



NOTICE/AGENDA

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**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
LEGISLATIVE AND PUBLIC POLICY COMMITTEE MEETING
POSTED AT: www.scdd.ca.gov**

DATE: January 16, 2020

TIME: 10:30 AM – 3:00 PM

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

TELECONFERENCE LOCATION(S):
North Bay Regional Center
2351 Mendocino Avenue
Santa Rosa, CA 95403

COMMITTEE CHAIR: Julie Austin

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 SEPTEMBER 2019 MINUTES 

Page 3

Item 6. PEOPLE WITH DISABILITIES IN THE NEWS

Julie Austin, Committee Chair

Page 12

Item 7. PURPOSE OF LPPC AND OVERVIEW OF LEGISLATIVE PROCESSES <i>Julie Austin, Committee Chair and Cindy Smith, SCDD</i>	Page 13
Item 8. FEDERAL LEGISLATIVE AND REGULATORY UPDATES <i>Cindy Smith, SCDD</i>	Page 28
Item 9. STATE LEGISLATIVE AND REGULATORY UPDATES <i>Cindy Smith, SCDD</i>	Page 39
Item 10. UPDATES AND STANDING AGENDA ITEMS a. Council Meeting Summary b. DDS Taskforce and Workgroups c. Self-Determination Program d. CalABLE	Page 51
Item 11. MEMBER UPDATES <i>All</i>	Page 54
Item 12. FUTURE MEETING DATES March 12 th , April 9 th , August 20 th	
Item 13. 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.

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.

January 16, 2020

AGENDA ITEM 5.

ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC

Approval of September 6, 2019 Minutes

Members will review and approve the September meeting minutes.

Action Recommended

Approve the September 6, 2019 minutes.

Attachment(s)

September 2019 Meeting Minutes



DRAFT

**Legislative and Public Policy Committee
Meeting Minutes
September 6, 2019**

Attending Members

Andrea Vergne (FA)
Diane Ambrose (FA)
Janelle Lewis (FA)
Julie Austin (FA)
Wesley Witherspoon (SA)
Matthew Lagrand (SA)
Julie Neward (FA)

Members Absent

Connie Lapin (FA)

Others Attending

Cindy Smith
Chris Arroyo
Karen Mulvany
Leah Hollis
Michael McNulty
Robin Maitino-Erben

1. CALL TO ORDER

Chair Julie Austin (FA) called the meeting to order at 10:41a.m.

2. ESTABLISH QUORUM

A quorum was established.

3. WELCOME/INTRODUCTIONS

Members and others in attendance introduced themselves.

4. PUBLIC COMMENTS

Karen Mulvany provided the public comment updates on AB 670, stating it was signed and chaptered into law, and AB 69, stating it was withdrawn.

5. APPROVAL OF THE JUNE 2019 MEETING MINUTES

Members were presented with the draft meeting minutes.

It was moved/seconded (Vergne [FA]/Witherspoon [SA]) and carried to adopt the June 19, 2019, meeting minutes as presented. Abstain: Neward (See page one for a record of members present.)

6. PEOPLE WITH DISABILITIES IN THE NEWS

Committee Chair Austin provided members with the following information relating to the Family and Medical Leave Act (FMLA). She shared U.S. Department of Labor Letter FMLA2019-2-A which states that a parent is eligible for intermittent FMLA to attend a Committee on Special Education (CSE) meeting to discuss the Individualized Education Program (IEP) of the employee's son or daughter.

7. FEDERAL LEGISLATIVE AND REGULATORY UPDATES

Deputy Director Cindy Smith provided a brief update on the latest federal legislative and regulatory issues which included the final comments submitted to the U.S. Department of Labor's Office of Disability Employment Policy (ODEP) on Section 14(c) of the Fair Labor Standards Act as well as the Council's comments submitted on the Consumer Inflation Measures produced by Federal Statistical Agencies (Directive No. 14), 84 Fed. Reg. 19961.

8. STATE LEGISLATIVE UPDATE

Deputy Director Cindy Smith provided an update on the final status of the sponsored, supported, opposed, and watched bills during the 2019 State legislative cycle.

9. LEGISLATIVE PLATFORM UPDATE

Committee members reviewed the Legislative Platform language and recommended minor non-substantive changes only. These changes can be found in Attachment 1.

It was moved/seconded (Ambrose [FA]/Vergne [FA]) and carried to recommend the non-substantive changes in Attachment 1 to the full Council for adoption. (See page one for a record of members present.)

10. POTENTIAL SPONSORED LEGISLATION FOR 2020

Committee members vetted through previously suggested recommendations to determine which to pursue in 2020. Following much discussion and deliberation, the Committee directed staff to look at next steps to find authors to possibly sponsor legislation for the below ideas.

Under the “Protecting and Enhancing Civil Rights” Policy Priority:

- Legislation that would make people more accountable for bullying.
- Legislation to amend to the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act to include the Department of Developmental Services.

Under the “Enhancing Community Living” Policy Priority

- Legislation to strike the prohibition on rent payments for those in SLS.
- Legislation to require background checks for those providing SLS.

Under the “Guaranteeing Access to Competitive Integrated Employment” Policy Priority

- Legislation to create incentives for transportation providers to provide transportation to employment.

11. UPDATES AND STANDING AGENDA ITEMS

A copy of the July Council summary was provided as an update for Council activities.

Deputy Director Smith provided status updates on the implementation of the SSI/CalFresh cash out reversal policy. Members were also provided an update on the latest activities pertaining to the Self-Determination Program.

Members provided updates on CalABLE and the DDS Safety Net.

12. MEMBER UPDATES

Members provided brief updates of local activities taking place in their areas.

13. 2020 MEETING DATES

January 16th, March 12th, April 9th, and August 20th

14. ADJOURNMENT

Meeting adjourned at 3:21 p.m.

ATTACHMENT 1

DRAFT LEGISLATIVE PLATFORM 2019-2020

ABOUT THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Close to fifty years ago, the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) established in federal statute, State Councils on Developmental Disabilities in each of the 56 states and territories to “promote self-determination, independence, productivity, integration, and inclusion in all aspects of community life” for people with intellectual and developmental disabilities (I/DD) and their families [through advocacy, capacity building and systems change](#). The Lanterman Act established the California State Council on Developmental Disabilities (Council) to fulfill those rights ~~through advocacy, capacity building, and systems change~~.

The Council is comprised of 31 members appointed by the Governor, including individuals with ~~I/DD disabilities~~ and their families, and representatives from the DD Act partners (Disability Rights California, the 3 University Centers for Excellence in Developmental Disabilities), and mandated state agencies that provide services and supports to people with I/DD.

To implement the rights in the DD Act, the Council develops and implements a five-year state plan that contains goals, objectives, ~~and~~ strategies [and outcomes](#) designed to improve and enhance the availability and quality of services and supports. In addition to the Council’s Sacramento headquarters, regional offices support individuals with I/DD and their families through activities such as advocacy, training, monitoring, and disseminating and collecting public information. The Council works with policymakers and other stakeholders to ensure policies pertaining to the rights of individuals [with I/DD](#) are protected and enhanced by ensuring people with I/DD can experience equality of opportunity, full participation, independent living, and economic self-sufficiency. These four pillars are enshrined in the Americans with Disabilities Act of 1990 (ADA). The Council supports the full and robust implementation and enhancement of recent federal policies that enshrine the values of the ADA, such as the Workforce Innovation and Opportunities Act (WIOA), Home and Community-Based Services Setting Rule (HCBS), Every Student Succeeds Act (ESSA) and Achieving Better Life Experience (ABLE) Act.

The Council believes that individuals with I/DD and their families must be included and consulted in all aspects of the policy making process to ensure their needs are adequately and appropriately addressed. The Council works to address disparities in access, outcomes, and quality for all services and supports. The Council believes in ensuring transparency and accountability for state and federal programs providing services and supports to people with I/DD. Furthermore, the Council believes that complexities in the service delivery system must be reduced and that assistance in navigating services and supports should be provided to people with I/DD and their families. The State of California must ensure that funding is used to achieve positive outcomes for individuals with I/DD and their families.

ATTACHMENT 1

Disparities in services and supports can result in severe health, economic, and quality of life consequences. Accordingly, services and supports must be distributed equitably so that individual needs are met in a culturally appropriate and linguistically competent manner, regardless of race, ethnicity, income, intellectual or physical ability, age, and geographic location. Information and materials shall be provided in plain language and/or alternative formats as requested.

PROMISE OF THE LANTERMAN ACT

The Lanterman Act promises to honor the needs and choices of individuals with I/DD by establishing an array of quality services throughout the state. Services shall support people to live integrated, productive inclusive lives in their communities. Access to needed services and supports must be inclusive and not be undermined-limited through categorical service elimination, service caps, means testing, median rates, or family cost participation fees and or other financial barriers. California must not impose artificial limitations, delays or reductions in community-based services and supports that would compromise the health and safety of persons with I/DD.

SELF-DETERMINATION

Individuals with I/DD and their families must be given the option to control select and direct their service dollars and their services through Self-Determination. The person with I/DD is in charge. With the support of those they choose and trust, people with I/DD and their families are empowered to develop their own unique needs, develop their own life goals, and construct those services and supports most appropriate to reach their full potential. The process begins with a Person Centered Plan (PCP) which details their unique needs, competencies, and aspirations. Self-Determination gives individuals with I/DD the tools and the basic human right to pursue life, liberty and happiness in the ways that they choose.

SELF-ADVOCACY

Individuals with I/DD must be in charge of their lives and be respected for the choices made. They must be provided the opportunity and support to be heard and be leaders in the service system and society including voting and other civic responsibilities. Self-advocates must have access to training, assistive technology, plain language information and materials in plain language and opportunities to participate in the policy making opportunities process.

EMPLOYMENT AND ECONOMIC SELF-SUFFICIENCY

Employment in the community, at least minimum wage or above, is known as competitive integrated employment (CIE). CIE is the priority outcome for working age individuals with I/DD, regardless of the severity of their disability. CIE provides every person a chance to build relationships with co-workers, be a part of the community and

ATTACHMENT 1

contribute to the local economies. It reduces poverty and reliance on state support and leads to greater self-sufficiency. [Employers must be prepared and supported to employ people with I/DD.](#) The Council supports the full and robust implementation of California's Employment First Law. [Pathways to CIE must be developed and supported for all people with I/DD regardless of severity of disability.](#)

Transition planning should begin as early as possible. Policies and practices must set expectations for integrated employment, microenterprise training, self-employment, and promote collaboration between local agencies, state agencies, and remove barriers to CIE through access to information, benefits counseling, job training, inclusive postsecondary education, and appropriate provider rates that incentivize quality [and inclusive](#) employment outcomes. The Council supports the phasing out and elimination of subminimum wage and/or segregated employment for all individuals with I/DD.

TRANSPORTATION

Access to transportation is essential to the education, employment, [healthcare](#) and inclusion of individuals with disabilities. Timely accommodations must be available to [persons with the I/DD community](#) that are available to the public at-large. Mobility training must be a standard program among transportation providers to increase the use of available transportation and reduce reliance on costlier segregated systems. Barriers between geographic areas and transportation systems must be addressed so people with I/DD can travel as safely and easily as people without disabilities. [Emerging transportation options must be available to persons with I/DD.](#)

HEALTH CARE

Every person must have access to comprehensive, timely, quality, affordable health care, dental care, and wellness services, and access to plain language information and supports to make informed decisions about their health care. This requires informed consent, individualized, appropriate medication, treatments, and an adequate network of health professionals. It also includes people with multiple health care needs, those who require routine preventative care, mental and/or behavioral health treatment, dental care, durable medical equipment, and reproductive health needs. Service system complexities must not delay, reduce or deny access to services. Individuals must be reimbursed for insurance co-pays, co-insurance, and deductibles when their health insurance covers therapies that are on their Individual Program Plans (IPPs).

EDUCATION

Every student has the right to be safe in school and to receive a quality education with their peers that prepares them for post-secondary education and/or meaningful employment in the community. Schools must ensure robust implementation of the Individuals with Disabilities Education Act (IDEA), Every Student Succeeds Act (ESSA), and other federal and state laws and regulations, to ensure that students with I/DD receive a free appropriate public education (FAPE).

ATTACHMENT 1

Students with disabilities ~~will~~must be educated alongside their peers without disabilities in the least restrictive environment. Comprehensive transition planning must be considered part of the IEP process. School districts and other educational agencies must be held accountable for implementing the letter and the intent of all state and federal laws. Parents and students must have equal participation in the Individual Education Program (IEP) process, including the ability to give informed consent.

Teachers, school leaders, paraprofessionals and other school-based professionals must be trained to use valid, positive, and proactive practices, such as individualized school-wide positive behavior interventions and supports, with fidelity. The needs of the student must not impact the child's placement in the least restrictive environment. The Council opposes the use of all forms of seclusion and restraint.

HOUSING

Statewide ~~community integrated~~inclusive living options for individuals with I/DD must be increased and enhanced through access to housing ~~programs,~~ and subsidies that are paired in a timely manner with needed supports and services. Community education and integration must be provided to reduce discrimination. Permanent, affordable, accessible, and sustained housing options must be continually developed to meet both current and future needs.

COMMUNITY PARTICIPATION

Individuals with I/DD must have access to and be fully supported to fully participate in their communities, with their peers without disabilities, through opportunities in all areas of community life including but not limited to education, employment, recreation, organizational affiliations, spiritual development, and civic responsibilities.

TRANSITION TO ADULT LIFE

All services, including education, rehabilitation, independent or supported living and regional center services, must support students and adults to transition to competitive integrated employment, post-secondary education or other opportunities that will lead to meaningful employment in the community. Transition services must be considered at the earliest possible opportunity and across the lifespan. Adults with I/DD must have access to meaningful activities of their choice with the appropriate services and supports.

SAFETY

All people have a right to be safe. ~~People with I/DD~~Every person must be provided need emergency preparedness training for all types of emergencies or disasters. Individuals with I/DD experience a much greater rate of victimization and a far lower rate of prosecution for crimes against them. The same level of due process protections must be provided to all people. Individuals with I/DD should be trained in personal safety, how to protect themselves against becoming victims of crime, and how their participation in

ATTACHMENT 1

identification and prosecution can make a difference. In addition, too many interactions between law enforcement and people with I/DD end in avoidable tragedy. Law enforcement personnel, first responders, [emergency medical professionals](#) and the judicial system must be trained in how to work with people with I/DD during the course of their duties, including those who are suspects, victims or witnesses of crimes. [The Council opposes the use of all forms of seclusion and restraint.](#)

QUALITY AND RATES FOR SERVICES AND SUPPORTS

Having access to and receiving quality services and supports is the cornerstone for people with I/DD to be safe, healthy, and to promote self-determination, [interdependence](#), and inclusion in [all aspects of community life](#). An adequate safety net must be in place to [quickly-immediately](#) and timely address medical, mental health, behavioral, residential, staffing, equipment, or other needs when those services or supports fail, are interrupted, are not available, or additional services and supports are necessary for urgent or immediate need.

The state must streamline burdensome and duplicative regulations and processes that do not lead to positive [inclusive](#) outcomes for people with I/DD and their families. Quality and timely assessment and oversight must be provided. The state must measure what matters, be administered in a culturally competent manner, and the results made public and used to improve the system of services and supports.

The state must restore [and provide ongoing monitoring of](#) rates to adequately support the availability of quality services for people with I/DD. A planned and systematic approach to rate adjustments must prioritize and incentivize services and supports.

January 16, 2020

**AGENDA ITEM 6.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC

People with Disabilities in the News

Committee Chair Julie Austin will report on the topic of people with disabilities in the news. This is a discussion item only to assist the Committee in keeping up to date on current affairs related to public policy.

Attachments

None

Handout(s)

Could be additional handout(s) day of meeting.

January 16, 2020

**AGENDA ITEM 7.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC

Purpose of LPPC and Overview of Legislative Processes

Committee Chair Julie Austin and Deputy Director Cindy Smith will provide members with an overview of the Committee's purpose and go over the federal and state legislative processes.

Attachments

LPPC Orientation Presentation
Legislative Process Presentation

Handout(s)

None.



State Council on **Developmental** **Disabilities**

Legislative and Public Policy Committee (LPPC)

Who and What is LPPC?

- The LPPC is a standing committee established by the Council's Bylaws that is made up of at least seven (7) members.
- LPPC is a Committee of the State Council that shall implement the State Plan objectives as assigned by the Council.

LPPC achieves this by:

- Reviewing, commenting and recommending positions on significant proposed legislation and/or proposed regulations, policies, procedures and/or practices.
- Recommending legislation, regulations, policies, procedures and/or practices consistent with Council's responsibilities and objectives.
- Identifying and recommending potential Council projects and/or coordinated action on issues consistent with Council responsibilities and objectives.
- Providing testimony and recommendations to the Legislature with regard to matters pertaining to people with intellectual and/or developmental disabilities on positions taken by the Council.

Authority:

- LPPC is an advisory committee which provides recommendations to the Council and/or Executive Committee.
- Although LPPC works in an advisory capacity, the Council has delegated authority to the Council Chair and LPPC Chair to take positions on legislation when required between meetings.

Policy and Public Affairs: Advocacy and Government

Legislative and Public Policy
Meeting

January 15, 2020



United States Congress vs. California State Legislature

▶ U.S. Congress

- House of Representatives - 435 Members (with 53 California Members)
- Senate - 100 Members (with 2 state-wide Members from each state)

▶ CA State Legislature

- Assembly – 80 Members
- Senate – 40 Members

Overview of the Legislative Process

The process of the federal or state government by which bills are considered and laws enacted is commonly referred to as the **Legislative Process**.

Basic Steps of the Legislative Process (1 / 3)

Step 1: All legislation begins as an idea. Ideas for legislation can come from a variety of sources, but a Member of Congress or of the CA State Legislature must be the one to introduce the bill. The idea becomes a bill once introduced.

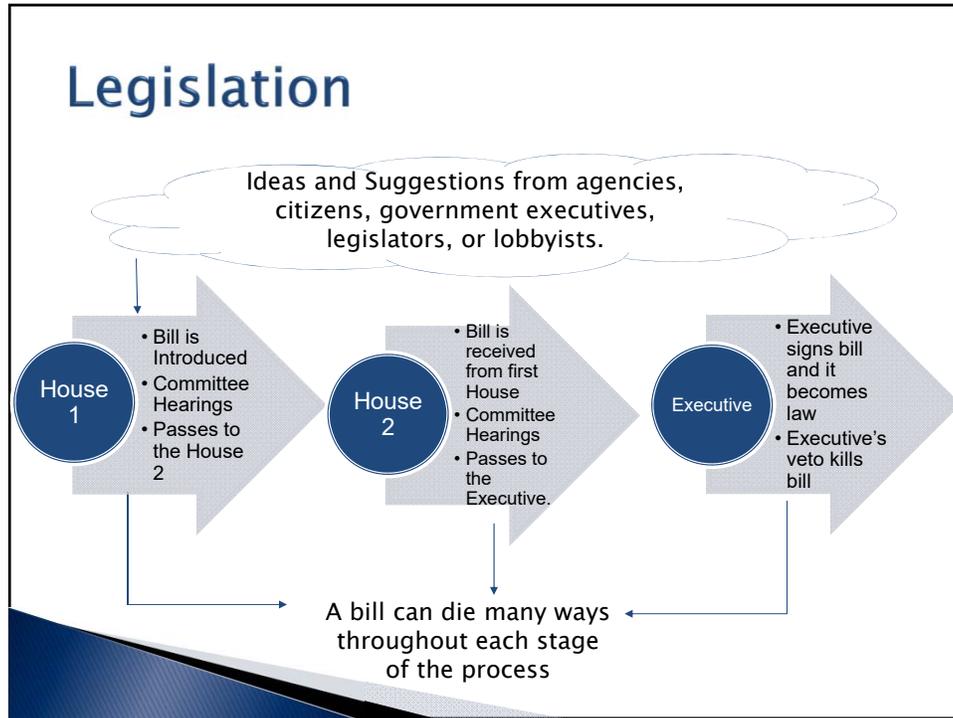
Basic Steps of the Legislative Process (2/3)

Step 2: The idea for the bill is sent to Legislative Counsel who drafts it in the proper bill format. The draft of the bill is returned to the Member's office for introduction. It is given a bill number at introduction.

Basic Steps of the Legislative Process (3/3)

Step 3: After a series of readings, hearings, changes (known as amendments), the bill will move from Committees to the Floor, and ultimately to the Executive Branch for the President or Governor to sign.

Bills are voted on at each stage of the process and can die at anytime.



Federal Legislation (1 / 2)

There are two types of federal legislation.

1. Authorizing legislation that creates or revises current federal policies or programs.
2. Appropriations legislation that funds the federal government and its programs.

Federal Legislation (2/2)

- ▶ SCDD cannot take a position on federal legislation that is different than the National Association of Councils on Developmental Disabilities (NACDD).
- ▶ SCDD expresses its position through NACDD. NACDD is the lobbyist that represents all Councils with the U.S. Congress and the federal agencies.
- ▶ NACDD decides its policy agenda and positions based on two Board of Director approved agendas and the input of NACDD's Public Policy Committee.
- ▶ SCDD serves on NACDD's Public Policy Committee and provides input to NACDD through the Policy Committee.
- ▶ SCDD's role is to educate Members of Congress on the issues that NACDD has taken a position based on requests from NACDD.

State Legislation

- ▶ SCDD cannot work on policy issues that are not directly related to SCDD's approved state plan.
- ▶ SCDD also has a Council approved legislative platform that serves as the foundation for SCDD's policy activities.
- ▶ SCDD decides its policy priorities based on input from SCDD's Employment First Committee (EFC) and Legislation and Public Policy Committee (LPPC). The EFC and LPPC provide recommendations to the Council to approve for SCDD's positions.
- ▶ The Council approved its priorities for 2019-2020 in September 2019.
- ▶ At times between meetings, SCDD's Chair uses delegated authority to take positions between Council meetings when timing necessitates an immediate decision.

Federal vs. State (1 / 6)

- ▶ The Member of Congress who introduces the bill is the sponsor of the bill. Other Members of Congress from the same Chamber are known as co-sponsors.
- ▶ In the California Legislature, the Member who introduces the bill is known as the author. Additional members who support the bill are known as co-authors.

Federal vs. State (2 / 6)

- ▶ There are specific deadlines for each step of the California legislative process. If a bill does not meet each deadline, the bill dies.
- ▶ In the U.S. Congress, a bill only dies at the end of the two-year session. There are no other deadlines for when an authorizing bill must move through the legislative process.

Federal vs. State (3/6)

- ▶ The President does not have a line-item veto for any type of bill. He can veto the entire bill or sign the bill.
- ▶ The Governor can veto specific items in the budget using a line item veto.

Federal vs. State (4/6)

- ▶ Funding for programs supported by the federal or state government run on different calendars.
- ▶ The Legislative calendar runs on the calendar year for both California and the federal government.
- ▶ The federal fiscal year is from October 1- September 30. The state fiscal year is from July 1 - June 30.

Federal vs. State (5/6)

- ▶ In the U.S. Congress, a bill does not have to be successfully voted out of one Chamber before moving forward in the legislative process. A bill can move at the same time through the House of Representatives and U.S Senate.
- ▶ In California, bills move through the Chamber they are introduced in before moving to the other Chamber.

Federal vs. State (6/6)

- ▶ The U.S. Congress does not take public comment at hearings. Opinions and viewpoints on legislation is conveyed through outreach to offices in advance of informational hearings and mark-ups of bills.
- ▶ The CA State Legislature does take public comment from concerned individuals during hearings. Hearings in California are also where changes to the bills are made.

How does SCDD Categorize State Legislation?

- ▶ Support (With or Without Amendments)
- ▶ Watch
- ▶ Oppose
- ▶ No Position

SCDD's Public Policy Operations

It is critical that the Council Members, Committee Members, and Staff are speaking with one voice to all offices throughout California for informing and advocating with elected officials to be effective.

How Do I Find My Member? (1 / 2)

- ▶ Official website for information activities of the U.S. Congress is at <https://www.congress.gov/> (also to track bills and know daily proceedings)
- ▶ U.S. House of Representative's Directory: <https://www.house.gov/representatives>
- ▶ U.S. Senate Directory: https://www.senate.gov/general/contact_information/senators_cfm.cfm

How Do I Find My Member? (2 / 2)

- ▶ Official website for information activities of CA State Legislature is at <http://leginfo.legislature.ca.gov/> (also to track bills and know daily proceedings)
- ▶ California State Senate Directory: <https://www.senate.ca.gov/>
- ▶ California State Assembly Directory: <https://www.assembly.ca.gov/>
- ▶ Find Your Legislator is at: http://www.legislature.ca.gov/legislators_and_districts/legislators_and_districts.htm

Meeting with an Elected or Government Official (1 / 3)

- ▶ Do some background research on the Member's website to see what might be of interest to them.
- ▶ If you can thank the Member for something he or she has recently done that you support to start the meeting.
- ▶ Make it clear that you see the Member as a partner in ensuring people with disabilities can learn, work, live in the community etc.
- ▶ Take timing cues from the Member or their staff. Meeting with staff is equally important as meeting with the Member themselves.

Meeting with an Elected or Government Official (2 / 3)

- ▶ Be early, and do not take it personally if you or others have to wait for the meeting to start. Be prepared to meet anywhere.
- ▶ If multiple people are attending the meeting, prepare in advance for who is going to cover what talking points in the meeting.
- ▶ Go into a meeting with no more than 2-3 topics of discussion. Share both stories and data.

Meeting with an Elected or Government Official (3 / 3)

- ▶ Follow-up with the office is just as or more important than the meeting. After the meeting send a thank you email, and any additional information that you promised to send to them.

Questions?

January 16, 2020

**AGENDA ITEM 8.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC

Federal Legislative and Regulatory Updates

The goal of this agenda item is to provide an update on the latest federal legislative and regulatory issues.

Attachments

WIOA letter

Handout(s)

Could be additional handout(s) day of meeting.



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](#),¹ 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.² 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.”³

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.

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

² National Council on Disabilities, “From the New Deal to the Real Deal: Joining the Industries of the Future,” (Oct. 2018), available at https://www.ncd.gov/sites/default/files/New%20Deal%20to%20Real%20Deal%20FINAL_508.PDF.

³ 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/staff-report-on-employment-for-people-with-disabilities-10-29-2018-pm-.pdf.

Please contact Alison Barkoff, Policy Advisor to the Collaboration to Promote Self Determination (abarkoff@cpr-us.org or 202-854-1270), Amanda Lowe, Senior Policy Analyst at the National Disability Rights Network (amanda.lowe@ndrn.org or 202-408-9514 ext. 101), or Rita Martin at the Council of State Administrators of Vocational Rehabilitation (rmartin@csavr.org 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:

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

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

January 16, 2020

**AGENDA ITEM 9.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC

State Legislative and Regulatory Updates

Deputy Director Cindy Smith will provide a legislative update. This discussion could lead to taking action on SCDD priorities and/or policy.

Attachments

SCDD Policy Platform
SCDD Policy Priorities 2020
Career Technical Education Plan Comments

Handout(s)

Master Plan on Aging Letter
Could be additional handout(s) day of meeting.



LEGISLATIVE PLATFORM 2018

ABOUT THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Close to fifty years ago, the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) established in federal statute, State Councils on Developmental Disabilities in each of the 56 states and territories to “promote self-determination, independence, productivity, integration, and inclusion in all aspects of community life” for people with intellectual and developmental disabilities (I/DD) and their families. The Lanterman Act established the California State Council on Developmental Disabilities (Council) to fulfill those rights through advocacy, capacity building, and systems change.

The Council is comprised of 31 members appointed by the Governor, including individuals with disabilities and their families, and representatives from the DD Act partners (Disability Rights California, the 3 University Centers for Excellence in Developmental Disabilities), and state agencies.

To implement the rights in the DD Act, the Council develops and implements a five-year state plan that contains goals, objectives, and strategies designed to improve and enhance the availability and quality of services and supports. In addition to the Council’s Sacramento headquarters, regional offices support individuals with I/DD and their families through activities such as advocacy training, monitoring, and disseminating and collecting public information. The Council works with policymakers and other stakeholders to ensure policies pertaining to the rights of individuals are protected and enhanced by ensuring people with I/DD are able to experience equality of opportunity, full participation, independent living, and economic self-sufficiency. These four pillars are enshrined in the Americans with Disabilities Act of 1990.

The Council believes that individuals with I/DD and their families must be included and consulted in all aspects of the policy making process to ensure their needs are adequately and appropriately addressed. The Council works to address disparities in access, outcomes, and quality for all services and supports.



Disparities in services and supports can result in severe health, economic, and quality of life consequences. Accordingly, services and supports must be distributed equitably so that individual needs are met in a culturally appropriate and linguistically competent manner, regardless of race, ethnicity, or income.

PROMISE OF THE LANTERMAN ACT

The Lanterman Act promises to honor the needs and choices of individuals with I/DD by establishing an array of quality services throughout the state. Services shall support people to live integrated, productive lives in their communities. Access to needed services and supports must not be undermined through categorical service elimination, service caps, means testing, or family cost participation fees and other financial barriers. California must not impose artificial limitations, delays or reductions in community-based services and supports that would compromise the health and safety of persons with I/DD.

SELF-DETERMINATION

Individuals with I/DD and their families must be given the option to control their service dollars and their services through Self-Determination. The person with I/DD is in charge. With the support of those they choose and trust, people with I/DD and their families are best suited to understand their own unique needs, develop their own life goals, and construct those services and supports most appropriate to reach their full potential. The process begins with a Person Centered Plan (PCP). Self-Determination gives individuals the tools and the basic human right to pursue life, liberty, and happiness in the ways that they choose.

SELF-ADVOCACY

Individuals with I/DD must be supported to exert maximum control over their lives. They must be provided the opportunity and support to be heard, and be leaders in the service system and society, including voting and other civic responsibilities. Self-Advocates must have access to training, plain language materials, and policy making opportunities.



EMPLOYMENT AND ECONOMIC SELF-SUFFICIENCY

Employment in the community, at least minimum wage or above, is known as competitive integrated employment (CIE). CIE provides every person a chance to build relationships with co-workers, be a part of the community, and contribute to the local economies. It reduces poverty and reliance on state support and leads to greater self-sufficiency. The Council supports the full and robust implementation of the Workforce Investment Opportunity Act (WIOA), Home and Community-Based Services Setting Rule (HCBS), Achieving Better Life Experience (ABLE) Act, and California’s Employment First Law.

CIE is the priority outcome for working age individuals with I/DD, regardless of the severity of their disability. Transition planning should begin as early as possible. Policies and practices must set expectations for employment, promote collaboration between local agencies, state agencies, and remove barriers to CIE through access to information, benefits counseling, job training, inclusive postsecondary education, and appropriate provider rates that incentivize quality employment outcomes. The Council supports the phasing out and elimination of subminimum wage and/or segregated employment for all individuals with I/DD.

TRANSPORTATION

Access to transportation is essential to the education, employment, and inclusion of individuals with disabilities. Mobility training must be a standard program among transportation providers to increase the use of available transportation and reduce reliance on costlier segregated systems. Barriers between geographic areas and transportation systems must be addressed so people with I/DD can travel as safely and easily as people without disabilities.

HEALTH CARE

Every person must have access to comprehensive, timely, quality, affordable health care, dental care, and wellness services, and access to plain language information and supports to make informed decisions about their health care. This requires informed consent, individualized,



HEALTH CARE (continued)

appropriate medication, and an adequate network of health professionals. It also includes people with multiple health care needs, those who require routine preventative care, mental and/or behavioral health treatment, dental care, durable medical equipment, and those with reproductive health issues. Service system complexities must be reduced. Individuals must be reimbursed for insurance co-pays, co-insurance, and deductibles when their health insurance covers therapies that are on their Individual Program Plans (IPPs).

EDUCATION

Every student has the right to be safe in school and to receive a quality education with their peers that prepares them for post-secondary education and/or meaningful employment in the community. Schools must ensure robust implementation of the Individuals with Disabilities Education Act (IDEA), Every Student Succeeds Act (ESSA), and other state laws and regulations, to ensure that students with I/DD receive a free appropriate public education (FAPE).

Students with disabilities will be educated alongside their non-disabled peers in the least restrictive environment. Comprehensive transition planning must be considered part of the IPP process. School districts and other educational agencies must be held accountable for implementing the letter and the intent of all state and federal laws. Parents and students must have equal participation in the Individual Education Plan (IEP) process, including the ability to give informed consent. Transparency is paramount.

Teachers, school leaders, paraprofessionals and other school-based professionals must be trained to use valid, positive, and proactive practices, such as individualized school-wide positive behavior interventions and supports, with fidelity. The needs of the student must not impact the child's placement in the least restrictive environment. The Council opposes the use of all forms of seclusion and restraint.



HOUSING

Community integrated living options for individuals with I/DD must be increased and enhanced through access to housing subsidy programs and community education and integration to reduce discrimination. Permanent, affordable, accessible, and sustained housing options must be continually developed to meet both current and future needs.

COMMUNITY PARTICIPATION

Individuals with I/DD must have access to and be fully supported to fully participate in their communities, with their peers without disabilities, through opportunities in all areas of community life including education, employment, recreation, organizational affiliations, spiritual development, and civic responsibilities.

TRANSITION TO ADULT LIFE

All services, including education, rehabilitation, and regional center services, must support students to transition to competitive integrated employment, post-secondary education or other opportunities that will lead to meaningful employment in the community. Transition services must be considered at the earliest possible opportunity and across the lifespan. Adults with I/DD must have access to meaningful activities of their choice with the appropriate services and supports.

SAFETY

All people have a right to be safe. People with I/DD need emergency preparedness training. Individuals with I/DD experience a much greater rate of victimization and a far lower rate of prosecution for crimes against them. The same level of due process protections must be provided to all people. Individuals with I/DD should be trained in personal safety, how to protect themselves against becoming victims of crime, and how their participation in identification and prosecution can make a difference. In addition, to many interactions between law enforcement and people with I/DD end in avoidable tragedy. Law enforcement personnel, first responders, and the judicial system must be trained in how to work with people with I/DD during the course of their duties, including those who are suspects, victims or witnesses of crimes.



QUALITY AND RATES FOR SERVICES AND SUPPORTS

Having access to and receiving quality services and supports is the cornerstone for people with I/DD to be safe, healthy, and promoting self-determination, independence, and inclusion in all aspects of community life. The State of California must ensure that funding is used to achieve positive outcomes for individuals with I/DD and their families. An adequate safety net must be in place to address medical, psychiatric, behavioral, residential, staffing, equipment, or other needs when those services or supports fail, are interrupted, are not available, or additional services and supports are necessary for urgent or immediate need.

The state must streamline burdensome and duplicative regulations and processes that do not lead to positive outcomes for people with I/DD and their families. Quality and timely assessment and oversight must be provided by the state; it must measure what matters, be administered in a culturally competent manner, and the results made public and used to improve the system of services and supports.

The state must restore rates to adequately support the availability of quality services for people with all disabilities. A planned and systematic approach to rate adjustments must prioritize and incentivize services and supports.



POLICY PRIORITIES 2020

PROTECTING AND ENHANCING CIVIL RIGHTS

Every person with developmental disabilities has the right to equality of opportunity, full participation, independent living, and economic self-sufficiency. Disparities in access, outcomes, and quality for all services and supports must be addressed. Federal and state programs providing services and supports to people with developmental disabilities must be transparent and accountable. Complexities in the service delivery system must be reduced and assistance in navigating services and supports should be provided to people with developmental disabilities and their families.

The Council will work to ensure civil rights are protected and enhanced. The Council will work to ensure the full and robust implementation and enhancement of recent federal policies that enshrine the values of the Americans with Disabilities Act including the Workforce Innovation and Opportunities Act (WIOA), Home and Community-Based Services (HCBS) Settings Rule, Every Student Succeeds Act (ESSA) and Achieving Better Life Experience (ABLE) Act.

ENHANCING COMMUNITY LIVING

Statewide community integrated living options for individuals with developmental disabilities must be increased and enhanced through access to housing programs and subsidies. Community education and inclusion must be provided to reduce discrimination. Permanent, affordable, accessible, and sustained housing options must be continually developed to meet both current and future needs. In California, it is estimated that 74 percent of people with developmental disabilities live with family. On average, 138 percent of a person's SSI payment is needed to afford a 1-bedroom apartment.

The Council will work to improve options by implementing the SCDD Housing Framework.

The Council will work to create a dedicated housing fund to support integrated community housing for people with developmental disabilities.

IMPLEMENTATION OF SELF-DETERMINATION PROGRAM

Individuals with developmental disabilities and their families must have the option to control their service dollars and their services. The Self-Determination Program (SDP) gives individuals the tools and the basic human right to pursue life, liberty, and happiness in the ways that they choose. The process begins with a Person-Centered Plan which details their unique needs, competencies, and aspirations of the person.

The Council will support, monitor, and evaluate the implementation of the SDP.

GUARANTEEING ACCESS TO COMPETITIVE INTEGRATED EMPLOYMENT

Every person with developmental disabilities must be provided with opportunities for competitive integrated employment (CIE). In California, CIE is the priority outcome for working age individuals with developmental disabilities, regardless of the severity of their disability. Data shows that only 16.1 percent of Californians with developmental disabilities between the ages of 16- 64 are employed in CIE. Policies and practices must promote collaboration between local agencies and state agencies. Policies and practices must create incentives for systems transformation from segregated or subminimum wage employment to CIE. They must remove barriers to CIE through promoting access to information, benefits counseling, job training, and inclusive postsecondary education. Policies and practices should support employers with training, education, and incentives and ensure appropriate provider rates that incentivize quality employment outcomes.

The Council will work to ensure full and robust implementation of California's Employment First Law and the implementation of Blueprint for Change and to ensure that policies and practices set expectations for CIE, microenterprise training, and self-employment. The Council will work to incentivize and provide supports to all types of employers and contractors for hiring employees with developmental disabilities.

ENSURING SAFETY AND ACCESS TO SUPPORTS IN THE COMMUNITY

Every person with a developmental disability must be safe and have access to and be fully supported to fully participate in their communities with people without disabilities. Supports in the community also rely on adequate wages for providers. The state must continue to restore rates to adequately support the availability of quality inclusive services and supports. A planned and systematic approach to rate adjustments must prioritize and incentivize services and supports.

The Council will work to continue to restore the Department of Developmental Services programs that were cut in 2009 including camp and social recreation. The Council will support efforts to provide adequate wages to providers. The Council will also work to ensure people with developmental disabilities are safe and have access to services and supports in their communities during all types of emergencies.

For more information, contact:

Cindy Smith, Deputy Director for Policy and Public Affairs

Cindy.smith@scdd.ca.gov | 916-263-7919



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 and information about the strategies that CTE programs will use to ensure 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.¹ 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.²

- 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.³ 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.⁴ 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

¹ https://nces.ed.gov/ccd/tables/ACGR_RE_and_characteristics_2015-16.asp

² https://nces.ed.gov/programs/coe/indicator_cgg.asp

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

⁴ <https://www.chhs.ca.gov/home/cie/>

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,



Maria Marquez, Chair

January 16, 2020

**AGENDA ITEM 10.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC

Updates and Standing Agenda Items

The goal of this agenda item is for Committee members to provide updates on the following items and be updated on the actions of the Council.

- a. Council Meeting Summary
- b. DDS Taskforce and Workgroup
- c. Self-Determination Program
- d. CalABLE

Attachment(s)

Council Summary
DDS SDP Newsletter



Ensure that Californians with developmental disabilities are guaranteed the same full and equal opportunities for life, liberty, and the pursuit of happiness as all Americans.

November 14, 2019 State Council Meeting Summary

SIGNIFICANT ITEMS

- On November 14th, the Council hosted its last meeting of 2019 at the Crowne Plaza hotel in Sacramento. State Plan Committee Chair Kilolo Brodie and Executive Director Aaron Carruthers presented the Council a summary of work done during the 2019 federal fiscal year. SCDD provided 9,190 people direct technical assistance on their questions, trained 20,952 people, and overall reached 1,963,804 Californians. Learn more here:
 - [Link to 2018-2019 PPR](#)
- State Plan Committee Chair Brodie presented Councilmembers the recommended approach for the Cycle 43 community development grants. Cycle 43 would make available 12 \$20,000 grants (\$240,000 total) for the top priority need in each region. The Council also reviewed the timeline and draft request for proposals (RFP). Councilmembers had an active discussion about the recommended areas of emphasis before voting to approve the timeline and RFP for Cycle 43. More details are available about the process:
 - [Cycle 43 Timeline link](#)
 - [Cycle 43 RFP link](#)
- The Council held elections for the offices of permanent Chair and Vice Chair. Candidates presented speeches to the Council on their vision for the Council. Councilmember Maria Marquez won the election for Chair and Councilmember Julie Austin won the election for Vice Chair. The Chair and Vice Chair terms run through December 2020.

- Following the elections, the Council went into a closed session to complete the 2019 Executive Director Evaluation. When open session reconvened, the Chair announced that the State Council unanimously approved the Executive Director evaluation.
- Council Chair Maria Marquez offered her congratulations and well wishes to outgoing Councilmembers Catherine Blakemore and Kris Kent.
- Executive Director Aaron Carruthers gave a report to the Council, including updates on the Self-Determination Program and information about the Statewide Self-Determination Advisory Committee (SSDAC). He also discussed several other issues including employment, public safety, disparities and national leadership.

SUMMARY OF COUNCIL ACTIONS

The Council:

- Elected a permanent Chair and Vice Chair to serve through December 2020
- Approved the 2019 Executive Director Evaluation and recommendations
- Approved the September 2019 Council meeting minutes
- Approved the Cycle 43 Grant timeline and Request for Proposals (RFP)
- Approved the 2018-2019 Program Performance Report (PPR)

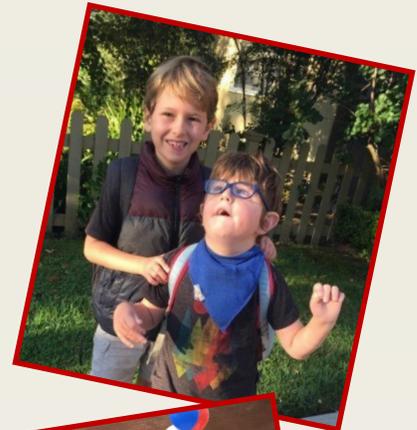
FUTURE MEETING DATE

- January 28, 2020, Hilton Hotel, Sacramento Arden-West, 10:00 am - 4:00 pm

2019: Year in Review

As the year winds down, let's look back at where we started and where we are at now during this first full year of initial implementation of the Self-Determination Program (SDP) in California. In 2019, Orientations were launched, Person-Centered Plans were facilitated, Individual Budget certification began, and Spending Plans were developed. Financial Management Services providers have been vendored and are providing services. Nearly 100 individuals have begun purchasing their services and supports from their budgets and are fully in the SDP. Local Advisory Committees and Regional Centers have begun hosting resource fairs and "meet and mingle" events. The State Council and other organizations have provided Independent Facilitation training to hundreds of individuals and DDS has just made a second selection of participants.

We have spent time listening, adjusting, clarifying, and working out solutions together leading to new perspectives and unexpected partnerships. It has been bumpy at times but as time passes, the process will become smoother. Future participants will reap the benefits of this initial implementation work. So much has been accomplished, resulting in real and meaningful outcomes for individuals. It has been quite a year!



January 16, 2020

**AGENDA ITEM 11.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC

Member Updates

The goal of this agenda item is to allow Committee members time to provide local updates from their community on policy related issues not included in the agenda.

Attachment(s)

None.