

Interview with Claude Myer

Claude Myer, 52, has directed the state's vocational rehabilitation program since 1967. A Florida native, Myer studied rehabilitation and counseling at the University of Florida (M.A., 1959) and worked in Florida as a rehabilitation counselor (1958-62). From 1962 to 1966, he developed and directed a vocational rehabilitation program in Guam. He joined the North Carolina program in 1966 and became director a year later.

"VR is an old program," explains Myer. "It's not one of the New Society developments. Begun in 1920 by Congress, it was strictly for physically handicapped at first," says Myer. In 1943, Congress expanded the program to try to get more physically handicapped persons into a war-depleted work force. "The key was always employment, getting a person a job," says Myer, "even after the mentally handicapped were added to the program in 1943."

From the beginning, this program focused on citizens outside institutions. "We're really one of the earlier agencies trying to move people into community types of programs," says Myer. "For years we operated strictly on a referral basis in community offices. Fifteen years ago, we began to work more from within institutions, mental retardation centers, mental health centers, even prisons. So we expanded our network."

The Division of Vocational Rehabilitation Services within the North Carolina Department of Human Resources administers this program. In the 1982-83 fiscal year, this division provided services to some 58,000 persons, eventually accepting 36,230 clients onto its active caseload. "We have about 900 staff positions" says Myer. "Most of our staff are out in the field, in community offices. We are also housed in many third-party situations such as schools and mental health centers." In 1982-83, the division's budget was approximately \$40 million dollars, about 60 percent of it in federal funds.

Myer lives in Raleigh with his wife and three children. He is past president of the Council of State Administrators of Vocational Rehabilitation, serves on a number of advisory committees (World Rehabilitation Fund, National Rehabilitation Information Center, etc.), and recently returned from the International Labor Confer-



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ence in Geneva, Switzerland, where he represented the United States on vocational rehabilitation issues.

Bill Finger and Anne DeLaney conducted this interview on June 28, 1983.

How does your program decide whom to serve?

We evaluate potential clients in two ways. First, we determine through our consultations if a person has a mental or physical handicap that affects employment. Second, we must render services that enable a client to go to work. Our basic philosophy is to bend over backwards to give people an opportunity to become rehabilitated, but if it becomes clear that they are not going to be able to accomplish the employment objective, then we have a legal and professional responsibility to say, "I'm sorry," and to refer them to other agencies that might help them meet their needs. It is in our interest and in the client's best interest for the determination to be made as early as possible. We reserve our resources for people who can meet the objective of the Rehabilitation Act.

Do you serve mentally or physically handicapped persons who you don't think can get a job?

We would only serve them in the sense that we may give them a trial period through the evaluation process. If the counselor can't make an eligibility decision based on an evaluation, then the counselor has the option to work out a trial effort to get more data.

Does your federal funding cause you to accept on your caseload only people who can get a job?

That's correct. The state law in North Carolina regarding vocational rehabilitation is very short.¹ It simply says that the state of North Carolina will participate in the Vocational Rehabilitation program. There is no state law

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youngsters mainly through arts and crafts activities, to keep them busy with their hands. But we've learned over the years that these children can do things that we previously thought they could not do. Public Law 94-142 [the federal Education for All Handicapped Children Act] caused dramatic changes, too. Through that law, we look at each child individually; we must have an individual plan for that child and must think about the least restrictive environment [LRE] for that child. We define LRE—or mainstreaming—as being education as close to the regular classroom setting as possible.

Why are there so many more children receiving special services today?

The increase in services is caused primarily by more public awareness and more money to hire instructional and support service personnel. The key reason is more money. In 1962, we spent \$4 to \$5 million in state funds on children with special needs. Twenty years later, that amount has increased to \$120 million in state money. That's 25 times more money in 20 years. We saw

a large increase from 1977 to 1980. For the last three years, though, we've been in what we call a "hold harmless period." That means we have not gained or lost. But from 1977 to 1983, there's been a 56 percent increase in state funding. We had kids out there who were in trouble and were not being served. The state couldn't do anything until more money came in.

Soon after I came to this position in 1972, the Association for Retarded Citizens filed a class action suit for failure to serve mentally handicapped students.² That suit caused a lot of people to begin thinking about these children. The suit claimed that the state was not providing an appropriate education to the mentally retarded. We used that suit to address not just the mentally retarded but other handicapped youth as well. That suit brought about more changes than the laws had.

How were the laws working?

Prior to PL 94-142, the Auman Commission—that's the Commission on Children with Special Needs—held hearings around the state

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per se on vocational rehabilitation. There's no question that the program is cost effective. It's an asset to society from the economic as well as the human standpoint to help people function and care for themselves. It's better to assist people to get a job than to take care of them through welfare or maintenance in an institution. Plus the inhumanity of dependency. Lifetime dependency is just catastrophic, particularly if rehabilitation services can help them be independent. If Mr. Reagan were ever successful in dumping the federal vocational rehabilitation efforts solely on the states, then we would want to get a state basis very quickly for providing vocational rehabilitation services. In my view, there are no viable alternatives to vocational rehabilitation.

Has President Reagan altered what you can do in a funding or in a programmatic sense?

When he came in, the Rehabilitation Act was part of his approach to getting the federal government out of services to people and turning them over to the states. He proposed a funding reduction and a gradual phase-out of the federal program through a block grant approach.² If the

states wanted to continue the program, Reagan said, they would have that choice. But Congress rejected Reagan's approach and chose not to change the Rehabilitation Act significantly. Right now they are in the process of extending the act.

On the other hand, Congress hasn't expanded certain VR funds either. The Part B Section of the Independent Living Title VII of the [Vocational Rehabilitation] Act, for example, has had about the same funding for the last three or four years.

Would you support the state expanding VR so you could include people on your caseload who aren't likely to get a job? Perhaps by a legislative funding formula targeted to the more severely retarded or handicapped citizens?

I hope that the more severely handicapped people who meet the employment objective are getting on the caseload now. We wouldn't need special state efforts in that regard. If you're talking about the state expanding the VR opportunity by providing services to people to increase their mobility and ability to live

and in 1974 got legislation through the General Assembly. This state law [Equal Education Opportunities Act]³ spoke to an equal opportunity for all special needs children, handicapped and gifted. So we were ahead of the times in North Carolina by having legislation that spoke to an individualized program for exceptional children. Then came PL 94-142 [passed by Congress in 1975, regulations implemented in 1977] that required an individualized education program for each child. The difference between the state law and the federal law is that we included gifted and talented [G&T] students and pregnant schoolgirls under the Auman Commission Bill. Then in 1977 the legislature passed the Creech Bill⁴ to make the state law conform with the federal law. The Creech Bill guaranteed that the G&T and pregnant schoolgirls would be guaranteed the same rights as the handicapped child—an education program that must be free to parents and must conform to State Board of Education regulations.

Why are the gifted children grouped with handicapped children?

In the 1950s, we had just a section for the handicapped within DPI. Then a section for the gifted and talented began in the 1960s. Both

sections had small staffs. In 1968, Craig Phillips was elected Superintendent of Public Instruction. From his work with the gifted and talented, he saw the need to coordinate better services for all exceptional children, so he brought together these two separate sections—the gifted and talented and the handicapped—into one division.

Who has the main responsibility for these children—the handicapped and the gifted?

The legislature has the prime responsibility, followed by the State Board of Education, which is the umbrella over DPI. The State Board sets the policies under which we operate. When we decide that we need to set a policy for local school systems and other agencies regarding children with special needs, we have to go to the State Board. Local boards of education have the next responsibility for assuring that handicapped and gifted children are being served. Finally, other agencies provide education for some disabled children.

Which agencies?

Primarily, the Department of Correction and the Department of Human Resources (DHR). We also deal directly with the staff of the Division of Youth Services, even though it is

independently, then I'd be very supportive of such a funding effort.

Even if a job may not be a realistic goal?

That's correct. I think if people can improve functioning through good independent living services, then some of these people are going to be able to go to work. This is being demonstrated by the Metrolina Independent Living Center in Charlotte.

What kind of program is the Metrolina Center?

The Metrolina Center provides a variety of services to assist disabled people to function and live in the community, such as getting your wheelchair repaired, or helping with housing or transportation needs. It's not a residential center. It's a private, non-profit facility which gets much of its funds through us, around \$200,000 [all federal money] last year. They report to us on the kind of services they are rendering and to whom.

Does that program stem from the federal Rehabilitation Act?

Yes, from the Independent Living Title VII, passed in 1978. There are basically two parts of the legislation: A and B. Part A is a programmatic approach which has not been funded. The Part B Section funds special centers.

North Carolina was one of the first ten states to apply for and receive funding for an independent living center.

Is the Charlotte program the only such center in the state?

Yes. I cannot forecast how many more might develop. Certainly if more severely disabled people are going to come out of institutions into the communities, support centers of this type will enable them to function to the maximum.

How would more get going?

First, Congress has to appropriate more money. Of course, the state can do anything it wants to regarding independent living services, but I don't see the legislature getting heavily involved at this time due to the slow economy. The Charlotte center has gotten very good community support. The city government, the mayor, the council have all been involved and enthusiastic about it. It has meant a great deal to the disabled population in Charlotte.

This year Rep. Gus Economos from Charlotte sponsored a special bill on attendant care.³ Have you taken a position on it?

Yes. We have been very supportive of the

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under DHR. My contact with Youth Services is someone other than the contact for overall issues at DHR.

Do you think there are too many agencies involved with handicapped children or about the right number?

I think we have just enough right now. However, I do think the state needs to look at who should be responsible for education of these children. Should the State Board of Education have more responsibility for the education of those young persons who are under DHR, Youth Services, Correction?²⁵ These agencies operate outside the State Board of Education, although they do follow State Board regulations. The funds flow directly from the General Assembly to DHR [and Correction] to enhance those programs for education, not through the State Board of Education. A bill now before the legislature would have the General Assembly take a look at the feasibility of transferring the three schools for the deaf and the school for the blind to the State Board of Education. [HB 1142, ratified by the 1983 General Assembly,

authorized the Commission on Children with Special Needs to make this study.]

Why are those schools under DHR?

Historically, the schools have been seen more as care facilities—as custodial more than educational. Only in the last 20 years have they tried to build any educational programs and hire individuals who are trained in education of handicapped individuals.

How do you relate to these schools now?

We work with them implementing the State Board regulations. For example, we just gave the Governor Morehead School [for the Blind] a \$2,000 contract to train teachers. Our office does not distribute state money to them. Some federal money will flow from this office to DHR, but basically these schools tend to run their own programs.

Is it easier to pass the buck now, with special education funds being distributed through several departments?

It's not "passing the buck" so much as

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bill. Many disabled people don't need full time attendants, but they need someone who can help them get dressed in the morning and off to work—those kinds of timely assistance to maintain community and job functioning.

Would you consider proposing an expansion item in your budget for attendant care?

It depends upon the success of the Charlotte program. This is our demonstration project. Hopefully, we can find out from it if attendant care has the impact that we think it's going to have. I think it needs to be done. I would hope that reasonable people could be responsive to a positive effort to keep disabled people functioning. The special bill is really an example that we're looking for. We're going to be evaluating it very carefully and seeing what the impact is going to be before we advocate expanding it.

In helping disabled people find jobs, what kind of services do you provide?

Take the housing area for example.

At the state level, we helped get the North

Carolina Building Code requirements up to the degree of effectiveness and efficiency that they are. The N.C. Code has become a model for many states. At the local level, our counselors will know what some of those provision are—how many accessible rooms there are in certain situations, etc. Plus he or she just works hard at trying to find suitable housing. You can give people all the job skills in the world, but if they can't get to work, then they can't live in the community. Then a person can't take that job at the bank, even though he or she may be a certified accountant. The rehabilitation counselor must deal with environmental factors such as housing and transportation. It is important to take a holistic approach in planning a rehabilitation program. If you don't, you're unsuccessful in reaching your objectives.

The kinds of rehabilitation services provided (as needed) are: diagnostic, guidance, and counseling; medical, surgical, and hospital services; appliances, vocational evaluation, work adjustment services, and vocational training; maintenance and transportation (if necessary while undergoing training and rehabilitation

"holding the bucks." The agency controlling the money tends to call the shots. We are held accountable by the federal government to make sure that every child in North Carolina—including children in these institutions—is being given an appropriate education. That kind of accountability is required of us but we don't have all the tools to meet that responsibility.

We have had some cases, for example, where children had to be sent out of state to be served when they could have been served here. But because of certain policies in these institutions—policies which the State Board could not control—the children were not allowed to be served. I'm thinking of children with multiple handicaps who don't fit into a particular category—blind or deaf or mentally retarded. When a child has multiple handicaps, we have a hard time finding a placement for that child in North Carolina.

We could probably find a better system by having one agency to provide supervisory and oversight authority over all education in the state—including education programs in the school for the blind, schools for the deaf, institutions for the mentally retarded, psychiatric hospitals that have educational programs attached to them, and the Division of Youth Services. Only the three schools for the deaf and

the school for the blind were covered in the legislation proposed this year.

Even though other agencies administer education programs for handicapped children, your division has the primary responsibility for implementing the Creech Bill for all children in the state. What do you view as the main vehicle for this responsibility—the rules and regulations passed by the State Board or your allocation of funds?

The State Board's *Rules Governing Programs and Services for Children with Special Needs* is our main vehicle. We have clear rules that must be followed by officials to ensure that we are serving the right youngsters. Those rules have been adopted by the State Board for all different categories [of children as listed in the Creech Bill].⁶ If you didn't have those rules, you would have some schools, psychologists, and others at the local level overloading the special programs with children who do not have a special need as we define it. We've had people want to classify any child who wears glasses as visually impaired. Some persons want to include slow learners as handicapped children. Serving this population is not the responsibility of this division. In *Rules*, we clarify which students can be identified as handicapped or gifted. We view

services), tools and equipment for employment/job placement services; and follow-up on the job to ensure satisfactory placement. We can provide most any service that will assist in preparing the client for the job.

What other agencies do you work most closely with?

The sister agencies within Human Resources, particularly with [the Division of] Mental Health, Mental Retardation, and Substance Abuse Services, because 50 percent of our clientele are in that area. We work very closely with Ted Drain and [the Department of] Public Instruction in serving disabled kids in the public schools. We also work closely with the Departments of Correction and Community Colleges.

A few agencies, specifically the Division for Blind Services, operate rehabilitation services separately from your division. Why?

This has been a sensitive issue with other disability groups. One of the first significant rehabilitation efforts was for blind people, a blind workshop in Boston. Being blind is a high profile disability. The federal rehabilitation law has always had the provision that services to the

blind *could* be in a separate agency.⁴ There were no other similar exceptions.

What about the Council for the Hearing Impaired?

We have the responsibility for the administration and housing of that council. Because of the problems of communication, there is a great need in this area. For example, if a person who's deaf has a mental illness, and is unable to communicate in the diagnostic and treatment setting, then successfully dealing with the problem is rather remote. The council works with community agencies to overcome these problems. We worked with the deaf community in trying to get the legislation that could bring all of their concerns into this council. Besides setting up the council, the legislation also set up service centers to be a source of support to deaf people. There are four centers set up now—in Greenville, Charlotte, Raleigh, and Asheville.

Are there more councils which, like this one, are housed within your division?

No. At one time we had the Governor's Council on Employment of the Handicapped, but that's over in [the Department of] Administration now.⁵

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Rules as the "Bible" for our programs.

Why isn't the allocation of funds an equally powerful administrative vehicle for you?

Funds go out of this division⁷ to local school systems, based on head counts of exceptional children taken December 1 of every year. School systems must spend those funds on exceptional children in compliance with the State Board regulations. But the local officials can decide how they are going to use their money and which types of programs they want to fund. A local school system could decide that it wanted to spend most of its money only on the mentally retarded kids, for example, and not serve any gifted children. However, such a decision would cause us to go in and audit them.

The funding structure is currently under review. Right now, we count all youngsters—those with special needs and those without—and tie that total to a method of only using the count of special needs children. Then we send out the money (state and federal) in a block amount to the local system. The legislature's Commission on Children with Special Needs and the Fiscal

Research Division are examining this method. They are considering items like: head count, per capita funding, a weighted formula system, local matching, and sharing of the excess costs incurred. *Some local systems put very little money into educating the handicapped.* We testified before the Commission regarding the system we favored. [See articles on pages 69 and 80 by Robinson and Highfill for more on the funding system.] We're basically trying to determine whether there's a way to develop a local matching structure based on a local tax base to provide a local share in funding education for these children.

How is the Creech Bill working?

It is working extremely well. Parents are satisfied. Parents are more involved in their child's education day, week, month, lives. Since 1978, we've had no more than 68 due process hearings while serving some 170,000 youngsters. Some parents have complained and asked for a due process hearing, where they challenge the individualized education program [IEP]. They first would ask for a local due process hearing.

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What about the Council on Developmental Disabilities?

We work with and relate to them, but it is in the Secretary's [of Human Resources] Office. That council has broadened the definition of developmental disability. It will cover almost anything, except somebody who has had an accident, and even that depends on the person's age and disability.

How do you work with other employment agencies?

We work with the Employment Security Commission [ESC]. Glenn Jernigan and I had been very good friends a long time before he became the chairman [of the state ESC]. Our counselors have the responsibility to generate employment contacts, including working with state employment services offices. In some places, that works very well. With other ESC offices, sometimes there is a bit of competition. But that may be an incentive to our counselors. We do encourage a collaborative effort. For example, I'm on the Governor's Labor Market Oversight

Committee.

How do you work with the community colleges?

We have hundreds of people that we are sponsoring in various community college programs. We may be paying their tuition, for example. Historically, we have worked with individual campuses in getting their architectural barriers removed. They've become a real resource and I'm looking to capitalize on the community college system even more. I'm not interested in sponsoring disabled persons for training in areas where there is no market. So the curriculum at the community colleges is of real interest to us.

Do you think of yourself as the leading spokesperson for disabled adults in North Carolina?

I don't know whether I'm the leading spokesperson. I see myself as having a lead responsibility in developing and utilizing resources from all areas of the state to accomplish the vocational rehabilitation of disabled persons.

The hearing officers we train at DPI are not paid by DPI. They are paid by local school systems. If the parents are not satisfied with the decision [of the hearing officer], they can appeal it to the Superintendent of Public Instruction, who names a state review officer to review the case. If that does not satisfy them, they can go on to state court. And if they aren't satisfied with that, they can go on to federal court.

Do you support a mainstream education style over a "separate-but-equal" style?

No, not if parents prefer a self-contained classroom, where deaf kids are together all day long, for example.

Are such separate facilities legal?

Yes, so long as the parents agree that the school provides an appropriate individualized education program for their children.

You put the responsibility on the parents for deciding what type of learning environment is best for their children?

The local school system committees have that responsibility and must seek parental involvement. They make the decision locally as to the type of program and type of therapy needed for a child.

But how would I know if it is better for my child to be with other deaf children or with normal children?

Over the past several years, we have put a lot of money into parent training to make parents aware of their rights. We have a contract now with the Association for Retarded Citizens to train parents and a new contract with the Society for Autism. We're trying to develop a well-informed parenthood to be a better resource for their children and also be a better resource for the public school system.

Can a self-contained system offer the "least restrictive environment" mandated by PL 94-142 and the Crech Bill?

You can call mainstreaming the least restrictive environment. Or you can go the other way of having a self-contained institutional school. In the general vernacular, "mainstreaming" means the same as the phrase "least restrictive environment." A self-contained institutional school, however, can also provide an appropriate education under the "least restrictive environment" mandate. In Winston-Salem, for example, there is a separate high school for the mentally retarded. If you tried to change it, the parents would fight you tooth and nail; they like the closed environment.

The number of persons whom you report as "rehabilitated" has decreased from 14,367 to 9,687 in the last 10 years. Why?

These are the people in any one year that completed the program and were classified as rehabilitated. The biggest reason for the decline is the change in the federal law in 1973. Before

1973, it was very common to take the non-working, less severely disabled person and provide a more limited service to get him or her back to work. But in 1973, Congress said don't skip by the hard-to-place person sitting in a wheelchair on the front porch. The new law says you've got to give the more severely disabled person a fair effort. A second reason is limited funds in an area that costs a lot. Our appropriations haven't grown to the degree that we need in order to serve more difficult people, or even to keep up with the cost of living.

The emphasis on the more severely handicapped has caused us to change our referral patterns. We are trying to cut off those sources that refer less severely disabled people to us. Some of them are physical restoration type cases that don't need more elaborate training. Our work with the more severely disabled person that requires multiple and more costly services to achieve employment has climbed significantly in North Carolina and the country at large as a result of the 1973 legislation.

How does VR measure its success?

The only goal we actually have is to accomplish employment. There are a lot of positives. People do get training and services



Courtesy N.C. Dept. of Human Resources

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We also fund, through local school systems, 81 developmental day centers that are separate from the school systems serving children aged 5 to 17. We give a grant of so much money to a local school district; they in turn will contract with that center to serve "x" number of children. These 81 centers may be governed by an area mental health center or a private board of some sort; basically the school system is contracting for the education.

There are folks who will say to you, "Close down those 81 centers, and put those children into a school building." A lot of those children are being transferred into a public school program and we support that. But we would not dismantle all separate, self-contained schools because some of those schools have some excellent programs. It's our job to make sure they are providing good education and good services for those children who are enrolled.

What is your job regarding Willie M. children? [See article on page 56 for background and details on this group of children.]

We have a very minor role. The lead agency

for Willie M. youngsters is DHR. Through DPI, we serve 540 Willie M. students in 113 local school systems at a cost of some \$1.5 million—about \$3,000 per child, per year. Our responsibility for these children ends when they leave the public school system. There are about 1,000 Willie M. children now being served throughout the state. DHR has responsibility for the other Willie M. children, those in institutional settings—mental health centers, group homes, hospitals.

How do you oversee the quality of Willie M. services which are delivered at the local level?

We have a team of eight people, one based in each of our eight regional education centers around the state. They visit local school systems on a monthly basis to monitor the programming. They send back to my office a monthly report of services being rendered and whether these services are appropriate. If inappropriate, the local school system is given a certain amount of time to improve the services. We do more to monitor Willie M. programs than other special needs programs.

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which are beneficial to them as individuals even though they may not become employed. But in our terms we haven't been successful if we don't find a client a job. We certainly keep the data on jobs and income.

A federal/state joint audit of your program in 1978 criticized your method of closing cases, particularly the lack of follow-up procedures.⁶ Is that still a problem?

At the time of the audit, there were some problems with the follow-up procedures. But we have new procedures in place now. We have to make contact and make sure that the person has gone to work rather than taking the neighbor's word. We used not to be as careful about that as we are now. We responded to the suggestion in the audit.

The audit also suggested that to put your figures in the best light, you tend to accept as clients the people you think can get a job. A long-time VR employee made the same complaint in letters to top state officials. Do you in fact look "at the numbers" in accepting clients?

No, absolutely not. If we can get eight out of ten a job, or seven out of ten, we're doing our job—as long as we're not also bypassing or leaving out the more severely handicapped person. We should also be working with them.

Then getting jobs is not your only measure of success?

For any one individual, getting a job is the measure of success. For the more severely disabled, providing some means of living a more independent life also reflects how successful we are in our efforts. But serving the less severely disabled is important too. It's in the interest of society to serve those people who need less service but who are not functioning because of their disability. You can often help them get employed by providing only minimal services. Unemployment is a big problem among the disabled population. So when you have people with a less severe or marginal disability, it's in the interest of society to serve them and get them into a job.

What kind of sheltered workshops exist in the

What are the most important issues regarding handicapped children that need attention?

The state needs a better system for providing services to hard-to-serve children. For example, one child who is mentally retarded and emotionally disturbed does not fit any one category and has been pushed from local school systems to DHR to other places. We ought to have a clear-cut procedure for handling cases like that, so that parents don't feel that their children are getting a runaround. We've had some cases that have gone on as long as six months before finding the proper placement, although most of these involve multiple handicaps.

The upper age youngsters also need attention. What should the state do about the vocational needs of *Willie M.* children? And what do we do about the very young handicapped? Right now, we distribute federal funds to about 40 programs around the state, to serve three- and four-year-olds who are handicapped. DHR now has the responsibility to develop a plan for providing services for very young special needs children.

Is the Commission on Children with Special Needs one vehicle for addressing these issues?

That commission has done more than any



Courtesy: Edgewood School, Goldsboro

other body to advance what has happened to special needs and gifted children in the state. From that commission, we had the first legislation that caused us to look at what the needs were for kids who have special needs. That commission is still the hub for new legislation for children with special needs.

state? How do they fit into your rehabilitation efforts?

When I first came to North Carolina, there weren't many community resources for serving mentally retarded folks. One of the most effective ways for helping this group is through a work situation. Over the years, we have tried to develop a system of sheltered workshops as a way to combine work with therapy assistance. Workshops are very complex. They have to be run like a good business, getting contracts from industry, meeting payroll, etc. But they still have to serve a rehabilitation function.

Do you have a licensing procedure for sheltered workshops?

We don't have a licensing procedure, but we do have an evaluative certification process.

Are all sheltered workshops part of the private sector?

Some are organized under local mental health authorities. The majority of the state's sheltered workshops are incorporated under a volunteer board of directors. They are private, non-profit organizations. State and community agencies buy certain services from the shops for their clients and also apply and monitor standards.

Do you run any sheltered workshops directly?

Only in our [Department of Human Resources] facilities. My staff runs the shops at Umstead, Dix, Cherry, and Broughton [all state mental hospitals].

How do you help new sheltered workshops begin to function?

A new program can apply to us for funding assistance. If we have the resources, we might help them start up. In recent years, new sheltered workshops have gotten appropriations through special bills from individual legislators. For example, in the 1980 session, Chatham County received such a shop.⁷ Everybody likes to have such a service in his or her own community. We [VR] have a moratorium on developing new sheltered workshops because of lack of resources. If new workshops are going to start, they are probably going to come from legislators' special bills, not through VR.

Is this a good trend?

It's one way to do it. After a special bill passes, the resources come through us, targeted for that community. We try to collapse the program into our overall effort, get them started, and make them successful. The new sheltered workshops that start through special bills aren't

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How has the legislature looked at the Creech Bill this year?

Some people wanted to change the Creech Bill this year, for example, to say that if a child is able to make passing marks and advance from grade to grade, the child would not especially need special education support. We have a lot of kids who can make passing marks but still need special education. We felt that proposal would be a very narrow, negative interpretation and would cause a lot of negative impact in this state. We have assisted legislators to look at the proposed changes. Eventually, the legislature supported SB 127, which came out of the Commission on Children with Special Needs.⁸ SB 127 made some changes regarding the gifted students and the pregnant teenagers, most importantly, allowing these two groups to have group educational programs rather than individualized programs. □

FOOTNOTES

¹Drain uses the term "mainstream setting" to refer to the "least restrictive appropriate setting," as defined by the State Board of Education: "... among all alternatives or

environments for placement within an educational system, children with special needs should be placed where they can obtain the best educational services which meet their individual educational needs as close to and as nearly like a regular classroom setting as possible" [16 NCAC 2E .1501(e)].

²*N.C. Association for Retarded Children, et. al. v. State of North Carolina, et. al.*, Civil Action No. 3050, Eastern District of North Carolina.

³Chapter 1293 of the 1973 Session Laws (2nd Session, 1974).

⁴Chapter 927 of the 1977 Session Laws, now codified as NCGS 115C-106 *et. seq.*

⁵The Department of Human Resources administers programs for some 1,800 children in various institutions for the blind, deaf, and emotionally disturbed. The Department of Correction administers programs for some 600 students with special needs.

⁶See page 16 NCAC 2E .1500-.1541. The division for Exceptional Children has published all these rules in *Rules Governing Programs and Services for Children with Special Needs* (September 1981).

⁷State funds for children's programs administered by the Department of Human Resources and the Department of Correction go directly to those departments, not through DPI. All federal funds for special education, however, go through DPI.

⁸Chapter 247 of the 1983 Session Laws.

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always in the places where I would put them. But that's the way it's happening.

In 1979, we put in an expansion budget item for a workshop in Jackson County, but the item never made it into the budget proposed by the Governor and the Advisory Budget Commission. Then during the session, a special bill for the Jackson County workshop did get funded.⁸ Getting a sheltered workshop funded in this way doesn't always fit into the plan for facility development that we have here. But that one did.

What do you view as the major success of VR?

The major success is that VR has been the means for thousands of disabled people to become employed in this state. I hope it always maintains that as its priority.

What do you view as the major failure of VR?

We're still not good enough in the state of the art to get everybody into employment. We haven't always provided the type of services that could get the best job for people, nor can we serve all disabled people. We're accepting about 50 percent of the people who are referred to us now.

That's gone up a little bit in the last year. I don't think that rehabilitation has yet achieved its potential for the benefit of society and the growing disabled population. □

FOOTNOTES

¹NCGS 143-545 to 546.

²In 1983, the Reagan administration proposed a "Rehabilitation Services" block grant, which would have combined the basic state grants with several project grant authorities.

³The bill passed in the closing days of the session, as part of the "special bills" funding package. The project received \$50,000 for FY 83-84 (HB 113, ratified as part of SB 313, Chapter 923 of the 1983 Session Laws).

⁴PL 95-602, Section 10(a)(1)(A)(i) as codified in 34 CFR 361.5(c).

⁵In 1979, the legislature merged this council into the newly created Governor's Advocacy Council for Persons with Disabilities (see page 18).

⁶"Report on Audit of the North Carolina Vocational Rehabilitation Program," Office of Inspector General, HEW Audit Agency—Region IV and N.C. Department of State Auditor, Audit Control No. 04-80551, March 1978, p.6.

⁷HB 1751 (1980 Session). In 1983, this workshop got an additional \$25,000 for FY 83-84 (HB 1324, ratified as part of SB 313, Chapter 923 of the Session Laws).

⁸HB 838, 1979 Session.