

2017-2018 Approved Legislative and Public Policy Platform

ABOUT THE COUNCIL

Close to fifty years ago, the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) established 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 rights through advocacy, capacity building, and systems change.

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.

To implement the rights 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, regional offices support individuals with I/DD and their families through activities such as advocacy training, monitoring, and disseminating and collecting 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 I/DD 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.

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 communities. 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, delays 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 be heard, and be leaders 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-SUFFICIENCY

Employment in the community, at least minimum wage or above, is known as competitive integrated employment (CIE). 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 local agencies, 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, timely, 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, individualized, appropriate medication, 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. Comprehensive 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.

Teachers, school leaders, paraprofessionals and other school-based professionals must be trained to use valid, positive, and proactive practices, such as individualized school-wide positive behavior interventions and supports, with fidelity. The needs of the student must not impact the child's placement in the least restrictive environment. 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 fully supported to fully participate in their communities, with their peers without disabilities, through opportunities in 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, post-secondary education or other 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.

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 and timely 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 restore 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.