

Employment  
First  
Committee

Annual  
Report  
2017



# TABLE OF CONTENTS

Introduction	1
Employment and Data trends	2
Policy Changes Impacting Implementation of CIE in California	5
Supporting Local Communities to Implement CIE: Understanding New Federal and State Policies	6
Progress in 2017: California Competitive Integrated Employment (CIE): Blueprint for Change	7
Pathways to CIE	8
EFC Priorities in 2017	9
Next Steps for Employment First in California	12
Appendix 1: EFC Committee Membership for 2017	13
Appendix 2: Responsibilities of the Employment First Committee	14
Appendix 3: Statutory Responsibilities of the Employment First Committee	16
Appendix 4: Definition: Developmental Disability	18



# INTRODUCTION

In 2013, the State of California adopted an Employment First Policy that ensures the state's highest priority is to provide Competitive Integrated Employment (CIE) as a real choice for all people with developmental disabilities.

In plain language, CIE has been described as “Real Work for Real Pay in the Real World.” The term means working for pay, at minimum wage or above, in the community alongside people with and without disabilities. Work can be full-time, up to 40 hours per week, or part-time with the same level of benefits and opportunities for advancement as other employees.

In 2017, California has seen minimal growth in the employment rate for persons with intellectual and developmental disabilities (I/DD) despite continued economic growth since the recession.

People without disabilities are, as a default, presumed to be employed in CIE. However, people with disabilities are all too frequently still provided employment services and supports that places them in ‘jobs’ that are actually segregated programs specifically designed for them. People with I/DD are also frequently paid sub-minimum wage as a result of the Fair Labor Standards Act of 1938.

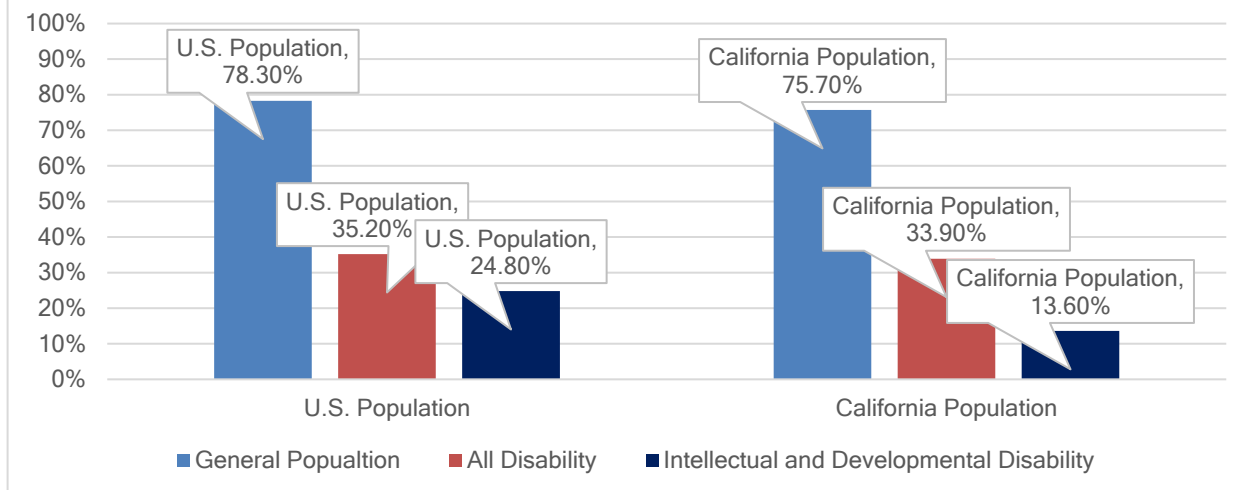
The State Council on Developmental Disabilities (SCDD) Employment First Committee (EFC) identifies best practices and recommends legislative, regulatory, and policy changes for increasing the number of individuals with I/DD in CIE, self-employment, and microenterprises. Overall, the Members of the EFC believe the biggest change to date has been in attitudes. CIE is now the expectation for most people with I/DD, individuals with disabilities, their families, service providers, and other stakeholders. Stakeholders now want to ensure the services and supports are in place to ensure a successful transition from segregated and/or subminimum wage employment to CIE. However, the essential changes to the service delivery system have yet to yield results. It would be expected that we will begin to see results from recent policy changes in the next few years. The labor force participation remains extremely low.

It is incumbent that the State of California continue to ensure that policy and programmatic barriers to CIE are removed and that the funding is available to implementing true systemic change in California. For people to become employed in or retain CIE, barriers to economic self-sufficiency, accessible and affordable transportation, and housing needs must be addressed. For any Californian, a real job for real pay produced by the job facilitates social and economic empowerment. We must also recognize that many people with disabilities also want careers with potential for promotion and growth, not just jobs. The SCDD EFC respectfully submits the 2017 report.



# EMPLOYMENT AND DATA TRENDS

Table 1: 2015 Comparison of United States to the California Participation Employment Rates of Working-Age People

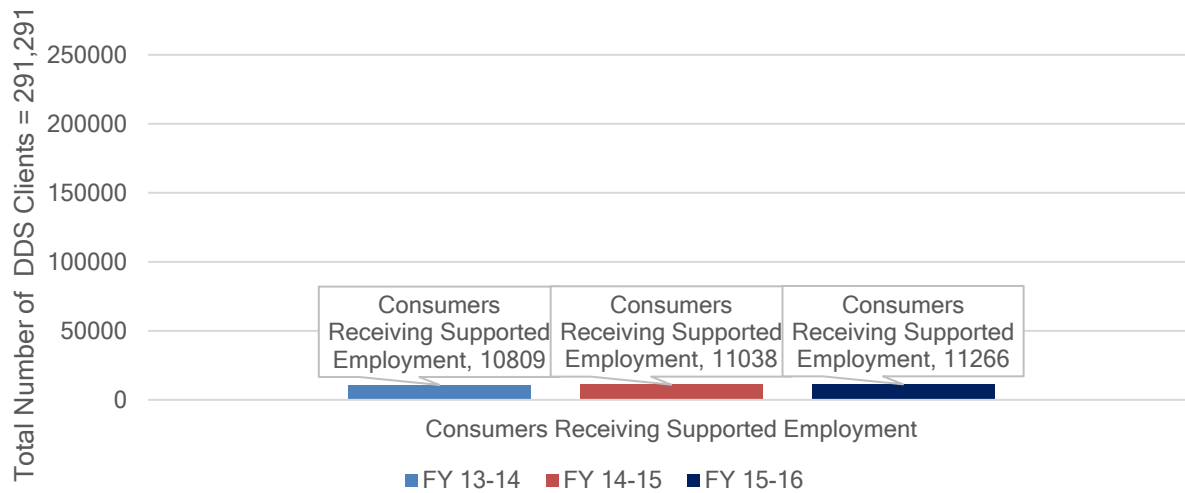


Employment rates for the population of California closely mirrors that of the U.S. population (See Table 1<sup>1</sup>). The employment rate of people with I/DD across California at 13.6 percent and the United States at 28.4 percent greatly lags behind that of the general population at 75.5 percent and disability community at large at 33.90 percent in California. In 2015, the employment rate for people with I/DD in California was 13.6 percent whereas it was 24.8 percent in the United States.

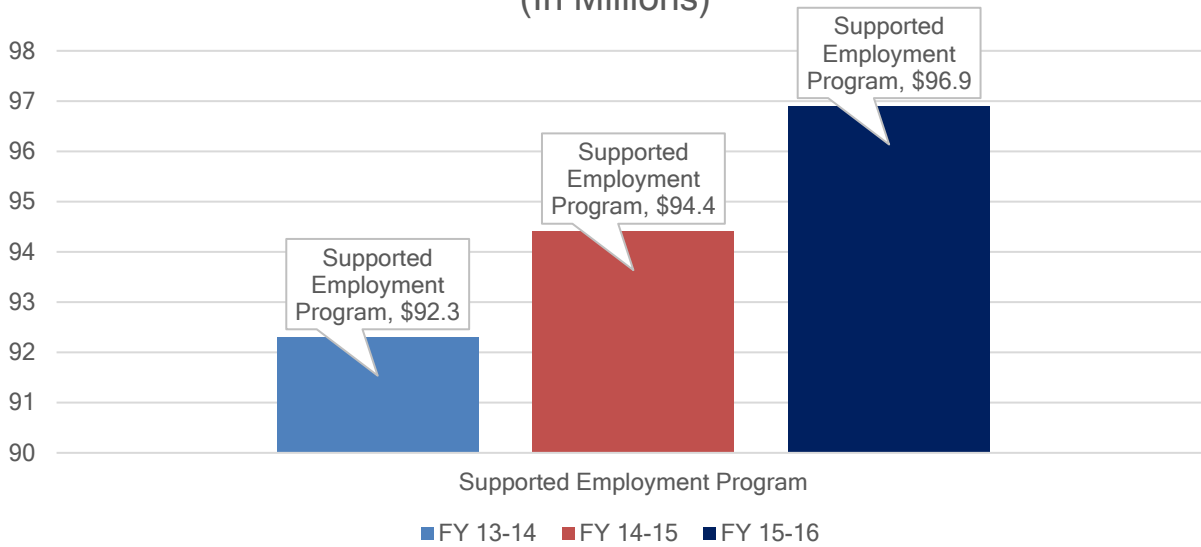
<sup>1</sup> California Department of Developmental Services. (n.d.). California Employment Reports. Retrieved May 17, 2018, from [https://www.dds.ca.gov/RCOversight/Employment\\_CA.cfm](https://www.dds.ca.gov/RCOversight/Employment_CA.cfm)



**Table 2: Number of DDS Clients Receiving Supported Employment Program Services**



**Table 3: Supported Employment Program Expenditures (In Millions)**



While the overall employment rate for people with I/DD remains low both within California, and across the United States, the State of California continues to expand the number of Regional Center clients receiving Supported Employment Program services (See Table 2<sup>2</sup>) and the amount of Supported Employment Program expenditures (See Table 3<sup>3</sup>). Supported Employment (SE) services through the Department of Rehabilitation (DOR) and Regional

<sup>2</sup> California Department of Developmental Services, Information Technology Division. (2017, June). Fact Book Fourteenth Edition. Retrieved May 17, 2018, from [https://www.dds.ca.gov/FactsStats/docs/factBook\\_14th.pdf](https://www.dds.ca.gov/FactsStats/docs/factBook_14th.pdf)

<sup>3</sup> California Department of Developmental Services, Information Technology Division. (2017, June). Fact Book Fourteenth Edition. Retrieved May 17, 2018, from [https://www.dds.ca.gov/FactsStats/docs/factBook\\_14th.pdf](https://www.dds.ca.gov/FactsStats/docs/factBook_14th.pdf)



Centers can be provided either through the vocational rehabilitation program or the Habilitation Services Program (HSP).

SE services are aimed at finding competitive work in a community integrated work setting for persons with severe disabilities who need ongoing support services to learn and perform the work. SE placements can be individual placements, or group placements (called enclaves), or work crews, such as landscaping crews. Support is usually provided by a job coach who meets regularly with the individual on the job to help him or her learn the necessary skills and behaviors to work independently. As the individual gains mastery of the job, the support services are gradually phased out. From FY15 to FY16, the California Department of Developmental Services (DDS) spent an additional \$2.5 million in Supported Employment programming. Moreover, the average monthly Regional Center clients' wages have continued to steadily increase over time.

While there is much more work to be done, the EFC remains steadfast in its commitment to support the continuation these positive trends.

Notes on Employment Data:

- 1) Working age is defined as ages 16-64.
- 2) Data sources are: The California Employment Development Department (EDD); 2015 Disability Status Report: United States. Ithaca, NY: Cornell University Employment and Disability Institute (EDI).
- 3) EDD data reflects the average monthly wages and average number of clients reported for the purpose of unemployment insurance. It excludes certain individuals such as contractors.



# POLICY CHANGES IMPACTING IMPLEMENTATION OF CIE IN CALIFORNIA

The ongoing implementation of recent policy changes at the state and federal level are hopefully driving California to realize an improved employment participation rate for people with I/DD that is similar to the employment participation rate of persons without disabilities in the near future.

- In 2013, California adopted an Employment First Policy. The policy states that regardless of severity of the disability, people with I/DD will be given the priority of CIE.
- In 2013, the Governor signed into law a Self-Determination Program (SDP). The program is to be launched in the summer of 2018. It will provide people with I/DD receiving Regional Center services the option to choose their service providers. The SDP is about people with disabilities exerting their sense of agency and power of choice in determining their services.
- In 2014, the Centers for Medicaid and Medicare Services (CMS) published a final settings rule for Home and Community Based Services (HCBS). California received initial approval for its plan in 2018. The HCBS rule states that residential and non-residential programs must provide services in the most integrated setting. The rule requires 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.
- In 2014, President Obama signed into law the Workforce Innovation and Opportunity Act (WIOA). WIOA creates a federal presumption of employability. It also focuses on ensuring youth in transition from school to employment or post-secondary education are provided services to retain a position in CIE. It also works to ensure that adults receive counseling about options to become employed in CIE. Additionally, WIOA requires that services be targeted to helping individuals to achieve CIE with wages, benefits, and promotional opportunities comparable to employees without disabilities. WIOA establishes strict requirements that must be met in order for individuals under age 25 to enter the subminimum wage employment and the career exploration services that must be provided to all workers earning subminimum wages. 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 employment.
- In 2014, President Obama signed into law the Achieving a Better Life Experience (ABLE) Act. California is in the process of launching its program, but residents of California can also enroll in other states' programs. ABLE allows people with disabilities under the age of 26 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.



- In 2017, the Department of Education (CDE), Department of Developmental Services (DDS), and Department of Rehabilitation (DOR) issued a CIE Blueprint that is providing a roadmap on how best to implement CIE across all three agencies.

The state and federal changes in policies impacting CIE are in the process of being implemented in California. Taken together, the federal and state policy environment is very promising for improving outcomes for Californians with I/DD.

## **Supporting Local Communities to Implement CIE: Understanding New Federal and State Policies**

SCDD's Central Coast Regional Office collaborated with the Regional Centers in their area to host a CIE/Employment First Conference. At the conference, presenters spoke to individuals, families, transition teachers, and staff from other day and employment programs about best practices to convert services into a CIE/Employment First Model.

SCDD's Sequoia Regional Office developed an employment collaborative/taskforce with the Regional Center and a local non-profit provider that is focusing on increasing and promoting culturally competent strategies and resources that facilitate CIE of people with I/DD within the Inland Empire.

SCDD's Orange County Regional Office is a committee member on Chapman University Thompson Policy Institute's Local Partnership Agreement (LPA). This LPA is the first approved in California! The purpose of the Orange County Local Partnership Agreement (OCLPA) is to enhance partnerships that promote preparation for and achievement of CIE for youth/adults, 14 years old and older, with disabilities as well as related "At Risk" populations including individuals with intellectual disabilities and developmental disabilities (ID/DD).

SCDD's North State Regional Office developed plain language PowerPoint presentations about WIOA and ABLE to educate people with I/DD, their families and service providers. The Office also created a plain language PowerPoint presentation on Understanding Employment First to present to the Regional Center Board and staff, self-advocates, service providers, and the community.

SCDD's San Bernardino Regional Office was recognized for its work hosting the 1st Coachella Valley Employment Summit at the Braille Institute in Rancho Mirage in collaboration with key stakeholders in the community to educate self-advocates and their families about CIE.

The San Diego People First Annual Conference included a workshop on CIE for self-advocates. The conference was collaboratively planned by a team made up of self-advocates and representatives from local service providers. The 2017 conference brought in 340 individuals to the event. The workshops that were offered focused on the conference theme "Dare to Dream". While many of the topics included employment as an example of working toward your dreams, one session specifically addressed employment. The workshop on employment was entitled "Your Right to Competitive Integrated Employment" and was given by two presenters from Disability Rights California. The presenters used a Star Wars themed galactic journey to educate the audience about their rights and the agencies and services that will help them reach their goal of CIE.





# PROGRESS IN 2017: CALIFORNIA COMPETITIVE INTEGRATED EMPLOYMENT (CIE): BLUEPRINT FOR CHANGE

One of the most promising and significant developments in California in 2017 was the California Competitive Integrated Employment (CIE): Blueprint for Change issued in May 2017 (“Blueprint”). The Blueprint is a proactive interagency plan between the CDE, DOR, and DDS to jointly identify ways to increase CIE opportunities for individuals with ID/DD over a five-year period using existing resources. Utilizing person-centered planning, the Blueprint was developed to describe innovation, what is working, and what is possible in creating an individual’s pathway to CIE.



The CIE Blueprint outlines the collaborative efforts between the three Departments on a statewide level. To follow the Blueprint progress, in July 2017, the Local Partnership Agreement (LPA) Template was released by the CDE, DOR, and DDS. A LPA will identify how local educational agencies (LEAs), DOR Districts, and Regional Centers will work together to streamline service delivery and engage their communities to help individuals retain or maintain CIE. Each LPA will be built around the core partners of one or more LEA, one or more DOR District, and one or more Regional Center, and can include any number of additional local community partners.

The LPAs will include the following:

- A plan to expand the capacity of the pathways to employment in supporting individuals to achieve CIE, including those in underserved regions and populations.
- Linkages to local and regional resources to include in conversations about transition, service delivery, and accommodations and supports (including assistive technology as appropriate).
- Coordination of mandatory services and documentation for youth and adults related to limitations on subminimum wage employment.

Each LPA will be tailored to meet the needs of the local community and represents the specific activities the core partners have agreed to implement. To date, the only LPA to be approved is the LPA for Orange County.



## Pathways to CIE

As agencies work to remove barriers to CIE, it is critical that persons with disabilities and their families are provided information to understand the different paths to CIE.

- SCDD's San Diego Imperial Office provided a training on Service Projects. National service is an excellent pathway to learn skills needed for CIE. The participants were given information on how volunteering on service projects can connect you to your community, build your resume, and develop good work skills and habits. Following the October training, the students in attendance took their new knowledge back to their advocacy groups and a few of the advocacy groups created their own service projects.
- SCDD's Central Coast Regional Office collaborated with Palo Alto Unified School District to support a volunteer Workability student. Staff from SCDD's Central Coast Regional Office have met with the students, and the students have gone on to Project Search Internships at Stanford Hospital. One of the former students was hired on to work for the hospital!
- SCDD's North State Regional Office developed the Butte-Glenn Disability Resource Network in collaboration with community providers to promote meaningful transition from school to work. A college student who receives services designed the logo for the Network for work experience and was inspired to pursue employment in graphic design



# EFC PRIORITIES IN 2017

The EFC adopted the goals and objectives of the California Employment Consortium for Youth and Young Adults with Intellectual and Developmental Disabilities (CECY). This is a project of national significance funded by the Administration on Intellectual and Developmental Disabilities and awarded to the Tarjan Center at UCLA: This project puts forth recommendations to improve employment for people with I/DD. The CECY goals and objectives are not something that the EFC can achieve alone, but rather the CECY goals and objectives serve as a way to prioritize what needs to happen across systems for Employment First to be fully implemented and achieved systemically.

CECY was a time-limited collaboration of 45 representatives of 25 state agencies, associations, organizations, as well as 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.

In 2016, the EFC adopted the following three priorities for its work in 2016-2017:

## **Passage of Data-Sharing Legislation**

DDS data was limited. The department did not have access to employment outcomes by geography, type of disability, ethnicity, race, age or other demographic factors. 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. In 2017, Governor Brown signed AB 1696 (Insurance Omnibus: Developmental Services). Included in AB 1696 was SB 433 (Mendoza) which SCDD sponsored. SB 433 required the Employment Development Department to share data with the DDS regarding the wages of persons with I/DD accessing CIE. This bill is needed to examine trends based on geography, disability type, severity of disability, ethnicity, or age. The data sharing legislation is currently being implemented, and the EFC will provide input into the process of implementation as it moves forward in 2018.

## **Inform and Train Individuals with I/DD and their Families on the Employment First Policy**

Individuals with I/DD and their families need information as soon as possible 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 retain or maintain CIE. Having the knowledge about the possibilities for CIE will lead to people asking for the necessary service and supports to get to CIE. SCDD tasked its staff in its Regional Offices this past year to educate and train people in the local communities about the Employment First Policy. Furthermore, SCDD can 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. With passage of the data sharing legislation in 2017, SCDD in 2018 will continue to examine options for expanding the Data Dashboard. SCDD's Regional Offices will also continue to take a lead role in educating persons with I/DD, their families, service providers, and other stakeholders about the Employment First Policy and opportunities for CIE.



## Convene and Organize a Stakeholder Process on Measurements and Goals

It was agreed by the EFC in 2017 that once the data sharing legislation was signed into law, there needed to be a stakeholder process for deciding: (1) The most important measures of employment; (2) determining goals for improvement within 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. Since the data legislation was signed in 2018, the EFC continues to work to identify how best to analyze the data once it is transmitted from EDD to DDS for analysis.

CECY's full list of goals and priorities for 2018 and future years include:

<b>EFC Goals and Priorities</b>	
<b>Activity Number</b>	<b>Priority</b>
<b>Goal 1: Improve Data on CIE</b>	
<b>1</b>	Establish goals, benchmarks, and measurable outcomes for the implementation of the Employment First Policy
<b>2</b>	Pass Data sharing legislation
<b>3</b>	Convene and organize a stakeholder process on measurements and goals
<b>Goal 2: Create Financial Incentives for CIE</b>	
<b>4</b>	Align and incentivize funding for CIE
<b>5</b>	Incentivize CIE by increasing the rate for Individual Placement in Supported Employment Programs (SEP)
<b>Goal 3: Transition from Segregated Programs to CIE</b>	
<b>6</b>	Phase out sheltered work and subminimum wage
<b>7</b>	DDS should commit to stop new placements of individuals with I/DD in sheltered work
<b>8</b>	Establish bridge funding for sheltered work facilities to transition to CIE



9	Repeal trailer bill language prohibiting Regional Center day services for students 18-22 years old
10	Address barrier in the trailer bill language prohibiting Regional Center day services for students 16-22 to access work experience and/or internship services.
<b>Goal 4: Support Families and Individuals with I/DD to Better Understand CIE</b>	
11	Raise and align expectations toward CIE
12	Inform and train individuals with I/DD and their families in the Employment First Policy
13	Develop model training curriculum for special education students that includes Employment First
<b>Goal 5: Improve Benefits Planning</b>	
14	Improve availability of benefits planning information
15	Develop a tool on benefits planning resources (Accomplished)
<b>Goal 6: Assure Qualified Employment Related Services for Persons with I/DD and Families</b>	
16	Increase qualified providers for career pathways
17	Create pipelines for developing professionals
18	Created pathways for career advancement
19	Integrate CIE Priority with broader workforce system
<b>Goal 7: Evaluation of Employment First Policy</b>	
20	Fund an evaluation of implementation



# NEXT STEPS FOR EMPLOYMENT FIRST IN CALIFORNIA



Much of California's efforts to increase CIE in the coming years will result from implementation of the Blueprint. Aside from the Blueprint, the EFC provides a forum for a unique group of state agencies and organizations to explore other mechanisms that can be used to guide the system into fully supporting CIE. This includes making extensive policy recommendations and working to move them to implementation. The EFC can play an advisory role in the implementation 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.

The EFC's ongoing work will include serving as a forum for stakeholders, SCDD 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.

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.

Furthermore, more work needs to be done to ensure that employment services are truly person-centered. Far too often, day and employment programs are not trained to identify or to carve out jobs within the community that better match an individual's interests and skills. Many providers indicate that numerous day and segregated employment programs are moving from center-based to community integrated models. However, there remains many other providers that, due to their clientele and program structure, are less prepared to become fully integrated and provide opportunities for CIE.

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 years ahead.



# APPENDIX 1: EFC COMMITTEE MEMBERSHIP FOR 2017

- Jenny Yang, Chairperson, Self-Advocate at Large
- Shari Presnall, California Department of Education (CDE)
- Denyse Curtright, Department of Developmental Services (DDS)
- Elena Gomez, Department of Rehabilitation (DOR)
- 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 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 Section 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: DEFINITION: DEVELOPMENTAL DISABILITY

## CAL. WIC § 4512(a)

“Developmental disability” means 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 that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other handicapping conditions that are solely physical in nature.

## 42 USC 15002 § 102 (8)(A) x 2000

(8) DEVELOPMENTAL DISABILITY.— (A) IN GENERAL.—The term “developmental disability” means a severe, chronic disability of an individual that—

(i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) is manifested before the individual attains age 22;

(iii) is likely to continue indefinitely;

(iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:

(I) Self-care.

(II) Receptive and expressive language.

(III) Learning.

(IV) Mobility.

(V) Self-direction.

(VI) Capacity for independent living.

(VII) Economic self-sufficiency; and

(v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

