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PARTICIPANT CODE: 861-0332

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
EMPLOYMENT FIRST COMMITTEE MEETING
POSTED AT: www.scdd.ca.gov

DATE: April 18, 2019
TIME: 10:00 AM – 3:00 PM

MEETING LOCATION: SCDD HQ OFFICE
3831 North Freeway Blvd., Suite 125
Sacramento, CA 95834

COMMITTEE CHAIR: Wesley Witherspoon

Item 1. CALL TO ORDER

Item 2. ESTABLISH QUORUM

Item 3. WELCOME AND INTRODUCTIONS

Item 4. PUBLIC COMMENTS
This item is for members of the public only to provide comments and/or present information to the Committee on matters not on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be read.

Item 5. APPROVAL OF FEBRUARY 2019 MINUTES
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<td>b. Other Legislation: AB 365 and AB 641</td>
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**Accessibility:**
Pursuant to Government Code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact (916) 263-7919. Requests must be received by 5 business days prior to the meeting.

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

*All times indicated and the order of business are approximate and subject to change.*

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1 A call-in phone line will be available so that members of the public can call in and listen to this meeting, provided there are no unforeseen technical difficulties or other limitations. The meeting will not be cancelled if the call-in phone line is not available. If you wish to participate or to have a guaranteed opportunity to observe and participate, please plan to attend at a physical location.
AGENDA ITEM 5.
ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Approval of February 2019 Minutes

Action Recommended
Approve the February 2019 minutes.

Attachment(s)
February 2019 Minutes
DRAFT
Employment First Committee
Meeting Minutes
February 5, 2019

Attending Members
Michael Clay (DDS)
Wesley Witherspoon (SA)
Olivia Raynor (UCLA)
Steve Ruder (UCD)
Barbara Boyd (CDE)
Sarah Issacs (DRC)
Cindy Chiu (DOR)
Lauren Schenker (USC)

Members Absent
None

Others Attending
Aaron Carruthers
Ben Lewis
Cindy Smith
Debbie Ball
Janelle Lewis

Members Absent
None

Others Attending
Maria Aliferis-Gjerde
Mary Ellen Stives
Michael McNulty
Nathan Semino
Robin Maitino
Scott Yates
Sheraden Nicholau
Sonya Bingaman

1. CALL TO ORDER
Chairperson Wesley Witherspoon (SA) called the meeting to order at 10:36 AM.

2. ESTABLISH QUORUM
A quorum was established.

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

4. PUBLIC COMMENTS
Executive Director Aaron Carruthers notified members that Nathan Semino's paid internship was ending and thanked him for his service. Executive Director Carruthers went on to give Mr. Semino a raving recommendation and challenged members of the Committee to keep him in mind when vacancies arose.

Deputy Director Cindy Smith provided public comment stating that she had recently met with Assemblyman Frazier's office to discuss potential legislative collaborations for SCDD in 2019 related to possible employment related bills.

Legend:
SA = Self-Advocate
FA = Family Advocate
5. APPROVAL OF THE OCTOBER 2018 MEETING MINUTES
   It was moved/seconded (Clay/Issacs) and carried to approve the October 2018 meeting minutes as amended. (Chiu: Abstain)

   Amendment(s)
   Add Mary Ellen Stives and Sheraden Nicholau as present.

6. FEDERAL LEGISLATIVE AND REGULATORY UPDATE
   Deputy Director Cindy Smith provided members with updates on HCBS, employment, and education policies impacting CIE.

7. UPDATE AND DISCUSSION ON DATA SHARING LEGISLATION IMPLEMENTATION
   Committee member Michael Clay provided a brief update on the status of the next steps on data sharing implementation stating that the first transmission was submitted a few days ago. Deputy Director Smith inquired when an update would be available and Committee member Clay stated that he would have an update in April.

8. CUSTOMIZED EMPLOYMENT APPLICATION AND VALIDATION PROJECT OUTCOME PRESENTATION
   Debbie Ball from Easterseals presented the grant outcomes to members on the 2017 grant that was awarded to Easterseals to conduct the nation’s first field test of the DFS which is designed to validate that when discovery is provided with fidelity, people with I/DD achieve better employment outcomes.

   Grant outcomes achieved include, increased collaboration in Southern California between the Department of Rehabilitation, Regional Centers, and local providers in Southern California which led to the development of a Community of Practice. In addition, the Department of Rehabilitation is utilizing the DFS tool to assess discovery conducted as part of the Easterseals Southern California pilot and there is recognition around the nation for the ground-breaking field testing and evidence based research.

9. CALIFORNIA COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES (CCEPD)
   Executive Officer Maria Aliferis-Gjerde provided members with an overview of CCEPD’s priorities and mission stating that this advisory committee is
within the Department of Rehabilitation and is charged with advancing employment for people with disabilities by making policy recommendations to the Secretary of the Labor and Workforce Development Agency and the Secretary of the California Health and Human Services Agency. Ms. Alifeis-Gjerde is interested in future collaborations with the Committee to advance efforts in CIE.

10. UPDATE ON CIE BLUEPRINT IMPLEMENTATION
Committee members Michael Clay, Barbara Boyd and Cindy Chiu provided updates on the CIE Blueprint Implementation stating that 15 of the 21 Local Partnership Agreements (LPA) have been posted and that Orange County’s was the first and most detailed.

11. FOLLOW-UP TO OCTOBER 9TH AND FEBRUARY 5TH PRESENTATIONS
Committee members discussed ways that today’s CCEPD and Easterseals presentations as well as the October 9, 2018, Workforce Development Board (WDB) presentation could be used to establish future goals. Although no goals or next steps were identified, members agreed that to make CIE possible, it is essential to engage businesses more effectively.

12. 2018 EMPLOYMENT FIRST REPORT FOCUS AND TIMELINE
Members discussed possible theme/focus areas for the 2018 report. The consensus was that members would like to see the report feature success stories, be data driven, have a section on legislative policy changes, as well as list barriers and have measured outcomes. Deputy Director Smith will draft the report based on the Committee’s suggestions and bring the draft language to them to review at the April meeting.

13. FUTURE MEETING DATES
Remaining meeting dates for 2018 are August 15th and October 10th.

14. ADJOURNMENT
Meeting at adjourned at 3:20 PM.
AGENDA ITEM 6.
INFORMATIONAL ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Federal Legislative and Regulatory Updates

Cindy Smith will provide an oral update on the latest federal legislative and regulatory issues.

Attachment(s)
None – could be handout(s) day of meeting.
AGENDA ITEM 7.
INFORMATIONAL ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Update and Discussion on Data Sharing Legislation Implementation

Michael Clay will provide an oral update on the status of the Data Sharing Contract with EDD as well any data received.

Attachment(s)
None
April 18, 2019

AGENDA ITEM 8.
INFORMATIONAL ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

*Updates on State Legislation*

Members will be given updates on SCDD Sponsored Legislation as well as other employment related legislation introduced this session.

*Attachment(s)*
Legislative Chart

*Handout(s)*
Bill Text
<table>
<thead>
<tr>
<th>Bill Numbers</th>
<th>Author</th>
<th>Bill Summary</th>
<th>State Plan Goal</th>
<th>Status</th>
<th>SCDD Position</th>
<th>Notes</th>
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<tr>
<td>AB 1019</td>
<td>Frazier (D)</td>
<td>Current law establishes the Interagency Advisory Committee on Apprenticeship (committee) within the Division of Apprenticeship Standards within the Department of Industrial Relations, and requires that committee to provide advice and guidance to the Administrator of Apprenticeship and the Chief of the Division of Apprenticeship Standards on apprenticeship programs, standards, and agreements, as well as pre-apprenticeship, certification, and on-the-job training and retraining programs, in nonbuilding trades industries. This bill would add to the ex officio members of the committee the Director of Rehabilitation and the chair of the State Council on Developmental Disabilities. The bill would require the committee to create a subcommittee to address apprenticeship for the developmentally disabled community.</td>
<td>Employment</td>
<td>3/25/19 Re-referred to Com. on REV. &amp; TAX.</td>
<td>SCDD Sponsored</td>
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<td>AB 1169</td>
<td>Frazier (D)</td>
<td>Current law establishes the Employment First Policy, which is the policy that opportunities for integrated, competitive employment be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. Current law authorizes a consumer to choose a tailored day service or vouchered community-based training service, in lieu of any other regional center vendor day program, look-alike day program, supported employment program, or work activity program. This bill would authorize a consumer in a supported employment program or work activity program who has the stated goal of integrated competitive employment in their IPP to request to use tailored day services in conjunction with their existing program to achieve that goal, if specified criteria are met, including that the type, amount, and provider of tailored day service allowed under these provisions is determined through the IPP process. The bill would specify the maximum hours of tailored day services that may be authorized in conjunction with existing services under these provisions.</td>
<td>Employment</td>
<td>3/25/19 Re-referred to Com. on REV. &amp; TAX.</td>
<td>SCDD Sponsored</td>
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<td>AB 365</td>
<td>Garcia, Cristina (D)</td>
<td>Under current state civil service law, the Department of Human Resources administers the Limited Examination and Appointment Program (LEAP) to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Until January 1, 2021, the program includes persons with a developmental disability, as defined. Current law, until January 1, 2021, specifies that LEAP is a voluntary, additional method of applying for state employment and is not a mandate on any state agency employer or job applicant, except as specified. Current law also, until January 1, 2021, requires the department to develop and create an internship program, in coordination with specified state entities, and establish several related requirements to that effect. This bill would extend all of the above described LEAP program provisions indefinitely.</td>
<td>Employment</td>
<td>4/3/19 From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 3). Re-referred to Com. on APPR.</td>
<td>Council Supported March 2019</td>
<td>DRC Sponsored. Working on amendments with them.</td>
</tr>
<tr>
<td>AB 641</td>
<td>Frazier (D)</td>
<td>Current law establishes the Employment First Policy, which is the policy that opportunities for integrated, competitive employment be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. Current law authorizes a consumer to choose a tailored day service or vouchedered community-based training service, in lieu of any other regional center vendored day program, look-alike day program, supported employment program, or work activity program. This bill would authorize a consumer in a supported employment program or work activity program who has the stated goal of integrated competitive employment in their IPP to request to use tailored day services in conjunction with their existing program to achieve that goal, if specified criteria are met, including that the type, amount, and provider of tailored day service allowed under these provisions is determined through the IPP process. The bill would specify the maximum hours of tailored day services that may be authorized in conjunction with existing services under these provisions.</td>
<td>Employment</td>
<td>3/25/19 Re-referred to Com. on HUM. S. 4/23/19 A-HUMAN SERVICES 1:30 p.m. - State Capitol, Room 444 REYES, Chair</td>
<td>Watch</td>
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April 18, 2019

AGENDA ITEM 9.
ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Review Draft 2018 EFC Report

Pursuant to California Welfare and Institutions Code Section 4868 (e), the Employment First Committee shall produce an annual report to the Legislature describing its work and recommendations.

The Committee will review and approval the content of the draft 2018 EFC report.

Action Recommended
Approve the draft language of the 2018 EFC Report.

Attachments
Draft EFC Report

Handout(s)
None
Introduction

In 2013, the State of California adopted an Employment First Policy that makes it the highest priority to ensure that California provides opportunities for Competitive Integrated Employment (CIE) for all people with developmental disabilities. CIE has been described as "Real Work for Real Pay in the Real World." People without disabilities in the workforce are, as a default, presumed to be employed in CIE. CIE means working for pay, at minimum wage or above, in the community with people with and without disabilities. CIE is employment that can be part-time or full-time, but must have the same level of benefits and opportunities for advancement as other employees.

People with developmental disabilities, their families, service providers, and other stakeholders should expect people with developmental disabilities to be employed in CIE. The results of this expectation are just beginning to be seen from recent federal and state policy changes in the last few years. For any Californian, a real job for real pay in the community facilitates social and economic empowerment. It is critical to recognize that many people with disabilities also want careers with potential for promotion and growth, not just jobs.

Frequently people with disabilities are still provided employment services and supports that place them in 'jobs' that are segregated programs specifically designed for people with disabilities. In addition, the Fair Labor Standards Act of 1938 also allows people with disabilities to be frequently paid sub-minimum wages.

In 2018, California continues to see minimal growth in the employment rate for persons with developmental disabilities despite continued economic growth since the recession. 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 implement 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 must be addressed.

The State Council on Developmental Disabilities (SCDD or the Council) Employment First Committee (EFC) identifies best practices and recommends legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in CIE, self-employment, and microenterprises. The SCDD EFC respectfully submits the 2018 report.

Employment Data Trends

California has seen minimal growth in the employment rate for persons with disabilities despite continued economic growth since the recession. People with disabilities are much more likely to be unemployed or under-employed than people without disabilities. The American Community Survey reports that in 2017, the employment rate of working-age people (ages 21 to 64) with disabilities in California was 36.8 percent compared to 77.3 percent of working-aged people without disabilities, a gap of 40.5 percent. The Department of Developmental Services reports that 14.2 percent of people with developmental disabilities who are receiving services through the regional center are working (based on data from the Employment Development Uninsurance reporting in 2016). Also in 2017, 23.1 percent of
working age people with disabilities are living in poverty in California. Furthermore, in CA in 2017, the percentage of working-age people with disabilities who were not working but actively looking for work was 8.0 percent compared to 18.0 percent of working age people without disabilities, a gap of 10 percent.

Supported Employment (SE) services through the Department of Rehabilitation (DOR) and Regional 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 for persons with significant disabilities who need ongoing support services to learn and perform the job. SE placements can be individual placements (5,064 in 2016-2017), or group placements (known as enclaves or work crews (ex: landscaping or janitorial crews)) (5,839 in 2016-17). 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. Work Activity programs employee 7,838 in 2016-17.

While the overall employment rate for people with developmental disabilities 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 and the amount of Supported Employment Program expenditures. From FY16 to FY17, the California Department of Developmental Services spent an additional $X million in SE services. Moreover, the average monthly Regional Center clients’ wages have continued to steadily increase over time, and in 2017 was at $725 (based on data from the Employment Development Uninsurance reporting in 2016). While there is much more work to be done, the EFC remains steadfast in its commitment to support these trends.

**Policy Changes Impacting Implementation of CIE in California**

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

- In 2013, Governor Brown signed into law the bill adopting an Employment First Policy in the State of California. The policy states that regardless of severity of the disability, people with developmental disabilities will be given the priority of CIE.

- In 2013, Governor Brown signed into law a bill that created the Self-Determination Program (SDP). The SDP launched in the fall of 2018, and is currently in the first year of a three-year phase process for 2500 people with developmental disabilities. Once the phase in process ends, the SDP will be open to anyone receiving Regional Center services that wish to participate. SDP will provide people with developmental disabilities 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, and is working towards final approval. 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 in CIE. WIOA also focuses on ensuring youth in transition from school to employment or post-secondary education are provided services to obtain or retain a position in CIE. WIOA 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 for individuals under age 25 before they can enter subminimum wage employment using funding provided to DOR. Career exploration services must be provided to all employees earning subminimum wage. Frequently, individuals with developmental disabilities often rely on services provided by DOR for initial job matching and support and then 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 launched its program in 2018. ABLE allows people with disabilities under the age of 26 and their families to set up a special savings account to pay for disability-related expenses. The funds in an ABLE account are not be taxed and account funds are not generally considered for the Supplemental Security Income (SSI) program, Medicaid, and other federal means-tested benefits. ABLE provides a incentive for people with developmental disabilities to become employed because it allows an individual up to certain limits to earn competitive wages without impacting their federal means-tested benefits.

• In 2017, the Department of Education (CDE), Department of Developmental Services (DDS), and Department of Rehabilitation (DOR) issued the California Competitive Integrated Employment (CIE) Blueprint for Change (Blueprint). The Blueprint is providing a roadmap on how best to implement CIE across all three agencies. The Blueprint is now in its third year of implementation.

Taken together, the federal and state policy changes are very promising for improving outcomes for Californians with developmental disabilities.
Progress in 2018: California Competitive Integrated Employment (CIE): Blueprint for Change

The Blueprint is a proactive interagency plan between CDE, DOR, and DDS to jointly identify ways to increase CIE opportunities for individuals with developmental disabilities 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 Blueprint is being used by the EFC to serve as a platform for policy and programmatic recommendations, training and outreach to employers and other community stakeholders.

The Blueprint outlines the collaborative efforts between the three departments on a statewide level. As a guide to help in the establishment of local level collaboration and linkages, in July 2017, the Local Partnership Agreement (LPA) Template was released by the CDE, DOR, and DDS. An LPA identifies how local educational agencies (LEAs), DOR Districts, and Regional Centers will work together to streamline service delivery and engage their communities to increase opportunities for individuals with developmental disabilities to achieve CIE. Each LPA is built around the 3 core partners (LEAs, DOR, and Regional Centers) and can include any other local community stakeholders to jointly support individuals with developmental disabilities to achieve CIE.

An LPA includes 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 is tailored to determine what strategies will work best for the local community and represents the specific activities the core partners have agreed to implement. As of March 30, 2019, there are 15 LPAs posted on the California Health and Human Services Agency (CHHSA) LPA website.

In April 2019, the first CIE Annual Report was made available on the CHHSA webpage at https://www.chhs.ca.gov/home/cie/. The Annual Report demonstrates the accomplishments of the first full implementation year of the Blueprint. It highlights state and local collaborative efforts and pathways to CIE that are making a difference in the lives of individuals with developmental disabilities and their families. Each subsequent year during the five-year implementation effort, the Annual Report will build upon the successes of the previous year and demonstrate the achievements and potential barriers for individuals seeking CIE.
SCDD's Regional Offices Work to Implement the Employment First Policy

The Council has 12 Regional Offices throughout California that engage in information dissemination, advocacy, capacity building, training and systems change activities in their regions. In Fiscal Year 2018, SCDD engaged in more than 150 trainings and activities across California, designed to promote CIE which reached more than 5,200 employers, providers, and stakeholders. Some examples from 2018 of their activities to assist implement in local communities include:

- SCDD's North Coast Regional Office co-hosted "Planning for Your Future," an event promoting CIE and geared to transition-aged youth and families. Presentations and information about CIE opportunities and Paid Internship Programs were provided.

- SCDD's Sacramento Regional Office reached more than 140,000 people by forming a collaborative of 25 community agencies to sponsor a publication (Meet Me) that was distributed through the Sacramento region's local newspapers. The purpose of the publication was to inform the community about people with developmental disabilities and the need for inclusive schools, work, and local communities. Stories of people obtaining CIE and earning minimum (or above) wages were highlighted, demonstrating the importance of CIE in achieving independence.

- SCDD's San Diego-Imperial Regional Office took part in the 19th Annual "Jobtoberfest," an event held at Balboa Park. Employers were recruited and came prepared to discuss potential jobs and how to apply with jobseekers. Jobseekers numbered about 1,200. The timing of this event coincided with the annual meeting of 56 Council Executive Directors from across the country that hosted by SCDD in San Diego in October in 2018. Also, in attendance was Julie Hocker, ACL's Commissioner for the Administration on Intellectual and Developmental Disabilities in the Administration on Community Living in the U.S. Department of Health and Human Services. Commissioner Hocker met with some of California's most prominent disability advocates and leaders to talk about the challenges and opportunities encountered by people with disabilities who want to find or retain employment.

- SCDD's San Bernardino and Orange County Regional Offices co-sponsored "Life After High School," an event that focused on the skills transition-aged students need for job success, supports available to gain meaningful employment, assistance for professionals and families to prepare students with disabilities for success in the real world, and supported decision-making.

- SCDD's Los Angeles Regional Office provided training on the ABLE Act in both English and Spanish. Providing information about how people with disabilities can earn and save money without impacting public benefits presents CIE as a valuable option.

- SCDD's Central Coast Regional Office met with Goodwill Industries of Santa Clara to discuss collaborating to promote Goodwill's Expandability program. This program assists men and women with autism to find high level tech jobs in the industry and is funded by the DOR and Employment First monies from the San Andreas Regional Center.

- SCDD's Bay Area Regional Office partnered with IBM and the Job Accommodation Network (JAN) to host the JAN Academy: Normalizing Workplace Accommodation through Tools, Technologies and Technologies. Attendees went through a multi-section training and heard keynotes by Assemblymember Bonta and DOR Director Joe Xavier.
• SCDD's North Valley Hills Regional Office (NVHRO) hosted two students in the region's workability program. The students will work with NVHRO one day a week throughout the school year on various administrative projects to increase the skills and experience necessary gain employment. Multiple SCDD Regional Offices and Headquarters participated in paid internship programs including SCDD's North Coast and Orange County Regional Offices.

• SCDD's North State Regional Office (NCRO) continues to coordinate ongoing education opportunities related to CIE, WIOA, the Blueprint, and LPAs for the Butte-Glenn Disability Resource Network. A network which NCRO developed to promote meaningful transition from school to work for students with developmental disabilities.

• SCDD's Orange County Regional Office is a lead partner working on the CIE Blueprint LPA. This collaborative effort produced training events in both Spanish and English.

In addition, SCDD provided new or continuing funding to two grantees to work on employment related projects in Federal Fiscal Year 2018 including:

Easterseals Southern California

SCDD awarded a one-year grant to Easterseals Southern California to 1) provide comprehensive training on customized employment and 2) validate the use of the Discovery Fidelity Scale (DFS). The Easterseals project was an exceptionally successful grant-supported project of the Council. This project validated the Discovery model, a system for assessing employment preferences and skills, training professionals to administer it effectively in field-based settings, and matching candidates with customized employment opportunities.

Discovery is described as the “process of assisting someone to find better employment by learning his or her activities, tasks performed, interests, conditions of employment, skills, personal attributes and support needs. Discovery is an alternative to traditional employment assessments and evaluations. By design and purpose, persons with disabilities cannot fail Discovery” (Hall, S. R., Ph.D., Keeton, B., Cassidy, P., Iovannone, R., Ph.D., & Griffin, C. (2016). Discovery Fidelity Scale. The Center for Social Capital, Inc.: Griffin Hammis Associates. Revised Nov. 2017. www.cbtac.org.)

Hope Services

Hope Services’ Project SEARCH is an ongoing project that (with collaborators, such as Kaiser Permanente) provides unique, business-led, one-year-long school-to-work programs that take place entirely at the workplace. The goal of all Project SEARCH interns is to obtain part-time to full-time employment.

Employer Spotlights (we are still in the process of working with SMUD and Templeton)
Legislative Efforts in Employment for 2018

In 2018, the Council sponsored two bills to eliminate barriers to CIE and to get more nuanced data to better understand the service delivery system. The two pieces of legislation were AB 2171 and SB 1274.

AB 2171 (‘One Person, One Goal’) was authored by Assemblymember Jim Frazier and introduced on February 12, 2018. AB 2171 would have built upon the Blueprint and California’s progress in increasing opportunities for individuals with developmental disabilities to prepare for, obtain or retain CIE. AB 2171 would have advanced coordination efforts between CDE, DOR and DDS, so one person would experience the system working in unison toward the one goal of CIE in regards to data sharing and service delivery planning. Unfortunately, the bill died on the Senate Floor on August 31, 2018. The Council continues to work for the intention of ‘One Person, One Goal’ through EFC and with other stakeholders, so Californians with developmental disabilities experience a coordinated service delivery system.

SB 1274 was authored by Senator Mike McGuire and introduced on February 16, 2018. This bill was signed into law by Governor Brown on September 17, 2018.

SB 1274 builds on a prior data sharing bill sponsored by the Council in 2017. In 2017, Governor Brown signed AB 1696 which included SB 433 (Mendoza). SB 433 required the Employment Development Department to share data with the DDS regarding the wages of persons with developmental disabilities in CIE. The bill was needed to examine trends based on geography, disability type, severity of disability, ethnicity, or age. SB 1274, goes a step further than SB 433, and authorized data sharing between the Department of Social Services (DSS) and the DDS to further the understanding how public benefits are impacted when a person with a developmental disabilities in employed in CIE. DDS will share eligibility and enrollment data for the CalWORKS and CalFresh programs with DDS to gain a better understanding of the impact of the Employment First Policy on the utilization of public benefits. Both bills are currently in the process of being implemented by DDS.

Legislative Efforts in Employment for 2019

In 2019, the Council is sponsoring two bills focused on improving employment outcomes for individuals with disabilities seeking CIE. Assemblymember Jim Frazier is the author of both bills, AB 1019 and AB 1169.

AB 1019 will amend the California Labor Code to expand membership of the Division of Apprenticeship Standards’ Interagency Advisory Committee on Apprenticeship (IACA) to include the Director of the California Department of Rehabilitation and the Executive Director of the Council. The IACA was created by AB 235 which was chaptered on September 22, 2018. AB 1019 will also mandate the creation of a subcommittee to address enhancing opportunities for apprenticeships for people with disabilities. AB 1019 will provide the perspective of persons with disabilities on the IACA and help create apprenticeship opportunities. Ensuring that disability representatives are present on the IACA will provide opportunities to advocate for the creation or tailoring of apprenticeship programs for persons with disabilities.
AB 1169 will amend the Tax Code to create an additional tax credit, modeled on the federal Work Opportunity Tax Credit, up to $6,000 for businesses in California who hire qualified individuals with disabilities. This new state tax credit would increase the incentive to businesses in California who employ people with disabilities who are recipients of Supplemental Security Income, Social Security Disability Insurance or are referrals from DOR. The credit would be against the net tax paid by an employer in California. The credit would be for 40 percent of the qualified wages, up to $6,000 per employee during the first year of employment.

**Progress on EFC’s Prior Priorities**

**Passage of Data-Sharing Legislation**

As discussed above in the Legislative section, the needed data sharing legislation has been signed into law, and is now being implemented by DDS, but progress was slow for EDD and DSS to transmit data to DDS.

**Inform and Train Individuals with Developmental Disabilities and their Families on the Employment First Policy**

Individuals with developmental disabilities and their families need information about the Employment First Policy, the opportunities for CIE for all individuals, and the services and supports that can help individuals and their families retain or maintain CIE. All of the organizations and departments represented on the EFC have worked to disseminate information to stakeholders. SCDD’s Regional Offices will also continue to take a lead role in educating persons with developmental disabilities, 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. Given the delays in data sharing from EDD to DDS, and the new data from DSS, a workgroup still needs to be convened to discuss measurements and goals.

**EFC’s Priorities in 2019-2020**

The EFC adopted the goals and objectives of the California Employment Consortium for Youth and Young Adults with Intellectual and Developmental Disabilities (CECY). This was a project of national significance funded by the Administration on Intellectual and Developmental Disabilities and awarded to the Tarjan Center at UCLA. 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 developmental disabilities in CIE.
The CECY goals and objectives cannot be achieved by EFC alone, but rather the CECY goals and objectives serve as a mechanism to benchmark progress, and to prioritize what still needs to happen across systems for Employment First to be fully implemented and systemically achieved.

In August 2018, the EFC completed a strategic planning process for its priorities for 2019-2020. The priorities are included in the SCDD work plan for 2019, and they include

- increasing CIE vendor capacity and business models;
- convening individual and family advocates for discussions on how to carry out CIE; and
- requiring LPA’s to better disseminate information on stakeholder collaboration.

CECY’s full list of goals and priorities include:

<table>
<thead>
<tr>
<th>Activity Number</th>
<th>Priority</th>
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<tbody>
<tr>
<td>1</td>
<td>Establish goals, benchmarks, and measurable outcomes for the implementation of the Employment First Policy</td>
</tr>
<tr>
<td>2</td>
<td>Pass Data sharing legislation</td>
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<tr>
<td>3</td>
<td>Convene and organize a stakeholder process on measurements and goals</td>
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<td>4</td>
<td>Align and incentivize funding for CIE</td>
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<td>5</td>
<td>Incentivize CIE by increasing the rate for Individual Placement in Supported Employment Programs (SEP)</td>
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<tr>
<td>6</td>
<td>Phase out sheltered work and subminimum wage</td>
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<td>7</td>
<td>DDS should commit to stop new placements of individuals with I/DD in sheltered work</td>
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<tr>
<td>8</td>
<td>Establish bridge funding for sheltered work facilities to transition to CIE</td>
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<tr>
<td>9</td>
<td>Repeal trailer bill language prohibiting Regional Center day services for students 18-22 years old</td>
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<tr>
<td>10</td>
<td>Address barrier in the trailer bill language prohibiting Regional Center day services for students 16-22 years old to access work experience and/or internship services</td>
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<tr>
<td><strong>Goal 4: Support Families and Individuals with I/DD to Better Understand CIE</strong></td>
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<tr>
<td>11</td>
<td>Raise and align expectations toward CIE</td>
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<td>12</td>
<td>Inform and train individuals with I/DD and their families in the Employment First Policy</td>
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<tr>
<td>13</td>
<td>Develop model training curriculum for special education students that includes Employment First</td>
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<tr>
<td><strong>Goal 5: Improve Benefits Planning</strong></td>
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<tr>
<td>14</td>
<td>Improve availability of benefits planning information</td>
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<tr>
<td>15</td>
<td>Develop a tool on benefits planning resources (Accomplished)</td>
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<tr>
<td><strong>Goal 6: Assure Qualified Employment Related Services for Persons with I/DD and Families</strong></td>
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<tr>
<td>16</td>
<td>Increase qualified providers for career pathways</td>
</tr>
<tr>
<td>17</td>
<td>Create pipelines for developing professionals</td>
</tr>
<tr>
<td>18</td>
<td>Create pathways for career advancement</td>
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<tr>
<td>19</td>
<td>Integrate CIE priority with broader workforce system</td>
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<tr>
<td><strong>Goal 7: Evaluation of Employment First Policy</strong></td>
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<tr>
<td>20</td>
<td>Fund an evaluation of implementation</td>
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**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, and to advocate for change. 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.

The statutory requirements for the report state it is supposed to describe the work of EFC and provide recommendations to the Governor and Legislature. What other recommendations does Committee want to include in the report?

APPENDIX 1: EFC MEMBERSHIP FOR 2018

Wesley Witherspoon, Chairperson, Self-Advocate at-large (Served: May 2018 to Present)

Jenny Yang, Chairperson, Self-Advocate at-large (Served: January 2018 to May 2018)

Michael Clay, Department of Developmental Services (DDS) (Served: January 2018 to Present)

Elena Gomez, Department of Rehabilitation (DOR) (Served: January 2018 to May 2018)

Cindy Chiu, DOR (Served: June 2018 to Present)

Barbara Boyd, California Department of Education (CDE) (Served: June 2018 to Present)

Sarah Isaacs, Disability Rights California (DRC) (Served: January 2018 to Present)

Olivia Raynor, University Centers for Excellence in Developmental Disabilities (UCEDD), Tarjan Center at University of California, Los Angeles (Served: January 2018 to Present)
APPENDIX 2: RESPONSIBILITIES OF THE EMPLOYMENT FIRST COMMITTEE (Plain Language Version)

The Lanterman Act tells the State Council on Developmental Disabilities 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 in the general 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 state government departments will 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 EFC. The Council approves the report.

APPENDIX 3: STATUTORY RESPONSIBILITIES OF THE EMPLOYMENT FIRST COMMITTEE (CAL. WIC § 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).

APPENDIX 4: DEFINITION: DEVELOPMENTAL DISABILITY

State Definition (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.

Federal Definition (42 U.S.C. §15002)

(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.
AGENDA ITEM 10.
ACTION ITEM
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Expanding EFC Membership

The Committee will discuss possible collaborations to help reach goals that would improve and/or remove barriers to competitive, integrated employment.

Attachment(s)
Detail Sheet
ISSUE: Expansion of the Employment First Committee

BACKGROUND: Due to a funding shortfall, in 2016 the Council acted to limit the Employment First Committee to statutorily-required members (state and federal partners plus a self-advocate). This reduced membership from 24 to 8, saving the Council $12,000. In Federal Fiscal Year (FFY) 2018, the federal funding for Councils nationwide was increased by $3 million. This funding increase resulted in California receiving additional funds which closed SCDD's funding gap.

On February 12, 2019, the Executive Committee acted to recommend rescinding the limit of the Employment First Committee to only statutorily required members and on March 12, 2019, the Council adopted the Executive Committee's recommendation.

ANALYSIS/DISCUSSION: Expanding the Committee to include collaborators that would improve and/or remove barriers to competitive, integrated employment (CIE) is an important step to increase and promote culturally competent strategies and resources that facilitate CIE of people with I/DD.

When considering partnering with collaborators, one option could be to choose a goal and invite the partner(s) that would help the Committee achieve that goal. Once that goal is reached, the partner(s) would fall off the Committee and a new collaboration could begin based on what the Committee is trying to achieve.

COUNCIL STRATEGIC PLAN OBJECTIVE: 2.1 and 2.2

PRIOR COMMITTEE ACTIVITY: N/A

RECOMMENDATION: Staff recommends that the Committee decide which goal(s) or priorities it wants to most focus on achieving in FFY 2020 and determine what members, such as from the generic workforce system or other partners, need to be added to achieve that goal or priority. The Committee would then have a changing membership constituted to best meet the identified goals.

ATTACHMENTS: None

AGENDA ITEM 11.
INFORMATIONAL ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

**Update on CIE Blueprint Implementation**

Michael Clay with the Department of Developmental Services, Barbara Boyd with the California Department of Education, and Cindy Chiu with the Department of Rehabilitation will provide an oral update on progress of the Blueprint Implementation across the Departments.

*Attachment(s)*
None
April 18, 2019

AGENDA ITEM 12.
ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Strategic Priorities Related to SCDD’s State Plan Goal on Employment for 2019 and 2020

Members will be provided the latest data on State Plan Goal 2.

Attachment(s)
None

Handout(s)
Updates will provided as handouts.