# NOTICE/AGENDA

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| **THE PUBLIC MAY LISTEN IN BY CALLING:** | **1-800-839-9416** |
| **PARTICIPANT CODE:** | **861-0332** |

## *STATE COUNCIL ON DEVELOPMENTAL DISABILITIES*
**LEGISLATIVE AND PUBLIC POLICY COMMITTEE MEETING**
**POSTED AT:** www.scdd.ca.gov

**DATE:** November 6, 2017

**TIME:** 10:30 AM – 4:30 PM

**MEETING LOCATION:**
SCDD HQ OFFICE
1507 21st Street, Suite 210
Sacramento, CA 95811

**TELECONFERENCE LOCATION(S):**
UCP of Los Angeles, Ventura, and Santa Barbara Counties
1025 Old Farm Road, Room 14
Thousand Oaks, CA 91360

**COMMITTEE CHAIR:** Janelle Lewis

**Item 1. CALL TO ORDER**

**Item 2. ESTABLISH QUORUM**

**Item 3. WELCOME AND INTRODUCTIONS**

**Item 4. PUBLIC COMMENTS**

*This item is for members of the public only to provide comments and/or present information to the Committee on matters not on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first.*

| | | |
|---|---|---|
| **Item 5.** | **APPROVAL OF AUGUST 2017 MINUTES** VOTE | Page 4 |
| **Item 6.** | **NEW BUSINESS** | |
| | a. State Legislative Updates including SB 433<br>*Aaron Carruthers, Executive Director and*<br>*Cindy Smith, Deputy Director of Public Policy* | Page 10 |
| | b. Federal Legislative and Regulatory Updates<br>*Cindy Smith, Deputy Director*<br>i. Federal Funding for Disability Programs<br>ii. Healthcare/Medicaid<br>iii. Community Living – HCBS Settings Rule<br>iv. Employment<br>v. Education | Page 21 |
| | c. Update Policy Platform –<br>*Janelle Lewis, Chair and Cindy Smith, Deputy Director* | Page 23 |
| | d. Establish 2018 Legislative Priorities - *All* | Page 37 |
| **Item 7.** | **UPDATES AND STANDING AGENDA ITEMS**<br>a. CIE Blueprint Update – *Cindy Smith, Deputy Director/All*<br>b. Self-Determination Waiver Update –<br>*April Lopez, Council Chair*<br>c. CalABLE Update – *April Lopez, Council Chair*<br>d. Disparities in Regional Centers –<br>*Aaron Carruthers, Executive Director* | |
| **Item 8.** | **LANTERMAN COALITION**<br>*Aaron Carruthers, Executive Director and Cindy Smith, Deputy Director*<br>a. Membership in Coalition<br>b. Funding from DC Properties | |
| **Item 9.** | **MEMBER UPDATES** | |
| **Item 10.** | **ESTABLISH DATE FOR FEBRUARY 2018 MEETING** | |
| **Item 11.** | **ADJOURNMENT** | |

***Accessibility:***
Pursuant to Government Code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact (916) 322-848. Requests must be received by 5 business days prior to the meeting.

***Materials:***
Meeting documents and presentations for an agenda item must be submitted to SCDD no later than 2 business days prior to the meeting.

# Item 5.

# APPROVAL OF MEETING MINUTES

**DRAFT**

# Legislative and Public Policy Committee Meeting Minutes August 14, 2017

| Attending Members | Members Absent | Others Attending |
|---|---|---|
| April Lopez (FA) | | Bob Giovati |
| Connie Lapin (FA) | | Evelyn Abouhassan |
| David Forderer (SA) (listen-in only) | | Karen Mulvaney |
| | | Robin Maitino |
| Janelle Lewis (FA) | | Vicki Smith |
| Lisa Davidson (FA) | | Sheraden Nicholau |
| Sandra Aldana (SA) | | Wayne Glusker |

1. **CALL TO ORDER**
   Chairperson Janelle Lewis (FA) called the meeting to order at 10:15 a.m.

2. **ESTABLISH QUORUM**
   A quorum was established.

3. **WELCOME/INTRODUCTIONS**
   Members and others introduced themselves as indicated.

4. **PUBLIC COMMENTS**
   Committee Chair Lewis announced that per the request that was made at the last meeting, member updates will include the DDS Safety Net Plan, updates disparity issues and DDS's work in this area.

5. **APPROVAL OF THE MARCH 2017 MEETING MINUTES**
   It was moved/seconded (Lapin [FA]/Lopez [FA]) and carried to adopt the March 8, 2017 meeting minutes as amended. (Unanimous: Lopez, Lapin, Lewis, Davidson; and Aldana)

   *Amendment 1*
   Page 7, paragraph 5, correct Bob Giovati's title to read, Policy and Planning.

*Amendment 2*
Page 7, bullet 3 under AB 433, correct the word “overseas” to read “oversees”.

*Amendment 3*
Page 8, item c.3) AB 340, remove “Lewis” from seconding the motion.

6. **NEW BUSINESS**
   a. Housing Presentation
      Regional Manager Sheraden Nicholau provided an in-depth overview a presentation on affordable and accessible housing. The presentation touched on the different challenges the I/DD community faces as well as touching on the different programs/projects out there and how eligibility and waiting lists can differ depending on county.

      The Committee participated in an in-depth discussion on ways to get involved as well as how different public programs and services can help. Public member Karen Mulvaney also provided public comment bringing up accessory dwelling units and a current bill that touches on ADU’s, AB 2406 (Thurman).

      Following the discussion, Regional Manager Nicholau offered to present at future meeting should the Committee decide to delve into any specific area of housing.

   b. Legislative Presentation
      1) Assembly Bill (AB) 1165 (Gloria ) Property Taxation
         Following a discussion on the intent of the language “parents/guardians,” the Committee was in support of expanding the authorization to transfer the base year value of an original property to a person who is the parent or legal guardian of a severely and permanently disabled child and resides with the child and acted to recommend a support position on both AB 1165 and companion bill ACA 12.

         It was moved/seconded (Lapin [FA]/Davidson [FA]) and carried to recommend supporting AB 1165 and companion bill ACA 12. (Unanimous: Lopez, Lapin, Lewis, Davidson; and Aldana)

2) AB 1264: (Garcia) Special Education Pupils. Individual Education Program (IEP): Meetings: School Records.
Committee members discuss the intent of this bill and felt that having access to reports and school records 5 business day was a good start to allowing parents/guardians adequate time to review IEPs.

It was moved/seconded (Davidson [FA]/Lopez [FA]) and carried to recommend supporting AB 1264. (Unanimous: Lopez, Lapin, Lewis, Davidson; and Aldana)

3) AB 1315: (Mullin) Mental Health: Early Psychosis and Mood Disorder Detection and Intervention.
Committee members reviewed the language contained in AB 1315 establishing an advisory committee to the Mental Health Services Oversight and Accountability Commission for purposes of creating an early psychosis and mood disorder detection and intervention competitive selection process. Members voted unanimously to recommend a support position without discussion.

It was moved/seconded (Lapin [FA]/Davidson [FA]) and carried to recommend supporting AB 1315. (Unanimous: Lopez, Lapin, Lewis, Davidson; and Aldana)

4) AB 1379: (Thurmond) Certified Access Specialist Program (CASP) Funding.
Committee members discussed the benefits of indefinitely extending the increase to business license/permit fees in order to create a funding stream for CASPs. Evelyn Abouhassan noted that the author inadvertently wrote in a 2/3$^{rd}$ vote requirement which means this bill would need Republican votes.

It was moved/seconded (Lapin [FA]/Davidson [FA]) and carried to recommend supporting AB 1379. (Unanimous: Lopez, Lapin, Lewis, Davidson; and Aldana)

5) AB 1380: (Santiago) Developmental Services: Regional Center Services.

Following Committee discussion, members agreed to keep AB 1380 on the watch list. There is still uncertainty on the intent behind this bill.

7. **UPDATES**

a. Senate Bill (SB) 433 – Deputy Director Bob Giovati provided an update on this bill stating that if it gets off the Assembly floor, it will to go back to Senate for a vote on the amendments before going to the Governor's desk. Deputy Director Giovati further stated that Mendoza's office will continue to provide SCDD with updates.

b. SCDD Bylaws – Committee Chair Lewis provided an informational copy of the relevant bylaw changes as they pertain to LPPC.

c. Cycle 40 Grant Updates – Committee Chair Lewis provided an overview of the two Grants that were funded by the Council at the July 25th Council meeting and asked Committee members to think about ways to link the different work being done by the committees. One suggestion was to have a joint committee meeting with both LPPC and the State Plan Committee.

   Grants that received Cycle 40 Grant funds were: 1) Easter Seals; and 2) Lanterman Housing Alliance.

d. Medicaid Update – The challenges facing Medicaid will likely continue to be an ongoing battle. Focus should be on House Republicans. Recommendations.

e. 2016 Employment First Report – The report was approved at the July 25th Council meeting and is now with DOR to review the report for any accessibility issues.

f. CIE Blueprint Update – The Blueprint is now finalized and expected to be released soon.

g. Self-Determination Waiver Update – The next Statewide Self-Determination Advisory Committee meeting is scheduled for August 28th. Agenda items will include: train-the-trainer pre-enrollment trainings and person-centered planning.

h. CalABLE Update – Due to the lack of responses, the RFP was re-sent and proposals are due back by September 5th. The goal is to launch the RFP by end of the year. CalABLE is also looking at how other states are doing this as well as working on clean-up language in several bills.

i. Lanterman Coalition – The Lanterman Coalition is currently very provider-driven. Members thought that perhaps this could be a future agenda item in order to open up discussion around possible ways to realign the Coalition to ensure person-served and family representation.

8. **MEMBER UPDATES**

Committee members provided updates from their local areas including updates on the Developmental Center Taskforce activities and the DDS Safety Net Report.

9. **ADDITIONAL INFORMATION**

A Robert's Rules of Order plain language quick guide was provided to Committee members in order to provide a refresher to members that may not have received formal training in the past.

10. **ADJOURNMENT**

Meeting at adjourned at 3:15 p.m.

Item 6.a.

# STATE LEGISLATIVE UPDATES

| SCDD Sponsored Legislation | | | |
|---|---|---|---|
| **Bill Number and Author** | **Name of Bill** | **Short Summary of Bill** | **Final Status of Bill** |
| AB 1696 (Formerly SB 433) (Mendoza) | Insurance omnibus: developmental services | Existing law establishes the Employment First Policy, which is the policy that opportunities for integrated, competitive employment be given the highest priority for working-age individuals with developmental disabilities, regardless of the severity of their disabilities…The bill would also require the Director of Employment Development to disclose specified information to the State Department of Developmental Services to assist the State Department of Developmental Services in the implementation of the Employment First Policy. | 10/2/2017- Signed by Governor |
| AB 1170 (Cooley) | Developmental disabilities: competitive integrated employment ombudsperson | Would establish within the State Council on Developmental Disabilities the office of the Competitive Integrated Employment Ombudsperson. The bill would require the executive director of the council to appoint a qualified individual to serve as the ombudsperson and would specify the duties of the ombudsperson, including, among other things, the duty to serve as a resource regarding the rights and services available under the California Competitive Integrated Employment Blueprint, as defined. | 4/28/2017-Failed Deadline. **(May be acted upon Jan 2018)** |

| SCDD Supported Legislation | | |
|---|---|---|
| **Bill Number and Author** | **Name of Bill** | **Short Summary of Bill** |
| **Bills Signed by Governor** | | |
| AB 1379 (Thurmond D) | Certified access specialist program: funding. | Current law requires the State Architect to establish and publicize a program for voluntary certification by the state of any person who meets specified criteria as a certified access specialist (CASp), as provided. Current law, on and after January 1, 2013, and until December 31, 2017, inclusive, requires that any applicant for an original or renewal of a local business license or equivalent instrument or permit to pay an additional fee of $1 for that license, instrument, or permit, to be collected by the city, county, or city and county that issued the license, instrument, or permit. This bill would extend the operation of this fee indefinitely and, on and after January 1, 2018, and until December 31, 2023, increase the amount from $1 to $4. |
| SB 449 (Monning D) | Skilled nursing and intermediate care facilities: training programs. | Current law requires a skilled nursing or intermediate care facility to adopt an approved training program, which is required to include a precertification training program consisting of at least 60 classroom hours of training on basic nursing skills, patient safety and rights, the social and psychological problems of patients, and resident abuse prevention, recognition, and reporting and at least 100 hours of supervised and on-the-job training clinical practice. This bill would require that at least 2 of the 60 hours of classroom training address the special needs of persons with Alzheimer's disease and related dementias. By changing the definition of a crime, this bill would impose a state-mandated local program. |
| AB 340 (Arambula D) | Early and Periodic Screening, Diagnosis, and Treatment Program: trauma screening. | Would require the State Department of Health Care Services, in consultation with the State Department of Social Services and others, to convene, by May 1, 2018, an advisory working group to update, amend, or develop, if appropriate, tools and protocols for screening children for trauma as defined, within the EPSDT benefit, as specified. The bill would require this group to report its findings and recommendations, as well as any appropriations necessary to implement those recommendations, to the department and to the Legislature's budget subcommittees on health and human services no later than May 1, 2019, and would provide that this group would be disbanded on December 31, 2019. |
| AB 384 (Irwin D) | The Qualified ABLE Program: tax-advantaged savings accounts. | Current law requires that an ABLE account only be established for a designated beneficiary who is a resident of this state, and that the California ABLE Act Board market the program to residents of this state to the extent funds are available. This bill would expand the residency requirement for a designated |

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| | | beneficiary to being a resident of the United States, and as a result, would expand the purposes of a continuously appropriated fund, thereby making an appropriation. The bill would require the board to market the program to residents of the United States to the extent funds are available. |
| AB 434 (Baker R) | State Web accessibility: standard and reports. | Current law requires the heads of state agencies and entities to appoint chief information officers, requires state agencies and entities to report certain information to the Department of Technology, and further requires state agencies to take all necessary steps to achieve the targets set forth by the department in its information technology performance management framework and report their progress to the department on a quarterly basis. This bill, before July 1, 2019, and before July 1 biennially thereafter, would require the director of each state agency or entity and the chief information officer of that state agency or entity to post on the home page of the agency's or entity's Internet Web site a signed certification that the agency's or entity's Internet Web site is in compliance with specified accessibility standards. |
| AB 959 (Holden D) | Developmental services: regional centers. | Would require the State Department of Social Services to establish and maintain a page on its Internet Web site that includes a list of services purchased or provided to consumers by regional centers and descriptions of those services. The bill would require a regional center to also include on its Internet Web site a link to that page on the department's Internet Web site. |
| AB 1200 (Cervantes D) | Aging and Disability Resource Connection program. | Would, contingent upon the appropriation of funds for that purpose by the Legislature, establish the Aging and Disability Resource Connection (ADRC) program, to be administered by the California Department of Aging, to provide information to consumers and their families on available long-term services and supports (LTSS) programs and to assist older adults, caregivers, and persons with disabilities in accessing LTSS programs at the local level. The bill would specify the services offered by, and responsibilities of, an ADRC program, including providing short-term service coordination and transition services, as specified. |
| AB 1315 (Mullin D) | Mental health: early psychosis and mood disorder detection and intervention. | Would establish an advisory committee to the Mental Health Services Oversight and Accountability Commission for purposes of creating an early psychosis and mood disorder detection and intervention competitive selection process to, among other things, expand the provision of high-quality, evidence-based early psychosis and mood disorder detection and intervention services in this state by providing funding to the counties for this purpose. The bill would require a county that receives an award of funds to contribute local funds, as specified. |

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| SB 218 (Dodd D) | The Qualified ABLE Program: tax-advantaged savings accounts. | Would authorize, only to the extent permitted under federal law, the transfer of all amounts in a designated beneficiary's ABLE account to an ABLE account for another eligible individual specified by either the designated beneficiary or the estate of the designated beneficiary upon the death of the designated beneficiary. The bill would require the California ABLE Act Board, upon establishing a CalABLE account and prior to any transfer of funds from one ABLE account to another, to notify all designated beneficiaries or the estates of the designated beneficiaries, as applicable, of the potential tax consequences of transferring funds from one ABLE account to another pursuant to these provisions. |
| **Bills Vetoed by Governor** | | |
| AB 973 (Low D) | Remote accessible vote by mail system | Would, beginning January 1, 2020, require a county elections official to permit a voter with a disability, or a military or overseas voter, to cast his or her ballot using a certified remote accessible vote by mail system. This requirement would not apply to a county when conducting an all-mailed ballot election, as specified. This bill contains other related provisions and other existing laws. |
| AB 1607 (Frazier D) | Developmental services: integrated competitive employment. | Would authorize a consumer in a supported employment program or work activity program who has the stated goal of integrated competitive employment in his or her IPP to request to use tailored day services in conjunction with his or her existing program to achieve that goal, if specified criteria are met, including that the type, amount, and provider of tailored day service allowed under these provisions is determined through the IPP process. The bill would specify the maximum hours of tailored day services that may be authorized in conjunction with existing services under these provisions. |
| AB 1264 (Garcia, Eduardo D) | Special education pupils: individualized education program: meetings: school records. | Current law requires a public agency to comply with a request for school records without unnecessary delay before any meeting regarding an individualized education program. This bill would require a public agency, before any meeting regarding an individualized education program, to offer to provide to the parent copies of any available, completed school records related to the pupil's current levels of performance, and any available, completed assessment reports, if these records and reports are related to that meeting. The bill would require the public agency, if the parent requests those copies, to make them available to the parent at least 5 business days before the meeting. |

| Bills May Be Acted on in 2018 | | |
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| AB 15 (Maienschein R) | Denti-Cal program: reimbursement rates | Would require the State Department of Health Care Services, for the 2017–18 fiscal year, to double Denti-Cal provider reimbursement rates for the 15 most common prevention, treatment, and oral evaluation services based on the average rates per service established in the 2015–16 fiscal year. The bill would appropriate for the 2017–18 fiscal year such an amount as may be necessary to double the reimbursement rates from the Healthcare Treatment Fund to the department, as specified. |
| AB 279 (Holden D) | Developmental disabilities: regional centers | Current law authorizes the State Department of Developmental Services to contract with regional centers to provide services and supports. Current law requires the department to adopt regulations that specify rates, calculated on the basis of a cost model, including, among other things, changes in the state or federal minimum wage, for community care facilities serving persons with developmental disabilities, as specified. This bill would require the cost model described above to also include changes in local minimum wage. |
| AB 312 (O'Donnell D) | School finance: special education funding. | Current law requires the Superintendent of Public Instruction to determine the amount of funding to be provided for each special education local plan area in accordance with specified calculations. Current law requires the Superintendent, for the 2013–14 fiscal year, to compute an equalization adjustment for each special education local plan area, as specified. This bill would require the Superintendent to compute that equalization adjustment commencing with the first fiscal year after funds are apportioned pursuant to a specified formula and for each fiscal year thereafter in which an equalization appropriation is made, as specified. |
| AB 437 (Rodriguez D) | At-risk persons: first responders. | Would require the Attorney General to establish and maintain within the Violent Crime Information Center a Voluntary Online At-Risk Community Network for purposes of providing information to first responders in order to prevent harmful interactions between first responders and seniors or persons with disabilities, as defined. The bill would prescribe the information that a senior, a person with a disability, a person with a limited conservatorship of a person with a developmental or intellectual disability, as specified, or a parent or legal guardian of a minor child with a disability may voluntarily provide to the Attorney General for inclusion in the network, and prescribe how the network would be developed and communicated to the public, as specified. |
| AB 728 (Waldron R) | Health care coverage: prescription drugs: Duchenne muscular dystrophy. | Would prohibit a health care service plan contract or a health insurance policy that covers prescription drug benefits from denying or otherwise limiting coverage f a genetically targeted drug for the treatment of Duchenne muscular dystrophy under specified circumstances. Because a willful violation of that provision by a health care service plan would impose a crime under the Knox-Keene Act, the bill would create a state-mandated local program. |

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| AB 1136 (Eggman D) | Health facilities: residential mental or substance use disorder treatment. | Would require the State Department of Public Health to develop and submit a proposal to solicit a grant under the federal 21st Century Cures Act to develop a real-time, Internet-based database to collect, aggregate, and display information about beds in inpatient psychiatric facilities, crisis stabilization units, residential community mental health facilities, and licensed residential substance use disorder treatment facilities. The bill would require a database created using grant funds received as a result of the submission of that proposal to have the capacity to collect data and enable a specified search and to include specified information, including, among other things, the contact information for the facility's designated employee. |
| SB 283 (Wilk R) | Developmental services. | Current law defines a "developmental disability" as a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for the individual. This bill would modify that definition to mean a disability that originates before an individual attains 22 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for the individual. |
| SB 354 (Portantino D) | Special education: individualized education programs: translation services. | Would revise the definition of "parent" to specify that it also includes the educational rights holder and the conservator of a child. The bill would require a local educational agency to communicate in the native language of the parent, or in another mode of communication used by the parent, during the planning process for the individualized education program, as provided, and to provide alternative communication services, including by providing translation services for a pupil's parent, as specified. |
| SB 409 (Nguyen R) | Veterans' homes: services: complex mental and behavioral health needs. | Would require the Department of Veterans Affairs to conduct a survey to assess the ability of veterans' homes to assist veterans with complex mental and behavioral health needs, and develop a plan to accommodate that population, as prescribed. The bill would require the department to submit the plan and any recommendations for future legislation necessary to achieve its objectives to the Legislature by January 1, 2019. |
| SB 707 (Cannella R) | Medi-Cal: Denti-Cal Advisory Group. | Would, until January 1, 2023, establish the Denti-Cal Advisory Group in the Department of Health Care Services, as specified, for the purpose of studying the policies and priorities of Denti-Cal with the goal of raising the Denti-Cal utilization rate among eligible child beneficiaries to 60% or greater, providing assistance and advice to the department, the Legislature, and the Governor to ensure that proposed decisions relating to the Denti-Cal program are based on the best available evidence, and studying and evaluating how Denti-Cal program policies align with and support the implementation of the state oral health plan. |

| Bills on Hold or No Longer Active | | |
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| AB 1372 (Levine D) | Crisis stabilization units: psychiatric patients. | Would authorize a certified crisis stabilization unit designated by a mental health managed care plan, at the discretion of the mental health managed care plan, to provide medically necessary crisis stabilization services to individuals beyond the service time of 24 hours in those cases in which the individual needs inpatient psychiatric care or outpatient care and inpatient psychiatric beds or outpatient services are not reasonably available. The bill would require a person who is placed under, or who is already under, a 72-hour involuntary hold because, based on probable cause, the person, as a result of a mental disorder, is a danger to others, or to himself or herself, or is gravely disabled, to be credited for the time detained at a certified crisis stabilization unit. |

CALIFORNIA SCDD
State Council on Developmental Disabilities

STATE OF CALIFORNIA
Edmund G. Brown Jr.
Governor

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FOR IMMEDIATE RELEASE
October 3, 2017

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916-322-8481

# GOVERNOR BROWN SIGNS LEGISLATION TO IMPROVE EMPLOYMENT FIRST

SACRAMENTO – The State Council on Developmental Disabilities (SCDD) applauds Governor Brown for signing AB 1696 (Insurance Omnibus: Developmental Services). Included in AB 1696 is SB 433 (Mendoza) that the Council was proud to sponsor. The bill will require the Employment Development Department to share data with the Department of Developmental Services (DDS) regarding the status of persons with developmental disabilities accessing competitive integrated employment (CIE). "The Council thanks Governor Brown for signing this important bill, and Senator Mendoza for sponsoring it. This data is critical to assisting SCDD and the work of our Employment First Committee to better understand and assess the progress towards people with developmental disabilities getting real work for real pay." stated Dr. April Lopez, Chair of the Council.

This bill is needed because the data currently available cannot be examined for trends based on geography, disability type, severity of disability, ethnicity, or age. There is also limited data on the quality of employment for the people served and a lack of data on regional center clients who do not receive day or employment services. Without a better understanding of the demographics that lead to successful employment outcomes, California cannot know how well it is doing to implement the Employment First policy.

The Council has also released to Governor Brown and the members of the State Legislature its yearly report on the status of Employment First for people with intellectual and developmental disabilities. The State Council leads the Employment First Committee (EFC) created in 2013. The EFC is charged with identifying strategies and recommending policy changes to increase to CIE. California's Employment First Policy in Welfare and Institutions Code Section 4869(a)(1) states that it is of the highest priority of the state of California to ensure every person with intellectual and developmental disabilities has access to CIE. However, the goal of CIE has yet to be realized by Californians with disabilities.

*"The Council advocates, promotes & implements policies and practices that achieve self-determination, independence, productivity & inclusion in all aspects of community life for Californians with developmental disabilities and their families."*

"Federal and state policies have changed, and there is still much work to do in California for every person with intellectual and developmental disabilities to realize the goals of being economically self-sufficient and a taxpayer," stated Jenny Ning Yang, Chair of the Employment First Committee. Moving forward, the EFC recommends that additional work is needed to realize the goals of CIE including to establish measurable outcomes for the implementation of the Employment First policy, align and incentivize funding for CIE, phase out subminimum wage and sheltered work programs, and improve the availability of benefits planning information.

The report finds that the employment rate of people with disabilities is far behind the employment rate for people without disabilities. Also, the employment rate for people with developmental disabilities is far behind the rate for people with all types of disabilities. While the employment rates for the general population and people with disabilities started to increase after the recession, the employment rate for people with developmental disabilities has remained flat. In 2015, of the approximately 159,000 working age individuals with intellectual and developmental disabilities served through the Regional Center system, only about 2.76 percent are engaged in CIE. Far more often people with intellectual and developmental disabilities are engaged in other types of work that often pay below minimum wage. Approximately 3.71 percent are engaged in supported group employment and approximately 5.72 percent are engaged in work activity programs.

The report's findings are consistent with the most recent data contained in the *StateData: The National Report on Employment Services and Outcomes* (2016) that finds the number of people served by the DDS has steadily increased, but the percentage of people served in integrated employment has declined from 15 percent in 2010 to 12 percent in 2015, while the number of people served in non-work settings has steadily increased during that time.

By obtaining more nuanced data, the EFC can better address the employment data reported above by analyzing the factors that contribute to progress towards CIE and developing more effective strategies to improve employment opportunities. SCDD applauds Governor Brown for signing this important legislation today. It is a positive step towards realizing the goal of CIE for every person with an intellectual or developmental disability.

*Close to 50 years ago, Congress established the State Councils in every state and territory. The Councils are authorized in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to ensure that individuals with developmental disabilities and their families design and can access services and supports that "promote self-determination, independence, productivity, and integration and inclusion" in community life. The Lanterman Act establishes the SCDD in California to be comprised of 31 members appointed by the Governor, including individuals with disabilities, their families, other partners and state agencies. The SCDD develops a five-year state plan to implement the DD Act through the work of 12 regional offices in California. The plan is developed with stakeholder input and is focused on addressing systemic barriers to employment, housing, education, community supports, health and safety for persons with developmental disabilities.*

## Relevant Excerpts from Assembly Bill 1696 – Chapter 417

*An act to amend Section 1095 of the Unemployment Insurance Code and to amend Section 4514 of the Welfare and Institutions Code*

**Approved by Governor Brown on October 02, 2017**
**Filed with Secretary of State on October 02, 2017**

**Unemployment Insurance Code 1095.**
The director shall permit the use of any information in his or her possession to the extent necessary for any of the following purposes and may require reimbursement for all direct costs incurred in providing any and all information specified in this section, except information specified in subdivisions (a) to (e), inclusive:

(s) To provide the State Department of Developmental Services with wage and employer information that will assist in the collection of moneys owed by the recipient, parent, or any other legally liable individual for services and supports provided pursuant to Chapter 9 (commencing with Section 4775) of Division 4.5 of, and Chapter 2 (commencing with Section 7200) and Chapter 3 (commencing with Section 7500) of Division 7 of, the Welfare and Institutions Code.

**Welfare and Insurance Code 4514.**
All information and records obtained in the course of providing intake, assessment, and services under Division 4.1 (commencing with Section 4400), Division 4.5 (commencing with Section 4500), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7100) to persons with developmental disabilities shall be confidential. Information and records obtained in the course of providing similar services to either voluntary or involuntary recipients prior to 1969 shall also be confidential. Information and records shall be disclosed only in any of the following cases:

(y) To authorized personnel who are employed by the Employment Development Department as necessary to enable the Employment Development Department to provide the information required to be disclosed to the State Department of Developmental Services pursuant to subdivision (ak) of Section 1095 of the Unemployment Insurance Code. The Employment Development Department shall maintain the confidentiality of any information provided to it by the Department of Developmental Services to the same extent as if the Employment Development Department had acquired the information directly.

Item 6.b.i.

# FEDERAL FUNDING FOR DISABILITY PROGRAMS

**CCD Fiscal Policy Task Force Statement on Senate Passage of the FY 2018 Budget Resolution**

Contact: Donna Meltzer, NACDD 202-506-5813 or dmeltzer@nacdd.org
Kim Musheno, AUCD 301-588-8252 or kmusheno@aucd.org
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Washington DC, October 20, 2017 - The Fiscal Policy Task Force of the Consortium for Citizens with Disabilities (CCD), a national coalition of more than 100 national disability organizations, is deeply concerned about yesterday's passage of the Fiscal Year (FY) 2018 Senate Budget Resolution. The sole purpose of the budget is to provide a path to a massive tax cut plan using the reconciliation process, which permits the bill to pass with a simple majority in the Senate.

The Senate has further opened the door to cutting federal programs that help people with disabilities to live dignified and independent lives in the community. Though this budget does not require program cuts, it gives Congressional committees the green light to develop legislation that does. The Senate Budget's Resolution's assumption of more than $5 trillion in spending cuts over the next decade - including more than $1 trillion in cuts to Medicaid and $473 billion in Medicare cuts alone - is an alarming indication of what could become law. Alternatively, if the intended resulting tax bill does not include cuts to federal programs, it gives Congress leverage to make the cuts later in the name of deficit reduction. Under either scenario, this Budget allows Congress to do so with only a simple majority vote required in the Senate.

"This Budget's sole purpose to make way for massive tax cuts -- not reforms -- that disproportionately benefit wealthy individuals and corporations," stated Kim Musheno, CCD Chair. "CCD urges the House to reject this budget and work on bi-partisan solutions that will address our nation's priorities without harming people with disabilities."

The Consortium for Citizens with Disabilities is the nation's largest coalition of national organizations working together to advocate for national public policy that ensures the education, self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. For more information visit www.c-c-d.org.

###

# Item 6.c.

# UPDATING POLICY PLATFORM

## Summary of Suggested Edits to 2016-17 Policy Platform

**The text below represents the text of what is in the approved 17-18 agenda. Suggested edits are made using track changes and include:**

- Moving equity to be an overall principle for all of our positions in the section ABOUT THE COUNCIL
- Adding a statement in ABOUT THE COUNCIL about the inclusion of persons with disabilities in all aspects of the Council's policy work.
- Combining the section on rates and quality of services.
- Beginning each substantive section with a values-based statement about the rights of all people and/or people with intellectual and developmental disabilities.
- Moving references to federal legislation to ABOUT THE COUNCIL and adding a general civil rights statement at the beginning in ABOUT THE COUNCIL.

**ABOUT THE COUNCIL**

Close to fifty years ago, t~~T~~he ~~federal~~ Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) establishe~~d~~s ~~State~~ Councils on Developmental Disabilities in each of the 56 states and territories to "promote self-determination, independence, productivity, integration, and inclusion in all aspects of community life" for people with intellectual and developmental disabilities (I/DD) and their families. The Lanterman Act establishes the California State Council on Developmental Disabilities (Council) to fulfill those ~~obligations~~ goals through advocacy, capacity building, and systems change.

~~To that end, the Council develops and implements goals, objectives, and strategies designed to improve and enhance the availability and quality of services and supports.~~ The Council is comprised of 31 members appointed by the Governor, including individuals with disabilities and their families, and representatives from the DD Act partners (Disability Rights California, ~~-~~the 3 University Centers for Excellence in Developmental Disabilities), and state agencies.

~~In addition to the Council's Sacramento headquarters, regional offices support individuals with I/DD and their families through activities such as advocacy training, monitoring, and public information. The Council strives to ensure that appropriate laws, regulations, and policies pertaining to the rights of individuals are observed and protected.~~

~~This document conveys the Council's position on major policy issues that affect individuals with I/DD and their families.~~

To implement the goals in the DD Act, the Council develops and implements a five-year state plan that contains goals, objectives, and strategies designed to improve and enhance the availability and quality of services and supports. In addition to the Council's

Sacramento headquarters, 12 regional offices support individuals with I/DD and their families through activities such as advocacy training, monitoring, and public information. The Council works with policymakers and other stakeholders to ensure policies pertaining to the rights of individuals are protected and enhanced by ensuring people with I/DD are able to experience equality of opportunity, full participation, independent living, and economic self-sufficiency. These four pillars are enshrined in the Americans with Disabilities Act of 1990.

The Council believes that individuals with ID/D and their families must be included and consulted in all aspects of the policy making process to ensure their needs are adequately and appropriately addressed. The Council works to address disparities in access, outcomes, and quality for all services and supports.

Disparities in services and supports can result in severe health, economic, and quality of life consequences. Accordingly, services and supports must be distributed equitably so that individual needs are met in a culturally appropriate and linguistically competent manner, regardless of race, ethnicity, or income.

~~**EQUITY**~~

~~Disparities in services can result in severe health, economic, and quality of life consequences. Accordingly, services and supports must be distributed equitably so that individual needs are met in a culturally appropriate and linguistically competent manner, regardless of race, ethnicity, or income.~~

**PROMISE OF THE LANTERMAN ACT**

The Lanterman Act promises to honor the needs and choices of individuals with I/DD by establishing an array of quality services throughout the state. Services shall support people to live integrated, productive lives in their ~~home~~ communities.~~, in the least restrictive environment~~. Access to needed services and supports must not be undermined through categorical service elimination, service caps, means testing, or family cost participation fees and other financial barriers. California must not impose artificial limitations or reductions in community-based services and supports that would compromise the health and safety of persons with I/DD.

**SELF-DETERMINATION**

Individuals with I/DD and their families must be given the option to control their service dollars and their services through Self-Determination. The person with I/DD is in charge. With the support of those they choose and trust, people with I/DD and their families are best suited to understand their own unique needs, develop their own life goals, and construct those services and supports most appropriate to reach their full potential. The process begins with a Person Centered Plan (PCP). Self-Determination gives individuals the tools and the basic human right to pursue life, liberty, and happiness in the ways that they choose.

**SELF-ADVOCACY**

Individuals with I/DD must be supported to exert maximum control over their lives. They must be provided the opportunity and support to ~~assume their rightful~~be ~~-~~leader~~ship~~ in the service system and society, including voting and other civic responsibilities. Self-Advocates must have access to training, plain language materials, and policy making opportunities.

**EMPLOYMENT AND ECONOMIC SELF-SUFFICENCY**

~~Competitive Integrated Employment (CIE) gives people an opportunity to contribute and be valued. It gives them a~~ Employment in the community at, at least minimum wage, known as competitive integrated employment (CIE) provides every person a chance to build relationships with co-workers, be a part of the~~ir~~ communit~~y~~~~ies~~, and contribute to the ~~ir~~ local economies. It reduces poverty and reliance on state support and leads to greater self-sufficiency. The Council supports the ~~initiatives of~~full and robust implementation of ~~-~~the Workforce Investment Opportunity Act (WIOA), Home and Community-Based Services Setting Rule (HCBS), Achieving Better Life Experience (ABLE) Act, and California's Employment First L~~l~~aw.

CIE is the priority outcome for working age individuals with I/DD, regardless of the severity of their disability. Transition planning should begin as early as possible. Policies and practices must set expectations for employment, promote collaboration between state agencies, and remove barriers to CIE through access to information, benefits counseling, job training, inclusive postsecondary education, and appropriate provider rates that incentivize quality employment outcomes. The Council supports the phasing out and elimination of subminimum wage and/or segregated employment for all individuals with I/DD.

**TRANSPORTATION**

Access to transportation is essential to the education, employment, and inclusion of individuals with disabilities. ~~Individuals with I/DD must be a part of transportation planning and policymaking to assure their needs and perspectives are heard and addressed.~~ Mobility training must be a standard program among transportation providers to increase the use of available transportation and reduce reliance on ~~more costly~~costlier segregated systems. Barriers between geographic areas and transportation systems must be ~~broken down~~addressed so people with I/DD can travel as safely and easily as ~~anyone else~~people without disabilities.

**HEALTH CARE**

~~California has an obligation to assure that individuals with I/DD have~~Every person must have access to comprehensive, quality, affordable ~~continuity of quality care, a full continuum of~~ health care, dental care, and wellness services, and access to plain language information and supports to make informed decisions about their health care. ~~options. California has an obligation to support timely, efficient health and dental care~~

~~for individuals with I/DD.~~ This ~~includes~~ requires informed consent, prevention of overmedication, and an adequate network of health professionals. It also includes people with multiple health care needs, those who require routine preventative care, mental and/or behavioral health treatment, dental care, durable medical equipment, and those with reproductive health issues. Service system complexities must be reduced. Individuals must be reimbursed for insurance co-pays, co-insurance, and deductibles when their health insurance covers therapies that are on their Individual Program Plans (IPPs).

**EDUCATION**

Every student has the right to be safe in school and to receive a quality education with their peers that prepares them for post-secondary education and/or meaningful employment in the community. Schools must ensure robust implementation of the Individuals with Disabilities Education Act (IDEA), Every Student Succeeds Act (ESSA), ~~as well~~and other ~~as~~ state laws and regulations, to ensure that~~provide~~ students with I/DD receive a~~with~~ free appropriate public education (FAPE). ~~and prepare them for post-secondary education, employment, and living in their communities.~~

Students with disabilities will be educated alongside their non-disabled peers in the least restrictive environment. Transition planning ~~should~~ must be considered part of the IPP process. School districts and other educational agencies ~~need to~~must be held accountable for implementing the letter and the intent of all state and federal laws., ~~and~~ ~~p~~Parents and students must have equal participation in the Individual Education Plan (IEP) process, including the ability to give informed consent. Transparency is paramount. The Council opposes the use of all forms of seclusion and restraint. ~~techniques~~.

**HOUSING**

~~People with I/DD must be involved in policy and decision making related to housing.~~ Community integrated living options for individuals with I/DD must be increased and enhanced through access to housing subsidy programs and community education and integration to reduce discrimination. Permanent, affordable, accessible, and sustained housing options must be continually developed to meet both current and future needs.

**COMMUNITY PARTICIPATION**

Individuals with I/DD must have access to and be supported to participate in their communities, with their ~~non-disabled~~ peers without disabilities, through opportunities to fully participate in ~~such as~~ all areas of community life including education, employment, recreation, organizational affiliations, spiritual development, and civic responsibilities.

**TRANSITION TO ADULT LIFE**

All services, including education, rehabilitation, and regional center services, must support students to transition to competitive integrated employment or post-secondary education~~al opportunities~~ that will lead to meaningful employment in the community. Transition services must be considered at the earliest possible opportunity and across

the lifespan. Adults with I/DD must have access to meaningful activities of their choice with the appropriate services and supports.

**~~HEALTH AND~~ SAFETY**

All people have a right to be safe. People with I/DD need emergency preparedness training. Individuals with I/DD experience a much greater rate of victimization and a far lower rate of prosecution for crimes against them. The same level of due process protections must be provided to all people. Individuals with I/DD should be trained in personal safety, how to protect themselves against becoming victims of crime, and how their participation in identification and prosecution can make a difference. In addition, too many interactions between law enforcement and people with I/DD end in avoidable tragedy. Law enforcement personnel, first responders, and the judicial system must be trained in how to work with people with I/DD ~~who they interact with~~ during the course of their duties, including those who are suspects, victims or witnesses of crimes.

**QUALITY AND RATES FOR~~OF~~ SERVICES AND SUPPORTS**

Having access to and receiving quality services and supports is the cornerstone for people with I/DD to being safe, healthy, and promoting self-determination, independence, and inclusion in all aspects of community life. The State of California must ensure that funding is used to achieve positive outcomes for individuals with I/DD and their families. An adequate safety net must be in place to address medical, psychiatric, behavioral, residential, staffing, equipment, or other needs when those services or supports fail, are interrupted, are not available, or additional services and supports are necessary for urgent or immediate need.

The state must streamline burdensome and duplicative regulations and processes that do not lead to positive outcomes for people with I/DD and their families. Quality assessment and oversight must be provided by the state; it must measure what matters, be administered in a culturally competent manner, and the results made public and used to improve the system of services and supports.

The state must provide rates to adequately support the availability of quality services for people with all disabilities. A planned and systematic approach to rate adjustments must prioritize and incentivize services and supports.

**~~RATES FOR SERVICES~~**

~~A planned and systematic approach to rate adjustments must prioritize and incentivize services and supports that best promote self-determination, independence, employment, and inclusion in all aspects of community life.~~

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**EMPLOYMENT AND ECONOMIC SELF-SUFFICENCY**

Employment in the community at, at least minimum wage, known as competitive integrated employment (CIE) provides every person a chance to build relationships with co-workers, be a part of the community, and contribute to the local economies. It reduces poverty and reliance on state support and leads to greater self-sufficiency. The Council supports the full and robust implementation of the Workforce Investment Opportunity Act (WIOA), Home and Community-Based Services Setting Rule (HCBS), Achieving Better Life Experience (ABLE) Act, and California's Employment First Law.

CIE is the priority outcome for working age individuals with I/DD, regardless of the severity of their disability. Transition planning should begin as early as possible. Policies and practices must set expectations for employment, promote collaboration between state agencies, and remove barriers to CIE through access to information, benefits counseling, job training, inclusive postsecondary education, and appropriate provider

rates that incentivize quality employment outcomes. The Council supports the phasing out and elimination of subminimum wage and/or segregated employment for all individuals with I/DD.

## TRANSPORTATION

Access to transportation is essential to the education, employment, and inclusion of individuals with disabilities. Mobility training must be a standard program among transportation providers to increase the use of available transportation and reduce reliance on costlier segregated systems. Barriers between geographic areas and transportation systems must be addressed so people with I/DD can travel as safely and easily as people without disabilities.

## HEALTH CARE

Every person must have access to comprehensive, quality, affordable health care, dental care, and wellness services, and access to plain language information and supports to make informed decisions about their health care. This requires informed consent, prevention of overmedication, and an adequate network of health professionals. It also includes people with multiple health care needs, those who require routine preventative care, mental and/or behavioral health treatment, dental care, durable medical equipment, and those with reproductive health issues. Service system complexities must be reduced. Individuals must be reimbursed for insurance co-pays, co-insurance, and deductibles when their health insurance covers therapies that are on their Individual Program Plans (IPPs).

## EDUCATION

Every student has the right to be safe in school and to receive a quality education with their peers that prepares them for post-secondary education and/or meaningful employment in the community. Schools must ensure robust implementation of the Individuals with Disabilities Education Act (IDEA), Every Student Succeeds Act (ESSA), and other state laws and regulations, to ensure that students with I/DD receive a free appropriate public education (FAPE).

Students with disabilities will be educated alongside their non-disabled peers in the least restrictive environment. Transition planning must be considered part of the IPP process. School districts and other educational agencies must be held accountable for implementing the letter and the intent of all state and federal laws. Parents and students must have equal participation in the Individual Education Plan (IEP) process, including the ability to give informed consent. Transparency is paramount. The Council opposes the use of all forms of seclusion and restraint..

## HOUSING

Community integrated living options for individuals with I/DD must be increased and enhanced through access to housing subsidy programs and community education and integration to reduce discrimination. Permanent, affordable, accessible, and sustained housing options must be continually developed to meet both current and future needs.

## COMMUNITY PARTICIPATION

Individuals with I/DD must have access to and be supported to participate in their communities, with their peers without disabilities, through opportunities to fully participate in all areas of community life including education, employment, recreation, organizational affiliations, spiritual development, and civic responsibilities.

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All services, including education, rehabilitation, and regional center services, must support students to transition to competitive integrated employment or post-secondary education that will lead to meaningful employment in the community. Transition services must be considered at the earliest possible opportunity and across the lifespan. Adults with I/DD must have access to meaningful activities of their choice with the appropriate services and supports.

## SAFETY

All people have a right to be safe. People with I/DD need emergency preparedness training. Individuals with I/DD experience a much greater rate of victimization and a far lower rate of prosecution for crimes against them. The same level of due process protections must be provided to all people. Individuals with I/DD should be trained in personal safety, how to protect themselves against becoming victims of crime, and how their participation in identification and prosecution can make a difference. In addition, too many interactions between law enforcement and people with I/DD end in avoidable tragedy. Law enforcement personnel, first responders, and the judicial system must be trained in how to work with people with I/DD during the course of their duties, including those who are suspects, victims or witnesses of crimes.

## QUALITY AND RATES FOR SERVICES AND SUPPORTS

Having access to and receiving quality services and supports is the cornerstone for people with I/DD to being safe, healthy, and promoting self-determination, independence, and inclusion in all aspects of community life. The State of California must ensure that funding is used to achieve positive outcomes for individuals with I/DD and their families. An adequate safety net must be in place to address medical, psychiatric, behavioral, residential, staffing, equipment, or other needs when those services or supports fail, are interrupted, are not available, or additional services and supports are necessary for urgent or immediate need.

The state must streamline burdensome and duplicative regulations and processes that do not lead to positive outcomes for people with I/DD and their families. Quality assessment and oversight must be provided by the state; it must measure what matters, be administered in a culturally competent manner, and the results made public and used to improve the system of services and supports.

The state must provide rates to adequately support the availability of quality services for people with all disabilities. A planned and systematic approach to rate adjustments must prioritize and incentivize services and supports.

# SAMPLE FORMAT

# OF

# POLICY PLATFORM

## CONTACT INFORMATION

**State Council**
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Sacramento, CA 95811
(916) 322-8481
www.scdd.ca.gov

**Area Board 1**
Del Norte, Humboldt, Lake,
Mendocino Counties
505 S. State Street
Ukiah, CA 95482
(707)463-4700

**Area Board 2**
Butte, Shasta, Glenn, Siskiyou,
Lassen, Tehama, Plumas, Modoc,
Trinity Counties
1367 E. Lassen Ave, #B3
Chico, CA 95973
(530) 895-4027

**Area Board 3**
Alpine, Sacramento, Colusa,
El Dorado, Sutter, Nevada, Yolo,
Placer, Yuba, Sierra Counties
2033 Howe Avenue, Suite 160
Sacramento, CA 95825
(916) 263-3085

**Area Board 4**
Napa, Solano, Sonoma Counties
236 Georgia St., Suite 201
Vallejo, CA 94590
(707) 648-4073

**Area Board 5**
Alameda, Contra Costa, Marin,
San Francisco, San Mateo Counties
1515 Clay Street, Suite 300
Oakland, CA 94612
(510) 286-0439

**Area Board 6**
Amador, Calaveras, Tuolumne,
San Joaquin, Stanislaus Counties
2529 March Lane, Suite 105
Stockton, CA 95207-8270
(209) 473-6930

**Area Board 7**
Monterey, San Benito, Santa Cruz,
Santa Clara Counties
2580 North First Street, Suite 240
San Jose, CA 95131
(408) 324-2106

**Area Board 8**
Mariposa, Madera, Merced, Fresno,
Kings, Tulare, Kern Counties
770 East Shaw Ave., Suite 123
Fresno, CA 93710
(559) 222-2496

**Area Board 9**
San Luis Obispo, Santa Barbara,
Ventura Counties
200 East Santa Clara Street,
Suite 210
Ventura, CA 93001
(805) 648-0220

**Area Board 10**
Los Angeles County
411 North Central Ave., Suite 620
Glendale, CA 91203-2020
(818) 543-4631

**Area Board 11**
Orange County
2000 E. Fourth Street, Suite 115
Santa Ana, CA 92705
(714) 558-4404

**Area Board 12**
Mono, Riverside,
San Bernardino Counties
650 E Hospitality Lane, Suite 280
San Bernardino, CA 92408-3584
(909) 890-1259

**Area Board 13**
San Diego, Imperial Counties
8880 Rio San Diego Dr., Suite 250
San Diego, CA 92108-1634
(619) 688-3323

CALIFORNIA SCDD State Council on Developmental Disabilities

# 2011–12 LEGISLATIVE and POLICY PLATFORM

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The State Council on Developmental Disabilities (Council) is established by state (Lanterman Act at Welfare and Institutions Code, sections 4520) and federal law (Developmental Disabilities and Bill of Rights Act) to ensure that individuals with developmental disabilities and their families participate in the planning, design and receipt of the services and supports they need which allow increased independence, productivity, inclusion and self-determination. To that end, the Council develops and implements goals, objectives, strategies designed to improve and enhance the availability and quality of services and supports to individuals with developmental disabilities and their families.

The Council is comprised of 31 members appointed by the Governor, including individuals with disabilities, their families, federally funded partners and state agencies.

In addition to headquarters in Sacramento, the Council supports 13 area boards that provide services to individuals with developmental disabilities and their families including, but not limited to, advocacy assistance, training, monitoring and public information. By providing these services, area boards ensure that appropriate laws, regulations and policies pertaining to the rights of individ-uals are observed and protected. Each board participates in the development and implementation of the Council's goals and objectives.

The Council is active in promoting and responding to policy developments and changes that affect people with developmental disabilities. This document conveys the Council's position on major policy issues that impact individuals with developmental disabilities and their families.

## CONSUMER/FAMILY DIRECTED OPTIONS

Individuals with developmental disabilities and their families are best suited to identify and understand their unique needs and how best to address those needs. Options for self-determination/individual choice budgeting that provide resources for consumers and families to use in securing the services and supports that best meet their needs and reduce reliance on public social services must be developed and supported.

## EMPLOYMENT

Integrated, competitive employment is the priority outcome for working age individuals with developmental disabilities. Strategies must be identified and pursued to assist individuals to achieve this goal.

## HOUSING

Increase and enhance community integrated living options for individuals with developmental disabilities through access to housing subsidy programs and neighborhood education to reduced discrimination. Affordable, accessible, and sustained housing options must be continually developed.

## HEALTH CARE

California has an obligation to assure that individuals with disabilities being transitioned into MediCal managed care have access to plain language information and supports to make informed decisions about their health care options.

California must support individuals with developmental disabilities with co-existing health conditions that require routine preventative care, as well as mental health treatment and attention to women's health issues.

## EDUCATION

The federal Individuals with Disabilities Education Act (IDEA) requires children with disabilities be provided with free appropriate public education to prepare them for advanced education, employment, and independent living. IDEA states to the "maximum extent possible" students with disabilities should be educated alongside their non-disabled peers. School districts/educational authorities need to be held accountable for implementing the letter and the intent of IDEA.

## SELF-ADVOCACY

Individuals with developmental disabilities must be provided the opportunity and support to assume their rightful leadership in the system and society. Enhanced training, the use of plain language materials and inclusion in public-policy making activities must be developed and supported.

## INCLUSION

Individuals with developmental disabilities must have access to community opportunities such as recreation, education, and socialization with their peers without disabilities.

## TRANSPORTATION

Access to transportation is essential to the education, employment and inclusion of individuals with disabilities. Individuals with developmental disabilities must be a part of transportation planning and policymaking to assure their needs and perspectives are heard and addressed. Mobility training must be a standard program among public transportation providers to increase the use of public transportation and reduce reliance on more costly segregated systems.

## VICTIMS OF CRIME

Individuals with developmental disabilities experience a greater rate of victimization and lower rates of prosecution for crimes against them than does the general public. The same level of due process protections must to be provided to all people. Individuals with disabilities need to be trained and supported in how to avoid becoming victims of crime and to understand how their participation in identification and prosecution can impact outcomes.

## QUALITY OF SERVICES AND SUPPORTS

The financial commitment from the State of California must come with assurances that public monies are used to achieve desired outcomes for individuals with developmental disabilities and their families. Outcomes and satisfaction must be measured, and that information used to pursue individual and systemic change.



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Item 6.d.

# ESTABLISHING 2018 LEGISLATIVE PRIORITIES

# ***Summary of Input of Potential 2018 Legislative Priorities***

**Background:** The Legislative and Public Policy Committee (LPPC) serves as an advisory Committee to the Council. LPPC is tasked with implementing the State Plan objectives by identifying and recommending potential positions on significant proposed legislation, regulations, policies, procedures and/or practices consistent with Council's responsibilities.

The following represents input from Councilmembers, the SCDD Regional Offices, Regional Advisory Committees, and LPPC members who were asked to assist in providing input on potential issues that the Council should look to address through sponsoring legislation in 2018. The Statewide Self-Advocacy Network (SAAN) was also asked to provide input at its October 2017 meeting.

**GOAL:** For the LPPC to recommend 3 to 4 potential topics to the Council in November and to work towards finding sponsors for legislation in 2018. Once the 3 to 4 areas have been selected, Council staff will meet with potential authors and stakeholders to determine 1-2 topics to move forward with drafting bills and trying to move through the legislative process in 2018.

## ***Overarching Themes from the Feedback Collected***

- Many people believe we have been much more visible at the Capitol in recent years and want it to continue.

- People are increasingly concerned about protecting and enhancing civil rights for persons with disabilities, and want more information about what is occurring with the federal government.

- The two broad overarching topics that were repeatedly raised in almost every conversation included the Council working to address: accessible and affordable housing and employment opportunities. How to address these issues will need to be flushed out in much greater detail. Education and healthcare were also mentioned several times.

- Need to ensure that rural areas are accounted for equally with urban areas in any legislation.

- Some of these suggestions will require a legislative response, and other suggestions may require an agency or administrative response.

## ***List of Suggestions and State Plan Goal Topical Areas***

### Goal #1, Self-Advocacy

- Voting rights – Increase convenience for voters and improve opportunities for people with disabilities to be able to vote.
- Self Determination – Work to ensure effective implementation of the self-determination program.

### Goal #2, Employment

- Modify the restrictive language of Fair Labor Standards Act Rule 71 to allow for workability students to gain work experience at "for profit" businesses.
- Fund adequate support in supported employment.
- Expand customized employment opportunities.
- Provide incentives (possibly through tax credits) and better support/training to employers.
- Create an Ombudsmen program to coordinate across state agencies to support potential employees.

### Goal #3 Housing

- Provide incentives to create mixed-income and mixed ability housing.
  - Use the Mental Health Services Act, Proposition 63 as a model. It imposed a tax on personal income over 1 million, and that money is used to provide permanent supportive housing.
  - How to keep unutilized funds from DDS in the system for services. Might the Council be able to have these un-utilized funds remain within the DDS system and be utilized for increased reimbursement rates or funding for low-income housing?
- Convene stakeholder meetings through HUD or engage the local community/county to determine rent reasonableness and payment standards, versus the current method they use.
- Ensure money from the closure of the Developmental Centers remains in system.
- Amend Supported Living statutes to specify that all Accessory Dwelling Units (ADUs), including junior ADUs, shall qualify as a separate residence eligible for supported living services.
- Support funding for homeless services specifically for individuals with I/DD and their families.

**Goal #4, Health and Safety**

- Increase access to physical and behavioral healthcare, address access barriers.
  - Address access in rural areas especially for specialist care.
  - Adjust eligibility requirements for behavioral healthcare under Medi-cal.
  - Allow better access to persons with disabilities and their caregivers to strengthen a person's support network.
  - Provide loan forgiveness.
- Increase Denti-Cal reimbursement rates for dentists, with additional incentives for dentists who treat patients with special needs and for hospitals who provide anesthesia/sedation services for special needs dental patients who require it.
- Work to prevent the restructuring or cuts to Medi-Cal.
- Address service disparities in catchment versus incorporated areas.
- Ensure that all first responders are adequately trained through a comprehensive and collaborative approach to work with people with disabilities regardless of whether they are a victim, suspect, accused, or witness.
- Implement an expedited health and safety waiver exception.
- Monitor board and care homes.
- Stop the denial of agency respite to people with I/DD who have other disabilities like diabetes, allergies or epilepsy which might require emergency medication.

**Goal #5, Education**

- Expand quality childcare by increasing in the income limit requirements so that more families will qualify for subsidized care.
- Require students in teaching certification programs to successfully complete classes related to disabilities/special needs/special education as part of graduation requirements for college teaching program.
- Grant low-income, low-resource parents an Independent Educational Evaluation (IEE) when they disagree with the school district evaluation.
- Require transparency in school district legal spending for special education, including an annual report to CDE about what is being spent on attorney fees. Require coding systems for privacy protection so that accurate, complete records about legal spending can be provided. Districts must be encouraged to spend funds on services rather than on attorneys. Require a cap on funds spent on legal fees.
- Ensure parents have access to all necessary information regarding the continuum of services appropriate for their child's unique needs, so they can provide informed consent when signing legal documents (IEP). Parents must be allowed to observe in their child's classroom and have access to IEP test data/reports days before the meeting in order to process the information for full participation.
- Ensure fairness in due process by not allowing districts to use tax-payer-funded attorneys for special education unless parents have equal access to attorney representation/counsel through a matching district fund.
- Ensure neutrality by having the Office of Administrative Heating separated from CDE and Alternative Dispute Resolution separated from the SELPAs.
- Ensure quality, neutral legal advocacy is available to all regardless of income, ethnicity, or language.
- Stop the use of public funds for lobbying (SELPA Administrators' "Coalition for Adequate Funding"). Require transparency from the SELPA Superintendent's Council in multi-district SELPAs.
- Ensure SELPA Community Advisory Committees have full representation with every vacancy filled. Parent members should be peer-nominated -- not chosen by the SELPA Director. Re-establish the Family Participation Fund (CDE) so that parents can afford to attend meetings through receiving a stipend for participation at special education policy related public meetings.

## Goal # 6, Formal and Informal Community Supports

- Adjust the Achieving Better Life Experience Act account limits upwards.
- Restore the services suspended from the 2009 TBL including camp, counseling and socialization programs. Do away with parent means testing, family program fees, and cost participation.
- Ensure better access to information and resources in accessible and culturally competent ways.
- Disallow regional centers from using attorneys when the consumer/parent is not represented by an attorney in a fair hearing. Require Regional Centers to pay for consumer/parent's attorney if the latter prevails. This would be in line with special education hearings.
- Cap salaries of Regional Center Directors.
- Provide for neutral intake assessments. The provider of services should not be the assessor determining eligibility at intake.
- Ensure all regional centers have vendored advocates/attorneys under existing service codes and vendored benefits counselors.
- Require Regional Centers to act under Bagley-Keene and respond to Public Records Act requests. Accurate data collection and reporting must occur for intake, vendorization (including how long the process takes), and due process (including # of NOAs issued) across regional centers.
- Mandate providing consumer with copy of the IPP *at the meeting*. Do away with internal committees that cause service delays.
- Provide for some sort of ongoing Regional Center verification that can be provided to requesting agencies without a consumer having to go through repeated, unnecessary, expensive, and time-consuming testing for verification of a permanent disability (maybe through some sort of waiver?).
- Require CRAs to be housed somewhere other than at a Regional Center, but still in the catchment area.
- Address inadequate reimbursement rates.
  - Respond to the recommendations in the rate survey.
  - Increase provider rates including geographic cost of living differences and incentives for providers to serve clients with more intensive needs. Prohibit median rates that are formulated to discriminate against individuals who require more intensive services.