

The State of

Employment

For Californians with Developmental Disabilities



A report by the California State Council on Developmental Disabilities

2016

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Executive Summary

It is now the state's highest priority to make Competitive Integrated Employment (CIE) a real choice for people with developmental disabilities. CIE is a job at a workplace among individuals with and without disabilities. It will be a full or part-time position at or above minimum wage. Self-employment is another option.

In 2016, the state of employment for Californians with intellectual and developmental disabilities (I/DD) was well below the state's priority for CIE.

While California employment overall has increased during six years of economic growth, employment has stayed static for people with I/DD.

Yet there is reason for hope.

Expectations for people with I/DD are changing. When the State Council on Developmental Disabilities (SCDD) asked 3,350 people what they want the SCDD to work on over the next five years, the number one answer was employment. People with I/DD want to work. People want their family members with I/DD to work.

Recent policy changes at the state level are driving employment in California:

- In 2013, California adopted an Employment First Policy, stating no matter the severity of the disability people will be given the priority of CIE.
- In 2013, California enacted a Self Determination Program, which allows people with I/DD receiving Regional Center services to choose their service providers. People leading self-determined lives have higher rates of employment and earn more money, as well as have better benefits.
- In 2016, the drafting of a CIE Blueprint will provide a roadmap on simplifying navigating the employment services provided by the Departments of Education, Rehabilitation, and Developmental Services.

Recent federal policy changes are also driving changes in employment:

- In 2014, the Centers for Medicaid and Medicare Services (CMS) published a final rule for Home and Community Based Services (HCBS) stating that services need to be provided in the most integrated setting. This will lead to people to having opportunities to seek employment in CIE.
- In 2014, the President signed into law the Workforce Innovation and Opportunity Act (WIOA), which increases people with disabilities' access to workforce services to prepare them for CIE. It also creates a federal presumption of employability. It also focuses on youth transition from school to employment or post-secondary education as a path to employment.

- In 2014, the President signed into law the Achieving a Better Life Experience (ABLE) Act, which allows people with I/DD to save up to \$100,000 without fear of losing Supplemental Security Income (SSI) benefits.

None of these changes have gone fully into effect. Some implementation dates spread out to 2022. Taken together the federal and state policy environment is very promising for improving outcomes for Californians with I/DD.

The SCDD Employment First Committee (EFC) annually reports on employment for people with I/DD while identifying best practices and recommending legislative, regulatory, and policy changes for increasing the number of individuals with I/DD in CIE, self-employment, and microenterprises. In addition to the federal changes above, current goals for the SCDD EFC include the following:

- Establish measureable outcomes for the implementation of the Employment First Policy;
- Make employment data available;
- Phase out sheltered work and subminimum wage;
- Repeal trailer bill language prohibiting Regional Center day services for students 18-22 years old;
- Raise and align expectations toward CIE; and
- Improve the availability of benefits planning information

The SCDD EFC is pleased to acknowledge the accomplishment of the following goal:

- Incentivize funding for CIE. However, there is more work that needs to be accomplished in making sure individual employment is incentivized at a higher rate than group employment.

The SCDD EFC respectfully submits this 2016 report. Its sixth annual report.

Definition: Developmental Disability

In California law, a developmental disability is defined as occurring before the age of 18 and includes specific categories of eligible conditions: mental retardation, epilepsy, cerebral palsy, autism, and “conditions requiring services similar to those required for persons with mental retardation.” California law requires that the individual be substantially handicapped by the disability. In March 2004, new regulations took effect that define substantial disability as significant functional limitations in three or more of the major life activities contained in the federal definition below.

The federal definition of developmental disabilities covers persons whose disability occurs before age 22 and includes a mental or physical impairment or a combination of both. There must be a substantial limitation in three or more of these major life areas: self-care; expressive or receptive language; learning; mobility; capacity for independent living; economic self-sufficiency; or self-direction.

Opportunities: Economic Climate

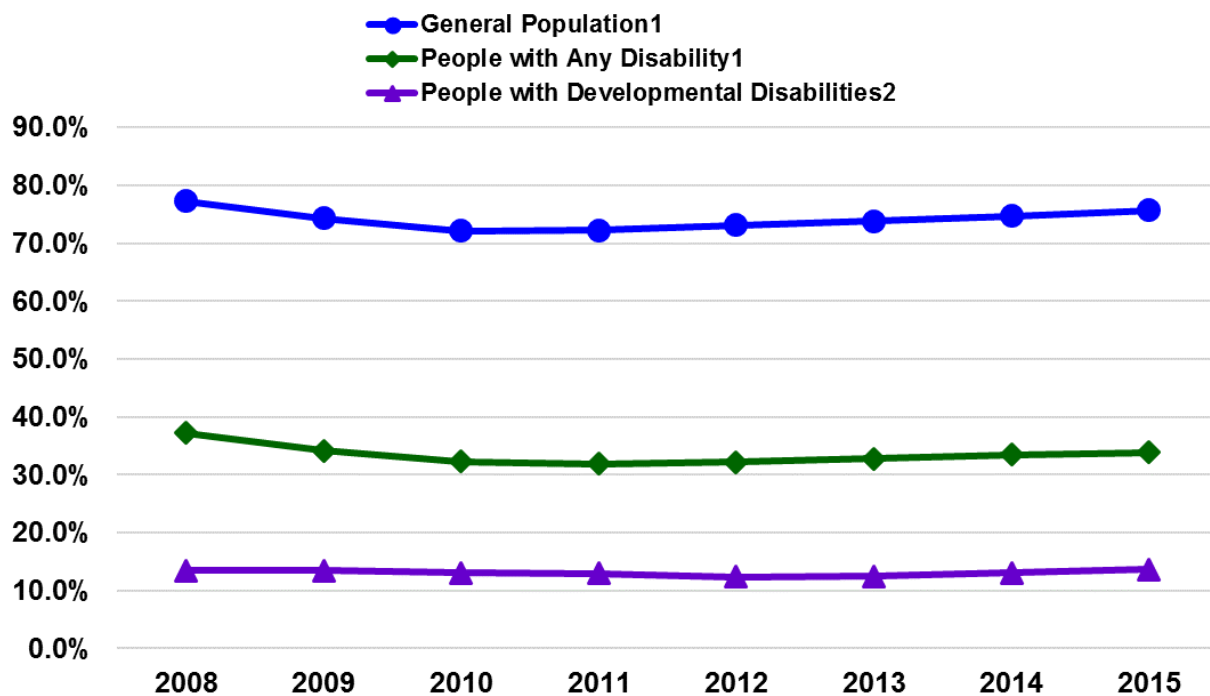
California began 2016 with an unemployment rate of 5.7% and enjoyed a steady drop in this rate. By the end of 2016, the rate decline to 5.2%. This drop is a trend that began in February 2010 when California’s unemployment rate peaked at 12.2% and began slowly decreasing in February 2011. This drop paralleled 6 years of economic growth, resulting in a \$2.46 trillion economy in 2016. The 6th largest in the world.

Realities: Employment for People with I/DD

Workers with I/DD are largely left out of California’s economic success.

The California employment rate of people with disabilities is far behind the employment rate for people without disabilities. In turn the employment rate for people with developmental disabilities is far behind the rate for people with all types of disabilities. In 2012, the employment rates for the general population and people with disabilities have started to go up after the recession. However, of concern to EFC is that the employment rate for people with developmental disabilities is flat, remaining largely unmoved.

Table 1: Table of California Employment Rates, General Population vs. People with Any Disability vs. People with Developmental Disabilities (2008 – 2014)¹



There is an over 60 percentage point difference between the general population and people with I/DD. Even among those with disabilities, people those with developmental disabilities are at least 20 percentage points behind people with any disability.

A closer look at these numbers reveals a worse story.

Of the approximately 159,000 working age individuals with I/DD served through the Regional Center system, only about 4,400 (2.76%) are engaged in CIE with support services or job coaching. This is the type of work that most think of when thinking of a “job” in that it is integrated and pays competitive wages. Additionally, people with I/DD are engaged in other types of work that often pay below minimum wage. Approximately 5,900 (3.71%) are engaged in supported group employment and approximately 9,100 (5.72%) are engaged in work activity programs.

Even worse than the few number of people employed, the numbers have been decreasing even as California’s economy expanded. People with I/DD in supported individual employment peaked in 2009 with approximately 5,000 people in this type of employment. Since 2009, the number of people in this type of work dropped by 12%.

¹ The data is from the 2015 Disability Status Report, California, by Cornell University, by calendar year based on analysis of the US Census Bureau’s 2015 American Community Survey (ACS). The data reflects non-institutionalized working-age people (21-64) with disabilities who work full-time/full year in the United States. Types of disabilities included in the data are: hearing disability, visual disability, cognitive disability, self-care disability, and independent living disability. The data is from Employment Development Department (EDD). CA EDD data is by calendar year (13.6%) and reflects wages reported to EDD for the purpose of unemployment insurance reporting. There is a limitation of the data, as some people have contract earnings that are unreported.

Table 2: Where People are Served (2005-2015)²

Fiscal Year	Supported Employment, Individual	Supported Employment, Group	Work Activity Programs	Day/Look Alike Programs
05/06	4,842	4,548	11,988	44,280
06/07	4,976	5,264	11,499	46,120
07/08	5,004	5,623	11,063	48,290
08/09	5,065	5,863	11,110	51,067
09/10	4,841	5,903	10,826	53,056
10/11	4,684	5,932	10,610	54,387
11/12	4,506	5,425	10,293	56,768
12/13	4,345	5,589	10,242	59,661
13/14	4,341	5,729	10,036	62,861
14/15	4,373	5,912	9,627	60,009
15/16	4,462	5,986	9,141	69,286

² Data is from Department of Developmental Services' Purchase of Service System Habilitation Services transition FY 12/13 thru FY 15/16.

Day Programs: These are community-based programs for individuals with developmental disabilities. Day program services may be provided at a fixed location or in the community. Some services offered may include developing and maintaining self-help and self-care skills, developing opportunities to integrate into the community, social and recreational skills; and behavior modification.

Supported Employment, Individual Placement: Individual placements consist of job placement in community business settings. A job coach meets regularly with the individual to provide training and supervision to help him or her maintain the necessary skills and behaviors to work independently. As the individual gains mastery of the job, the job coaching time and support services are gradually reduced and/or phased out.

Supported Employment, Group Placement: Group placements consist of training and supervision of an individual while engaged in work as part of a group in an integrated community setting. The ratio of supervision for work crews is set at a minimum of 1:4 and up to 1:8. Individuals on work crews are provided guidance and supervision throughout the course of the work day.

Work Activity Programs: Work activity programs (WAP) provide sheltered employment training for individuals who are not prepared for or who may not desire competitive employment in an integrated community work setting. A WAP serves only individuals served by Regional Centers and is not time limited. Individuals with developmental disabilities in WAP must be able to work at 10% productivity or better.

Even though people want to work, and supports exist to support them to work, the vast majority of service growth has been largely in non-work programs. This means that most people who become adults go into non-work programs instead of employment.

National trends mirror California trends. The "National Snapshot of Adults with Intellectual Disabilities in the Labor Force" was commissioned by Special Olympics, conducted by the Center for Social Development and Education at the University of Massachusetts Boston and administered by Gallup shows that unemployment among people with intellectual disabilities is more than twice as high as for the general population.

Californians with I/DD from communities of color are significantly disadvantaged in employment outcomes. While employment data for people with disabilities disaggregated by race and ethnicity are not uniformly available a report from the Ohio Disability and Health Program entitled, "The Double Burden: Health Disparities among People of Color Living with Disabilities" declares: Unemployment is prevalent among people with disabilities and especially people of color with disabilities. According to the Bureau of Labor Statistics in 2014, 17.1% of people with disabilities *were employed* in contrast with the 64.6% employment rate of those without disabilities. The *unemployment* rate of people with disabilities was 12.5% in 2014, while the rate for those without disabilities was 5.9%. However, within the disability community, employment rates were lowest for African Americans. According to U.S. Census Figures from 2008-2010, approximately 9,383,365 people with disabilities were employed. Of this population, 68.9% were identified as non-Hispanic white, 13.3% African-American, 12.1% Hispanic and 2.4% Asian. Barriers to employment for African-American, Hispanic and Asian people with disabilities include but are not limited to: discrimination, harassment, stigma, insufficient vocational rehabilitative services, and a restrictive Social Security policy that limits monthly earnings to maintain benefits.

Falling Behind: Average Earnings³

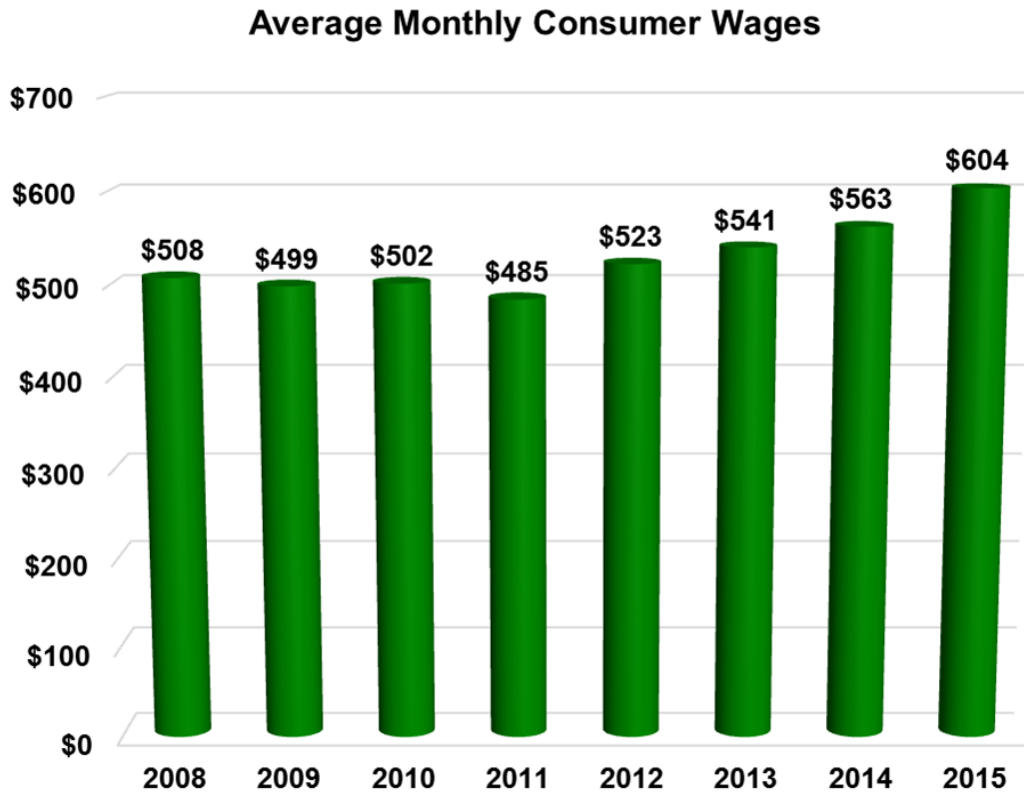
In 2011, California asked 8,400 Regional Center clients if they worked, and, if they did, how much they earned. People working in CIE made on average \$9.89/hour, while people working in small groups made about \$6.24/hour. This means that people in regular jobs made on average, \$3.65/hour more than people in groups. This is 58% more per hour. If Senate Bill (SB) 433 becomes law, it may be possible to disaggregate earnings data by race and ethnicity in the future. SB 433 would authorize the Employment Development Department (EDD) to disclose specified information to assist DDS in the implementation of the Employment First Policy.

Even Regional Center consumers who are making money appear to be under-employed, as their average earnings are very low. The great recession (December 2007 to June 2009) had its biggest impact on working age Regional Center clients, not in how many had jobs, but in how much they made. While many kept jobs, on average they either worked fewer hours or were paid less. The bar chart shows that wages went up at first, and then went back down during the recession. Wages have increased again in the

³ The data is from Employment Development Department (EDD). CA EDD data reflects wages reported to EDD for the purpose of unemployment insurance reporting. There is a limitation to the data, as some people have contract earnings that are unreported.

last year likely due to increases in the state’s minimum wage. Since these figures are NOT adjusted for inflation, on average their earning power has decreased over time.

Table 3: Average Monthly Earnings Self-Reported by Employed Regional Center Clients (2008 – 2015)



Changing Landscape: Employment First Policy

It is now the state’s highest priority to make CIE a real choice for people with developmental disabilities. CIE is a job at a workplace among individuals with and without disabilities. It will be a full or part-time position at or above minimum wage. Self-employment is another option.

Changing Landscape: Self Determination Program

In October 2013, Governor Brown signed Senate Bill 468 leading to the creation of the state’s Self-Determination Program (SDP). This program is intended to enable individuals to create a highly customized service plan and receive supports from a wider range of service providers, including those that do not traditionally serve individuals with disabilities. All services must be eligible for federal funding. After a phase in period, most individuals eligible for regional center services will be able to choose whether to transition to SDP.

The Principles of Self-Determination included in the law are:

- Freedom to exercise the same rights as all citizens to establish, with freely chosen supports, family and friends, where they want to live, with whom they want to live, how their time will be occupied, and who supports them;
- Authority to control a budget in order to purchase services and supports of their choosing;
- Support to arrange resources and personnel, which will allow flexibility to live, participate in and contribute to the community;
- Responsibility for making decisions in their own lives and accepting a valued role in their community, and
- Confirmation of the critical role in making decisions in their own lives by designing and operating the service that they rely on.

The SDP in California is about people with disabilities exerting their sense of agency and power of choice which are critical pieces for their complete integration in society. For any Californian, a job and the income produced by it facilitates social and economic empowerment.

Changing Landscape: CIE Blueprint

One of the most promising developments in California is the California CIE Blueprint for Change, called “the Blueprint”.

A proactive interagency plan was created by representatives from the California Department of Education (CDE), California Department of Rehabilitation (DOR), and California Department of Developmental Services (DDS) to jointly identify ways to increase CIE opportunities for individuals with I/DD over a five-year period. The Individuals with Disabilities Education Act (IDEA) supports the furtherance of education, employment, and independent living for students transitioning to adulthood. The federal Rehabilitation Act, amended by the Workforce Innovation and Opportunity Act (WIOA) in 2014, seeks to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society. Each person’s maximum employment potential and employment goals will be defined through the person-centered planning process. For each individual in CIE, his or her person-centered plan, if so chosen, will include services in settings that are integrated in and support full access to the greater community (pursuant to the federal Home and Community-Based Services (HCBS) Settings Final Rule).

Utilizing the person-centered planning concept, embraced by all three departments, the Blueprint was developed to describe innovation, what is working, and what is possible in creating an individual’s pathway to CIE. To build capacity and stimulate policy change, the Blueprint focuses on five fundamental career development pathways to CIE: transition services; adult pathways to employment; post-secondary education (PSE) activities; supported employment services, customized employment and other employment support options; and business partner engagement.

Changing Landscape: HCBS Settings Final Rule

The HCBS Settings Final Rule was issued by the Centers for Medicare and Medicaid Services (CMS) in early 2014. It requires three basic things: 1) that services be individually tailored through a person-centered planning process; 2) that all settings where services are provided are integrated into the greater community; and, 3) that all states submit a plan for CMS approval detailing how they will transition and monitor services to ensure integration by March 2022. California is diligently working on submitting its own transition plan to CMS. The aim of the HCBS Settings Final Rule is for individuals to have more customized services to meet their individual needs and for them to be supported as members of their communities. As HCBS comprehensive person-centered planning includes employment, the Rule will play an undetermined but significant role in increasing CIE.

Changing Landscape: Workforce Innovation and Opportunity Act (WIOA)

The Workforce Innovation and Opportunity Act (WIOA) was signed into law in July 2014. Similar to the HCBS Settings Final Rule, it places a heavy emphasis on integrated services. It defines integration for the purposes of employment support services to include working alongside non-disabled peers who are performing the same job. It also requires that services be targeted to helping individuals to achieve CIE with pay, benefits, and promotional opportunities comparable to non-disabled employees. WIOA also establishes strict requirements that must be met in order for individuals under age 25 to enter the subminimum wage workforce and the career exploration services that must be provided to all workers earning subminimum wages. California's DOR has been making changes to its programs in response to these mandates. Individuals with I/DD often rely on services provided by DOR for initial job matching and support and receive longer-term employment support services from regional centers once stabilized in an employment setting. WIOA will shape the available employment service options available from both agencies as well as other workforce development programs that receive federal funds.

Changing Landscape: Achieving Better Life Experience Act (ABLE)

The ABLE Act was also signed into law in 2014. It allows people with disabilities and their families to set up a special savings account for disability-related expenses. Earnings on an ABLE account would not be taxed, and account funds would generally not be considered for the Supplemental Security Income (SSI) program, Medicaid, and other federal means-tested benefits. This will remove a disincentive to employment for people with I/DD by allowing these individuals to earn competitive wages without threatening their disability benefits. This allows people with I/DD to build cash savings and invest in their own lives and support their own goals.

Recommendations

The SCDD EFC adopted and advances goals developed from a project of national significance funded by the Administration on Intellectual and Developmental Disabilities and awarded to the Tarjan Center at UCLA: the California Employment Consortium for Youth and Young Adults with Intellectual and Developmental Disabilities (CECY). CECY was a time-limited collaboration of 45 representatives of 25 state agencies, associations, and organizations, families, and self-advocates with responsibilities for the education, rehabilitation, employment, and support of youth with disabilities. CECY's mission was to stimulate policy change and build capacity in California state systems and local communities to increase the number of youth and young adults with I/DD in CIE.

The goals and objectives developed by CECY have been adopted by SCDD EFC as recommendations to improve employment for people with I/DD.

Goal 1: Establish goals, benchmarks, and measurable outcomes for the implementation of the Employment First Policy

Good data drives policy and performance. To effectively implement the Employment First Policy, California needs an established outcome measurement system, baseline measurements of current performance, and goals for improvement. Employment outcome measures may include the percentage of people working, wages, hours worked, employment settings, and other employment measures, which can be disaggregated by race and ethnicity.

Data sharing legislation

The Department of Developmental Services (DDS) data currently does not allow it to assess employment outcomes by 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 better data, California cannot know how well it is doing to implement the Employment First policy, where it is succeeding, or where it needs to improve. Therefore, legislation to improve data sharing is critical path to implementation of the Employment First Policy.

Goal 1.2: Convene and organize a stakeholder process on measurements and goals

After the data sharing legislation is signed into law, there needs to be a stakeholder process for deciding on: (1) the most important measures of employment; (2) determining goals for improvement in those measures over time; and (3) goals, if appropriate, for target populations and geographic areas. Consideration of employment measures could include: income earned, hourly earnings, hours worked, level of integration, type of job, access to employer benefits, duration of employment, advancing on the job, and other employment measures.

Goal 2: Align and incentivize funding for CIE

There is consensus among stakeholders that the current regional center rates for day and employment services do not support CIE outcomes. In addition, the statutory formula for funding supported employment programs (SEP), which is also used by the California Department of Rehabilitation (DOR), discourages CIE as an outcome. Accordingly, in keeping with the implementation of California's Employment First Policy, existing funding needs to be realigned to better support services that lead to CIE.

Goal 2.1: Incentivize CIE by increasing the rate for Individual Placement in Supported Employment Programs (SEP)

Individual Placement (IP) SEP supports people to work at regular job sites integrated into the work site and earning competitive wages. IP SEP is therefore considered CIE and consistent with the Employment First Policy. The rate level for IP SEP has long been recognized as leading to a contraction in the supply of service providers, as the rate is not adequate for the hiring and retention of qualified job coaches. In 2014, the California Disability Services Association (CDSA) reported the results from a survey of their members: they found that SEP agencies on average lose close to \$700 per year per person served in supported employment even though the provider hourly rate rose more than 15% from \$30.82 to \$35.57. Agencies were only able to maintain these services by subsidizing from other parts of their operations, leading to greater stress on the entire organization. Since agencies are penalized for each individual served by IP SEP, they have the incentive to reduce their concentration in CIE and expand their use of segregated employment or non-work day services. This has resulted in very few providers across the states that are willing to provide CIE services to new clients.

Group SEP is usually not CIE, because the individual usually works for the provider agency (not for the business where they work), works as part of a group of individuals with I/DD, is less integrated into the work site, and is often paid subminimum wage. The rates for IP and Group SEP are the same. However, given the same rate, providers have an incentive to develop Group SEP, at the expense of individual placement. It is easier and less costly to hire job coaches for Group SEP, as IP SEP job coaching requires a significantly higher skill level. Supporting people in IP SEP is more complex than Group SEP, as the agency must schedule and train an IP job coach to support several clients in a variety of jobs, locations, and businesses. The agency must also maintain steady hours for job coaches while they fade hours supporting people getting used to a job. In contrast, a Group SEP job coach typically supports 3 or 4 individuals full time, at one employment site, with no fading.

To implement the Employment First Policy, the Lanterman Act would need to be amended to allow for an increase in the IP SEP rate to make individual placement a workable business model for providers and adequately compensate highly skilled job coaches. This rate must be meaningfully above that for Group SEP in order to remove the unintended incentive in the current rates that drives consumers to less integrated, lower paid, and more expensive group placements.

Goal 3: Phase out sheltered work and subminimum wage

Increasingly, federal policy is finding that sheltered work and payment of subminimum wage are not appropriate employment outcomes. For example, the WIOA places limits on the use of sheltered work and subminimum wage jobs for youth with disabilities. The U.S. Department of Justice ruled that unnecessary segregation in sheltered workshops is considered discrimination under the Americans with Disabilities Act. Additionally, the HCBS Final Settings Rule for Medicaid waiver services requires states to transition from segregated day settings, such as sheltered workshops, to integrated community settings by March 2022. Consistent with these developments, the SCDD policy on sheltered work and subminimum wage calls for the phasing out of these services.

Goal 3.1: California should commit to stop new placements of individuals with I/DD in sheltered work

An important part of phasing out sheltered work is to limit new admissions. Options could include a complete ban on new placements or a ban on new placement of transition age youth, ages 16-30. This could be accomplished through policy changes at the state or local level. For example, Orange County Regional Center has stopped new admissions to sheltered workshops in their catchment area.

Goal 3.2: Establish bridge funding for sheltered work facilities to transition to CIE

Faced with the need to transition to community integrated services, sheltered work providers need the knowledge and the resources to downsize existing operations and start up new operations to support CIE. All of this costs money.

Goal 4: Repeal trailer bill language prohibiting Regional Center day services for students 18-22 years old

The Lanterman Act was amended in 2011 to prohibit Regional Centers from funding day and employment services for youth ages 18-22, unless they have completed school with a certificate of completion or a high school diploma. This cost-saving measure is at odds with the efforts at the state and federal levels towards greater integration of services and coordination of transition preparation and planning. Exceptions to the prohibition that are allowed in law create more paperwork, bureaucracy, and barriers to receiving needed services. These exceptions are not often utilized, and implementation varies across Regional Centers.

One difficulty is that the prohibition discourages DOR from providing services to students with I/DD while they are in school. When needed by an individual, DOR will fund a supported employment provider to give intensive job coaching to a person while they are first learning a new job and adjusting to the demands of the work environment. Once the individual is stabilized on the job, typically when job coaching has faded below 20% of hours worked, the responsibility for long-term job coaching, or follow-on support, is transferred to the Regional Center system. However, under current law, Regional Centers are generally prohibited from providing that follow-on service until the youth leaves school at age 22.

As an example of the impact this has, DOR's innovative Transition Partnership Program (TPP) successfully places half of its students with disabilities in CIE. However, the TPP serves very few students with I/DD, in part because follow-on services may not be available from the Regional Center until age 22.

This prohibition also limits the ability of schools to prepare students for employment, since it is difficult for them to collaborate with supported employment providers funded by DOR and DDS. It also discourages Regional Centers to engage in transition planning with schools and to support students with ancillary services such as support for summer jobs and transportation to work sites during the transition years.

Goal 4.1: Address barrier in the trailer bill language prohibiting Regional Center day services for students 18-22

Data from DDS indicates that repealing the prohibition will not be a significant cost to the state, and that enabling students to transition directly to CIE will create significant long-term savings.

Goal 5: Raise and align expectations toward CIE

Historically, we have underestimated the abilities and interests of people with disabilities, especially those with I/DD, to succeed in educational and employment settings. Professionals and families are not familiar with the Employment First Policy. Professionals from different departments often discourage youth and their families from considering CIE

Goal 5.1: Inform and train individuals with I/DD and their families in the Employment First Policy

Individuals with I/DD and their families need information early on about the Employment First Policy, the possibilities for CIE for all individuals, and the services and supports that can help individuals and their families get there. Information developed and disseminated should be responsive to the literacy level, English-proficiency, and cultural values of the diverse clients of Regional Centers statewide. Service systems respond to demand from consumers and families. Having the knowledge about the possibilities for CIE with appropriate supports will lead to maximal participation of Regional Center clients in the Individual Program Plan process.

SCDD could contribute to this work through expansion of its Employment First/Data Dashboard webpages to include stories of success, best practices, employment resources, and training materials. Also, the Council could use its regional staff to train people at the local level about the Employment First Policy and what it could mean for them.

Goal 5.2: Develop model training curriculum for special education students that includes Employment First

The core of successfully preparing students for adult life and its responsibilities is ensuring that they take responsibility and advocate for themselves, recognizing that different cultures' advocacy style may be different than mainstream models. Therefore, California must require self-advocacy training for special education students. The model curriculum will include culturally-sensitive strategies for students to understand their own strengths and needs, identify personal goals, plan for their future, know their rights and responsibilities, advocate for their educational goals, and network with adult role models with disabilities. The curriculum must establish the expectation for Employment First, including the possibility of CIE and the services that can help them achieve it. Students and their families also need information on the management of Supplemental Security Income (SSI) benefits and the use of Social Security Administration (SSA) work incentives. The Council could develop this curriculum through the direct work of staff or through grant funding.

Goal 6: Improve availability of benefits planning information

Professionals from within education, rehabilitation, and developmental services have long reported that the fear of losing public benefits, such as SSI and Medi-Cal, cause many individuals to never enter the workforce or decide to stay with subminimum wage jobs. Also, family members often discourage individuals from getting work because of their belief that earnings would disqualify them from public benefits.

Goal 6.1: Develop a tool on benefits planning resources

Through the direct work of staff or through grant funding, SCDD could develop a tool that summarizes all the benefits planning resources available to individuals with I/DD, family members, and service providers throughout the person's lifespan.

Next Steps

Both in California and nationally, the evidence clearly shows the dismal state of affairs regarding employment for people with I/DD. There are policies underway to change fundamentally the expectations for employment, which the EFC and policy makers expect will result in better outcomes.

Fortunately, the structure of the EFC includes a unique group of agencies and individuals, providing the opportunity to explore the interrelated elements associated with having departments with differing roles share in a common goal. Much of California's efforts to increase CIE in the coming years will be channeled through the Blueprint. The EFC can play a pivotal advisory and oversight role in the rollout of the Blueprint and tracking of outcomes, but it also can and should endeavor to advance CIE on parallel fronts. The work of the EFC began long before the Blueprint was created and will continue well past the Blueprint's 5-year implementation timeline. The EFC's quarterly meetings provide an opportunity to review, evaluate and assist in areas related to policies and programs committed to promoting CIE throughout the state. Those efforts predate the Blueprint, but will include it moving forward.

The EFC has worked extensively on policy and data recommendations, including, but not limited to, customized employment, legislation, suggested administrative changes, exploration of career potential and interests that begins with the assumption of employability, and partnerships between all groups seeking the same end result. These collaborative approaches should involve families that represent the diversity of the state, school staff, service providers, Regional Centers, state agencies, and other interested parties.

The EFC will continue to identify relevant employment data from different systems to make recommendations for improved use, collection, and dissemination of data that can measure the state's success in supporting the growth of CIE. The EFC's ongoing work will include serving as a forum for stakeholders, the Council and relevant departments to clarify roles and responsibilities related to employment for people with I/DD and to collaborate on practices and policies to further CIE in California. Whereas other committees and organizations may address a cross disability focus on employment, the EFC provides a special emphasis on people with I/DD. This provides an opportunity to address the unique barriers faced by individuals with complex support needs, and who typically experience the poorest transition and employment outcomes. California is committed to CIE, and the EFC is uniquely positioned to lead the way in advancing CIE in the Golden State in the years ahead.

Appendix 1: EFC Committee Membership for 2016

Jenny Yang, Chairperson, Self-Advocate at Large

Daniel Boomer, California Department of Education (CDE)

Denyse Curtright, Department of Developmental Services (DDS)

Elena Gomez, Department of Rehabilitation (DOR)

Andy Mudryk and Sarah Isaacs, Disability Rights California (DRC)

Olivia Raynor, University Centers for Excellence in Developmental Disabilities (UCEDD), Tarjan Center at University of California, Los Angeles

Steve Ruder, UCEDD, University of California, Davis Medical Investigation of Neurodevelopmental Disorders (M. I. N. D. Institute)

Barbara Wheeler, UCEDD, University of Southern California

Appendix 2: Responsibilities of the Employment First Committee (PLAIN LANGUAGE VERSION)

The Lanterman Act tells the State Council on Developmental Disabilities (SCDD) to have an Employment First Committee. This is what the Lanterman Act says about the Employment First Committee (EFC):

Why the EFC was created:

The Lanterman Act created the EFC to help get more people with developmental disabilities jobs in CIE.

What is Competitive Integrated Employment (CIE):

It means good jobs with good pay (minimum wage or above) - jobs at a typical workplace, where people with disabilities work with other people from their community who do not have disabilities. These are jobs where people with disabilities get the same pay and benefits as people without disabilities doing the same work and where they are paid directly by their employer. Having a good job can also include people who make money with their own small businesses or by working for themselves.

Who is a member of the EFC:

The EFC includes representatives from departments of government and other organizations that help people with developmental disabilities get good jobs.

What the EFC has to do:

1. Describe how the government departments work with each other to help people get good jobs with good pay.
2. Find what works to help people get good jobs with good pay.
3. Find good ways to plan for transition aged students (age 14 and above) to go to work after they are finished with high school, or their education beyond high school.
4. Find ways to encourage agencies to support people to get good jobs with good pay.
5. Develop partnerships with employers and agencies that help people find good jobs with good pay.
6. Find out how many people with developmental disabilities are working and how much money they are earning. Each year, measure if the state is getting better at supporting people to get good jobs with good pay.
7. Recommend ways the state can improve how they measure progress in helping people get employed.
8. Recommend goals for CIE for the state to meet.
9. Recommend legislation and other ways that the state can do a better job of supporting people to get good jobs with good pay.

10. Recommend ways to improve helping transition age students (age 14 and above) go to work after they are finished with high school, or their education beyond high school.
11. Recommend an Employment First Policy that will get a lot more people good jobs with good pay, with the supports they need. This will help people with disabilities to be part of their communities, have jobs, and make money, just like other people their age without disabilities. The policy will make sure people can choose the services they want, like they do now under the Lanterman Act. This policy is now California law.
12. Other things the EFC thinks will help.

The Annual Employment First Report:

The EFC has to send an annual report to the Legislature and the Governor. The report makes recommendations to the Legislature and the Governor and describes all the work of the committee. The SCDD approves the report.

Appendix 3: Statutory Responsibilities of the Employment First Committee

WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 4.5. SERVICES FOR THE DEVELOPMENTALLY DISABLED [4500 - 4884]

(Division 4.5 added by Stats. 1977, Ch. 1252)

CHAPTER 14. Employment [4868 - 4870]

(Chapter 14 added by Stats. 2009, Ch. 231, Sec. 2)

4868

(a) The State Council on Developmental Disabilities shall form a standing Employment First Committee consisting of the following members:

(1) One designee of each of the members of the state council specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph (2) of subdivision (b) of Section 4521.

(2) A member of the consumer advisory committee of the state council.

(b) In carrying out the requirements of this section, the committee shall meet and consult, as appropriate, with other state and local agencies and organizations, including, but not limited to, the Employment Development Department, the Association of Regional Center Agencies, one or more supported employment provider organizations, an organized labor organization representing service coordination staff, and one or more consumer family member organizations.

(c) The responsibilities of the committee shall include, but need not be limited to, all of the following:

(1) Identifying the respective roles and responsibilities of state and local agencies in enhancing integrated and gainful employment opportunities for people with developmental disabilities.

(2) Identifying strategies, best practices, and incentives for increasing integrated employment and gainful employment opportunities for people with developmental disabilities, including, but not limited to, ways to improve the transition planning process for students 14 years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers.

(3) Identifying existing sources of employment data and recommending goals for, and approaches to measuring progress in, increasing integrated employment and gainful employment of people with developmental disabilities.

(4) Identifying existing sources of consumer data that can be used to provide demographic information for individuals, including, but not limited to, age, gender, ethnicity, types of disability, and geographic location of consumers, and that can be matched with employment data to identify outcomes and trends of the Employment First Policy.

(5) Recommending goals for measuring employment participation and outcomes for various consumers within the developmental services system.

(6) Recommending legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in integrated employment, self-employment, and microenterprises, and who earn wages at or above minimum wage, including, but not limited to, recommendations for improving transition planning and services for students with developmental disabilities who are 14 years of age or older. This shall include, but shall not be limited to, the development of a policy with the intended outcome of significantly increasing the number of individuals with developmental disabilities who engage in integrated employment, self-employment, and microenterprises, and in the number of individuals who earn wages at or above minimum wage. This proposed policy shall be in furtherance of the intent of this division that services and supports be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age and that support their integration into the mainstream life of the community, and that those services and supports result in more independent, productive, and normal lives for the persons served. The proposed policy shall not limit service and support options otherwise available to consumers, or the rights of consumers, or, where appropriate, parents, legal guardians, or conservators to make choices in their own lives.

(d) For purposes of this chapter, the following definitions shall apply:

(1) "Competitive employment" means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

(2) "Integrated employment" means "integrated work" as defined in subdivision (o) of Section 4851.

(3) "Microenterprises" means small businesses owned by individuals with developmental disabilities who have control and responsibility for decision making and overseeing the business, with accompanying business licenses, taxpayer identification numbers other than social security numbers, and separate business bank accounts. Microenterprises may be considered integrated competitive employment.

(4) "Self-employment" means an employment setting in which an individual works in a chosen occupation, for profit or fee, in his or her own small business, with control and responsibility for decisions affecting the conduct of the business.

(e) The committee, by July 1, 2011, and annually thereafter, shall provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations. The report due by July 1, 2011, shall include the proposed policy described in paragraph (4) of subdivision (c).

(Amended by Stats. 2013, Ch. 677, Sec. 3. Effective January 1, 2014.)

Appendix 4: Glossary of Relevant Terms

Activity Based Day Services: See Day Programs

ADA: Americans with Disabilities Act

APSE: Association of People Supporting Employment First

ARCA: Association of Regional Center Agencies

CDE: California Department of Education

CDER: Client Development and Evaluation Report

CECY: California Employment Consortium for Youth

Community Based Non-Work (CBNW) 21: Non-job-related supports focusing on community involvement such as access to public resources (recreational/educational) or volunteer activities. Community-based non-work includes all services that are located in the community (rather than facility-based) and do not involve paid employment of the participant.

Competitive Employment: Work in the labor market that is performed on a full-time or part-time basis in an integrated setting for which the individual is compensated at or above minimum wage with related health and employment benefits, but not less than the customary and usual wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

Council: State Council on Developmental Disabilities (SCDD)

Customized Employment: Customized Employment is based on an individualized determination of the strengths, needs, and interests of the person with a disability, and is also designed to meet the specific needs of the employer. It may include employment developed through job carving, self-employment or entrepreneurial initiatives, or other job development or restructuring strategies that result in job responsibilities being customized and individually negotiated to fit the needs of individuals with a disability.

Competitive Integrated Employment: CIE is work compensated at prevailing wages with related health and employment benefits, occurring in a typical work setting where the employee with the disability interacts or has the opportunity to interact continuously with co-workers who may or may not have a disability, and has an opportunity for advancement and mobility. Further, CIE includes all income generation activities such as owning one's own business.

Day Programs: These are community-based programs for individuals with developmental disabilities. Day program services may be provided at a fixed location or in the community. Some services offered may include developing and maintaining self-help and self-care skills, developing community integration, social and recreational skills; and behavior modification.

DDS: California Department of Developmental Services

Developmental Disabilities: The federal definition of developmental disabilities covers persons whose disability occurs before age 22 and includes a mental or physical impairment or a combination of both. There must be a substantial limitation in three or more of these major life areas: self-care; expressive or receptive language; learning; mobility; capacity for independent living; economic self-sufficiency; or self-direction. In California law, a developmental disability is more narrowly defined as occurring before the age of 18 and includes specific categories of eligible conditions: mental retardation, epilepsy, cerebral palsy, autism, and "conditions requiring services similar to those required for persons with mental retardation"

DOJ: United States Department of Justice

DOL: United States Department of Labor

DOR: California Department of Rehabilitation

EDD: California Employment Development Department

EFC: Employment First Committee of the State Council on Developmental Disabilities

Employment: Employment is an activity performed by an individual where there is an expectation of wages for services rendered and the services are for the primary benefit of the employer. Alternatively, employment may refer to any income generating activity such as self-employment and micro-enterprise.

Executive Order (EO): A President's or Governor's declaration which has the force of law, usually based on existing statutory powers, and requiring no action by the Congress or state legislature.

Group Placement Supported Employment: See Supported Employment, Group Placement

I/DD: Intellectual and Developmental Disabilities. Also see definitions for Intellectual Disability and Developmental Disability

Individual Career Plan (ICP): A term introduced by the World Institute on Disability in their proposal for a Pilot Project to reform federal work incentives. The ICP will be a career planning tool developed to maximize the productivity level of those participating in the proposed Pilot Project. The plan would be developed from a list of available vocational or employment support services.

Individual Placement Supported Employment: See Supported Employment, Individual Placement

Individual Program Plan: The IPP is an action plan that is developed through the process of individualized needs determination and embodies an approach centered on the person and family. Individuals and family members participate in the planning process. The IPP is a legal document that identifies goals for the individual with developmental disability to live the way he/she wants. The IPP identifies services and supports that will help the individual reach his/her goals as well as participate in the community fully and as independent as possible. Though the Regional Center usually schedules an IPP meeting once every 3 years, the individual or family member can

request a planning meeting at any time.

Integrated Competitive Employment: See Competitive Integrated Employment (CIE)

Integrated Employment: The engagement of an employee with a disability in work in a setting typically found in the community in which individuals interact with individuals without disabilities other than those who are providing services to those individuals, to the same extent that individuals without disabilities in comparable positions interact with other persons.

Integration Mandate: The ‘integration mandate’ of the Americans with Disabilities Act (ADA) requires public agencies to provide services “in the most integrated setting appropriate to the needs of qualified individuals with disabilities.” The goal of the integration mandate is to provide individuals with disabilities opportunities to live their lives like individuals without disabilities. See Most Integrated Setting.

Intellectual Disability: Intellectual disability is a disability characterized by significant limitations both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behavior, which covers a range of everyday social and practical skills. This disability originates before the age of 18

IPP: See Individual Program Plan

Microenterprise: For the purpose of this report, microenterprises are small businesses owned by individuals with developmental disabilities, with accompanying business licenses, tax-payer identification numbers other than social security numbers, and separate business bank accounts. Microenterprises may be considered competitive employment, integrated employment, and integrated competitive employment

Most Integrated Setting: A setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible.

Motion to Intervene: Normally, a lawsuit involves the plaintiffs (who bring the suit), and the defendants (whom the suit is brought against). Sometimes, a person/entity who is not a party to a lawsuit in progress wants to become a party. Such a party must file a Motion to Intervene.

NCI: National Core Indicators

NCIL: National Council on Independent Living

NGA: National Governors Association

One-Stop Centers: One-Stop Job Centers are government funded job centers that assist workers to locate jobs and help employers find workers. California has over 220 One Stop Job Centers, with at least one in every county.

Projects of National Significance: Through PNS, the Administration on Intellectual and Developmental Disabilities (AIDD) supports the development of national and state policy and awards grants and contracts that enhance the independence, productivity, inclusion, and integration of people with developmental disabilities.

Regional Center: Regional Centers are nonprofit private corporations that contract with

the California Department of Developmental Services (DDS) to provide or coordinate services and supports for individuals with developmental disabilities. They have offices throughout California to provide a local resource to help find and access the many services available to individuals and their families. California has 21 Regional Centers with more than 40 offices located throughout the state.

SCDD: State Council on Developmental Disabilities; the Council

Sheltered Work Settings/Sheltered Workshops: Sheltered work settings are also known as sheltered workshops, affirmative industries, training facilities, and rehabilitation centers. These facilities generally offer a segregated work setting where individuals with developmental disabilities typically earn subminimum wage engaged in unskilled manual labor.

SILC: State Independent Living Council

Special Education Local Planning Area (SELPA): Each school district belongs to a Special Education Local Plan Area (SELPA). SELPAs are dedicated to the belief that all students can learn and that students with special needs must be guaranteed equal opportunity to become contributing members of society. SELPAs facilitate educational programs and services for students with special needs and training for parents and educators. The SELPA collaborates with county agencies and school districts.

SSI: Supplemental Security Income (SSI) is a monthly benefit for people with limited income and resources who are disabled, blind, or age 65 or older. This benefit may also be available to blind or disabled children.

SSN: Social Security Number

Subminimum Wage: The Fair Labor Standards Act (FLSA) permits the employment of certain individuals at wage rates below the minimum wage. These individuals include individuals whose earning or productive capacity is impaired by a physical or mental disability, including those related to age or injury, for the work to be performed.

Subminimum Wage Certificate: Certificates issued by the U.S. Department of Labor (DOL) Employment Standards Administration's Wage and Hour Division are required to compensate individuals with subminimum wages (see above).

Supported Employment: Supported employment provides paid work opportunities in the community, using group or individual placements. The services are aimed at finding competitive work in a community integrated work setting for persons with disabilities who need ongoing supports to learn and perform work.

Supported Employment, Group Placement: Group placements consist of training and supervision of an individual while engaged in work as part of a group in an integrated community setting. The ratio of supervision for work crews is set at a minimum of 1:4 and up to 1:8. Individuals on work crews are provided guidance and supervision throughout the course of the work day.

Supported Employment, Individual Placement: Individual placements consist of job placement in community business settings. A job coach meets regularly with the individual to provide training and supervision to help him or her maintain the necessary

skills and behaviors to work independently. As the individual gains mastery of the job, the job coaching time and support services are gradually reduced and/or phased out.

Transition: For purposes of this report transition is a systematic, individualized process that incorporates a coordinated set of activities to assist students 16-24 to prepare for life after school

UCEDD: University Center for Excellence in Developmental Disabilities

WIC: Welfare and Institutions Code

WID: World Institute on Disability

Work Activity Programs (WAP): Work activity programs provide sheltered employment training for individuals who are not prepared for or who may not desire competitive employment in an integrated community work setting. A WAP serves only individuals served by Regional Centers and is not time limited. Individuals with developmental disabilities in WAP must be able to work at 10% productivity or better.

Working Age: For the purposes of this report. the term working age refers to individuals with developmental disabilities, 18 years and older.

Work Incentives: Special rules make it possible for people with disabilities receiving Social Security or Supplemental Security Income (SSI) to work and still receive monthly payments and Medicare or Medicaid. Social Security calls these rules "work incentives".