

NOTICE/AGENDA

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

**DATE:** February 4, 2020

**TIME:** 10:30 AM – 3:30 PM

### **MEETING LOCATION:**

SCDD HQ OFFICE 3831 North Freeway Blvd., Suite 125 Sacramento, CA 95834 TELECONFERENCE LOCATION(S): USC UCEDD

3250 Wilshire Blvd, Suite 500 Los Angeles, CA 90010

### **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 OCTOBER 2019 MINUTES VMTE

# Item 6. EMPLOYMENT SPOTLIGHT

Presented by: Sarah Isaacs and guest

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ltem 8.	<ul> <li>DATA SHARING UPDATES</li> <li>Presented by: All</li> <li>a. Update on the Implementation of the Data Sharing Legislation</li> <li>b. Updating the Data Dashboard</li> </ul>	Page 24
ltem 9.	UPDATE ON CIE BLUEPRINT IMPLEMENTATION Presented by: All	Page 25
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Item 13. 2020 MEETING DATES April 23<sup>rd</sup>, July 30<sup>th</sup> and September 29<sup>th</sup>

# Item 14. ADJOURNMENT

### 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.

<sup>&</sup>lt;sup>1</sup> 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 October 2019 Minutes

Members will be presented with the draft minutes from the October 8<sup>th</sup> meeting for consideration.

*Action Recommended* Approve the October 2019 minutes.

Attachments October 2019 Minutes



# DRAFT Employment First Committee Meeting Minutes October 8, 2019

### Attending Members Cindy Chiu (DOR)

Michael Luna (DDS)

Sarah Issacs (DRC) Steve Ruder (UCD)

Olivia Raynor (UCLA)

Wes Roberson (CDE)

Wesley Witherspoon (SA)

Lauren Schenker (USC)

### Members Absent

None

# **Others Attending**

Aaron Carruthers Cindy Smith Maria Marquez Mary Ellen Stives Michael McNulty Robin Maitino-Erben

# 1. CALL TO ORDER

Chairperson Wesley Witherspoon (SA) called the meeting to order at 10:37 A.M.

# 2. ESTABLISH QUORUM

A quorum was established.

# 3. WELCOME/INTRODUCTIONS

Members and others introduced themselves as indicated.

4. **PUBLIC COMMENTS** None.

# 5. APPROVAL OF THE AUGUST 2019 MEETING MINUTES

It was moved/seconded (Raynor/Chiu) and carried to approve the April 18, 2019 meeting minutes as amended. (Unanimous, see attending members on page one for a list of voting members.)

## <u>Amendment</u>

Revise page 5, agenda item 12, paragraph 1, sentence 2 of the minutes to read: suggested ways to overcome identified barriers are: CalABLE training, work incentive training, financial incentives for employers, shared best practices, increase rates paid to employment providers, and employer recognition.

# 6. EMPLOYMENT SPOTLIGHT

Interim Council Chair Maria Marquez shared her personal journey to achieving competitive integrated employment (CIE). Interim Chair Marquez discussed her various jobs, including supports and resources she received along the way.

# 7. FEDERAL AND STATE LEGISLATIVE AND REGULATORY UPDATE

Deputy Director Cindy Smith provided updates on federal and state legislative and regulatory issues relating to employment for people with disabilities.

The Committee discussed ways to limit the budget impact on the possible reintroduction of AB 1169 and whether to provide input on the California State Plans for Career Technical Education (CTE) and the Workforce Innovation and Opportunity Act (WIOA).

Following the discussion, Committee members requested that more information be provided to EFC before deciding if EFC would act on either State Plan.

# 8. UPDATE AND DISCUSSION ON IMPLEMENTATION OF DATA SHARING LEGISLATION

Committee member Michael Luna reported that the BUCP Data that the Departments of Rehabilitation and Developmental Services may be underreporting on this and are looking at how to capture more accurate data. Committee Member Luna also report that the CCRI data is currently under review and that the 2018/19 PIP number is 1,365.

# 9. UPDATE ON CIE BLUEPRINT IMPLEMENTATION

Committee members Michael Luna and Cindy Chiu provided updates on the CIE Blueprint Implementation stating that 22 local partnership agreements (LPAs) have been submitted on the internet, that provider teleconferences

continue to take place, and that the Blueprint Annual Report is on target to be completed by the end of the year.

# 10. NEXT STEPS ON EFC'S ACTIVITIES FOR 2020

Committee members took part in an exercise to identify the steps needed to accomplish each of the 2020 activities below, which were identified at the August 15, 2019 meeting and how each organization/agency can contribute to accomplishing the activities.

<u>Goal 3 – Activity 1: Engage business via work experience, work-based</u> <u>learning, and customized employment, or internship/apprenticeship to build</u> <u>a direct pipeline meeting business talent needs</u>

**CDE**: Disseminate information to: Special Education Local Plan Areas; WorkAbility 1 projects; parent organizations; encourage and support participation from WorkAbility 1 projects in engaging businesses. Encourage and facilitate technical assistance for participation in PIPs. Present at the statewide conference. Provide professional development. Offer technical assistance where appropriate.

**DDS/DOR**: Present on Blueprint, PIP, SB 644, OJT, WIOA, at business meetings and conventions, education on reasonable accommodations to businesses employing people with disabilities, windmill training.

**MIND Institute**: Employer engagement and links through BAC.

**SCDD**: Conduit to IACA for EFC and bring partners to the table.

DRC: Help to connect/refer job seekers to internships via the CAP.

**USC UCEDD**: Disseminate information/outcomes from project SEARCH and partner with employment vendors to do targeted, outreach/education to local businesses.

Goal 3 – Activity 2: Support legislation to ensure CIE in California.

**DRC:** Work on drafting/supporting legislation.

Possibly collect information regarding experiences of individuals working in sheltered workshops.

**MIND Institute:** Involvement in EFC to support legislation.

Legend:

**SCDD:** Support or co-sponsor bills to ensure CIE.

**Tarjan:** Assist with pulling together research/national task force findings on 14c.

**USC UCEDD:** Engage our CAC in discussing/supporting legislation.

<u>Goal 4 – Activity 3: Hold a statewide conference for self/family advocates</u> and providers to identify opportunities.

**SCDD:** Provide admin/logistics role, get speakers, etc.

**MIND:** Assist with speakers and developing focus, assist with TA through our AT consortium.

**USC UCEDD:** Provide outreach to providers, engage pediatricians and MH providers, staff time/logistics and support, potentially provide continued education through CHLA.

**Tarjan:** Identify speakers, provide outreach/disseminate information about event.

**DRC:** Provide possible speakers/presenters, help publicize.

**DDS:** Possible sponsorship, provide speakers, outreach to families, consumers and service providers.

**DOR:** Speakers on AT, RA for jobs, benefit Counseling.

<u>Goal 6 – Activity 4: Enhance customized employment services by bringing</u> more resources to California

**SCDD**: Research options regarding possible tax incentives (bill). Continue to support rate study to hopefully increase rates. Match funding values.

**DOR**: Support in aligning CAPABILITY Act and bring to CA.

**DRC**: Provide funding, help build up provider capacity infrastructure.

Legend:

SA = Self-Advocate

FA = Family Advocate

**CDE**: Disseminate information to Special Education Local Plan Areas; WorkAbility 1 projects; parent organizations; encourage and support participation from WorkAbility 1 projects in engaging businesses. Encourage and facilitate technical assistance for participation in PIPs. Present at the statewide conference. Provide professional development. Offer technical assistance where appropriate.

### 11. 2020 MEETING DATES

February 4<sup>th</sup>, April 23<sup>rd</sup>, July 30<sup>th</sup> and September 29<sup>th</sup>.

# 12. ADJOURNMENT

Meeting at adjourned at 2:21 P.M.

Legend: SA = Self-Advocate FA = Family Advocate

### AGENDA ITEM 6. INFORMATIONAL ITEM

# STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

### Employment Spotlight

Committee Members Sarah Issacs has invited a guest speaker to share their personal journey in attempting to achieve competitive integrated employment (CIE). The guest speaker will provide members an overview of their experience, including the supports and resources they have found helpful.

### Attachments

None

### AGENDA ITEM 7. INFORMATIONAL ITEM

# STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

### Federal and State Legislative and Regulatory Updates

Deputy Director Cindy Smith will provide an update on federal and state legislative and regulatory issues relating to employment for people with disabilities.

### Attachments

WIOA Letter SCDD Career Technical Education Plan Comments





November 21, 2019

Acting Assistant Secretary Mark Schultz U.S. Department of Education 400 Maryland Ave., SW Washington, DC 20202-7100

Dear Acting Assistant Secretary Schultz,

The undersigned organizations write to welcome you to your new role as Acting Assistant Secretary of the Office of Special Education and Rehabilitation Services (OSERS), which oversees both the Office of Special Education Programs (OSEP) and the Rehabilitation Services Administration (RSA) at the U.S. Department of Education. Our organizations stand ready to assist you as you carry out the mission of RSA, "to provide leadership and resources to assist state and other agencies in providing vocational rehabilitation (VR) and other services to individuals with disabilities to maximize their employment, independence and integration into the community and the competitive labor market."

We know that your office is actively considering the future of the regulations implementing the Workforce Innovation and Opportunity Act (WIOA). Through the past three Unified Agendas, Secretary DeVos has notified the public of her intent to issue a notice of proposed rulemaking to amend the regulatory definitions in the WIOA implementing regulations, 34 CFR part 361. She reaffirmed that intent in the Fall 2019 Unified Agenda that was published yesterday. The undersigned wish to unequivocally state that our groups are united in opposition of opening WIOA's implementing regulations and believe such action would undermine the progress states and stakeholders are making in expanding opportunities for competitive integrated employment.

As you know, WIOA was passed with overwhelming bipartisan support and represents the first major legislative reform of the public workforce system in 15 years. WIOA expresses a clear policy in support of competitive integrated employment: jobs where people with disabilities are paid the same wages, have the same opportunities for advancement, and work alongside their co-workers without disabilities. Among other provisions, WIOA defines an employment outcome as competitive integrated employment; prohibits the placement of students transitioning from school into segregated subminimum wage employment without having first had the opportunity to try competitive integrated employment; mandates pre-employment transition services to prepare students for competitive integrated employment; requires people in segregated subminimum wage settings to be offered competitive integrated employment; and requires that vocational rehabilitation services support competitive integrated employment outcomes. As directed by Congress, the Department of Education issued regulations implementing WIOA in August 2016. The WIOA regulations are very much aligned with both Congressional intent and long-standing Department of Education policy.

Despite the clear bipartisan support for WIOA, some members of Congress and stakeholders have raised some concerns about the regulations and urged that they be opened. In an effort to find a more sensible and less disruptive solution, numerous disability groups with a range of views came together to work in good faith to craft a consensus solution. Over twenty groups endorsed the position in the March 7, 2018 letter from the Consortium of Citizens with Disabilities Employment Task Force,<sup>1</sup> recommending that the Department address any confusion or misunderstanding about the regulations by providing technical assistance and making clarifying changes to its sub-regulatory guidance instead of opening up the regulations. Similarly, the National Council on Disability issued a report in October 2018 recommending that the WIOA regulations not be re-opened and instead that RSA provide technical assistance to state vocational rehabilitation agencies to address any confusion or misunderstanding about how to apply the regulations.<sup>2</sup> Likewise, the Senate Health, Education, Labor and Pension (HELP) Committee also issued a report making similar recommendations: "The regulations promulgated by the U.S. Department of Education should not be changed at this time. Technical assistance should be provided by the Rehabilitative Services Administration to support state-level implementation of the law and existing regulation."<sup>3</sup>

The undersigned – which reflect a wide range of stakeholders from national organizations, state agencies, employment providers, and people with disabilities and their families – firmly believe that any confusion expressed by some in the field regarding the implementation of the current WIOA regulations can be addressed most effectively through technical assistance and, if necessary, clarifying sub-regulatory guidance, *not* through the opening up the regulations. We remain firm in our belief that opening the WIOA regulations will undermine the important progress that has been made in expanding opportunities for people with disabilities to work in competitive integrated employment.

As you review the WIOA regulations, we hope you will closely consider the information in these two reports and the views of the wide range of undersigned organizations that strongly oppose opening the regulations and encourage you to seek other options to address any areas of confusion or misinformation. The undersigned groups stand ready to engage in thoughtful dialogue with you and your staff about this option.

https://www.ncd.gov/sites/default/files/New%20Deal%20to%20Real%20Deal%20FINAL 508.PDF.

<sup>&</sup>lt;sup>1</sup> CCD letter available at <u>http://www.c-c-d.org/fichiers/CCD-ETTF-Letter-to-RSA-March-2018.pdf</u>.

<sup>&</sup>lt;sup>2</sup> National Council on Disabilities, "From the New Deal to the Real Deal: Joining the Industries of the Future," (Oct. 2018), available at

<sup>&</sup>lt;sup>3</sup> Senate HELP Committee, "Disability Employment: Outdated Laws Leave People with Disabilities Behind in Today's Economy, Minority Staff Report," (Oct. 2018), available at

https://www.murray.senate.gov/public/ cache/files/84084732-e011-470a-b246-1cdab87755c3/staffreport-on-employment-for-people-with-disabilities-10-29-2018-pm-.pdf.

Please contact Alison Barkoff, Policy Advisor to the Collaboration to Promote Self Determination (<u>abarkoff@cpr-us.org</u> or 202-854-1270), Amanda Lowe, Senior Policy Analyst at the National Disability Rights Network (<u>amanda.lowe@ndrn.org</u> or 202-408-9514 ext. 101), or Rita Martin at the Council of State Administrators of Vocational Rehabilitation (<u>rmartin@csavr.org</u> or 240-994-8439) if you have any questions or to follow up on this letter.

Respectfully,

### National Organizations:

American Civil Liberties Union American Network of Community Options and Resources Association of People Supporting Employment First (APSE) Association of Programs for Rural Independent Living Association of University Centers on Disabilities **Autism National Committee** Autism Society of America Autistic Self Advocacy Network **Bazelon Center for Mental Health Law** Center for Public Representation Collaboration to Promote Self-Determination Community Options, Inc. Council of Administrators of Special Education Council of Parent Attorneys and Advocates Council of State Administrators of Vocational Rehabilitation **Disability Resource Center Disability Rights Education & Defense Fund HIGH IMPACT Mission-based Consulting & Training** Mental Health America National Association for Rights Protection and Advocacy (NARPA) National Association of Councils on Developmental Disabilities National Association of State Directors of Developmental Disabilities Services National Association of State Directors of Special Education National Association of State Mental Health Program Directors National Center for Learning Disabilities National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE) National Council on Independent Living National Disability Rights Network National Down Syndrome Congress National Federation of the Blind National Independent Living Council National Organization of Nurses with Disabilities Paralyzed Veterans of America

Service Center for Independent Life Starkloff Disability Institute TASH The Advocacy Institute The Advocrat Group The Arc of the United States The Coelho Center for Disability Law, Policy and Innovation The Grow Group Transition Consults, LLC United Cerebral Palsy National Vocational Evaluation and Career Assessment Professionals (VECAP)

### State and Local Organizations:

### Alabama:

Alabama Disabilities Advocacy Program

### Alaska:

Southeast Alaska Independent Living, Inc. (SAIL)

### Arizona:

Arizona ADAPT Arizona APSE Arizona Center for Disability Law Arizona Developmental Disabilities Planning Council DIRECT Center for Independence

### Arkansas:

Disability Rights Arkansas, Inc.

### California:

Access to Independence of San Diego, Inc. California APSE California Disability-Senior Community Action Network (CDCAN) California Down Syndrome Advocacy Coalition California Person Centered Advocacy Partnership California Supported Living Network Cal-TASH Disability Rights California Down Syndrome Connection of the Bay Area Path Forward Collaborative Service Center for Independent Life State Council on Developmental Disabilities

### Colorado:

Atlantis Community, Inc.

Colorado Assn. of People Supporting Employment First (COAPSE) Colorado Cross-Disability Coalition Colorado Developmental Disabilities Council Disability Law Colorado The Independence Center

### **Connecticut:**

Connecticut APSE Disability Rights Connecticut Down Syndrome Association of Connecticut

#### **Delaware:**

Disabilities Law Program, CLASI Down Syndrome Association of Delaware

#### Florida:

APSE Florida Disability Rights Florida University of South Florida Rehabilitation and Mental Health Counseling Program

#### Georgia:

Georgia Advocacy Office Georgia APSE Georgia Council on Developmental Disabilities

#### Hawaii:

Access to Independence Hawaii Branch

#### Idaho:

Community Partnerships of Idaho, Inc. Disability Action Center - NW, Inc. Idaho Council on Developmental Disabilities Idaho State Independent Living Council NAMI Far North, Idaho NAMI Idaho United Vision for Idaho

#### Illinois:

Access Living Disability Resource Center Equip for Equality Illinois Council on Developmental Disabilities Keshet Statewide Independent Living Council of Illinois

#### Indiana:

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Down Syndrome Indiana, Inc. Indiana APSE Indiana Disability Rights

**Iowa:** Disability Rights Iowa Iowa APSE New Hope

#### Kansas:

Disability Rights Center of Kansas Prairie Independent Living Resource Center, Inc. Southeast KS Independent Living (SKIL) Resource Center Statewide Independent Living Council of Kansas

Kentucky:

Kentucky APSE

Louisiana: Louisiana Association for Persons Supporting Employment First

### Maine:

KFI Maine APSE Syntro Inc.

#### Maryland:

Maryland APSE Maryland Developmental Disabilities Council The Parents' Place of Maryland

#### Massachusetts:

Disability Law Center Independence Associates, Inc. Massachusetts APSE

#### Michigan:

Michigan Protection & Advocacy Service, Inc.

#### Minnesota:

Minnesota Disability Law Center, Mid Minnesota Legal Aid Southeastern MN Center for Independent Living, Inc. The Arc Minnesota

**Mississippi:** Association of People Supporting Employment First

#### Disability Rights Mississippi

#### Missouri:

Delta Center for Independent Living Heartland Independent Living Center Missouri APSE Missouri Developmental Disabilities Council Missouri Statewide Independent Living Council, Inc. Paraquad

#### Montana:

Living Independently for Today & Tomorrow North Central Independent Living Services, Inc.

#### Nebraska:

Disability Rights Nebraska Down Syndrome Alliance of the Midlands Independence Rising

#### Nevada:

Nevada Disability Advocacy and Law Center Nevada Governor's Council on Developmental Disabilities, NV People First of Nevada Southern Nevada Center for Independent Living

#### New Hampshire:

Disability Rights New Hampshire TASH New England

#### New Jersey:

Association for Special Children & Family DAWN Center for Independent Living Disability Rights New Jersey Family Voices NJ KIIDS MOCEANS Center for Independent Living New Jersey APSE New Jersey Council on Developmental Disabilities SPAN Parent Advocacy Network

#### **New Mexico:**

Disability Rights New Mexico Native American Disability Law Center

#### New York:

Access To Independence of Cortland County, Inc.

New York State Independent Living Council, Inc. (NYSILC) NRCIL New York APSE

#### North Carolina:

North Carolina APSE Disability Rights North Carolina

#### North Dakota:

Designer Genes of North Dakota, Inc. North Dakota State Council on Developmental Disabilities Protection & Advocacy Project

#### Ohio:

Capabilities, Ohio CG-HHC Greene, Inc. Ohio APSE Ohio TASH The Ability Center of Greater Toledo United Rehabilitation Services

#### Oklahoma:

**Dynamic Independence** 

#### Oregon:

Disability Rights Oregon Oregon APSE

#### Pennsylvania:

PA APSE Transition Consults

### South Carolina:

AccessAbility Family Connection of South Carolina Protection and Advocacy SCAPSE

### South Dakota

**Disability Rights South Dakota** 

#### Tennessee:

Disability Rights Tennessee Down Syndrome Association of Middle Tennessee Empower Tennessee Tennessee Council on Developmental Disabilities

### Texas:

Autism Society of Texas Disability Rights Texas Down Syndrome Partnership of North Texas

### Utah:

**Disability Law Center** 

### Vermont:

Vermont APSE Vermont Developmental Disabilities Council

### Virginia:

Appalachian Independence Center, Inc. Blue Ridge Independent Living Center Center for Family Involvement disAbility Law Center of Virginia Down Syndrome Association of Northern Virginia The Disability Resource Center of the Rappahannock Area, Inc.

### Washington:

Community Employment Alliance Disability Rights Washington Total Living Concept Washington APSE

#### West Virginia:

West Virginia Developmental Disabilities Council

#### Wisconsin:

Disability Rights Wisconsin IndependenceFirst The Arc Wisconsin Wisconsin Association of People Supporting Employment First (WI APSE) Wisconsin Board for People with Developmental Disabilities Wisconsin Coalition of Independent Living Centers, Inc.

### Wyoming

Wyoming Independent Living, Inc. Protection & Advocacy System Inc. Wyoming APSE

#### **U.S. Virgin Islands:**

Disability Rights Center of the Virgin Islands

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Cc: Secretary Betsy DeVos, U.S. Department of Education



Ms. Lisa Reimers, CCTD California Workforce Pathways Joint Advisory Committee California Department of Education 1430 N Street, Suite 4202 Sacramento, CA 95814

Dear Ms. Reimers:

The State Council on Developmental Disabilities (SCDD) was created close to 50 years ago by Congress in the Developmental Disabilities Assistance and Bill of Rights Act. The purpose of the Council in every state and territory is to ensure that individuals with developmental disabilities and their families design and can access services and supports that "promote self-determination, independence, productivity, and integration and inclusion" in community life. It is this purpose that grounds the Council's comments on the State's Plan to implement the Strengthening Career and Technical Education for the 21st Century (Perkins V) Act (P.L 115-224).

The reauthorization provides new opportunities to better align services and supports for individuals with disabilities to ensure they can truly access and benefit from opportunities for Career Technical Education (CTE) in a student-centered approach. CTE is an important and unique pathway to ensure individuals with disabilities develop the skills needed to be employed in competitive integrated employment (CIE), decrease poverty and move towards a life of economic self-sufficiency, independence and inclusion. SCDD commends the efforts of the California Workforce Pathways Joint Advisory Committee (CWPJAC) for its development of the Perkins V Plan but believes the Plan can be strengthened by including additional focus on individuals with disabilities have equitable access to and are fully included and accounted for in CTE programs.

SCDD is pleased to see the Perkins V Plan recognize that "CTE can therefore no longer continue to exist as a separate educational alternative; it must be woven into the very fabric of our educational delivery system." (p. 16). SCDD offers the following specific comments on the Perkins V Plan:

The Act uses the term "Special Populations" (20 U.S.C. 2302(48)) to define a group of individuals who are considered to be economically and socially disadvantaged in their opportunities to access and successfully complete CTE programs. Individuals with disabilities (20 U.S.C. 2302(28) citing 42 U.S.C. Section 12102) are listed as a distinct group of individuals included in the definition of "Special Populations."

• Recommendation: Given that "individuals with disabilities" is the defined term in the Act, to ensure a consistent understanding of who the Act applies to, the Council believes that the Perkins V Plan should reference "individuals with disabilities" or "disabilities" and not "special needs" through-out the Plan (See pg. 46, 49, 76, 83, 106, 108, and 166).

The National Center for Education Statistics reports that in 2015-2016 the adjusted four-year cohort rate for all students in California was 93 percent, while the graduation rate for students with disabilities was 66 percent.<sup>1</sup> In 2016-2017, 74 percent of white students with disabilities who exited high school graduated with a regular diploma compared to 64 percent of black students with disabilities and 70 percent of Hispanic students with disabilities.<sup>2</sup>

• Recommendation: Given the data above, the Council believes the Perkins V Plan should include background data on individuals with disabilities in the discussion explaining the diversity of the State (p. 74). Furthermore, the Council believes that this section of the Plan should include additional data about the prevalence of disability, the outcomes associated with being an individual with a disability and a member of another special population.

California has seen minimal growth in the labor force participation rate and employment rate for individuals with disabilities since the recession. The American Community Survey (ACS) reports in 2017, only eight percent of people with disabilities were actively looking for work compared to 18 percent of working-age people without disabilities. The ACS also reports that in 2017, the employment rate of working-age people with disabilities in California was 36.8 percent compared to 77.3 percent of working-aged people without disabilities.<sup>3</sup> In 2018, the Department of Developmental Services (DDS) reports that 16.2 percent of people with developmental disabilities who receive services through the Regional Centers are working. These numbers demonstrate the critical need to ensure individuals with disabilities are fully accounted for and included in all aspects of the Perkins V Plan.

 Recommendation: Given the data above, for individuals with disabilities, the Council believes the Perkins V Plan should include a goal to have a participation rate in CTE programs at the local agency and statewide level for individuals with disabilities similar to that of individuals without disabilities. To meet this goal, the Council encourages the CWPJAC to create goals for CTE programs to meet the needs of individuals with disabilities and to further increase their participation rate in these programs. The Council also believes that more robust cross-tabbed data needs to be collected regarding individuals with disabilities entry into and completion of CTE programs.

One of the barriers for individuals with disabilities in attaining or retaining CIE is having to work with multiple state agencies and providers to get access to services and supports. California has undertaken multiple initiatives to reduce these barriers. For example, to operationalize the Employment First Policy, the Departments of Education (CDE), Department of Developmental Services (DDS) and Department of Rehabilitation (DOR) have adopted the Competitive Integrated Employment Blueprint.<sup>4</sup> Local Partnership Agreements (LPA) have been created to streamline services and supports needed for CIE between Regional Centers, DOR Districts and local education agencies (LEAs). The Perkins V Plan recognizes this agreement as an important step for students working towards CIE through CTE programs.

• Recommendation: The Council believes that the Perkins V Plan should more fully describe how CTE programs will coordinate services and supports with DOR and DDS (p. 107) and with the LPAs. In addition, the Plan recognizes that Special Education Local Planning Areas (SELPA) and Disabled Student Programs and

<sup>&</sup>lt;sup>1</sup> <u>https://nces.ed.gov/ccd/tables/ACGR\_RE\_and\_characteristics\_2015-16.asp</u>

<sup>&</sup>lt;sup>2</sup> <u>https://nces.ed.gov/programs/coe/indicator\_cgg.asp</u>

<sup>&</sup>lt;sup>3</sup> https://scdd.ca.gov/wp-content/uploads/sites/33/2019/09/EFC-2018-Report.pdf

<sup>&</sup>lt;sup>4</sup> <u>https://www.chhs.ca.gov/home/cie/</u>

Services (DSPS) play an important role in ensuring equitable access to CTE programs, but the Council believes additional language is also needed on how SELPAs and DSPS can collaborate with CTE programs to align services and supports and ensure services are student-centered (p. 106). The Plan should also recognize that the Independent Living Centers play an important role in providing services and supports to individuals with disabilities who are not eligible for services from the Regional Centers.

Both Title II of Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act apply to CTE programs because they are operated by local government and/or receive federal financial assistance. The ADA provides that public entities, such as local and state government must not exclude individuals with qualified disabilities from participation in or be denied the benefits of services, programs and activities (42 U.S.C. 12131). Public entities are required to make reasonable modifications to policies, practices and procedures. For individuals with disabilities, this includes not only equitable access to the CTE program but also likely accommodations to benefit from the CTE program. CTE teachers and other professionals need to be provided appropriate training on working with individuals with disabilities to ensure equitable access and accommodations.

Recommendation: Given these requirements, the Council believes that the Perkins V Plan should more fully describe how the State will ensure the provision of accommodations for individuals with disabilities in CTE programs. The Council also recommends that the Plan identify additional strategies that would prepare CTE teachers and other professionals to work with individuals with disabilities. For example, CTE teachers and other professionals should be provided professional development opportunities and technical assistance that include training on providing accommodations, universal design for learning and teaching diverse learners (p. 76 and p.114). Lastly, the Council believes the Plan should describe what action the State will take with CTE programs should they discover discriminatory practices during the State's monitoring of CTE programs.

Thank you for considering the Council's comments on the draft Perkins V Plan. The Council believes CTE programs provide additional opportunities for individuals with disabilities to attain or maintain CIE. The Council is interested in continuing to work to improve CTE programs for individuals with disabilities. If you have any questions or concerns, please contact our Deputy Director of Policy and Public Affairs, Cindy Smith at 916-799-8805 or cindy.smith@scdd.ca.gov.

Sincerely,

navan

Maria Marquez, Chair

### AGENDA ITEM 8. POTENTIAL ACTION ITEM

### STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

### **Data Sharing Updates**

Michael Luna will provide an oral update on the status of implementation of the data sharing bills sponsored by the SCDD. Committee members will also discuss updates needed on the data dashboard.

### **Attachments**

None

### Handouts

May be handouts the day of meeting.

### AGENDA ITEM 9. INFORMATIONAL ITEM

# STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

### Update on CIE Blueprint Implementation

Michael Luna with the Department of Developmental Services, Barbara Boyd with the 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.

# Attachments

None

### AGENDA ITEM 10. POTENTIAL ACTION ITEM

# STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

### WIOA State Plan Presentation

Sandra Hamameh and Marissa Clark with the California Workforce Development Board will provide a presentation on the proposed WIOA State Plan which can be found at <u>https://cwdb.ca.gov/plans\_policies/2020-</u> 2023-state-plan-draft/.

### Attachments

None

### Handouts

There may be handouts the day of the meeting.

### AGENDA ITEM 11. ACTION ITEM

### STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

### EFC'S Activities for 2020

Committee members will provide updates on their role in the below activities identified at the August 15, 2019, meeting and discuss ongoing steps to accomplish each of them.

### <u>Goal 3 – Transition from segregated programs to CIE</u>

Activity 1. Engage business via work experience, work-based learning, and customized employment, or internship/apprenticeship to build a direct pipeline meeting business talent needs.

Activity 2. Support legislation to ensure CIE in California.

### Goal 4 – Support families and individuals better understand CIE

Activity 3. Hold a statewide conference for self/family advocates and providers to identify opportunities for benefit planning (CalABLE), transportation options, assistive technology, job accommodations, etc.

<u>Goal 6 – Assure qualified employment related services</u> Activity 4. Enhance customized employment services by bringing more resources to California

### Attachments

None

### AGENDA ITEM 12. ACTION ITEM

# STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

### 2019 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 policy recommendations.

The Committee will review and discuss the accomplishments of 2019 and determine the focus of the 2019 report.

### Attachments

Detail Sheet 2018 Report Summary

### EMPLOYMENT FIRST COMMITTEE AGENDA ITEM DETAIL SHEET

**ISSUE:** Focus for 2019 Employment First Report Focus

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

This report is required by July 1<sup>st</sup>, to "provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations." (AB 1041)

**DISCUSSION:** The Employment First Committee's 2018 Report to the Legislature focused on policy changes that would make for more nuanced data to analyze barriers in the future, partnership building and recommendations that would increase and remove barriers to competitive integrated employment. The Committee is being asked to consider the accomplishments in 2019 and make recommendations on what they would like the focus to be on in the 2019 report.

**COUNCIL STRATEGIC PLAN OBJECTIVE:** State Plan Goal 2, Objective 1 and 2.

PRIOR COMMITTEE ACTIVITY: None.

**RECOMMENDATION(S):** Develop a timeline, determine report's focus with recommendations and determine agency/organization responsible for submitting information/data to Council staff.

**ATTACHMENTS(S):** 2018 Employment First Report Summary

**PREPARED:** Robin Maitino-Erben, January 21, 2020.

# Employment First Committee (EFC) 2018 Annual Report Executive Summary

In 2018, California continued to see minimal growth in the labor force participation and employment rate for persons with developmental disabilities, despite continued economic growth. The percentage of people with developmental disabilities reported by the Department of Developmental Services (DDS) in 2016 to be working is 14.2 percent. Despite passage of two bills to improve the data, challenges remain in data sharing amongst agencies and it is anticipated that California will have more nuanced data to better understand the barriers to competitive integrated employment (CIE) next year as the result of two bills.

The roles and responsibilities of the different departments are being delineated more specifically at the local level because of the CA CIE Blueprint. The report on the first year of implementation includes that 13 Local Planning Agreements had been established to facilitate improved collaboration and coordination amongst agencies at the local level. The report also shows increased utilization of programs such as WorkAbility and the Paid Internship Program. The State Council on Developmental Disabilities (Council) has invested in developing service providers' professional competency in the area of Customized Employment in order to increase employment outcomes. The Council has also sponsored multiple legislative proposals to improve data sharing amongst agencies and to ensure people with disabilities are considered for apprenticeship opportunities (SB 1274 (McGuire) in 2018 and AB 1019 (Frazier) in 2019).

It is important that California continue to ensure that policy and programmatic barriers to CIE are removed and that the funding is available to build capacity and implement systemic change. The report concludes with 11 recommendations for California to undertake to remove barriers and create a system that more fully supports CIE. Some highlights include:

 The California Department of Education (CDE), the Department of Rehabilitation (DOR), DDS and the Council should work collaboratively to launch a statewide multi-media public service campaign in traditional and social media with the goal of reducing the stigma to hiring individuals with developmental disabilities.

- CDE, DOR and DDS should continue their efforts to collaboratively work to streamline information sharing and service delivery planning to ensure that individuals with developmental disabilities, including those from ethnically and linguistically diverse communities, experience a service delivery system that allows for unified planning and data sharing across agencies.
- The State Legislature should allocate funding to create a pathway for career advancement and credentialing that provides professional development for organization leaders, program managers, and staff responsible for delivering services to support CIE.
- The State Legislature should provide funding to promote the creation and enhancement of new and innovative projects that support CIE and facilitate systems transformation from sheltered employment and other segregated day services, to make way for an end to sub-minimum wage and segregated employment under 14(c) of the Fair Labor Standards Act.
- The Council, CDE, DOR and DDS should explore opportunities to work in partnership to develop programs that build students' self-advocacy and self-determination skills including how to make informed financial decisions.
- The State Legislature should pass legislation to create an incentive for employers who demonstrate a commitment to CIE by incorporating transportation solutions and supports into their business practices.