



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0753/1
MED&TJD:amn

2017 BILL

1 **AN ACT** *to create* 47.05 of the statutes; **relating to:** competitive integrated
2 employment of persons with a disability and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill establishes a number of requirements for certain state agencies to promote competitive integrated employment, as defined under federal law. The requirements in the bill include all of the following:

1. A requirement that publicly funded programs that provide services and supports to working age persons with disabilities, when enabling the participation of persons with disabilities in activities outside their homes, prioritize competitive integrated employment.

2. A requirement that the Department of Workforce Development, with assistance from the departments of Public Instruction and Health Services, lead a collaboration among all state agencies that administer programs that provide services and supports to working age persons with disabilities.

3. A requirement that the three departments described above jointly develop a plan establishing specific performance improvement targets and describing specific methods used to coordinate efforts to ensure that programs, policies, and procedures support competitive integrated employment. The departments must update the plan biennially. The departments must also annually report on the progress, outcomes, and achievements made in increasing participation in competitive integrated employment in accordance with the plan described above. The departments must either publish or provide access to the plan and reports on their Internet sites or through a single, state-maintained Internet site.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 47.05 of the statutes is created to read:

2 **47.05 Employment First initiative. (1)** In this section:

3 (a) “Agency” has the meaning given in s. 13.172 (1).

4 (b) “Competitive integrated employment” has the meaning given in 29 USC 705
5 (5).

6 (c) “Working age” means an age that is at least 16 and includes the age at which
7 a child with a disability becomes eligible for transition services under subch. V of ch.
8 115.

9 **(2)** All publicly funded programs that provide services and supports to working
10 age persons with disabilities, when supporting the participation of persons with
11 disabilities in activities outside their homes, shall prioritize the competitive
12 integrated employment of persons with disabilities.

13 **(3)** The department shall, with assistance from the department of health
14 services and the department of public instruction, lead a collaboration among all
15 agencies that administer programs that provide services and supports to working
16 age persons with disabilities to promote the competitive integrated employment of
17 those persons while ensuring the self-determination and informed choice of the
18 individual.

19 **(4)** (a) The department of workforce development, the department of health
20 services, and the department of public instruction shall collaborate and, with the
21 input of stakeholders including the Wisconsin Rehabilitation Council as established

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1 under 34 CFR 361.16, jointly develop a plan establishing specific performance
2 improvement targets and describing specific methods used to coordinate efforts to
3 ensure that programs, policies, and procedures support competitive integrated
4 employment as described under sub. (2). The departments shall update the plan at
5 least biennially.

6 (b) 1. The department of workforce development, the department of health
7 services, and the department of public instruction shall each report on the progress,
8 outcomes, and achievements that each department has made in increasing
9 participation in competitive integrated employment in accordance with the plan
10 under par. (a), including information collected over the most recent period for which
11 data are available. The departments shall make the reports required under this
12 subdivision at least annually.

13 2. The department of workforce development, the department of health
14 services, and the department of public instruction shall include all of the following
15 in the reports under subd. 1.:

16 a. A statement regarding the targets established in the plan under par. (a).

17 b. Steps taken by the departments, individually and collectively, to achieve the
18 targets established in the plan under par. (a).

19 c. The number of working age persons with disabilities who received publicly
20 funded services through each department during the most recent period for which
21 data are available and the number of those persons identified who are employed in
22 competitive integrated employment during that period.

23 d. The percentage change that the numbers under subd. 2. c. represent as
24 compared to the numbers from the previous period.

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1 e. To the extent available through the departments' data systems, data on the
2 average number of hours worked and wages earned by persons described in subd. 2.
3 c. who are employed in competitive integrated employment.

4 f. Information appropriate to each department related to progress in achieving
5 the targets established under par. (a).

6 g. Identified barriers to achieving the goals and objectives established under
7 this section and strategies and policy changes in accordance with this section for each
8 department, acting individually and collectively, to overcome or mitigate those
9 barriers.

10 h. A statement or analysis specifically detailing the impact that the
11 collaboration under sub. (3) has had on each department's progress, outcomes, and
12 achievements in increasing participation in competitive integrated employment.

13 3. In addition to reporting data under subd. 2. c. to e. on a statewide basis, the
14 departments shall also report the data by region, county, or other geographic
15 subdivision if data are already available on any such basis through the departments'
16 data systems.

17 (c) 1. The department of workforce development, the department of health
18 services, and the department of public instruction shall do one or more of the
19 following with respect to the reports described in par. (b):

20 a. Prominently publish or otherwise provide access to the reports on each
21 department's Internet site.

22 b. Publish the reports through a single, state-maintained Internet site.

23 2. The department of workforce development, the department of health
24 services, and the department of public instruction shall, in conjunction with the

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1 reports under subd. 1., also prominently publish or otherwise provide access to the
2 current plan developed under par. (a).

3 (5) The department of workforce development, the department of health
4 services, and the department of public instruction shall share information with other
5 agencies on their progress in supporting competitive integrated employment under
6 sub. (2). The department of workforce development, the department of health
7 services, and the department of public instruction shall share with other agencies
8 the number of working age persons with disabilities employed in competitive
9 integrated employment through programs administered by that department.

10 (6) The department of workforce development, the department of health
11 services, and the department of public instruction may each promulgate rules to
12 implement this section. A department may not promulgate rules in implementing
13 this section that limit access to or choice of allowable services, including
14 prevocational services provided in accordance with 42 CFR parts 440 and 441, in the
15 family care program under ss. 46.2805 to 46.2895, the Family Care Partnership
16 program, and the self-directed services option, as defined in s. 46.2899 (1).

17 (7) Nothing in this section shall be construed to limit access to or choice of
18 allowable services, including prevocational services provided in accordance with 42
19 CFR parts 440 and 441, in the family care program under ss. 46.2805 to 46.2895, the
20 Family Care Partnership program, and the self-directed services option, as defined
21 in s. 46.2899 (1).

SECTION 2. Nonstatutory provisions.

22 (1) By the date the department of health services makes its initial report under
23 section 47.05 (4) (b) of the statutes, the department of health services shall submit
24 a report to the governor and the chief clerk of each house of the legislature for
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1 distribution to the appropriate standing committees under section 13.172 (3) of the
2 statutes on the feasibility, including a cost estimate, of conducting an independent
3 study regarding the impact that the Employment First initiative under section 47.05
4 of the statutes and the corresponding prioritization of competitive integrated
5 employment has had on the expansion or reduction in access to allowable services,
6 the quality of life, levels of community integration, and overall satisfaction of persons
7 with disabilities in this state.

8 (END)