



NOTICE/AGENDA

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

This is a teleconference and zoom meeting only. There is no physical location being made available to the public. Per [EXECUTIVE ORDER N-29-20](#), teleconferencing restrictions are waived during the COVID-19 pandemic. Therefore, Committee members are not required to list their remote locations and members of the public may participate telephonically or by Zoom from any location. Accessible formats of all agenda and materials can be found online at www.scdd.ca.gov.

JOIN ZOOM MEETING: <https://bit.ly/EFCJuly2020>
MEETING ID: 974 3812 0540
PASSWORD: 487606

Click [here](#) for instructions on using the Zoom application.

OR

JOIN BY TELECONFERENCE: (VOICE ONLY)

CALL IN NUMBER: 888-475-4499
MEETING ID: 974 3812 0540





DATE: July 30, 2020

TIME: 11:00 AM – 3:30 PM

COMMITTEE CHAIR: Wesley Witherspoon

Item 1. CALL TO ORDER

Item 2. ESTABLISH QUORUM

Item 3.	WELCOME AND INTRODUCTIONS	
Item 4.	PUBLIC COMMENTS <i>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.</i>	
Item 5.	APPROVAL OF APRIL & JULY 2020 MINUTES 	Page 4
Item 6.	FEDERAL AND STATE LEGISLATIVE AND REGULATORY UPDATES  <i>Presented by Cindy Smith, SCDD</i> a. BER Recommendations and Next Steps	Page 9
Item 7.	GETTING PEOPLE BACK INTO THE WORKFORCE <i>Presented by from Dennis Petrie, Associate Secretary California Labor and Workforce Development Agency</i>	Page 17
Item 8.	EMPLOYMENT SERVICES PRESENTATION <i>Presented by Arturo Cazares, RCOC Associate Director, Employment</i>	Page 18
Item 9.	LET'S WORK – CYCLE 42 GRANT PRESENTATION <i>Presented by Sue Sawyer, California Transition Alliance</i>	Page 19
Item 10.	DATA SHARING  <i>Presented by: All</i> a. Data Workgroup Update b. Update on the Implementation of the Data Sharing Legislation	Page 20
Item 11.	2019 EFC REPORT – LESSONS LEARNED FOR NEXT YEAR  <i>Presented by: All</i>	Page 23
Item 12.	UPDATE ON CIE BLUEPRINT IMPLEMENTATION	Page 48
Item 13.	2020 MEETING DATES September 29 th	
Item 14.	ADJOURNMENT	

Accessibility:

Pursuant to Government Code Sections 11123.1 and 11125(f) and Executive Order N-29-20 (this Executive Order can be found by clicking the link on page one of the agenda or typing <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf> into your web browser), 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 Robin Maitino-Erben at (916) 263-8193 or robin.maitino@scdd.ca.gov. *Please provide at least 3 business days prior to the meeting to allow adequate time to respond to all requests.*

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

July 30, 2020

AGENDA ITEM 5.

ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Approval of April and June 2020 Minutes

Members will be presented with the draft minutes from the April 23rd and June 8th meetings for consideration.

Action Recommended

Approve the April and June 2020 minutes.

Attachments

April 23rd and June 8th Meeting Minutes



DRAFT

Employment First Committee Meeting Minutes April 23, 2020

Attending Members

Cindy Chiu (DOR)
Sarah Issacs (DRC)
Michael Luna (DDS)
Olivia Raynor (UCLA)
Steve Ruder (UCD)
Nick Wavrin (CDE)
Wesley Witherspoon (SA)
Larry Yin (USC)

Members Absent

None

Others Attending

Aaron Carruthers
Cindy Smith
Robin Maitino-Erben
Mary Ellen Stives
Sheraden Nicholau
Robin Maitino-Erben
Matt Traverso
Charlotte Endres
Lea Park-Kim
Maria Aliferis-Gjerde

1. CALL TO ORDER

Chairperson Wesley Witherspoon (SA) called the meeting to order at 1:08 p.m.

2. ESTABLISH QUORUM

A quorum was established.

3. WELCOME/INTRODUCTIONS

Members and others introduced themselves as indicated.

4. PUBLIC COMMENTS

None.

5. APPROVAL OF THE FEBRUARY 2020 MEETING MINUTES

It was moved/seconded (Raynor/Yin) and carried to approve the February 2020 meeting minutes as presented. (Abstain: Ruder and Wavrin, all others voted in favor. See page one for members in attendance.)

6. GETTING PEOPLE BACK INTO THE WORKFORCE

Committee members and SCDD Executive Director Aaron Carruthers reported the work their respective departments/agencies are doing to get people back to work.

Legend:

SA = Self-Advocate

FA = Family Advocate

Page 1

Members then spoke about the work the Governor's new Task Force on Business and Jobs Recovery was doing and how EFC could use this opportunity to develop recommendations for the Task Force to ensure that people with intellectual and developmental disabilities were being considered. A workgroup will be convened to develop and submit recommendations to the Task Force. Committee Chair Wesley Witherspoon appointed Olivia Raynor, Steve Ruder and Sarah Isaacs to the workgroup.

7. REVIEW DRAFT 2019 EFC REPORT

At the February meeting, members stated that the 2019 EFC report would be built off the findings and recommendations from the 2018 annual report and requested that staff e-mail the 2018 report recommendations to them for review and provide their input for the report. Members sent their input to staff who incorporated the feedback and updated that data being reported. Members then reviewed and provided additional input and corrections on the draft 2019 EFC Report before acting to approve it in concept with the understanding that the updated draft would be sent out for final approval before sending the report to the Executive Committee for approval. Members also discussed a variety of ways to improve the reports layout for next year's report.

It was moved/seconded (Raynor/Ruder) and carried to approve the 2019 EFC Report in concept. (Unanimous: see page one for members in attendance.)

8. DATA SHARING UPDATES

Committee Chair Wesley Witherspoon and Deputy Director Cindy Smith provided an update to the Committee's request to establish a data workgroup to determine what data would be most relevant in determining outcomes and barriers to CIE. Committee Chair Wesley Witherspoon appointed Committee member Olivia Raynor as Chair to the Data Workgroup and appointed Committee members Michael Luna and Sarah Isaacs as workgroup members. The first meeting is will be sometime before the July full Committee meeting.

9. 2020 MEETING DATES

July 30th and September 29th.

10. ADJOURNMENT

Meeting at adjourned at 3:12 p.m.



DRAFT
Employment First Committee
Meeting Minutes
June 8, 2020

Attending Members

Cindy Chiu (DOR)
Larry Yin (USC)
Michael Luna (DDS)
Olivia Raynor (UCLA)
Nick Wavrin (CDE)
Wesley Witherspoon (SA)
Steve Ruder (UCD)

Members Absent

Sarah Issacs (DRC)

Others Attending

Aaron Carruthers
Charlotte Endres
Cindy Smith
Lea Park-Kim
Matt Traverso
Maria Aliferis-Gjerde

1. CALL TO ORDER

Chairperson Wesley Witherspoon (SA) called the meeting to order at 2:05 p.m.

2. ESTABLISH QUORUM

A quorum was established.

3. WELCOME/INTRODUCTIONS

Members and others introduced themselves as indicated.

4. PUBLIC COMMENTS

None.

5. DISCUSSION & APPROVAL OF BUSINESS & ECONOMIC RECOVERY WORKGROUP RECOMMENDATIONS

The Committee met for the sole purpose of reviewing and approving the EFC's Business and Economic Recovery (BER) Workgroup recommendations.

On April 23rd the Committee established the BER Work to develop to submit recommendations to the Governor's new Taskforce on

Business and Economic Recovery to ensure that people with intellectual and developmental disabilities are considered. The BER Workgroup met on May 27th and June 2nd to develop the recommendations.

It was moved/seconded (Raynor/Ruder) and carried to approve the BER workgroup recommendations as presented. (Unanimous, see attending members on page one for a list of voting members.)

6. ADJOURNMENT

Meeting at adjourned at 2:29 p.m.

July 30, 2020

AGENDA ITEM 6.

POTENTIAL ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Federal and State Legislative and Regulatory Updates

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

Attachments

HCBS Letter

Final BER Recommendations



SMD # 20-003
Re: Home and
Community-Based Settings
Regulation – Implementation
Timeline Extension and Revised
Frequently Asked Questions

July 14, 2020

Dear State Medicaid Director:

The Centers for Medicare & Medicaid Services (CMS) is issuing guidance pertaining to the home and community-based services (HCBS) Settings Rule, which became effective on March 17, 2014.¹ As states are responding to the Coronavirus Disease 2019 public health emergency (COVID-19 PHE), CMS recognizes that its impact has necessitated changes to states' ongoing efforts to comply with the HCBS settings criteria. States' stay-at-home and/or safer-at-home orders and the process of social distancing have made it difficult, if not impossible, for states to accurately evaluate how an individual is experiencing community integration in current HCBS settings. These necessary directives have seriously impacted not only the measurement of community integration for individuals, but the intent of the Settings Rule to ensure that individuals with disabilities and older adults have the opportunity to be active participants in their communities. Lastly, older adults and individuals with disabilities who receive Medicaid HCBS often have underlying conditions that increase risks to health and welfare associated with COVID-19 that can further delay a return to integrated activities as they existed prior to the global pandemic.

States have requested flexibility from CMS with respect to demonstrating compliance with the requirements of the HCBS Settings Rule under section 1135, Appendix K to section 1915(c) HCBS waivers, section 1115 demonstrations, and disaster relief State Plan Amendments (SPAs).² States have highlighted, in particular, delays in their ability to effectively assess settings and determine needed remediation to ensure compliance with the Settings Rule. Economic factors including state workforce furloughs and redirection or refocusing of limited existing state human and monetary resources due to the COVID-19 PHE have also impacted some of these activities. States have also requested that CMS consider extending the HCBS settings implementation deadline again in the course of ongoing training and technical assistance activities.

¹ See 79 Fed. Reg. 2948 (Jan. 16, 2014), available at <https://www.gpo.gov/fdsys/pkg/FR-2014-01-16/pdf/2014-00487.pdf>; see also 42 CFR Parts 430, 431, et. al.

² See <https://www.medicaid.gov/resources-for-states/disaster-response-toolkit/coronavirus-disease-2019-covid-19/index.html>.

On May 9, 2017, in recognition of the reform efforts underway across the country, CMS issued guidance³ extending the timeframe for states to demonstrate compliance with the settings requirements to March 17, 2022. This extension permitted states and providers an additional three years to demonstrate true community integration of individuals receiving Medicaid HCBS. In light of impacts discussed above from COVID-19, and to ensure the continued delivery of quality Medicaid HCBS to beneficiaries, CMS will allow states an additional year, through March 17, 2023, to complete implementation of activities required to demonstrate compliance with the settings criteria.

CMS also issued a State Medicaid Director Letter on March 22, 2019 (SMD #19-001),⁴ that included Frequently Asked Questions (FAQ) to discuss settings identified by the regulation as being presumed to have the qualities of an institution that the state identifies for a heightened scrutiny review by CMS. States have been unable to complete settings assessments and implement remediation plans due to COVID-19 and have requested an extension to relevant deadlines to demonstrate compliance with these settings and/or submit heightened scrutiny evidence packages to CMS for review. Therefore, CMS is extending the timeframes identified in relevant FAQs an additional year through this letter. The revised FAQs are attached.

Under these revised FAQs, if a state determines that a setting that isolates individuals from the broader community has implemented remediation strategies that brought the setting into compliance with the settings criteria by July 1, 2021, then that setting will not need to be submitted to CMS for a heightened scrutiny review. Additionally, states may submit to CMS isolating settings that have not completed necessary remediation for a heightened scrutiny review no later than October 31, 2021, which is an additional year from the original timeline.

CMS requests that information on settings located in the same building as a public or private institution or on the grounds of or adjacent to a public institution be submitted for heightened scrutiny no later than March 31, 2021.

Given the impact of the COVID-19 PHE, states are strongly encouraged to use this extra year to evaluate how the provision of Medicaid-funded HCBS fulfills larger public health priorities and advances the tenets of beneficiary autonomy and community integration. HCBS are a key feature of state efforts to offer a meaningful choice to beneficiaries on where to live and how to receive services, and in state compliance with the Americans with Disabilities Act and the *Olmstead v. L.C.*⁵ Supreme Court decision. As states continue to examine their array of HCBS as part of strategies to recover from the COVID-19 PHE, the availability of person-centered, individualized supports will take on even greater importance. States are encouraged to use this additional year to develop short and long-term strategies for increasing the capacity of these supports. In light of the risks associated with congregate settings and COVID-19, states may wish to give particular priority to those provisions of the rule regarding making available non-disability specific settings among the range of options available to individuals with disabilities, including to individuals currently residing in disability-specific congregate settings (for whom transition supports may be necessary to make the option available).

³ Available at <https://www.medicaid.gov/sites/default/files/federal-policy-guidance/downloads/cib050917.pdf>.

⁴ Available at <https://www.medicaid.gov/sites/default/files/Federal-Policy-Guidance/Downloads/smd19001.pdf>.

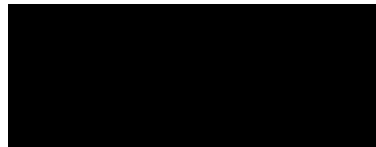
⁵ 527 U.S. 581 (1999).

Several states have also expressed a desire to engage with CMS to further enhance rebalancing efforts, lessening reliance on institutional settings in the provision of long-term care, due to the disproportionate impact of COVID-19 in nursing facilities and other institutions. The additional year will also free-up state resources that may be used in furtherance of these pursuits.

Lastly, acknowledging that states are and will continue to be faced with a backlog of actions as a result of COVID-19, states are encouraged to work consistently on their HCBS settings compliance activities between now and March 17, 2023. CMS continues to expect that states will demonstrate progress toward compliance throughout the transition period. This will avoid a last-minute build-up of actions and decisions, and ensure adequate engagement of stakeholders throughout the transition period as states finalize and implement their vision for HCBS provision.

CMS remains steadfast in its commitment to continue to provide technical assistance to states and other stakeholders to identify implementation approaches that ensure provision of Medicaid services in a manner consistent with program requirements. If you have any questions regarding the information in this letter, please contact Michele Mackenzie, Technical Director, in the Disabled and Elderly Health Programs Group, by email at Michele.MacKenzie@cms.hhs.gov.

Sincerely,



Calder A. Lynch
Deputy Administrator and Director

Frequently Asked Questions: HCBS Settings Regulation Implementation and Heightened Scrutiny Reviews of Presumptively Institutional Settings: July 2020 Update

1. **Question:** What is the new deadline for states to assure that all settings are in compliance with the home and community-based services (HCBS) settings criteria?

Answer: States have been granted an additional year to demonstrate compliance and should ensure all settings are in full compliance with the HCBS settings criteria by March 17, 2023. This date to demonstrate compliance replaces the March 17, 2022 timeline included in CMS guidance issued May 9, 2017.¹ Several states have requested an extension to demonstrate compliance with the HCBS settings criteria due to an inability to complete site-specific assessment and remediation activities due to the COVID-19 public health emergency (PHE). Social-distancing requirements in response to the PHE are resulting in the inability to complete activities outlined in approved statewide transition plans and/or activities required to obtain final approval of those plans.

During this extension, CMS urges states to continue to identify settings in need of remediation and work on the development, approval and implementation of their Statewide Transition Plans, including close consultation with relevant stakeholders. In light of the risks associated with congregate settings during the COVID-19 PHE, states may wish to give particular priority to those provisions of the rule regarding making available non-disability specific settings among the range of options available to individuals with disabilities, including to individuals currently residing in disability-specific congregate settings (for whom transition supports may be necessary to make the option available).

In addition, CMS reminds states that they continue to have independent obligations to comply with the Americans with Disabilities Act, Section 1557 of the Affordable Care Act, and Section 504 of the Rehabilitation Act, including their requirements under *Olmstead v. L.C.*², which remain in effect during this public health emergency. Technical assistance is available from the HHS Office for Civil Rights and the Department of Justice Civil Rights Division.

2. **Question:** What assistance is available to states to address the impact of the COVID-19 PHE on statewide transition plan activities?

¹ <https://www.medicaid.gov/sites/default/files/federal-policy-guidance/downloads/cib050917.pdf>

² Under title II of the ADA and *Olmstead v. L.C.*, the unjustified isolation of individuals with disabilities constitutes unlawful discrimination. States are required to provide community-based treatment where such treatment would be appropriate, the affected person does not oppose such treatment, and the treatment can be reasonably accommodated. Further information on state obligations under *Olmstead* can be found at https://www.ada.gov/olmstead/q&a_olmstead.htm.

Answer: States can review up-to-date guidance on flexibilities available for the delivery of HCBS on the CMS website.³ States can also avail themselves of individual and small group technical assistance from CMS, including alternative ways to gather site-specific assessment data and conduct validation activities. CMS also is available to offer assistance with approaches to gather information from beneficiaries and other stakeholders when face-to-face contact is impacted by state or local restrictions due to the COVID-19 PHE.

3. **Question:** Given the extension of the deadline to assure full implementation of the settings criteria to March 17, 2023, when will states be required to submit heightened scrutiny packages for settings that have the effect of isolating Medicaid HCBS beneficiaries from the broader community?

Answer: If the state determines, through their assessment and validation activities, that a setting that isolates individuals from the broader community has implemented remediation strategies to bring the setting into compliance with the settings criteria by the new timeline of July 1, 2021, the setting will not need to be submitted to CMS for heightened scrutiny review. This replaces the original date published in the March 2019 FAQs.⁴ However, states should continue to provide information to the public about how those settings have overcome the presumption and comply with the settings criteria, in accordance with the parameters of questions 4 and 7 of the March 2019 FAQs.

Any settings that meet the criteria in question 2 of the March 2019 FAQs of having the effect of isolating Medicaid beneficiaries from the broader community, and have not come into compliance with the regulatory criteria by July 1, 2021, should be posted for public comment with the remediation plan to comply with the settings criteria by March 17, 2023 in accordance with question 8 of the March 2019 FAQs. For these settings, CMS requests that states submit information for a heightened scrutiny review no later than October 31, 2021, which also represents an additional year beyond the original timeline.

The above dates replace prior guidance given in FAQ 4 of the March 2019 FAQs (SMD #19-001) issued on this subject. The deadlines by which states can work with settings that isolate Medicaid beneficiaries from the broader community to implement remediation and demonstrate compliance have been revised.

4. **Question:** What is the timeline to submit all other settings that are presumed to be institutional according to the HCBS settings rule⁵ (i.e., settings that are located in the

³ Available at <https://www.medicaid.gov/resources-for-states/disaster-response-toolkit/coronavirus-disease-2019-covid-19/index.html>.

⁴ Available at <https://www.medicaid.gov/sites/default/files/Federal-Policy-Guidance/Downloads/smd19001.pdf>.

⁵ See 42 CFR 441.301(c)(4), .530(a)(1), .710(a)(1).

same building as a public or private institution, or are on the grounds of or adjacent to a public institution providing inpatient treatment) to CMS for heightened scrutiny review?

Answer: In accordance with the parameters described in FAQ 8 of the March 2019 FAQs, the state should submit a numbered list of settings that the state has determined to be located in the same building as a public or private institution or on the grounds of or adjacent to a public institution that comply, or will comply, with the settings criteria by the end of the transition period to CMS for heightened scrutiny review. This information should be submitted to CMS by March 31, 2021. Public comments should be solicited upon completion of the assessment and validation activities outlined above.

The above dates replace prior guidance given in FAQ 9 in the March 2019 FAQs (SMD #19-001) issued on this subject. The deadline for states to submit evidence packages for settings that fall under the institutional presumption is revised.

5. **Question:** If settings have made significant and long-term changes to the services provided or the location in which services will be provided in response to the COVID-19 PHE, will states be required to reassess those settings?

Answer: If a setting has made significant and permanent changes to the services provided or the location in which those services are provided, the state may be required to reassess the setting, after the PHE, for compliance with the Settings Rule requirements.

June 9, 2020

The Honorable Gavin Newsom
California State Capitol
1303 10th Street, Suite 1173
Sacramento, California 95814

RE: Recommendations for the Task Force on Business and Jobs Recovery on the Topic of the Employment of People with Disabilities

Dear Governor Newsom:

[The Employment First Committee](#) (EFC)¹ is a statutorily created Committee responsible for ensuring that Californians with intellectual and/or developmental disabilities can obtain and retain employment in the community. The EFC writes today with four recommendations for the Task Force on Business and Jobs Recovery to consider as it shapes its agenda to address the economic recovery from COVID-19.

The State of California should:

- Become a national leader in employment by implementing policies and practices that guarantee equitable access, opportunity and inclusion for people with disabilities.
- Ensure that people with and without disabilities achieve equal participation in the labor force.
- Support California businesses in their efforts to employ people with disabilities.
- Add additional Taskforce members from the business community with expertise in development, recruitment, hiring and retention of people with disabilities.

People with disabilities bring valuable skills to the workforce and are a part of all diverse economic and social sectors. Nevertheless in 2019, the labor force participation rate of working-aged people with disabilities was 19.3 percent compared to 66.3 percent of working-aged people without disabilities.² This statistic collected prior to the COVID-19 pandemic demonstrates the need to ensure that people with disabilities are fully accounted for and included in all conversations focused on creating a fair and equitable recovery. Therefore, we encourage the Taskforce to seize this opportunity to lead the way to equitable access and inclusion of people with disabilities in the labor force.

Thank you for considering our initial recommendations to the Task Force. The EFC is committed to supporting your work and is happy to provide additional expertise or resources that would be helpful to the Task Force. 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,



Wesley Witherspoon, Chair, Employment First Committee

¹ In 2013, California adopted its Employment First Policy (AB 1041 (Chesbro) Chapter 677, Statutes of 2013), which states "it is the policy of the state that opportunities for integrated, competitive employment, including, self-employment, and microenterprises, shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities."

² <https://www.bls.gov/news.release/disabl.nr0.htm>

July 30, 2020

**AGENDA ITEM 7.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Getting People Back into the Workforce

Mr. Dennis Petrie is the Associate Secretary of Future of Work Realignment at the California Labor and Workforce Development Agency has been invited to speak has been invited to speak about the work the Agency is doing in workforce development, what is the future of the Future of Work Department in light of COVID and in general, what EDD is doing to get people with I/DD back to work.

Attachments

None – May be handouts the day of meeting.

July 30, 2020

**AGENDA ITEM 8.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Employment Services Presentation

Mr. Arturo Cazares, Regional Center of Orange County, Associate Director has been invited to speak to the Committee on employment services. Mr. Cazares oversees the regional center's employment, volunteer and internship initiatives and programs and builds relationships with community partners and employers. Mr. Cazares will also speak about how the regional center is adapting the way they provide services in light of COVID-19 and social distancing.

Attachments

None – May be handouts the day of meeting.

July 30, 2020

**AGENDA ITEM 9.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Let's Work – Cycle 42 Grant Presentation

Ms. Sue Sawyer from the California Transition Alliance (Alliance) has been invited to speak to the Committee about the agency's Let's Work! Project. The Alliance was awarded approximately \$255,000 in 2019 to create videos and other digital tools by employing young people with I/DD to write, cast, produce, record, edit, audio-describe, caption and publish video and supportive digital content.

As part of their deliverable, the Alliance has created a dedicated YouTube Channel (<https://www.youtube.com/channel/UCB8NI2TRJJ3IjKRzN2AL1xQ>) for its soft launch and one of the videos produced is now posted. Additional elements of this project include conducting outreach to increase awareness of the new resources, providing instructional videos and producing documentaries that show young adults working in CIE settings. The digital stories told in the documentaries will highlight individual pathways to CIE and the young adults will also help create instructional videos for their peers. This innovative project is also enhancing four best practices as identified by the National Technical Assistance Center on Transition and the Workforce Innovation Technical Assistance Center.

Attachments

None – May be handouts the day of meeting.

July 30, 2020

AGENDA ITEM 10.

POTENTIAL ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Data Sharing

Members will be provided with an update on the progress the Committee's Data Workgroup has made. Committee members will also receive any implementation updates available on the data sharing legislation.

Attachments

July 27, 2020 EFC Data Workgroup Agenda

The purpose of the Data Workgroup is to implement the Employment First Committee's responsibilities related to data included in AB 1041 by identifying the data that would be most useful and relevant in determining barriers to competitive integrated employment (CIE) and outcomes. The Workgroup will also determine how to best update and maintain the Data Dashboard.

July 27, 2020 – EFC Data Workgroup Agenda

Members: Olivia Raynor (Chair), Sarah Isaacs, Michael Luna, Catherine Hayward, Cindy Smith, Ruby Villanueva, Robin Maitino-Erben, Matt Traverso, Lea Park-Kim

1. Why Are We Here?

Members will review the workgroups purpose.

As a reminder, the EFC is charged in AB 1041 (2014) with:

- Identifying existing sources of employment data and recommending goals for, and approaches to measuring progress in, increasing integrated employment and gainful employment of people with developmental disabilities.
- Identifying existing sources of consumer data that can be used to provide demographic information for individuals, including, but not limited to, age, gender, ethnicity, types of disability, and geographic location of consumers, and that can be matched with employment data to identify outcomes and trends of the Employment First Policy.
- Recommending goals for measuring employment participation and outcomes for various consumers within the developmental services system.

2. How Will We Implement the Charge in the Employment First Policy?

Members will determine the steps needed including a timeline to implement the charge.

3. Who Is the Intended Audience for Data Related to CIE?

Members will begin the discussion of who needs access to data related to CIE (e.g., researchers, families, employers, policymakers, etc.).

4. What Are The Potential Uses of Data Related to CIE?

Members will identify the variety of ways the data can be used by audience members (e.g., measuring current outcomes, measuring improvements, etc.)

5. What Data Exists Related to CIE?

Members will discuss what data already exists and begin a discussion of the gaps in accessing or analyzing data related to CIE.

6. Next Steps and Meeting Times

Members will set a standing meeting time and select agenda items for the next workgroup meeting.

July 30, 2020

AGENDA ITEM 11.

POTENTIAL ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

2019 EFC Report – Lessons Learned for Next Year

The Committee will discuss the lessons learned as the 2019 EFC Report was being prepared and discuss ways to streamline the process for 2020. This discussion could possibly lead to the Committee taking action.

Committee members will also be provided with a copy of the 2019 Final Report.

Attachments

Final 2019 EFC Report



2019

REPORT OF THE EMPLOYMENT FIRST COMMITTEE

Convened By

**THE CALIFORNIA STATE COUNCIL ON
DEVELOPMENTAL DISABILITIES**

TABLE OF CONTENTS

Executive Summary	3
Data Trends in Competitive Integrated Employment (CIE)	4
Federal Policies Impacting CIE in California	5-6
State Policies Impacting CIE in California	7-9
State and Local Implementation of Policies for CIE	10-11
Internship Success Story #1	11
Internship Success Story #2 and #3	12
New Legislative Efforts in 2019	13
EFC's Activities in 2020	14
Recommendations	15-17
Appendices	18-23
Footnote	24



EXECUTIVE SUMMARY

This is the 2019 annual report of the Employment First Committee (EFC) convened by the State Council on Developmental Disabilities. EFC is tasked with advancing competitive integrated employment (CIE) for people with developmental disabilities by identifying: 1) the respective roles and responsibilities of state and local agencies; 2) strategies and best practices for increasing employment including transition practices; 3) sources of employment data and recommended approaches for measuring progress; 4) demographic data that can be matched to employment outcomes; and 5) goals for measuring employment participation and outcomes for various people with developmental disabilities across service systems.

Although some progress has been made in both California and across the country, the majority of working age adults with developmental disabilities remain unemployed or underemployed. California has the opportunity to become a national leader in CIE. Although California has a strong Employment First Policy, it has not yet been fully actualized. Some of the current barriers include: 1) access to comprehensive data within and across systems to effectively evaluate and identify barriers; 2) shortfalls in employment service provider availability and retention; and 3) insufficient availability of information for individuals with developmental disabilities and equal access to good jobs.

This report discusses some of the efforts that have been undertaken in 2019 to address these barriers and includes policy recommendations for the Legislature and Administration to meet these challenges. The world has changed since our fiscal year ended as a result of the COVID-19 pandemic and presents important new opportunities to achieve meaningful change. Although we do not yet know what this will look like, we have laid out some important principles in our recommendations.

A photograph of a man with grey hair, wearing a light-colored button-down shirt, sitting at a table in a meeting room. He is pointing his right index finger towards the left side of the frame. In the background, other people are seated at tables, and a presentation screen is visible. The image is slightly blurred and has a semi-transparent dark overlay at the bottom where the title is located.

DATA TRENDS IN COMPETITIVE INTEGRATED EMPLOYMENT (CIE)

Access to comprehensive data within and across systems is the cornerstone of evaluating and identifying barriers to achieving CIE. California continues to experience gaps in the ability to collect and analyze comprehensive data requiring stakeholders to rely on multiple data systems to create a holistic portrait of the barriers and achievements related to CIE.

California, like the rest of the United States, continues to see minimal change in the employment participation and unemployment rates for people with disabilities. People with disabilities continue to be much more likely to be unemployed or underemployed than people without disabilities.

A secondary analysis of the American Community Survey reported in 2018, the employment rate of working-aged people with disabilities was 37.5 percent compared to 77.8 percent of working-aged people without disabilities.[1] A gap of 40.3 percent has remained relatively unchanged from 2017 to 2018.[2] Also, in 2018, 26.9 percent of working-aged people with disabilities were living in poverty compared to 12.2 percent of working-aged people without disabilities.[3] A gap of 14.7 percent.[4] In California in 2017, the percentage of working-aged people with disabilities who were not working but actively looking for work was 7.4 percent compared to 17.4 percent of working-aged people without disabilities.[5]

In 2017, the Department of Developmental Services reported that 14.5 percent of working-aged people with developmental disabilities who are receiving services through the Regional Centers were working compared to 14.2 percent in 2016.[6]

In 2017, an average of 23,265 Regional Center clients received wages.[7] The average monthly Regional Center clients' wage was \$725.[8] The State of California has also continued to expand the number of Regional Center clients receiving Supported Employment Program services and the amount of Supported Employment Program expenditures. While there is much more work to be done, the EFC remains steadfast in its commitment to improving access to data to inform how to improve outcomes.



FEDERAL POLICIES IMPACTING CIE IN CALIFORNIA

The ongoing implementation of federal policy changes are moving California to realize improved employment outcomes in the future. The following highlights those changes.

Home and Community Based Services (HCBS) Settings Rule

In 2014, the Centers for Medicaid and Medicare Services (CMS) published a final HCBS Settings Rule which states in part that residential and non-residential programs must provide services in the most integrated setting by March 2022. California received initial approval for its plan in 2018 and is working towards final approval.

Workforce Innovation and Opportunity Act (WIOA)

In 2014, WIOA was signed into law and superseded the Workforce Investment Act of 1998 and amended the Wagner-Peyser Act, the Adult Education and Family Literacy Act, and the Rehabilitation Act. For people with disabilities, WIOA created a presumption of employability in CIE. For individuals with disabilities under age 25, it established strict requirements that must be met before a person can be placed in subminimum wage employment.

The WIOA core partners are working on their shared commitment to CIE and are either in the process of phasing out or no longer placing people in subminimum wage employment. WIOA also focuses on ensuring that youth in transition from school to employment or post-secondary education are provided pre-employment transition. It also ensures that adults with disabilities in segregated and/or subminimum wage employment receive information about options to become employed in CIE.

In early 2020, California submitted its draft Unified Strategic Workforce Development Plan (State Plan) for 2020-2023 and is awaiting approval. The State Plan “represents agreement among partners identified in WIOA and serves as the framework for the development of public policy, fiscal investment, and operation of the state workforce and education system.” The Council and many other entities provided input during the development of the State Plan.

Achieving a Better Life Experience (ABLE) Act

In 2014, the ABLE Act was signed into law and allows people with disabilities under the age of 26 and their families to set up a special savings account to pay for disability-related expenses which are not taxed. The funds in the ABLE account are also not generally considered for the Supplemental Security Income (SSI) program or Medicaid and other federal means-tested benefits.

In December 2018, California launched its program, and almost 2,500 accounts were opened and more than \$13.5 million was invested in the program’s first year across four investment portfolios.

Strengthening Career and Technical Education for the 21st Century Act

In 2018, the Strengthening Career and Technical Education for the 21st Century Act was signed into law which reauthorized and amended the Carl D. Perkins Career and Technical Education Act of 2006.

The Act provides expanded opportunities for all students, including students with disabilities, to explore, choose, and follow career and technical education programs of study and career pathways.

In early 2020, California submitted its draft Strengthening Career and Technical Education for the 21st Century Act State Plan and is awaiting approval. The Council and many other entities provided input during the development of the Plan.

A faded background image of the California State Capitol building, featuring its iconic dome and classical architecture, surrounded by greenery.

STATE POLICIES IMPACTING CIE IN CALIFORNIA

The State's policies impacting CIE are also being strengthened. This began in 2013 when California adopted its Employment First Policy (AB 1041 [Chesbro]). The policy states in part:

“ In furtherance of the purposes of this division to make services and supports available to enable persons with developmental disabilities...it is the policy of the state that opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. This policy shall be known as the Employment First Policy (Welfare and Institutions Code 4869(a)(1)). ”

Adopting the Policy was a critical step in beginning to develop the framework that ensures that CIE be given the highest priority, regardless of the severity of disability, in California. The following highlights additional progress made during this report period.

Self-Determination Program (SDP)

In 2013, the SDP (SB 468 [Emmerson]) was signed into law. SDP provides people with developmental disabilities receiving Regional Center services the option to choose their service providers. The SDP launched in the fall of 2018 and is in the second year of a three-year phase-in process for 2,500 people with developmental disabilities.

As of February 2020, there are 135 people who are enrolled in SDP and using their spending plans to pay for services. In November 2019, additional participants were selected to participate in the program to replace the 569 spaces that became available through participant dropout.

Of those selected in 2019, 81 have attended an orientation for a total of 306 orientations statewide since participants were first selected in 2018.

Additionally, there have been 261 person-centered plans developed to inform the individualized program plan (IPP) and a reported additional 114 IPPs that are currently in development.

California CIE: Blueprint for Change (2018-2019).

In 2017, the Department of Education (CDE), Department of Developmental Services (DDS), and Department of Rehabilitation (DOR) issued the California Competitive Integrated Employment (CIE) Blueprint for Change (Blueprint).

The Blueprint is a proactive interagency plan between CDE, DDS, and DOR to jointly identify ways to increase CIE opportunities for individuals over a five-year period using existing resources and providing a roadmap on how best to implement CIE.

In May 2020, the second CIE Annual Report was made available highlighting the work in the second year of implementation.[9]

The report highlights state and local collaborative efforts and pathways to CIE that are making a difference in the lives of individuals with developmental disabilities and their families. Some key accomplishments during the second year of implementation that are highlighted in the report include:

- The number of individuals with developmental disabilities working in CIE increased from 1,125 to 1,502.
- The continued dissemination of the CIE Blueprint Written Guidance and Local Partnership Agreements (LPA) Template. An LPA identifies how Local Educational Agencies, DOR Districts, Regional Centers, and other stakeholders will work together to streamline service delivery and engage their local communities to increase opportunities for CIE. In 2019, 15 new LPAs between LEAs, DOR Districts, and Regional Centers were created and posted, bringing the cumulative total of LPAs to 28.

- The leveraging of the Senate Bill (SB) 644 Limited Examination and Appointment Program (LEAP) Internship Program resulting in two additional individuals with developmental disabilities hired as full-time permanent state employees, joining the five who were hired during state fiscal year 2017-2018.
- An increased utilization of work opportunities including the following:
 - 26,247 students participated in paid work experience and unpaid community-based vocational education with CDE WorkAbility I (WAI).
 - 35 individuals participated in On-the-Job Training (OJT) through DOR.
 - 1,420 individuals participated in a DDS Paid Internship Program (PIP)
- Provided career counseling and information and referral (CC&IR) services to over 12,029 individuals working at subminimum wage, of which over 300 applied for vocational rehabilitation (VR) services and 10 achieved CIE.
- Engaged with employers and business partners in a variety of innovative ways including the following:
 - Participated in Employment Roundtables, formed Business Advisory Committees and Employer Panels and connected to Mayor's Committees to encourage businesses to hire individuals with developmental disabilities.
 - Initiated regional workgroups between LPA core partners and local workforce development partners to enhance and build upon business engagements.
- The DDS approved the allocation of \$15 million to service providers who submitted a plan to become compliant with the Home and Community-Based Services (HCBS) Final Rule. 33 non-integrated employment programs were approved to use funding to modify their services to come into compliance. Since 2016-2017, 78 non-integrated programs have received funding.

STATE AND LOCAL IMPLEMENTATION OF POLICIES FOR CIE

All the agencies and organizations represented on the EFC are actively involved in promoting implementation of federal and state policies that support implementation of CIE in local communities. Some specific examples of the strategies undertaken during this report period include the use of job fairs, development of evidence-based practices, and information dissemination.

The Council invested in improving individuals and systems capacity for CIE through its Regional Offices and as a grant-maker to other community-based organizations.

Additionally, in Fiscal Year 2019, SCDD engaged in more than 246 trainings and activities across California designed to promote CIE which reached more than 3,688 individuals with developmental disabilities, families, employers, providers, and other stakeholders.

For example, SCDD's San Diego-Imperial Regional Office assisted in planning the 20th Annual "Jobtoberfest." The event was held on October 22, 2019 in San Diego where there were more than 850 job seekers, 40 employers, and over 20 resources in attendance.

A representative from San Diego County Supervisor Nathan Fletcher's office was among the speakers and presented a Proclamation to the San Diego Committee on Employment for People with disabilities, honoring them for their work on the 20th Annual Jobtoberfest.

Among the presenters was Dante Allen, Executive Director of CalABLE who provided training on CalABLE and Goodwill Industries who hosted various workshops on interviewing techniques. Three scholarships were provided to individuals with disabilities that will be attending post-secondary education.

In 2018, the Council invested in a grant to Easterseals Southern California to provide comprehensive training on customized employment (CE) and validate the use of the Discovery Fidelity Scale.

In 2019, state agency staff participated in CE trainings. The training will lead to more uniformity and availability of CE services throughout the state including statewide provider capacity development.

In 2019, the Council also invested in a grant to the California Transition Alliance to create a documentary titled, "Let's Work!" The purpose of this documentary is to increase access to information for Californians with developmental disabilities to obtain CIE. The final product will be produced by individuals with developmental disabilities and completed in September 2020.

Internship Success Story #1

Recent Project SEARCH graduate, Crystal is one of the people who plays a role in ensuring that copies of birth, death, and marriage certificates are available upon request and included in Alameda County records. As a full-time temporary employee at the Alameda County Auditor Controller's Office, Crystal spends a large part of her day collecting, opening, tracking, and delivering hundreds of pieces of mail to multiple departments.

When she's not dealing with records or working in the mail room, you might also find her sorting and purging old paper public records that are no longer needed. One of Crystal's favorites is using the automatic envelope opener on the stacks and stacks of incoming mail she's responsible for sorting every day. She operates it with adeptness and efficiency! Crystal is thrilled that her short-term assignment was recently extended. She's hoping to become a permanent employee.





Internship Success Story #2

After completing Project SEARCH and job hunting for several years, Yehonatan landed a coveted position as a Human Resources Assistant at Senior Helpers of the East Bay in El Cerrito.

Yehonatan's great memory, the way in which he can look at a document and see what information is missing, his thoroughness, and his strong organizational skills make him a great fit for this new job. He is responsible for care providers' files and seeing that all required documents – and no duplicates – are included in each file.

Yehonatan makes sure employee records follow industry regulations. Yehonatan's supervisor comments, "With all of life's complexities, I am grateful that it brought Yehonatan to Senior Helpers of the East Bay. I believe Yehonatan will be a successful HR Assistant with his great attention to detail."

Internship Success Story #3

Seleste began working four hours a day at the Lawrence Berkeley National Laboratory (the Lab) as a Clerical Assistant 1. Five years and two promotions later, Seleste is a full-time employee with benefits. Seleste commutes from Oakland by BART and then shuttles to the National Research Scientific Computer Center (NERSC).



At 7:30 a.m., her workday begins at this world-renowned "supercomputer" host. Seleste's tasks include overseeing the travel arrangements of scientists including booking flights and hotels, processing their expense reports and reimbursement requests, coordinating site access for visiting scientists, and more.

Seleste is thrilled to contribute to a workplace that makes it possible for more than 7,000 people in 47 countries to conduct groundbreaking research!

NEW LEGISLATIVE EFFORTS IN 2019

During the 2019 legislative session, three significant pieces of legislation were sponsored by the organizations represented on the Committee and moved through the state legislative process including one bill, AB 1019 that was signed into law.

Assembly Bill 1019 (Frazier) - The State Council sponsored AB 1019 (Frazier), which was signed into law by Governor Newsom. AB 1019 adds the Director of the Department of Rehabilitation and the Executive Director of the State Council on Developmental Disabilities to the Interagency Advisory Committee on Apprenticeship (IACA) within the Division of Apprenticeship Standards within the Department of Industrial Relations and creates a subcommittee focused on people with disabilities within the IACA. Prior to AB 1019, the IACA did not have any representation or expertise focused on people with disabilities even though apprenticeships provide an important avenue to CIE.

AB 365 (Garcia, C.) - Disability Rights California sponsored AB 365 (Garcia, C.) that if passed, would have made improvements to state service for people with disabilities and specifically to the Limited Examination and Appointment Program (LEAP). LEAP offers an alternative to the traditional civil service examination and appointment process that enables the hiring of persons with disabilities into state service. Unfortunately, AB 365 was vetoed by the Governor. However, the Governor established a State Diversity Taskforce to look at how to improve the hiring and retention of the people with disabilities into state service with the goal of making California a model employer for people with disabilities. The Disability Workgroup is in the process of making recommendations to the Diversity Taskforce and is chaired by the Executive Director of the State Council.

AB 1169 (Frazier) - The State Council also sponsored AB 1169 (Frazier). The bill would have created a state tax credit to employers, not to exceed \$6,000, that hire individuals with developmental disabilities who are either referrals from vocational rehabilitation, qualified SSI, or qualified SSDI recipients. The bill died in the appropriations committee in the Assembly.

Taken together, the federal and state policy changes are very promising for improving employment outcomes for Californians with developmental disabilities.



EFC'S ACTIVITIES IN 2020

In August 2019, Committee members completed its annual strategic planning process and identified the following goals and activities to work towards completing as a Committee in 2020. Each activity identified fell within previously identified goals.

Goal - Transition from segregated programs to CIE

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

Plan for how to support legislation to begin the phase-out of subminimum wage employment and/or segregated employment.

Goal – Support families and individuals better understand CIE

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

Goal – Assure qualified employment related services

Explore opportunities to enhance customized employment services in California by bringing in additional resources.

Additionally, in February 2020, the Committee began delving into barriers related to data sharing and coordination at the systemic level. The Committee believes additional collection and analysis of data within and across systems is critical to making progress in identifying barriers to and achieving CIE.



RECOMMENDATIONS

The EFC recommends that California undertake the following policy changes and activities to remove barriers to CIE and create a system that more fully supports CIE across agencies and departments with the goal of having an employment participation rate for people with disabilities, regardless of the significance of their disability, that is similar to that of people without disabilities.

The recommendations included in the report represent the collective input of the Employment First Committee and have not been approved by the individual departments and organizations included below.

Legislative

The State Legislature should require that any federal or state funding to employers to help businesses/agencies recover from the COVID-19 public health emergency:

- Should include a specific diversity requirement for spending the funds that would support the employment of people with disabilities.
- Should be mandated that funding cannot be used to support sub-minimum wage and/or segregated employment.
- Should include a component of required training on the Americans with Disabilities Act for all employees and contractors.

The State Legislature should allocate funding to create career pathways and training that provide direct support professionals with career advancement and credentialing to increase competency and professionalism to improve job retention and quality support for people with developmental disabilities.

The State Legislature should help prepare students with developmental disabilities for employment by expanding opportunities for post-secondary education for students with developmental disabilities within California's higher education systems (community college, state universities, and the University of California).

The State Legislature should provide funding to promote the creation and enhancement of new and innovative projects that support CIE and facilitate systems transformation away from sheltered employment and segregated day services. This process should include funding for training and technical assistance from organizations that have successfully transitioned programs to provide expertise to assist those in the process of transitioning with the goal of moving towards phasing out sub-minimum wage under 14(c) of the Fair Labor Standards Act and/or segregated employment.

The State Legislature should pass legislation to create additional tax or other incentives, such as incorporating transportation solutions and supports, for employers who hire people with developmental disabilities and retain them long-term.

The State Legislature should increase funding for access to technology for people with disabilities who need to use it to enter or retain CIE.



Councilmembers Wesley Witherspoon and Rosie Ryan testify at the Select Committee on Intellectual and Developmental Disabilities hearing in January 2020

Administrative

DDS should adopt a tiered incentive structure to implement Welfare and Institutions Code, Section 4870 (d-g) that provides for higher incentive payments for individuals with the most significant disabilities.

DDS should continue to invest in the collection and reporting of all individual outcome data from different systems necessary to understand the factors that impact whether or not a person enters or retains CIE. DDS and the State Council should publicly report aggregate data on the Data Dashboard in a consumer friendly and accessible format so that the impact of CIE can be assessed and people with developmental disabilities and their families can make informed data-driven decisions about choosing the best pathway to CIE.

CDE, DOR, DDS, and the Council should work collaboratively to launch a statewide multi-media public service campaign in traditional and social media with the goal of reducing the stigma to hiring individuals with developmental disabilities. The campaign should highlight the impact and benefits to businesses when they hire a person with a developmental disability and highlight the accomplishments of people with developmental disabilities in CIE.

CDE, DOR, and DDS should work to expand opportunities for work experience, work-based learning, career-exploration, and internship opportunities for students with developmental disabilities by increasing outreach to local businesses through partnerships with chambers of commerce.

CDE, DOR, and DDS should continue their efforts to collaboratively work to streamline information sharing and service delivery planning to ensure that individuals with developmental disabilities, including those from ethnically and linguistically diverse communities, experience a service delivery system that allows for unified planning and data sharing across agencies.

The Labor and Workforce Development Agency should develop a senior level position reporting to both the Secretary of Labor and Health and Human Services Agency that is responsible for coordinating services and activities related to CIE across both agencies including the activities of the various Committees and Taskforces with responsibility for CIE.



APPENDICES

EFC Membership for 2019

- Wesley Witherspoon, State Council on Developmental Disabilities
- Michael Clay, Department of Developmental Services (Served: January 2018 to April 2019)
- Michael Luna, Department of Developmental Services (Served: May 2019 to Present)
- Cindy Chiu, Department of Rehabilitation
- Barbara Boyd, California Department of Education
- Sarah Isaacs, Disability Rights California
- Olivia Raynor, UCEDD, Tarjan Center at University of California, Los Angeles
- Steve Ruder, UCEDD, University of California, Davis MIND Institute
- Larry Yin, UCEDD, University of Southern California

Statutory Responsibilities of the Employment First Committee (Welfare and Institutions Code §4868)

(a) The State Council on Developmental Disabilities shall form a standing Employment First Committee consisting of the following members:

(1) One designee of each of the members of the state council specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph (2) of subdivision (b) of Section 4521.

(2) A member of the consumer advisory committee of the state council.

(b) In carrying out the requirements of this section, the committee shall meet and consult, as appropriate, with other state and local agencies and organizations, including, but not limited to, the Employment Development Department, the Association of Regional Center Agencies, one or more supported employment provider organizations, an organized labor organization representing service coordination staff, and one or more consumer family member organizations.

(c) The responsibilities of the committee shall include, but need not be limited to, all of the following:

(1) Identifying the respective roles and responsibilities of state and local agencies in enhancing integrated and gainful employment opportunities for people with developmental disabilities.

(2) Identifying strategies, best practices, and incentives for increasing integrated employment and gainful employment opportunities for people with developmental disabilities, including, but not limited to, ways to improve the transition planning process for students 14 years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers.

(3) Identifying existing sources of employment data and recommending goals for, and approaches to measuring progress in, increasing integrated employment and gainful employment of people with developmental disabilities.

(4) Identifying existing sources of consumer data that can be used to provide demographic information for individuals, including, but not limited to, age, gender, ethnicity, types of disability, and geographic location of consumers, and that can be matched with employment data to identify outcomes and trends of the Employment First Policy.

(5) Recommending goals for measuring employment participation and outcomes for various consumers within the developmental services system.

(6) Recommending legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in integrated employment, self-employment, and microenterprises, and who earn wages at or above minimum wage, including, but not limited to, recommendations for improving transition planning and services for students with developmental disabilities who are 14 years of age or older. This shall include, but shall not be limited to, the development of a policy with the intended outcome of significantly increasing the number of individuals with developmental disabilities who engage in integrated employment, self-employment, and microenterprises, and in the number of individuals who earn wages at or above minimum wage.

This proposed policy shall be in furtherance of the intent of this division that services and supports be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age and that support their integration into the mainstream life of the community, and that those services and supports result in more independent, productive, and normal lives for the persons served. The proposed policy shall not limit service and support options otherwise available to consumers, or the rights of consumers, or, where appropriate, parents, legal guardians, or conservators to make choices in their own lives.

(d) For purposes of this chapter, the following definitions shall apply:

(1) "Competitive employment" means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

(2) "Integrated employment" means "integrated work" as defined in subdivision (o) of Section 4851.

(3) "Microenterprises" means small businesses owned by individuals with developmental disabilities who have control and responsibility for decision making and overseeing the business, with accompanying business licenses, taxpayer identification numbers other than social security numbers, and separate business bank accounts. Microenterprises may be considered integrated competitive employment.

(4) "Self-employment" means an employment setting in which an individual works in a chosen occupation, for profit or fee, in his or her own small business, with control and responsibility for decisions affecting the conduct of the business.

(e) The committee, by July 1, 2011, and annually thereafter, shall provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations. The report due by July 1, 2011, shall include the proposed policy described in paragraph (4) of subdivision (c).

(PLAIN LANGUAGE VERSION)

The Lanterman Act tells the State Council on Developmental Disabilities to have an Employment First Committee. This is what the Lanterman Act says about the Employment First Committee (EFC):

Why was the EFC created? The Lanterman Act created the EFC to help get more people with developmental disabilities jobs in CIE.

What is Competitive Integrated Employment (CIE)? It means good jobs with good pay (minimum wage or above). Jobs in the general workplace, where people with disabilities work with other people from their community who do not have disabilities. These are jobs where people with disabilities get the same pay and benefits as people without disabilities doing the same work and where they are paid directly by their employer. Having a good job can also include people who make money with their own small businesses or by working for themselves.

Who is a member of the EFC? The EFC includes representatives from departments of government and other organizations that help people with developmental disabilities get good jobs.

What the EFC has to do:

Describe how the state government departments will work with each other to help people get good jobs with good pay.

Find what works to help people get good jobs with good pay.

Find good ways to plan for transition aged students (age 14 and above) to go to work after they are finished with high school, or their education beyond high school.

Find ways to encourage agencies to support people to get good jobs with good pay.

Develop partnerships with employers and agencies that help people find good jobs with good pay.

Find out how many people with developmental disabilities are working and how much money they are earning. Each year, measure if the state is getting better at supporting people to get good jobs with good pay.

Recommend ways the state can improve how they measure progress in helping people get employed.

Recommend goals for CIE for the state.

Recommend legislation and other ways that the state can do a better job of supporting people to get good jobs with good pay.

Recommend ways to improve helping transition age students (age 14 and above) go to work after they are finished with high school, or their education beyond high school.

Recommend an Employment First Policy that will get a lot more people good jobs with good pay, with the supports they need. This will help people with disabilities to be part of their communities, have jobs, and make money, just like other people their age without disabilities. The policy will make sure people can choose the services they want, like they do now under the Lanterman Act. This policy is now California law.

Other things the EFC thinks it will help:

The EFC has to send an annual report to the Legislature and the Governor. The report makes recommendations to the Legislature and the Governor and describes all the work of EFC. The Council approves the report.

Definition of Developmental Disability in the Lanterman Developmental Disabilities Services Act (Welfare and Institutions Code §4512(a))

“Developmental disability” means a disability that originates before an individual attains 18 years of age; continues, or can be expected to continue, indefinitely; and constitutes a substantial disability for that individual.

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

Definition of Developmental Disability in the Developmental Disabilities and Bill of Rights Assistance Act (42 U.S.C. §15002(8)(A))

The term “developmental disability” means a severe, chronic disability of an individual that —

- (i) is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (ii) is manifested before the individual attains age 22;
- (iii) is likely to continue indefinitely;
- (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:
 - (I) Self-care.
 - (II) Receptive and expressive language.
 - (III) Learning.
 - (IV) Mobility.
 - (V) Self-direction.
 - (VI) Capacity for independent living.
 - (VII) Economic self-sufficiency; and
- (v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.



FOOTNOTE

[1] <https://disabilitycompendium.org/sites/default/files/user-uploads/2019%20Annual%20Report%20---%20FINAL%20ALL.pdf> at pg. 11.

[2] Id. at pg. 12.

[3] Id. at pg. 15.

[4] Id. at pg. 16. The widening of this gap from 14.4 in 2017 to 14.7 in 2018 is not statistically significant.

[5] https://www.disabilitystatistics.org/StatusReports/2017-PDF/2017-StatusReport_US.pdf at pg. 33.

[6] <https://dds.ca.gov/rc/dashboard/employment/33>

[7] Id.

[8] Id.

[9] <https://www.chhs.ca.gov/wp-content/uploads/2020/05/Competitive-Integrated-Employment-Blueprint-Annual-Report-2019.docx>

July 30, 2020

**AGENDA ITEM 12.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Update on CIE Blueprint Implementation

Cindy Chiu with the Department of Rehabilitation, Michael Luna with the Department of Developmental Services, Nick Wavrin with the Department of Education are providing the attached report which shows the progress of the Blueprint Implementation across the Departments.

Attachments

July 2020 CIE Blueprint Implementation Report

Employment First Committee – CIE Blueprint Update for July 2020

CIE Annual Report 2019:

- The CIE Annual Report for SFY 2018/2019 is completed and posted on the CHHS CIE webpage.

LPA Update:

- As of July 2020, there are 50 LPAs that have been submitted and 39 posted on the CHHS CIE webpage. The additional 11 are currently under review.

LPA Survey:

- In April 2020, the Service Delivery System Change Task Force surveyed the LPA core partners.
 - The survey is intended as a pre- and post- survey to be taken now, and 1-2 years from now to compare responses over time as LPAs mature.
 - The results of the survey are intended to measure each individual core partner's confidence and perceived ability to influence and encourage conversations leading to increased local collaboration, service delivery capacity, and information to support informed choice for individuals with ID/DD and their families.
 - 177 individuals responded to the survey.
 - An evaluation report is being developed now based on survey results and will be posted on the CHHS CIE webpage.

CIE Provider Webinar:

- On June 24th the CIE Leadership Workgroup conducted a CIE Service Provider Webinar, an action in the Blueprint, to over 400 individuals, including employment service providers. The objectives of the webinar were to:
 - Provide COVID-19 supports for employment service providers.
 - Identify how California defines CIE and why is CIE so important.
 - Define "Triple E" practices and identify "Triple E" practices to increase CIE opportunities.
 - Provide tools to alleviate families fears of losing SSI and Medi-Cal benefits.
 - Share "Triple E" practices for agencies transitioning to CIE services.
 - Identify strategies to increase business contacts and their willingness to hire individuals with ID/DD.
 - Share CIE resources.
- The CIE Service Provider webinar presentation is posted on the CHHS CIE Toolkit at <https://www.chhs.ca.gov/home/cie/cie-toolkit/> along with COVID-19 Resources of Service Providers.
- The CIE Leadership Workgroup is preparing and will be administering a follow-up survey for webinar participants to gauge the effectiveness of the webinar and gather information from attendees.