

NOTICE/AGENDA

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES LEGISLATIVE AND PUBLIC POLICY COMMITTEE MEETING

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This is a teleconference and zoom meeting only. There is no physical location being made available to the public. Per <u>EXECUTIVE ORDER N-29-20</u>, 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: 2021.LPPC.MEETING

MEETING ID: 961 0387 0208

PASSWORD: 160244

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OR

JOIN BY TELECONFERENCE: (VOICE ONLY)

CALL IN NUMBER: 1-888-475-4499

MEETING ID: 961 0387 0208

DATE: January 14, 2021

TIME: 10:00 AM – 3:30 PM

COMMITTEE CHAIR: Julie Austin

Item 1. CALL TO ORDER

Item 2. ESTABLISH QUORUM

Item 3. WELCOME AND INTRODUCTIONS

present information to the Committee on matters not on the agenda. Each person will be afforded up to three minutes to speak. Item 5. APPROVAL OF AUGUST 2020 MINUTES VMTE Page 3 Item 6. PURPOSE OF LPPC AND OVERVIEW OF LEGISLATIVE Page 10 **PROCESSES** Julie Austin, Committee Chair and Aaron Carruthers, Executive Director Item 7. FEDERAL LEGISLATIVE & REGULATORY UPDATES Page 39 Julie Austin, Committee Chair and Aaron Carruthers, Executive Director Page 40 Item 8. STATE LEGISLATIVE AND REGULATORY UPDATES VMTE Julie Austin, Committee Chair and Aaron Carruthers, Executive Director Item 9. Page 48 **UPDATES AND STANDING AGENDA ITEMS** a. Council Meeting Summary b. DDS Taskforce and Workgroups c. Self-Determination Program d. CalABLE Item 10. **MEMBER UPDATES** Page 50 All Item 11. **2021 MEETING DATES** March 9th, June 3rd, September 9th Item 12. **ADJOURNMENT**

This item is for members of the public only to provide comments and/or

Accessibility:

Item 4.

PUBLIC COMMENTS

Pursuant to Government Code Sections 11123.1 and 11125(f) and Executive Order N-29-20, 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.

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

January 14, 2021

AGENDA ITEM 5.

ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES - LPPC

Approval of August 2020 Minutes

Members will review and approve the August meeting minutes.

Action Recommended

Approve the August 20, 2020 minutes.

Attachment(s)

August 2020 Meeting Minutes



DRAFT

Legislative and Public Policy Committee Meeting Minutes August 20, 2020

Attending Members

Jeana Eriksen (SA)
Connie Lapin (FA)
Maria Marquez (SA)
Julie Neward (FA)
Kim Rothschild (FA)
Wesley Witherspoon (SA)

Members Absent

Julie Austin (FA)

Others Attending

Chris Arroyo
Aaron Carruthers
Charlotte Endres
Michelle Heid
Beth Hurn
David (Lincoln Training Center)
Cindy Smith
Robin Maitino-Erben
Karen Mulvany
Lea Park-Kim
Matt Traverso

1. CALL TO ORDER

In the absence of the Committee Chair, Deputy Director Cindy Smith called the meeting to order at 10:02 a.m. Committee member Kim Rothschild was appointed chair of the day without objection.

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 on a number of topics including, the announcement of the Sacramento Regional Advisory Committee's (RAC) establishment of a Racial and Ethnic discussion group that meets via Zoom. Ms. Mulvany reported that by establishing this discussion group the RAC has begun to, facilitate meaningful and measurable change and harness that momentum by looking for legislative opportunities that address racial and ethnic inequities, and ensure that our IDD community is part of the legislation.

Ms. Mulvany also provided public comment on a number of housing related legislative and regulatory topics, including AB 1436 and SB 1410.

Michelle Heid provided comment that requesting future meetings offer two periods for public comment, one at the beginning of the meeting and one at the end of the meeting.

5. APPROVAL OF THE JANUARY 2020 MEETING MINUTES

Members were presented with the draft meeting minutes.

It was moved/seconded (Witherspoon [SA]/ Eriksen [SA]) and carried to adopt the January 16, 2020, meeting minutes as amended. Unanimous: See page one for a record of members present.

Amendment

Page 2, Item 6, First paragraph/sentence, change "won a Pulitzer." to "up for a Pulitzer."

6. FEDERAL LEGISLATIVE AND REGULATORY UPDATES

Deputy Director Cindy Smith provided an update on the latest federal legislative and regulatory issues which included updates on HCBS and information on the latest COVID-19 pandemic efforts.

7. STATE LEGISLATIVE AND REGULATORY UPDATE

Deputy Director Smith provided members with the with the following updates on the bills the Council took position on 2020.

NUMBER	AUTHOR	BILL NAME	STATUS	POSITION
AB 1914	O'Donnell (D)	Special Education: Inclusive Education.	Failed Deadline	Support Using Delegated Authority
AB 2213	Limon (D)	Office of Emergency Services: Model Guidelines	7/1/2020 Referred to Senate Committee on Governmental Organizations	Support Using Delegated Authority

NUMBER	AUTHOR	BILL NAME	STATUS	POSITION
AB 2387	Grayson (D)	In-Home Supportive Services: Needs Assessment	8/10/2020 Senate Human Services	Support Using Delegated Authority
AB 2512	Stone (D)	Death Penalty: Person with an Intellectual Disability	8/5/2020 Third Reading	Support Using Delegated Authority
AB 2730	Cervantes (D)	Access and Functional Needs: Local Government: Agreement for Emergency Management, Transportation, and Paratransit Services	7/1/2020 Referred to Senate Committee on Governmental Organizations	Support Using Delegated Authority
AB 3052	Carrillo (D)	Forced or Involuntary Sterilization Compensation Program	Failed Deadline	Support Using Delegated Authority
SB 801	Glazer (D)	Electrical Corporations: Wildfire Mitigation Plans: De- energization: Public Safety Protocol	6/29/2020 Referred to Assembly Committee on Utilities and Energy	Support Using Delegated Authority
SB 1123	Chang (R)	Elder and Dependent Adult Abuse	8/5/2020 Assembly Public Safety	Support Using Delegated Authority

NUMBER	AUTHOR	BILL NAME	STATUS	POSITION
SB 1264	Senate Committee on Human Services	Human Services	8/3/2020 Referred to Assembly Committee on Appropriations	Support Using Delegated Authority

Members also received a chart of other policy letters the Council has set or signed-on to since March 15, 2020 with a few examples of the COVID related letters the Council had sent. The referenced chart and letters began on page 22 of the member's packet.

8. PRIORITY PLATFORM UPDATE

The Priority Platform provides the foundation for the Council's policy activities. It is used when the Council establishes its legislative priorities and decides its positions. Periodically, the Committee and Council may consider whether revisions/changes are needed. Since 2021 marks the beginning of a new 2-year legislative session, members reviewed the language with suggested changes from staff and acted to recommend the following language changes to the Council.

Under "Self-Advocacy" add the sentence, "Individuals with I/DD must be protected against voter suppression and provided the same access to vote independently as individuals without disabilities.", after the second sentence.

Under "Employment and Economic Self-Sufficiency" add, "including apprenticeships and internships" to the last sentence in the first paragraph.

Under "Transportation" change the last two sentences to read, "Emerging transportation options must be available and accessible to persons with I/DD. Opportunities for car ownership must be increased."

Under "Health Care" change the first paragraph to read as follows. "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 help in understanding health plans and making informed decisions about their health care. This requires informed consent, individualized, appropriate medication, treatments, and an adequate network of health professionals. Individuals

with disabilities must have equal access to intensive medical services, testing and vaccinations for communicable diseases as individuals without disabilities. Testing for communicable diseases must be provided in the same timeframe as it is provided to individuals without disabilities regardless of the person's living situation (live at home, live with family or live in congregate living."

Under "Education," change the first sentence of the second paragraph to read, "All individuals with disabilities, including individuals with multiple health care needs, must have access to routine preventative care, mental and/or behavioral health treatment, dental care, durable medical equipment, and reproductive health needs."

Under "Education," following the first sentence in paragraph three, change the paragraph to read, "Schools must ensure robust policies and practices are created and implemented to reduce bullying and harassment of students with disabilities. The Council opposes the use of all forms of seclusion and restraint. All school-based professionals and staff must be provided training on how to interact with students with disabilities."

Under "Community Participation," change the end of the sentence/paragraph to read, "...that provides a life similar to individuals without disabilities."

Under "Transition to Adult Life," first sentence after, "... post-secondary education or other opportunities" add "including volunteering."

Under "Safety," change fifth sentence to read, "Individuals with I/DD should be trained in personal safety, on how to recognize crimes, how to protect themselves against becoming victims of crime including on the internet, how to protect themselves from human trafficking, and how their participation in identification and prosecution can make a difference."

Under "Quality and Rates for Services and Supports," add "and individualized" after "receiving quality" in the first line for the first sentence.

It was moved/seconded (Lapin[FA]/Witherspoon [SA]) and carried to recommend the above noted staff and committee Policy Platform language changes to the full Council. Unanimous: See page one for a record of members present.

9. 2021 POLICY PRIORITIES

Due to the pandemic, much of the 2020 Policy Priorities were not realized. Therefore, the Committee requested that staff ensure that the Policy Platform changes made above are carried over to reflect the language in the Policy Priorities and that racial equities are adequately addressed throughout the both documents. The Committee also added safety net issues to the priorities. All other requested changes were non-substantive.

It was moved/seconded (Lapin [FA]/Marquez [SA]) and carried to recommend the above outlined Policy Priorities changes to the full Council. Unanimous: See page one for a record of members present.

The Committee also recommended consideration of the following legislative ideas for 2021.

- Pandemic preparation for first responders.
- Reactive legislation to keep services at current funding levels (e.g. Lanterman Act and Safety Net services).
- Inspector General for DSS.
- Housing/ADU.
- Access to remote service delivery.

10. **2021 MEETING DATES**

The next meeting is scheduled for January 14, 2021.

11. ADJOURNMENT

Meeting adjourned at 12:05 p.m.

January 14, 2021

AGENDA ITEM 6. INFORMATIONAL ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES - LPPC

Purpose of LPPC and Overview of Legislative Processes

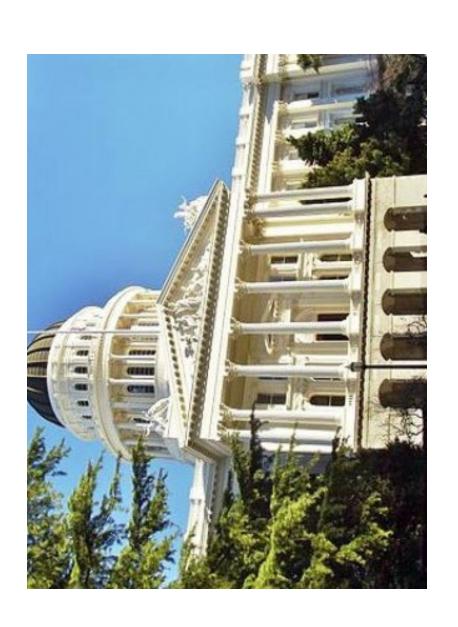
Committee Chair Julie Austin and Executive Director Aaron Carruthers will provide members with an overview of the Committee's purpose and go over the federal and state legislative processes.

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?

established by the Council's Bylaws that is made up of at least seven (7) members. The LPPC is a standing committee

 LPPC is a Committee of the State Council objectives as assigned by the Council. that shall implement the State Plan

LPPC achieves this by:

- significant proposed legislation and/or proposed regulations, Reviewing, commenting and recommending positions on policies, procedures and/or practices.
- and/or practices consistent with Council's responsibilities and Recommending legislation, regulations, policies, procedures objectives.
- and/or coordinated action on issues consistent with Council Identifying and recommending potential Council projects 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:

provides recommendations to the Council LPPC is an advisory committee which and/or Executive Committee.

Chair to take positions on legislation when capacity, the Council has delegated authority to the Council Chair and LPPC Although LPPC works in an advisory required between meetings.

Advocacy and Government Policy and Public Affairs:

Legislative and Public Policy Meeting

January 14, 2021



California State Legislature United States Congress vs.

V.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 bills are considered and laws state government by which Legislative Process. enacted is commonly referred to as the

Basic Steps of the Legislative Process (1/3)

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

Basic Steps of the Legislative Process (2/3)

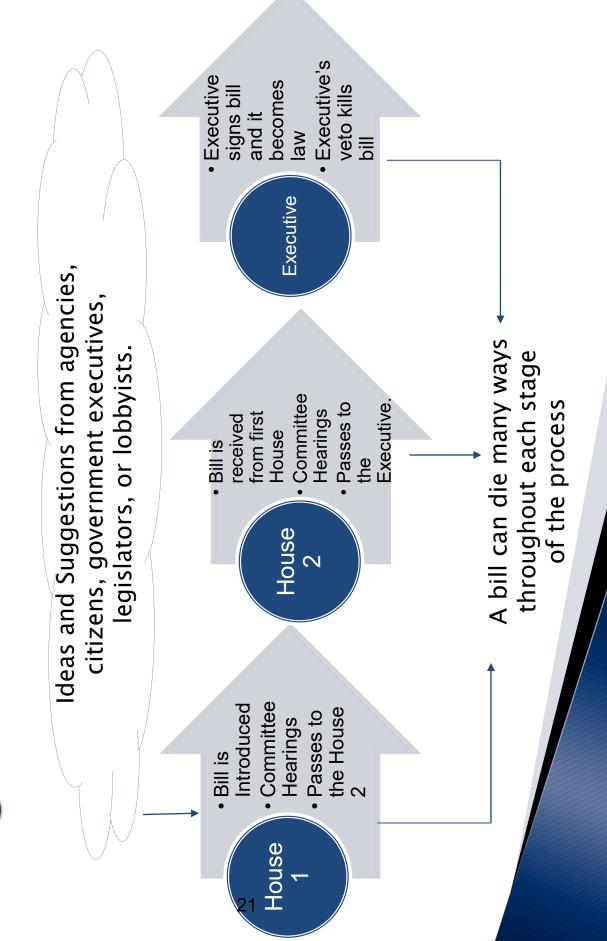
proper bill format. The draft of the bill is introduction. It is given a bill number at Legislative Counsel who drafts it in the Step 2: The idea for the bill is sent to returned to the Member's office for introduction.

Basic Steps of the Legislative Process (3/3)

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

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

egislation-



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
- authority to take positions between Council meetings when At times between meetings, SCDD's Chair uses delegated timing necessitates an immediate decision.

Federal vs. State (1/6)

Congress from the same Chamber are known as The Member of Congress who introduces the bill is the sponsor of the bill. Other Members of co-sponsors.

In the California Legislature, the Member who Additional members who support the bill are introduces the bill is known as the author. 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)

any type of bill. He can veto the entire bill or sign The President does not have a line-item veto for the bill.

The Governor can veto specific items in the budget using a line item veto.

Federal vs. State (4/6)

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

Federal vs. State (5/6)

- ▶ In the U.S. Congress, a bill does not have to be moving forward in the legislative process. A bill can move at the same time through the House successfully voted out of one Chamber before 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)

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

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

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

Congress is at https://www.congress.gov (also to track Official website for information activities of the U.S. bills and know daily proceedings)

U.S. House of Representative's Directory: https://www.house.gov/representatives https://www.senate.gov/general/contact_information/sen ators cfm.cfm

U.S. Senate Directory:

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

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

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.
- ensuring people with disabilities can learn, work, live in the Make it clear that you see the Member as a partner in community etc.
- with staff is equally important as meeting with the Member Take timing cues from the Member or their staff. Meeting 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.
- prepare in advance for who is going to cover what If multiple people are attending the meeting, 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)

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

Questions?

AGENDA ITEM 7. 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

None.

Handout(s)

Could be additional handout(s) day of meeting.

AGENDA ITEM 8.

POTENTIAL ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES - LPPC

State Legislative, Budget and Regulatory Updates

Executive Director Aaron Carruthers will provide a legislative update. This discussion could lead to acting on SCDD priorities and/or policy.

Attachments

SCDD Policy Platform SCDD Policy Priorities 2021

Handout(s)

Governor's January Budget (if available) Could be additional handout(s) day of meeting.



CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

POLICY PLATFORM 2021

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Over 50 years ago, the State Councils on Developmental Disabilities were established in federal statute. The Councils are currently authorized in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) in each of the 56 states and territories to "promote self-determination, independence, productivity, integration and inclusion in all aspects of community life" for individuals 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.

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

Disparities in services and supports can result in severe health, economic, and quality of life consequences. 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 must 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 must support people to live inclusive lives in their communities. Access to needed services and supports must be inclusive and not be limited through service caps, means testing, median rates, family cost participation fees, 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 people with I/DD.

SELF-DETERMINATION

Individuals with I/DD and their families must be given the option to select and direct their services and service dollars through Self-Determination. The person with I/DD is in charge. With the support of those they choose and trust, individuals 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. Individuals with I/DD must be protected against voter suppression and provided the same access to vote independently as individuals without disabilities. Self-advocates must have access to training, assistive technology, information, and materials in plain language and opportunities to participate in the policy making process.

EMPLOYMENT AND ECONOMIC SELF-SUFFICENCY

Every person with a developmental disability should have the opportunity to be employed in competitive integrated employment (CIE). CIE means full or part time work at minimum wage or above, with wages and benefits similar to those without disabilities, fully included

with co-workers without disabilities, and located in the community. California must invest in systems change efforts that will result in a measurable increase in CIE for people with I/DD. This priority is consistent with California's Employment First Law that states CIE is the priority outcome for working age individuals with I/DD regardless of the severity of their disability.

Policies, service delivery practices, and financing must set expectations for CIE, microenterprise training, and/or self-employment. Individuals with I/DD must have access to information, benefits counseling, transition planning, job training, and inclusive post-secondary education. Adequate provider rates must be established for the provision of services and to incentivize quality and inclusive employment outcomes.

Employers must be engaged, prepared, and supported to employ individuals with I/DD. New or expanded pathways to CIE, including apprenticeships and internships, must be developed and supported for all individuals with I/DD regardless of severity of disability. 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 education, employment, healthcare, and inclusion of individuals with disabilities. Timely accommodations must be available to people with I/DD that are available to people without disabilities. Mobility training must be a standard program among transportation providers to increase the use of available transportation and reduce reliance on costlier segregated transportation 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 and accessible to people with I/DD. Opportunities for car ownership must be increased.

HEALTH CARE

Every person must have access to comprehensive, timely, quality, and affordable health care, dental care, and wellness services as well as access to plain language information and supports to help in understanding health plans and making informed decisions about their health care. This requires informed consent, individualized and appropriate medication and treatments, and an adequate network of health professionals. Individuals with disabilities must have equal access to intensive medical services, testing, and vaccinations for communicable diseases as individuals without disabilities. Testing for communicable diseases must be provided in the same timeframe as it is provided to individuals without disabilities regardless of the person's living situation (live at home, live with family, or live in congregate living.)

All individuals with disabilities, including individuals with multiple health care needs, must have access to 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 denyaccess 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 competitive integrated employment (CIE). 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. Students with disabilities must be provided a free and appropriate public education and have access to the same opportunities for learning, in the classroom and online, as students without disabilities. School districts and other educational agencies must be held accountable for implementing all state and federal laws.

Students with disabilities must be educated alongside their peers without disabilities in the least restrictive environment (LRE). The needs of the student must not impact the child's placement in LRE. Parents must be provided information and training regarding how to access Free Appropriate Public Education (FAPE) and LRE. Students with disabilities must have access to the same virtual learning models as students without disabilities, and all related services must be provided for students with disabilities to access their education. Parents and students must have equal participation in the Individual Education Program (IEP) process including the ability to give informed consent. Comprehensive transition planning must be considered as part of the IEP process.

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. Schools must ensure that robust policies and practices are created and implemented to reduce bullying and harassment of students with disabilities. The Council opposes the use of all forms of seclusion and restraint. All school-based professionals and staff must be provided training on how to interact with students with disabilities.

HOUSING

Statewide inclusive living options for individuals with I/DD must be increased and enhanced through access to housing 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, safe 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 that provide a life similar to individuals without disabilities.

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 including volunteering 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 including aging adults.

SAFETY

All people have a right to be safe. Every person must be provided 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 on personal safety, how to recognize crimes, how to protect themselves against becoming victims of crime including on the internet, how to protect themselves from human trafficking, and how their participation in identification and prosecution can make a difference. In addition, too many interactions between law enforcement and individuals with I/DD end in avoidable tragedy. Law enforcement personnel, first responders, emergency medical professionals, and people in the judicial system must be trained in how to work with individuals 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 individualized services and supports is the cornerstone for individuals with I/DD to be safe, healthy, and to promote self-determination, interdependence, and inclusion. An adequate safety net must be in place to 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 individuals with I/DD and their families. Quality and timely assessment and oversight must be provided. The state must measure what matters, and the results must be administered in a culturally competent manner. The results must also be made public and be 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 individuals with I/DD. A planned and systematic approach to rate adjustments must prioritize and incentivize quality services and supports.

For more information, contact: scdd@scdd.ca.gov | 916-263-7919



CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

POLICY PRIORITIES 2021

PROTECTING AND ENHANCING CIVIL RIGHTS

Every person with a developmental disability has the right to self-determination, equality of opportunity, full participation, independent living and economic self-sufficiency regardless of how significantly the person is impacted by their disability.

The Council will work to ensure civil rights including identification and reduction of racial and ethnic inequalities and disparities are protected and enhanced. The Council will work to ensure the full and robust implementation of state and recent federal policies that enshrine the values of the Americans with Disabilities Act including but not limited to the Workforce Innovation and Opportunity Act, Home and Community-Based Services Settings Rule, Every Student Succeeds Act and Achieving Better Life Experience Act.

GUARANTEEING ACCESS TO EDUCATION AND EMPLOYMENT

Every student has the right to be safe in school and to receive a quality inclusive education with their peers that prepares them for post-secondary education and/or competitive integrated employment (CIE). Students with disabilities must be provided a free and appropriate public education and have access to the same opportunities for learning, in the classroom and online, as students without disabilities.

Every person with a developmental disability should have the opportunity to be employed in CIE. Policies, service delivery practices and financing must set expectations for CIE, microenterprise training and/or self-employment. People with developmental disabilities must have access to information, benefits counseling, transition planning, job training, career exploration and information and support for inclusive post-secondary education. New or expanded pathways to CIE must be developed and supported, including apprenticeships and internships. The Council supports the phasing out and elimination of subminimum wage and/or segregated employment.

The Council will work to ensure the full and robust implementation of the Individuals with Disabilities Education Act, Every Student Succeeds Act and other federal and state policies to ensure that students with developmental disabilities are provided the services and supports needed to receive quality inclusive education.

The Council will work to ensure the full and robust implementation of the Workforce Innovation and Opportunity Act and California's Employment First Law. The Council will work to ensure that policies and practices improve opportunities for and incentivize CIE. The Council will work to create incentives and supports for all types of employers and contractors for hiring. The Council will work #6make California a model state employer.

PROMOTING ACCESS TO QUALITY SUPPORTS IN THE COMMUNITY

Every person with a developmental disability should have access to and be fully supported to fully participate in their communities. Having access to and receiving quality and individualized services is the cornerstone for people with developmental disabilities to be safe, healthy and to promote self-determination, interdependance and inclusion. Services and supports in the community require adequate wages for providers. The state must restore rates. A planned and systematic approach to rate adjustments must prioritize and incentivize quality services. Disparities in access, outcomes and quality for all services and supports must be addressed. Complexities in the service delivery systems must be reduced.

The Council will work to continue to restore the Department of Developmental Services programs cut in 2009. The Council will work to make meaningful improvements to the service delivery system to reduce disparities, increase transparency and accountability and increase quality outcomes. The Council will support efforts to provide adequate wages to providers for inclusive and quality supports. The Council will work to ensure successful implementation of the Self-Determination Program.

ENSURING SAFETY IN THE COMMUNITY

Every person has a right to be safe. Every person with a developmental disability must be provided emergency preparedness training, training in personal safety, how to recognize crimes and how to protect themselves. Law enforcement personnel, first responders, emergency medical professionals and the judicial system must be trained in how to work with people with developmental disabilities (including those who are suspects, victims or witnesses of crimes) during the course of their duties.

The Council will work to ensure people with developmental disabilities are safe, free from abuse and neglect and have access to services and supports in their communities during all types of disasters or emergencies. The Council will work to ensure an adequate safety net for people in crisis and access to adequate crisis intervention services.

IMPROVING HOUSING AND COMMUNITY LIVING

Every person with a developmental disability should have the opportunity to live in the community. Permanent, affordable, accessible, safe and sustained housing options must be continually developed. Statewide inclusive living options for individuals with developmental disabilities must be increased and enhanced through access to housing and subsidies that are paired in a timely manner with needed services and supports.

The Council will work to implement the policy recommendations in the Statewide Strategic Framework for Housing. The Council will work to create a dedicated housing fund to support integrated community housing for people with developmental disabilities.

AGENDA ITEM 9. 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.

Official agency updates on the DDS Taskforce and Workgroup, Self-Determination Program and CalABLE can be found by clicking the hyperlinks below.

- a. Council Meeting Summary
- b. DDS Taskforce and Workgroup (<u>Updates</u>)
- c. Self-Determination Program (Implementation Updates)
- d. CalABLE (Updates)

Attachment(s)

Council Summary
Could be additional handout(s) day of meeting.



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.

December 1, 2020 State Council Meeting Summary

SIGNIFICANT ITEMS

- On December 1st, 2020, the State Council on Developmental Disabilities (SCDD) held its last Council meeting of the year by convening remotely using the Zoom platform. The Council will continue to meet virtually until it is safe to reconvene in person. The meeting had a packed agenda, including a special presentation from guest speaker Catherine Lhamon, Chair of the United States Commission on Civil Rights. Ms. Lhamon spoke to the Council about the Commission on Civil Rights' Subminimum Wage Report and how subminimum wage impacts people with intellectual and developmental disabilities. You can find more information about this important topic by viewing the Press Release and the full Subminimum Wage Report.
- The Council held elections for its Chair and Vice Chair officer positions. Councilmember Wesley Witherspoon was elected to serve as Council Chair, and Councilmember Lee Bycel was elected to serve as Vice Chair. Current Council Chair Maria Marquez congratulated the new officers, who will transition into their roles starting in January 2021 and will serve through December 2022.
- Councilmembers also heard reports from Executive Director Aaron Carruthers and Council Chair Maria Marquez. Mr. Carruthers noted that accessible housing advocacy remains a priority for the Council, and that SCDD was named to the Department of Public Health's Community Vaccine Advisory Committee (more information on this will be available soon). Ms. Marquez summarized

- details about the 2019-2020 Program
 Performance Report and thanked the Council
 for continuing to meet virtually despite all the
 challenges we have faced this year.
- As a follow up to the September Council meeting when the <u>draft of the new 2022-2026</u>
 State Plan was approved, the Council heard a presentation from SCDD staff about the <u>2019-2020 Program Performance Report (PPR)</u>. The PPR shows outcomes that were accomplished in carrying out the activities of our 2016-2021 State Plan. This report will be submitted to the Office of Intellectual and Developmental Disabilities (OIDD) early next year.

SUMMARY OF COUNCIL ACTIONS

The Council:

- Approved the September 2020 Council meeting minutes
- Elected new officers for Council Chair and Vice Chair
- Approved the 2019-2020 Program
 Performance Report for submission to
 the Administration on Community
 Living's Office of Intellectual and
 Developmental Disabilities (OIDD)
- Convened a closed session and approved the 2020 Executive Director Evaluation

FUTURE MEETING DATE

 The next Council meeting will be held on January 26, 2021. SCDD wishes a safe and happy holiday season to all!

AGENDA ITEM 10. 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.