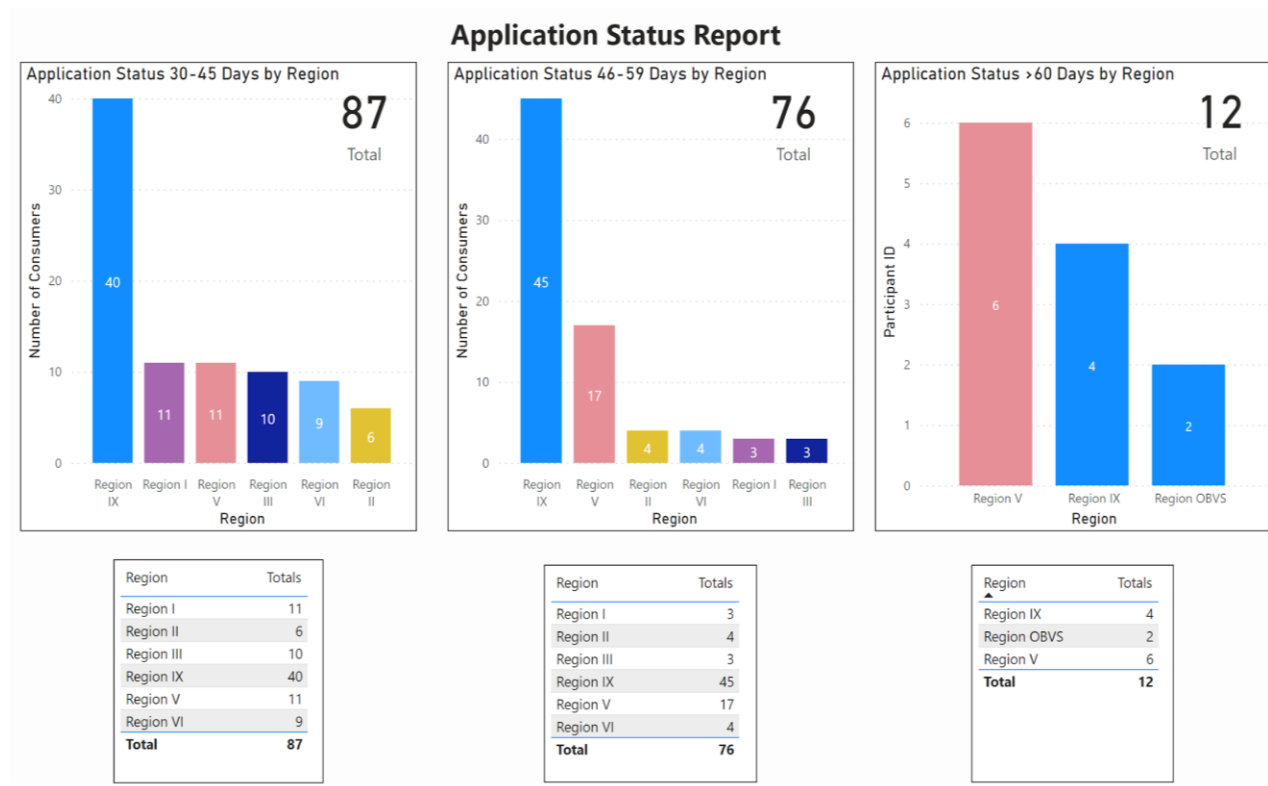
Another factor is the DORS VR counselor caseloads that they currently carry. Nationally, the average caseload size for a VR counselor is between 85 to 100. In North Carolina, the caseload sizes are even smaller at 60 cases per counselor. Currently, the average active caseload size for a VR counselor in Maryland is approximately 137, when the Division is fully staffed. When the cases on the waiting list are added into the count, the caseload size would increase to approximately 150 cases per counselor. Several of the DORS student transitioning Counselors who handle these cases are carrying between 250 and 300 cases. According to the 2016 article, *Understanding Consumer Engagement with VR Services*, published by the Research and Training Center on Disabilities in Rural Communities, overall consumer satisfaction increased with the number of contacts that the individual had with their VR counselor during the VR process.

Overall, the Commission felt that there was a strong need for Maryland to invest in individuals with significant disabilities in order for DORS to adequately provide necessary services and training that is needed to address the ongoing staffing and workload issues at DORS. It was estimated that the services provided through DORS allow clients to potentially become taxpayers and that the additional staff would be a good investment in the future of Maryland.

Other factors that influence the time to provide services include the lack of family support or connection with a community provider to assist with following through with documentation or other assistance the individual may need to receive the necessary services. The simple act of mailing documents back and forth between DORS and individuals can add several weeks to the process.

The final factor is community providers that work with DORS to provide the necessary services. The providers within the communities, like many organizations, have found it difficult to hire and retain staff over the last few years, as such the providers are short staffed. As a result, the providers have had to create their own waitlist of DORS referrals. For example, between the period of July 1 and September 30, 2022, DORS issued 2,965 authorizations to organizations for services on behalf of consumers. As of December 7, 2022, 1,797 authorizations have had no documentation pertaining to support that services have not been provided.

DORS recognizes the importance of engaging consumers quickly while they are the most interested in receiving services. With the staffing issues facing DORS, the division has looked for ways to utilize technology to create new efficiencies for both the consumers, as well as DORS staff. One solution that DORS initiated in December 2020, was to move from paper referral documents to an online referral system. This eliminated the date enter requirement for existing staff, as well as dramatically decreased the time frame that it takes DORS to respond to the referrals. Prior to this change, it took weeks for DORS to respond. Currently, DORS is mailing the information out in two days. By January 2023, DORS plans to move to an all-electronic process with the consumer receiving the necessary information via email or text messaging.



DORS continues utilizing technology that is accessible. One way the division has done this is by closely with Citrix. Citrix made several software adaptations to their electronic signature software package to improve accessibility of information for clients. As a result, DORS is now implementing an electronic signature that can be used securely across several different platforms. The use of secure portals allows clients to send documents to DORS without having to mail them.

Finally, DORS is working to purchase a two-way directional texting system that will allow DORS to provide individuals with follow up and reminders about their upcoming events with their cases and for consumers to text back information.

However, additional strategies and resources are needed to reduce the time needed to provide Vocational Rehabilitation and transitional services to meet federal requirements and reduce consumer waiting time for planned services. Additional strategies may include:

- Similar to the DORS online referral form, create an online application form for individuals to complete;
- Where possible, eliminate the use of the State's Virtu encryption as the system is not user friendly to the public or accessible for blind users;
- Incorporate the Student ID number into the DORS application;
- Expand the use of LEAs and school staff to provide additional Pre-Employment Transitioning Services; and
- The Commission recommends that the staffing for DORS be increased (that recommendation is included under Topic #9).

PRELIMINARY COMMISSION RECOMMENDATIONS

- To improve the amount of time it takes to provide services Maryland should:
- Continue to explore enhancements that will facilitate and encourage the number of VR Counselors and Disability Claims Examiners that are hired and retained;
- Investigate additional partnerships that can be utilized to assist DORs with transitioning services; and
- Work with SSA to reduce time it takes to approve background checks for VR Counselors.

Commission Topic #4: Methods for improving public-private partnership to assist more Division of Rehabilitation Services clients.

One of the key tenets of WIOA is that an individual with a disability is capable of employment in a competitive integrated setting when provided with the proper skills and supports. As one of the required partners under WIOA, DORS works in close partnership with three other required partners, as well as with other State and local organizations that are identified under Maryland's Combined State Plan. Partnerships are a key underpinning to DORS being able to deliver services for clients which allows clients to be successful in meeting their employment and career aspirations. As such, DORS partners with a number of public and private organizations around the State.

DORS has partnerships with the following organizations:

- 225 community rehabilitation providers throughout the State;
- All the local Workforce Boards; and
- All the Local Education Agencies.

State partnerships include:

- Behavioral Health Administration;
- Developmental Disabilities Administration;
- Department of Disabilities;
- Department of Labor; and
- Maryland State Department of Education, Office of Early Intervention and Special Education.

DORS also partner with the following Colleges and Universities:

- University of Maryland, Center for Transitioning and Career Innovation;
- Morgan University;
- Loyola University;
- Community College of Baltimore County; and
- Wor-Wic Community College.

Private partnerships have been established with:		
Amazon	Sodexo	Plaza Ford
CVS	Chick-Fil-A	Mercedes Benz
Mile One Auto Group	Safeguard Maintenance	Enterprise Holdings
Starbucks	Chase Quality Professionals	Sephora
Weis Markets	Tate Dodge	Certified Contractors Network

DORS PARTNERSHIP CASE STUDY

DORS' Workforce and Technology Center (WTC) was contacted by Sephora to assist them in the training and hiring of individuals with disabilities for their warehouse operations in Harford County. One of Sephora's corporate missions is to have their workforce be representative of the community, which includes individuals with disabilities. WTC staff worked with Sephora to modify the WTC Warehouse training to meet Sephora's requirements. WTC then teamed up with the Community College of Baltimore County (CCBC) to provide onsite training at Sephora. To date, eight training sessions have been held and 17 individuals have been employed at Sephora with another three individuals obtaining employment at other warehouse operations.

In October 2022, one of DORS' consumers, who went through the Sephora warehouse training, was recognized by Harford County Commission on Disabilities Employment Committee as the employee of the year.⁸

PRELIMINARY COMMISSION RECOMMENDATIONS

To ensure public-private partnerships to assist more clients DORS should:

- Provide links to resources for employers and individuals;
- Explore partnerships from across the State to increase community-based services and training provided by DORS, including those in the non-traditional settings such as the arts, theater, or music;
- Develop partnerships between various employers that aligns with the strengths and interests of the individuals;
- Outline processes so employers know about their ability to partner with DORS for training and employment opportunities; and
- Expand partnerships with organizations serving families.

⁸ Benchmark for Success. <https://content.govdelivery.com/accounts/MDDLRL/bulletins/3330152>

Commission Topic #5: Methods for improving accountability and transparency of the Division of Rehabilitation Services' programs and services

All programs and services that DORS provides are important to improving the performance of the Vocational Rehabilitation program. DORS has implemented a variety of different processes and procedures to assist in providing information and understanding of programs that are available throughout the State.

To assist with this endeavor, DORS files a report on a quarterly basis to the Rehabilitation Services Administration. The report provides information about clients and activities that occur for the quarter. DORS is also required to provide performance information to the Governor's Office and the General Assembly through the Managing for Results Report and requirements. DORS, like other State agencies, undergo regular audits that review programs and services that are provided. For example, DORS has a State audit that reviews programs in the Division. In the most recent 2022 audit, there were no major findings. Outreach and services that are provided to clients are a major component of the audit. In addition, DORS is subject to an Office of Legislation Audit (OLA) every three years. The most recent OLA audit did not have any major audit findings. All audits and monitoring reports are public documents and are made available for public review.

DORS ACCOUNTABILITY

DORS reports on a quarterly basis to the Rehabilitation Services Administration (RSA) on all clients and the activity that occurred for the quarter. DORS data is then compiled into an annual report that is posted on the RSA website. A report on DORS' performance, which includes the results of the consumer satisfaction survey, is also submitted to the Maryland State Rehabilitation Council. Every Rehabilitation Council meeting allows time for public comments and input. In addition, DORS is subject to a single State audit, which audits various aspects of DORS' two major programs. There were no financial findings and only policy update recommendations from the last RSA monitoring review.

DORS TRANSPARENCY

All audit and monitoring reports are public documents and are available for the public to review. A comprehensive, Statewide Needs Assessment is posted on the DORS website. DORS also has an annual public meeting to allow for the public to hear about programs and services offered through DORS and to provide input into those services. DORS meets three times a year with the Community Rehabilitation Provider Advisory Committee, which is open to all providers to attend to learn what is happening within DORS and to discuss issues with the leadership of DORS. Additionally, DORS staff attend numerous transitioning fairs, job fairs, and conferences around the State to discuss DORS services.

DORS ACCOUNTABILITY AND TRANSPARENCY: CURRENT AND FUTURE INITIATIVES

DORS will post the results of its quarterly consumer satisfaction survey results on the website. In 2022, DORS consumers rated the Divisions services and programs either satisfactory or neutral 83% of the time. DORS is working with San Diego State University on a data analytic tool which will enable DORS to analyze data from the last five years and identify trends of services that are provided and the outcomes that were produced. This will include data presented by disability, race, and gender, both statewide and by county. DORS is partnering with Parents Place on listening sessions with parents, including those in the Hispanic/Latino community. DORS will share the recommendations with the State Rehabilitation Council.

PRELIMINARY COMMISSION RECOMMENDATIONS

To ensure accountability and transparency of services DORS should:

- Provide information concerning performance with all stakeholders and other State agencies;
- Expand outreach to families and organizations about the requirements for eligibility for the VR programs;
- Continue meetings with the Community Rehabilitation Provider Advisory Committee to provide information about DORS and discussed issues with the leadership of DORS; and
- Provide meetings and opportunities for clients and stakeholders to discuss DORS services.

Commission Topic #6: Whether the eligibility criteria for the Division of Rehabilitation Services' programs and services should be altered

THE DIVISION OF REHABILITATION SERVICES WAITLIST

Section 103(a) of the Rehabilitation Act as amended in 2014 (Act), outlines the vocational services of individuals who are determined eligible to receive services through the public Vocational Rehabilitation program. The services that are authorized are intended to provide an eligible individual with the prerequisite skills and training necessary to be employed in a competitive integrated setting.

There is recognition that State's public VR programs may not have the necessary resources to provide all the services for everyone in the State who may be eligible for VR Services. In these situations, in accordance with 34 CFR 361.36, a State is required to create an Order of Selection (OOS process.) The process identifies insufficient resources which include federal and state funding. An OOS outlines how a State intends to serve individuals who have been determined eligible for VR services. OOS is not based on the individual's disability but on the significance of the individual's disability and the impact the disability has on their functional levels. Each state that creates an OOS must place individuals into categories based on the significance of their disability, with the highest priority for any State being individuals that they have been determined to be the Most Significantly Disabled (MSD). Each State must submit the rationale for the determination and a plan to the RSA for review and approval.

NATIONAL OVERVIEW

There are a total of seventy-eight public VR agencies in the country and US territories. A State may have two VR agencies, one to serve just the Blind, and the other to serve all the remaining disabilities. Of the seventy-eight agencies, forty have no OOS and thirty-eight have an OOS. According to the RSA website, as of October 2022, thirty-eight States were in OOS. Seventeen had some categories closed and twenty-one States, while in OOS, have all categories open. There are no VR agencies that have all categories closed. Nationally, there are over nine thousand individuals on a waitlist. Unfortunately, Maryland has the highest number of people on the waitlist with over 2,700 individuals.

Each State's OOS plan will indicate the number of categories it intends to use for their OOS. Nationally, thirty-two States use three categories, including Maryland, five states have four categories, and one State has five categories. The charts below are examples of two of the three types of classification systems currently being used by States for their OOS. Maryland's classification system will be discussed in detail.

Five Categories- One State:

Significance Level	Meets Definition of Significantly Disabled	Categories of Functional	Duration of Services	Number of Services
1	Yes	Eligible individuals that have four (4) or more major areas of functional limitations	Requires VR Services over an extended period of time	Requires multiple services
2	Yes	Eligible individuals that have three (3) major areas of functional limitations	Requires VR Services over an extended period of time	Requires multiple services
3	Yes	Eligible individuals that have two (2) major areas of functional limitations	Requires VR Services over an extended period of time	Requires multiple services
4	Yes	Eligible individuals that have one (1) major areas of functional limitations	Requires VR Services over an extended period of time	Requires multiple services
5	No	One or more	No Extended duration of VR Services	Multiple Services not required

Four Categories- Five States:

Significance Level	Meets Definition of Significantly Disabled	Categories of Functional	Duration of Services	Number of Services
1	Yes	Eligible individuals that have three (3) or more major areas of functional limitations	Requires VR Services over an extended period of time	Requires multiple services
2	Yes	Eligible individuals that have limitations in two (2) major areas of functional limitations.	Requires VR Services over an extended period of time	Requires multiple services
3	Yes	Eligible individuals that have limitations in one (1) major area of functional limitations	Requires VR Services over an extended period of time	Requires multiple services
4	No	Non-significant disability	No Extended duration of VR Services	Multiple Services not required

MARYLAND ORDER OF SELECTION

In the late 1980's, Maryland recognized that it did not have the capacity to serve everyone who may be eligible to receive VR services from DORS. This resulted in DORS submitting its OOS requested to the Rehabilitation Services Administration for approval, which was granted. Maryland decided to use three (3) designations, or categories as they are commonly referred to, in which individuals would be placed into once the individual was determined to be eligible for VR services. The three categories:

- Category One, Most Significantly Disabled;
- Category two, Significantly Disabled; and
- Category three, Non-Severe.

The chart below is Maryland's classification system, which uses a three-classification system. DORS has not provided services to individuals in category three for more than thirty years.

Significance Level	Meets Definition of Significantly Disabled	Categories of Functional	Duration of Services	Number of Services
1	Yes	Eligible individuals that have two (2) or more major areas of functional limitations	Requires VR Services over an extended period of time	Requires multiple services
2	Yes	Eligible individuals that have limitations in one (1) major areas of functional limitations.	Requires VR Services over an extended period of time	Requires multiple services
3	No	Non-significant disability	No Extended duration of VR Services	Multiple Services not required

These scenarios provide examples of the type of analysis that the VR counselor must take into consideration when reviewing the medical and other supporting documentation as to which category to place an individual into once eligibility has been determined.

Category 1

Consumer has a diagnosis of Bipolar Disorder, Personality Disorder, and recovering substance abuse. Consumer reports that due to her depression, she stays in bed days on end at times, and she also reports past hospitalizations for her mental illness (Interpersonal Skills). Consumer stated she resides with her fiancé who supports her financially and he also helps her with daily living tasks (Self Care). Consumer reports she has not worked in approximately 16 years (Limited Work Skills).

Category 2

Consumer has progressively lost her hearing. Consumer provided a recent hearing evaluation and hearing aid recommendation. She communicates verbally and does not know sign language. Consumer is requesting services for DORS to assist with hearing aids so that she can use them as an accommodation on the job.

Category 3

Consumer is a 17-year-old student who has a 9th grade reading and math level. Documentation of ADHD but no medication or counseling is known.

DORS WAITLIST

The elimination of the DORS waitlist has been difficult to achieve because it is the result of a combination of factors. There are three main factors that have played a part in the continuing existence of the DORS waitlist, funding, staff reductions, and new workloads, as a result of the Workforce Innovation and Opportunities Act (WIOA).

FUNDING

A state's allotment of the federal VR grant is based on a federal funding formula, which includes such elements as a State's population change, the relative wealth of the state, the poverty level of the state, and the change in the Consumer Price Index. In the 1990's and early 2000's Maryland's VR federal grant increased each year at a fairly predictable rate. However, in the mid-2000's, the relative wealth in Maryland increased compared to other States. While at the same time the population in the State grew at a very slow rate compared to other States. This resulted in a decrease in Maryland's grant allotment for one year and a very small increase in the following year. By the end of the 2006 federal fiscal year, DORS was running out of federal funds and shut down all non-essential spending. By June of 2007, DORS had to close both categories one and two, and lay off approximately 30 individuals in order to bring spending in line with the Division's federal funding.

In 2009, the Governor and the General Assembly provided \$2 million in additional State funding to help address the DORS waitlist. With the additional funding, DORS was able to reopen category one and bring those individuals off the waiting list over a period of time. Eventually, category two was reopened, and individuals were brought off the waiting list. Even though DORS received additional federal funding through the American Recovery and Reinvestment Act, due to the national and state economy during this period of time, DORS received an increased volume of applications for services, which resulted in individuals who were determined to be category two continuing to be placed on the DORS waitlist. Since Maryland continued to meet its Match and Maintenance of Effort requirements, by 2012, federal funding for DORS was no longer an issue.

DORS VR STAFFING LEVELS

In addition to the approximate 30 PINs that VR program lost because of the federal funding issues in 2007, the State was also reducing the number of authorized PINS across all agencies. Between fiscal years 2008 to 2023, DORS has lost over 100 positions in the VR agency. The loss of this many positions has limited the flexibility of DORS to reallocate positions to areas of need, particularly in its ability to address the DORS waitlist and to handle the influx of students with disabilities under the Pre-Employment Transitioning Services program.

The below chart represents where the lost positions came from.

Programs	FY 2008	FY 2023	Difference	Percentage Change
DORS Headquarters	85	61	24	28%
Office of Field Services	229	198	31	14%
Workforce and Technology Center	130	90	40	31%
Office of Blindness and Vision Services	47	41	6	13%
Totals	491	390	101	21%

In addition to losing positions, DORS had difficulty in attracting and retaining VR Counselors. The State's starting salaries were low when compared to the salaries being paid by some counties, the federal government, and private organizations. Under the Rehabilitation Act, the expectation is that a VR counselor will have their master's degree. A number of the VR agencies around the country set their minimum hiring standard at the master's degree. However, the minimum allowable level for a VR counselor is a bachelor's degree, which is the level that DORS has established. To meet the expectations under the Rehabilitation Act, DORS provides tuition reimbursement for those Counselors that are hired at the bachelor's degree level. The combination of a master's degree and experience working for DORS has made the VR Counselors appealing candidates to other organizations, such as LEAs, the federal government, and the private sector.

In the metropolitan area of Baltimore and the District of Columbia, DORS was experiencing frequent turnover of the Division's VR Counselors who were leaving for higher paying jobs. Recruiting to fill the vacancies was difficult as the number and quality of the applicants who applied for openings steadily decreased over the years. It was not uncommon for staff to leave within the first few years of their employment with DORS.

The inability to retain staff not only impacted the direct services to DORS clients, but also impacted DORS ability to fill supervisory positions within the organization. On several occasions, DORS had no staff in a region of the State who met the minimum qualifications for a supervisor, thus requiring other supervisors, regional or DORS central office staff to manage the office until such time that someone could meet the qualifications and had the desire to become a supervisor.

As the chart below shows, the number of vacancies dramatically increased during the pandemic and the subsequent returning to the offices in July 2021 as the VR Counselors looked for better opportunities elsewhere. In one recruitment to fill a vacant VR counselor position, DORS received only one (1) application.

Date	DORS Vacancies
December 31, 2017	13
December 31, 2018	13
December 31, 2019	20
December 31, 2020	30
December 31, 2021	39
May 19, 2022*	42

*The number of vacancies prior to the implementation of MSDE's pay plan initiative.

VR COUNSELOR WORKLOAD

The criteria to determine eligibility to receive VR services is the same nationwide. The specific criterion for eligibility is spelled out in federal regulations, [34 CFR 361.42](#). As such, DORS nor the State has the authority to change the criteria used to determine eligibility for individuals who apply for VR services.

There are other considerations that a State must review in order to provide VR services. Federal regulations require that a State must determine if it has the necessary resources to provide the full range of services that are authorized under the Act to all eligible individuals. If a State determines that it does not have the resources, both financial and human, to fulfill this requirement, then the State must establish an Order of Selection. Order of Selection establishes the priority by which the State intends to serve individuals with disabilities. The regulations require that the highest priority are given to those individuals who have been determined eligible for VR services and meet the criteria of the Most Significantly disabled [34 CFR 361.36](#).

In the late 1980's, the State determined that the VR program did not have sufficient resources to serve all individuals who may be eligible for VR services in the State, thus Maryland moved into Order of Selection.

With the passage of the Workforce Innovation and Opportunities Act of 2014 (WIOA), Congress made a significant change in the focus of the VR program. Prior to WIOA, the VR program had a sole focus of employment of individuals with disabilities. For students in high school who were starting to transition from school into either post-secondary or going to work, DORS would start working with those individuals in their next to last year of school. DORS would determine their eligibility for VR services, if students were in category one, then an IPE was developed, and services were started. If students were in category two, they were placed on the DORS waitlist for a short period of time before being brought off the waitlist and have their IPE developed.

Under WIOA, a second program was created within the VR program called Pre-Employment Transitioning Services (Pre-ETS). This program had the sole focus on providing services for students with a disability while they were still in high school. Pre-ETS were for individuals who meet the following criteria:

- Are between the ages of 14, but less than twenty-two.
- Are currently in high school, post-secondary, or a vocational training program; and
- Have a documented disability as stipulated on an IEP, 504 plan, or through medical documentation.

WIOA also required the VR programs to utilize at minimum, 15% of their federal VR grant to fund the Pre-ETS program. Unlike the VR program, which offers a variety of services, Pre-ETS is limited to just five services which a student can participate in. These services which are:

- Counseling on post-secondary and career opportunities;
- Job exploration counseling;
- Work readiness training;
- Instruction in self-advocacy; and
- Work based learning.

As the Pre-ETS program grew the workload levels of the Counselors also increased. By 2018, DORS had to shift VR Counselors from handling both a VR and Pre-ETS caseload to having a number of Counselors who were just assigned to Pre-ETS cases. Thus, reducing the number of available Counselors who were assigned a VR caseload. At this time, DORS closed category two.

Nationally, the average caseload size is between 85 to 100 cases, for DORS the average active caseload is 137. If the number of individuals who are on the waiting list are added to the active caseload, then that figure would increase to between 155 and 160. For the VR Counselors who have a transitioning caseload, the number of cases dramatically increases. The top three VR Counselors are carrying a caseload size of 379, 332, and 279, more than three times the national average. These high caseloads have led to counselor burnout and a high level of turn-over with our VR Counselors who have transitioning caseloads.

DORS current active caseload is 16,920 for both VR and Pre-ETS programs. In fiscal year 2022, DORS handled a total of 27,561 VR and Pre-ETS cases and had a waitlist of 2,743. This is in comparison to 2007, when DORS handled 25,795 cases and had a waitlist of 4,473. The reduction in available PINS has also resulted in high caseloads for the VR Counselors, which then impacted the quality of services being provided.

HOW IS DORS ADDRESSING THE INDIVIDUALS WITH A SIGNIFICANT DISABILITY ON THE WAITLIST?

Even though an individual may be placed on the DORS waitlist, DORS will continue to review and update documentation that will enable the VR counselor to move the individual's designation from significantly to most significantly disabled. During the pandemic, due to a lower number of applications, a number of service providers shut down services, and reassigned duties of the VR Counselors at the Workforce and Technology Center. DORS was able to reevaluate the medical information of individuals on the waitlist. With updated medical documentation, DORS was able to move over three hundred people off the waitlist.

In one of the first meetings that Superintendent Choudhury had with DORS leadership, the issue of low salaries was discussed. Superintendent Choudhury, then tasked the senior management of MSDE, which included DORS, to conduct a comprehensive salary study to determine what the salary structure should be for the VR Counselors. After working closely with the Department of Budget and Management, a new salary structure was agreed to for those individuals who were in the VR counselor series. On July 1, 2022, the starting salary went from \$42,035 to \$54,665, a two Grade and four Step increase in the starting salary, for existing staff. The increase was a minimum of a 20% increase in the existing wages. DORS has gone from having a high of 42 vacancies, to seven as of December 2, 2022.

As a result of this stabilization in DORS, the Baltimore and District of Columbia metropolitan areas have been able to start bringing individuals off the waitlist. As of December 2, 2022, DORS has moved everyone from 2017 off the waitlist and has started bringing individuals from 2018 off of the waitlist.

Please note that there were other items that were discussed under this topic heading that will be discussed in the Final report.

PRELIMINARY COMMISSION RECOMMENDATIONS

- The criteria to determine eligibility to receive VR services is the same nationwide. The specific criterion for eligibility is spelled out in federal regulations, [34 CFR 361.42](#). DORS nor the State has the authority to change the criteria used to determine eligibility for individuals who apply for VR services; and
- For the DORS waitlist, create an understanding within the disability community that the VR program is for individuals who are seeking employment in a competitive integrated setting.

Commission Topics #7 and #8

COMMISSION TOPICS #7 AND #8 COVER:

1. Whether the Division of Rehabilitation Services should continue to be a division of the State Department of Education or should be transferred to another State agency; and
2. If the Commission determines that the Division of Rehabilitation Services should continue to be a division of the State Department of Education, whether the Division of Rehabilitation Services should have a governing board separate from the State Board of Education.

These two topics will be discussed in Commission sessions during January and February 2023. As the Commission has not yet discussed these topics. The topics are not included in this interim report. These topics will be included in the Commission's final report, which will be submitted in March 2023.

Commission Topic #9: Whether there are specific budgetary requests that could support the job training programs provided by the Division of Rehabilitation Services.

The VR program is considered a federal and/or State partnership, thus funding for the VR program comes from two sources; the U.S. Department of Education/Rehabilitation Services Administration and the State of Maryland. The VR program is considered a mandatory program, which means that Congress must fund the program each year in accordance with the requirements of the Act. Each year the VR federal funds are increased based on the Consumer Price Index (CPI) for the preceding federal fiscal year.

The VR funds that the State receives is based on a federal funding model, which is spelled out in the Act. The model takes into account several factors including average state wage (Maryland is ranked #1 with the highest median household income), poverty level of the State, and changes in the State's population. The funding formula does not consider the number of disabled individuals living in the State or the cost of living in that State.

The State is responsible for providing non-federal funding to meet the Match requirements that are set out in the Act. With the VR program, it is often referred to as an 80/20 federal to State funded program. In reality, the federal government will provide 78.7% of the total funding and the State is required to provide the remaining 21.3% in order to receive its total allotment of federal grant funding each year. In addition, the VR program has a Maintenance of Effort requirement. Meaning that the State is required to provide the same level of State VR funding level it had in the previous fiscal years.

While the VR program has an annual increase in funding levels based on the CPI, that increase does not necessarily flow down to the State level as a result of the funding formula. While for the past decade Maryland has seen increases in the allotment of federal funds, this has not always been the case. In the early to mid-2000's the relative wealth of the State was increasing and at the same time there was a relatively small increase in the State's population compared to other States across the country. As a result, Maryland actually saw a decrease in its federal funding level. During the same timeframe some States saw close to a double digit increase from one year to the next. The criteria used in the federal funding formula adversely impacts the amount of federal funds that the State receives when compared to States with a similar population.

- **Maryland**
 - Population: 6.2 million⁹
 - FY 23 Federal Award: \$52,041,475
- **Wisconsin**
 - Population: 5.9 million
 - FY 23 Federal Award: \$70,474,814
- **Missouri**
 - Population: 6.1 million
 - FY 23 Federal Award: \$80,921,068

⁹ Population figures are from the 2020 Census

DORS has been fortunate to have support from its elected officials through the years. In the mid-2000's when the federal funding level for DORS dropped, the Governor and the General Assembly provided two million in additional State funding to help offset that loss. This General Fund funding level has remained fairly consistent over the years with some fluctuations as a result of State budgetary constraints. The additional funding also established a new Maintenance of Effort level, which the State has continued to meet for the last decade. Since there was a difference between the federal Match requirements and the Maintenance of Effort requirements, DORS was able to capture additional federal VR funds as a result of the reallocation of unused VR funds from other States.

Because of the higher Maintenance of Effort requirements, the State has benefited from the fact that inflation has been held in check for the last 10 years, which resulted in small increases in Maryland's VR grant allotment of between \$500,000 to \$800,000 a year. The Match requirements did not increase dramatically from one year to the next. This allowed the State to maintain a consistent funding level over this time span. However, that began to change in FY 22 when the DORS' grant increased by 1.8 million and by 3.4 million for FY 22. This fact was a result of the increase in the cost of living.

While the federal fiscal year 2024 will not be released until early 2023, there is an indicator that can be used as a guide to determine the impact that this past year's inflation rate will have on Maryland's VR grant in fiscal 2024. In October, the SSA announced that due to the increase in the CPI, that Social Security beneficiaries would receive an 8.7% Cost-Of-Living-Adjustment (COLA) and an increase in retirement payments. Reviewing the increase in Maryland's allotment for the last three fiscal years in comparison to the rate of the SSA's COLA increase, there is a similar trajectory. In 2021, DORS received a 3.6% increase and the SSA had announced a 1.3% increase. In 2022, DORS received a 7.0% increase and SSA provided a 5.9% increase. If this trend continues, DORS could see Maryland's VR grant go from approximately \$52 million to as high as \$56 million in fiscal year 2024. In this case, if the State's General Fund appropriations remains at its current level, DORS will fall short of meeting its Match requirement and may lose approximately 1.5 million in 2024. The potential loss of federal funds only grows in subsequent years as Maryland's VR grant allotment continues to grow.

Federal Fiscal Year	Current Grant Award	Forecasted Grant Amount*	Required State Match	Difference Between State VR Appropriations vs Required Amount	Potential VR Grant Reduction*
2021	\$46,881,489		\$12,688,382	\$1,933,537	
2022	\$48,610,998		\$13,156,470	\$1,464,690	
2023	\$52,041,475		\$14,084,922	\$536,238	
2024		\$56,569,083	\$15,310,311	-\$689,151	\$2,546,300
2025		\$58,902,429	\$16,870,278	-\$1,281,269	\$4,879,646
2026		\$62,332,906	\$16,870,278	-\$2,249,118	\$8,310,123
2027		\$65,763,383	\$17,798,731	-\$3,177,571	\$11,760,600

The loss of federal funds would have a significant impact on DORS' ability to provide services and training for individuals. MSDE and DORS has undertaken several initiatives to assure services to consumers are continuing to be provided by increasing salaries for the VR Counselors in order to attract and retain these critical positions. Furthermore, DORS has increased the funding rates to providers so they can attract and retain the necessary staff to provide services. Finally, DORS has begun to take steps to bring individuals with a significant disability off the DORS waitlist.

Without ongoing increases in State General Funds, the DORS' VR grant will remain flat, thus hindering DORS ability to fill vacant positions in the future, provide increased funding to providers to cover their ongoing costs, and return DORS to the mid 2000's with all Categories closed with individuals being placed on a waiting list.

As part of the discussion under Topic number three, the methods for improving the amount of time it takes to provide VR and transitional services are essential to develop because VR counselor caseloads are one and half times higher than the national average, which is between 85 to 100 cases per Counselors. The Commission asked what is necessary to bring Maryland's VR counselor caseloads in line with the national average. Additionally, as part of the discussion for this topic, the Commission asked what it would take for DORS to expand the training and other services offered at the WTC out into the community. During Session #4, DORS provided the staffing numbers and estimated cost below. The Commission recommended that this information be incorporated under Topic #9.

Taking into consideration all active cases, both VR and Pre-Employment Transitioning Services and individuals currently on the 2,700 individuals on the DORS waitlist, it is necessary to take into consideration all active cases. To bring the VR Counselors caseload to the national average would require 60 new FTE State PINS. The overall estimated cost for these positions including benefits is \$4,800,000. To expand existing DORS services offered at the WTC out into the community it would take 14 new FTE State PINS at an estimated cost, including benefits would be \$1,577,000. To bring an end to the waitlist and expand DORS training and other services would be a total cost of \$6,377,000. Due to the level of federal funding in the VR program, DORS positions are typically funded with 80% federal funds and 20% General funds, which would equate to \$1,275,400. This funding would then be used to meet the State's requirement for Match and Maintenance of Effort.

PRELIMINARY COMMISSION RECOMMENDATIONS

To ensure there are specific budgetary requests that can support the job training programs and services provided by DORS, the Maryland General Assembly should:

- Statutorily ensure that the State adequately provides general funds to meet the 21.3% federal Match; and
- Statutorily ensure at least 74 new FTE State PINS to eliminate the waitlist, reduce caseload levels of VR Counselors, and expand training and services in community-based settings.

Commission Topic #10

COMMISSION TOPIC #10 COVERS:

1. Any other improvements to the Division of Rehabilitation Services' programs and services the Commission considers appropriate.

As this topic is all-encompassing, it has not yet been fully discussed by the Commission and is therefore, not included in this interim report. This topic will be included in the Commission's final report, which will be submitted in March 2023.

Conclusion and Next Steps

The Commission to Study the Division of Rehabilitation Services will continue to meet through March of 2023. These meetings will focus on the topics that have not yet been covered as well as readdressing any other topics that require additional discussion. The Commission will submit its final report to the General Assembly by March 15, 2023.