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LEGISLATIVE and Public Policy Platform

Approved 2016-17

About the Council

The federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 establishes 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 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 Disability Rights California, the 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.



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 (intellectual and developmental disabilities) 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.



EMPLOYMENT

Competitive Integrated Employment (CIE) gives people an opportunity to contribute and be valued. It gives them a chance to build relationships with co-workers, be a part of their communities, and contribute to their local economies. It reduces poverty and reliance on state support and leads to greater self-sufficiency. The Council supports the initiatives of the Workforce Investment Opportunity Act (WIOA), Home and Community-Based Services (HCBS), 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 segregated employment for all individuals with I/DD.

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.



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 segregated systems. Barriers between geographic areas and transportation systems must be broken down so people with I/DD can travel as easily as anyone else.

HEALTH CARE

California has an obligation to assure that individuals with I/DD have continuity of quality care, a full continuum of health 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 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

Schools must implement the Individuals with Disabilities Education Act (IDEA), as well as state laws and regulations, to provide students with I/DD 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 be considered part of the IPP process. School districts and other educational agencies need to be held accountable for implementing the letter and the intent of all state and federal laws, and 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 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.

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 leadership 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.

COMMUNITY PARTICIPATION

Individuals with I/DD must have access to and be supported to participate in their communities, with their non-disabled peers, through opportunities such as 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 educational opportunities that will lead to meaningful employment. 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.



RATES FOR SERVICES

The state must restore rates to adequately support the availability of quality services for people with all disabilities in all the systems that serve them. 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.

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 victims of crimes.



QUALITY OF SERVICES AND SUPPORTS

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.



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