



February 3, 2020

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Sent via Email to: [WIOAStatePlan@cwdb.ca.gov](mailto:WIOAStatePlan@cwdb.ca.gov)

Dear Director Rainey:

The State Council on Developmental Disabilities (SCDD) was created 50 years ago by Congress in the Developmental Disabilities Assistance and Bill of Rights Act (DD Act). The purpose of the Councils 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, integration and inclusion” in community life. To implement this purpose in California, specific to employment, the Council has the following goal in its current state plan: The Council will work to ensure “Californians with I/DD and their families reflecting the diversity of the state will have increased information to obtain competitive integrated employment.” It is this purpose in the DD Act and Goal in the state plan that grounds the Council’s comments on the draft of the Unified Strategic Workforce Development Plan to implement the Workforce Innovation and Opportunity Act (WIOA) (P.L 113–128) (WIOA Plan).

The reauthorization of WIOA provided new opportunities to better align services and supports for students and adults with disabilities to ensure they can obtain or retain competitive integrated employment (CIE). When WIOA was drafted by Congress, Congress attempted to ensure that people with disabilities were more fully accounted for in all aspects of the state’s workforce system and to ensure they had equal opportunities for obtaining or retaining CIE. Effective and robust implementation of WIOA is an important and critical step to ensure students and adults with disabilities develop the skills needed to be employed in CIE, decrease poverty and move towards a life of economic self-sufficiency, independence and inclusion. SCDD commends the efforts of the California Workforce Development Board (CWDB) and Department of Rehabilitation (DOR) for their work to develop the WIOA Plan and is overall supportive of the general tenants of the Plan.



California has seen minimal growth in the labor force participation rate and employment rate for persons with disabilities despite continued economic growth. The American Community Survey (ACS) reports in 2017, only 8 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-aged people with disabilities in California was 36 percent compared to 75 percent of working-aged people without disabilities.<sup>1</sup> In 2018, 16 percent of people with developmental disabilities who receive services through the Regional Centers were working. These numbers demonstrate the critical need to ensure that people with disabilities are fully accounted for and included in all aspects of the WIOA Plan. Of significant concern and documented in the Plan is that individuals with developmental disabilities have lower performance outcomes compared to people with other types of disabilities (Title IV pg. 6) including that people with developmental disabilities earn the lowest hourly wage of all types of disabilities on DOR's caseload at 12.00 an hour (with a range of \$12.00 - \$22.49 an hour)(Title IV pgs. 87).

While Title IV of WIOA is specifically focused on people with disabilities, the Council recommends that the Strategic Plan Elements, Operational Plan Elements and Title I, fully integrate information and data on people with disabilities. The Council offers the following comments and recommendations on the WIOA Plan:

### Strategic Plan Elements

- The Council recommends that the WIOA Plan use person-first language throughout each section of the WIOA Plan. While the majority of the WIOA Plan does use person-first language, the Council noticed the section on Californians with Disabilities (pg. 53) does not use person-first language and recommends it is updated. Similarly, the definition of disability in this section should be updated to reflect that the definition cited in it (as originating with by the U.S. Department of Housing and Urban Development) is the definition of disability in the Americans with Disabilities Act (ADA) (42 U.S.C. Sec. 12102) and is utilized across numerous federal and state agencies. Lastly, the Council recommends that the Californians with Disabilities section includes data regarding both the labor force participation rate and unemployment rate for people with disabilities compared to people without disabilities. To provide a slightly more comprehensive view, this data should at minimum be disaggregated by type of disability.
- The Council recommends that the summaries and tables in this section of the WIOA Plan more fully include data on people with disabilities including:



- The summary information for the Workforce Analysis: Demographics and Target Populations (pg. 46) includes no reference to people with disabilities. The Council recommends that the Table 11 on Demographics by Age (pg. 47) should include cross-tabulated data with people with disabilities because we know people acquire disabilities as they age.
- The National Center for Education Statistics reports that in 2015-2016 the adjusted 4-year cohort rate for all students in California was 93 percent, while the graduation rate for students with disabilities was 66 percent. 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. Given the data above, the Council recommends that the educational attainment information (pgs. 48-49) and Table 12 Demographic Characteristics by Education Attainment (pg. 50) include data on people with disabilities.
- The Annual Report on People with Disabilities, reports that in 2017 the poverty rate of working-age people with disabilities was nationally 30 percent compared to 13 percent of working-aged people without disabilities (pg. 82). Given the data above, the Council recommends that information about the income inequality for people with disabilities is included in the section stating the Need for High Road Workforce Development agenda (pgs. 66-67).

### Operational Plan Elements

- Transportation options for people with disabilities to get to work continues to be one of the greatest challenges especially in rural areas. The Council recommends that the Labor Market Information System (pgs. 10-11) also collects data on the location of transportation options and types of transportation available relative to places of employment.

### Title I

- To fully implement the Employment First Policy (AB 1041 (2013)), more nuanced data is needed to examine trends in CIE both longitudinally and/or based on geography, disability, race, ethnicity, or age. The Council sponsored two bills that were successfully signed into law: SB 433 (2017) (which was included in AB 1696) and SB 1274 (2018). Now the Department of Developmental Services



(DDS) can access wage data from the Employment Developmental Department (EDD) and benefits data utilization, CalWorks and CalFresh, from the Department of Social Services (DSS) for individuals with developmental disabilities receiving services from the Regional Centers. The Council is pleased to see that California is in the process of piloting a statewide effort to electronically share data to improve service delivery and alignment (pg. 7). The Council would recommend at some stage in the pilot that DDS is added as a participant in the data sharing to help in identifying individuals and streamlining services to individuals with developmental disabilities who may be receiving services from Regional Centers.

- Similarly, the Council is pleased to see that California has recently invested \$10 million dollars towards planning efforts for the creation of a statewide education system that will follow students from childhood through their employment. It is unclear in the WIOA Plan if this data workgroup includes people with expertise in special education and data collection, analysis and reporting related to the Individuals with Disabilities Education Act (33 U.S.C. Sec. 1400 et. seq.) The Council believes it is critical that all students regardless of whether they receive services in general education or special education are part of the data collection, analysis and reporting effort (pg. 39).
- As noted in the WIOA Plan, both the ADA and WIOA address requirements for programmatic and physical accessibility. The Council is pleased to see the response to address programmatic and physical accessibility (pgs. 44-46) of the One Stop Delivery System in the WIOA Plan. For individuals with developmental disabilities, access to programs funded by WIOA includes having information provided in plain language. It is unclear in the WIOA Plan whether the California Training Model and Regional Training Plans (pg. 45) include a module on working with individuals with developmental disabilities to ensure materials and presentations use plain language. The Council could possibly assist in meeting this need by developing information and materials or doing trainings to ensure this type of programmatic access for people with developmental disabilities by programs funded by WIOA. The Council also believes that a critical component of ensuring equal opportunity and nondiscrimination for persons with disabilities of the Compliance Monitoring Review Process (pg. 45) is onsite reviews to assess for and ensure compliance with physical and programmatic access requirements.

#### Title IV

- As noted above, the Council is very concerned that the triennial Comprehensive Needs Assessment (pg. 6) shows that individuals with developmental disabilities



have lower performance outcomes compared to people with other types of disabilities. The Council believes DOR should convene or use an existing workgroup such as the Blueprint workgroup and/or the Employment First Committee (pg. 49-50) to review the outcomes from the needs assessment, make recommendations on how to address the outcomes and then develop a plan to address the recommendations.

- One of the barriers for individuals with disabilities in obtaining or retaining CIE is having to work with multiple state agencies and providers to get access to services and supports. As noted in the WIOA Plan, California has undertaken initiatives to reduce barriers (pg. 49-51) and continues to work on co-enrollment efforts, but the Council believes more is needed to reduce barriers to CIE.
  - As recognized in the WIOA Plan, to operationalize the Employment First Policy, the Departments of Education (CDE), DDS and DOR have adopted the Blueprint (pg. 49 and pg. 114) and have implemented the Blueprint at the local level through the development of Local Partnership Agreements (LPAs). The LPAs are being created to streamline services and supports needed for CIE between Regional Centers, DOR District Offices and local education agencies (LEAs) (pg. 47). The Council is pleased to see that the WIOA Plan recognizes the importance of LPAs and encouragement that the LPAs or other memorandums of agreement (MOUs) work to further clarify and define DOR District Office and LEAs responsibilities to students with disabilities (pg. 40 and pg. 114). This is a critical element to removing barriers to CIE. The Council recognizes that the LPAs are meant to local agreements, but the Council believes as the LPAs are developed and approved, that the Blueprint workgroup should conduct information and dissemination activities to all of the LPAs and other stakeholders to highlight promising and innovative practices in the LPAs (such as those described on pgs. 47-48), that could be replicated in other LPAs or statewide.
- The Council is pleased to see that the Procedures for Outreach and Identification of Students with Disabilities (pgs. 39-41) includes an evaluation of activities to measure transition outcomes including measuring longitudinal outcomes. Longitudinal data is critical to continuing to understand barriers to CIE for transition-aged students with disabilities (pg. 39). The Council encourages DOR and CDE to put together a stakeholder data evaluation workgroup with statisticians, program evaluation experts, program experts across agencies and



other stakeholders to determine how to develop a valid and reliable evaluation of the Outreach and Identification activities being coordinated at both the local and state level to encourage and support the seamless delivery of transition services (pgs. 39-40).

- The Regional Offices of the State Council conducted over 75 trainings and outreach events last federal fiscal year related to employment, and the Statewide Self-Advocacy Network is a project of the Council that is focused on connecting self-advocates, their communities and statewide organizations to increase leadership by persons with disabilities. The Council would be interested in exploring opportunities to join the Community of Practice (pg. 31) and exploring additional opportunities to best leverage resources by assisting in Outreach to families to make them aware of DOR services (pg. 33), partnering on the Regional Trainings to support families in the transition process (pg. 31) or having self-advocates appointed to or affiliated with Council assist with self-advocacy trainings (pg. 35).
- The Council is generally supportive of the three new priorities and the nine new goals included in the WIOA Plan by DOR to ensure vocational rehabilitation (VR) and the supported employment programs are aligned with WIOA (pgs. 4-5 and pgs. 105-106).
  - The Council is unclear how quality is to be measured and assessed in Priority 1 Goal 1 for purposes of evaluating an Individualized Plan for Employment (IPE). If not already available, the Council suggests that metrics are developed to define a quality IPE (pg. 4 and pg. 117).
  - In regards to Priority 1 Goal 2, the Council recommends that DOR examine what innovative approaches have worked in other locations and could be replicated in California (pg. 4 and pg. 118).
  - As stated above, the Council fully supports better data integration and systems alignment to achieve CIE and is pleased to see Priority 2 Goal 2 addresses this need (pg. 4 and pg. 120).
  - The Council is also pleased to see Priority 2 Goal 4 is focused on sustaining and enhancing the Blueprint goals by leveraging partnership opportunities with other partners in the developmental disability community including the Council (pg. 4 and pg. 120). The Council is interested in



exploring opportunities to becoming an extended Blueprint workgroup partner and recommends that opportunities to better align the activities of the Blueprint workgroup, the Employment First Committee and other stakeholder workgroups and Committees focused on employment/CIE are undertaken to best align and utilize existing resources.

- The Council is generally supportive of the State Rehabilitation Council recommendations regarding the WIOA Plan. In particular, the Council is supportive of the proposal to rebrand how people with disabilities who receive services are referred to by DOR. The Council is generally supportive of moving away from referring to people as consumers and instead referring to them as students, workers or job seekers (pg. 10).
- Given that DOR reports as part of the Statewide VR Assessment that 79 percent of the Priority 1 DOR consumers are individuals with developmental disabilities (pg. 77) and the outcomes experienced by this population discussed above, the Council recommends that the key informant interview next steps (pg. 80 and pg. 127) include interviews with organizations specifically focused on people with developmental disabilities, including the State Council on Developmental Disabilities, Department of Developmental Services, employment policy researchers with expertise regarding the barriers to employment for people with developmental disabilities and other stakeholders with expertise in working specifically with this population in California or nationally.

Thank you for considering the Council's comments on the draft WIOA Plan. The Council believes the robust implementation of WIOA provides critical opportunities for individuals with developmental disabilities to obtain or retain CIE. The Council is interested in exploring opportunities to collaborate with CWDB and DOR to remove barriers to CIE for individuals with developmental 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](mailto:cindy.smith@scdd.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Maria Marquez". The signature is written in a cursive style and is enclosed within a hand-drawn circle.

Maria Marquez, Chair