



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

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CALL IN NUMBER: 1-888-475-4499					
MEETING ID:		961 0387 0208			
DATE:	June 3, 2021				
TIME:	10:00 AM – 2:30 PM				

COMMITTEE CHAIR:

Julie Austin

Item 1. CALL TO ORDER

Item 2. ESTABLISH QUORUM

Item 3. WELCOME AND INTRODUCTIONS

# Item 4. PUBLIC COMMENTS

This item is for members of the public only to provide comments and/or present information to the Committee on matters not on the agenda. Each person will be afforded up to three minutes to speak.

# Item 5. APPROVAL OF MARCH 2021 MINUTES VMTE

# Item 6. FEDERAL LEGISLATIVE & REGULATORY UPDATES

Julie Austin, Committee Chair and Bridget Kolakosky, Deputy Director

# Item 7. STATE LEGISLATIVE, BUDGET AND REGULATORY UPDATES VMTE

Julie Austin, Committee Chair and Bridget Kolakosky, Deputy Director Bills for LPPC to discuss are listed below. Hyperlinks are provided so you can view the current bill and status. A summary chart showing a summary of the bill and status as of May 13<sup>th</sup> is included in the packet.

- 1) COVID Update
- 2) Introduced Bills
  - a. Sponsored/Co-Sponsored Bills: Employment: SB 639
  - b. Support/Support If Amended

Community Supports: <u>AB 34</u>, <u>AB 813</u>, <u>AB 1007</u>, <u>SB 672</u> Public Safety: <u>AB 971</u>, Education: <u>AB 126</u>, <u>SB 291</u>, <u>SB 692</u> Education & Safety: <u>AB 610</u>, Health and Safety: <u>AB 270</u>, <u>AB 323</u>, <u>AB 1400</u>, <u>AB 1417</u>, <u>AB 118</u>, <u>SB 52</u> Education & Employment: AB 299, AB 313

3) Governor's Budget

# Item 8. UPDATES AND STANDING AGENDA ITEMS

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

# Item 9. MEMBER UPDATES

All

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# Item 10. FUTURE MEETING DATES September 9<sup>th</sup>

### Item 11. ADJOURNMENT

#### Accessibility:

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.

### AGENDA ITEM 5. ACTION ITEM

# STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC

### Approval of March 2021 Minutes

Members will review and approve the March meeting minutes.

*Action Recommended* Approve the March 9, 2021 minutes.

*Attachment(s)* March 2021 Meeting Minutes



### DRAFT Legislative and Public Policy Committee Meeting Minutes March 9, 2021

### **Attending Members**

### **Members Absent**

Andy Imperato (DRC) Maria Marquez (SA)

### Others Attending

Chris Arroyo Aaron Carruthers Charlotte Endres Janelle Lewis Others Attending (cont.)

Julie Austin (FA) Jeana Eriksen (SA) Connie Lapin (FA) Karen Millender (FA) Jonathan Nelson (FA) Julie Neward (FA) Olivia Raynor (Tarjan) Rosie Ryan (SA) Wesley Witherspoon (SA)

### Beth Hurn Robin Maitino-Erben Karen Mulvany Mary Agnes Nolan Lea Park-Kim Deborah Pearl Pamela Perls Matt Traverso

## 1. CALL TO ORDER

Committee Chair Julie Austin called the meeting to order at 10:07 a.m.

## 2. ESTABLISH QUORUM

A quorum was established.

### 3. WELCOME/INTRODUCTIONS

Members and others in attendance provided a brief introduction of themselves.

## 4. PUBLIC COMMENTS

Karen Mulvany provided public comment on the electronic visit verification rollout for IHSS and housing related legislative and regulatory topics.

## 5. APPROVAL OF THE JANUARY 2021 MEETING MINUTES

Members were presented with the draft meeting minutes.

It was moved/seconded (Witherspoon [SA]/ Ryan [SA]) and carried to adopt the January 14, 2021, meeting minutes as presented. Passed by acclamation. See page one for a record of members present.

# 6. CHAIR REPORT

Committee Chair Julie Austin provided a brief report that included Committee purpose and expected outcomes for the meeting.

# 7. FEDERAL LEGISLATIVE AND REGULATORY UPDATES

Members were provided a brief update on the latest federal legislative and regulatory issues which included COVID-related items.

# 8. STATE LEGISLATIVE AND REGULATORY UPDATE

Using the Council approved Legislative Platform and Policy Priorities to guide the discussion, Committee members went through and reviewed the legislative package beginning on page 18 of the packet. Following their review and discussion, the Committee is recommending a position on the below bills. Additionally, Committee members requested that staff reorder the bills by State Plan Goal before presenting to the full Council and continue to watch bills that are in alignment with the Council's 2021 Policy Platform and Priorities.

Bill Number Subject		<u>Category</u>	Position	
<u>AB 34</u>	Broadband for All	Accessibility/Internet	Support	
<u>AB 971</u>	Driver's licenses: developmental disability status.	DMV	Support	
<u>AB 126</u>	Special education programs: Family Empowerment Centers on Disability.	Education	Support	
<u>SB 672</u>	Remote accessible vote by mail systems: voters with disabilities.	Elections	Support	
<u>AB 270</u>	Core Behavioral Health Crisis Services System.	Mental Health & Health	Support	
<u>AB 323</u>	Long-term health facilities	Mental Health & Health	Support	
<u>AB 1007</u>	Forced or Involuntary Sterilization Compensation Program.	Mental Health & Health	Support	
<u>AB 1400</u>	Guaranteed Health Care for All.	Mental Health & Health	Support	
<u>AB 1417</u>	Community colleges: providers of care for individuals with developmental disabilities: model curriculum for certification program.	Providers	Support	
<u>AB 118</u>	Emergency services: community response: grant program.	Public Safety	Support	

Bill Number	Subject	<u>Category</u>	<b>Position</b>
<u>AB 610</u>	School safety: mandatory	Public Safety	Support
	notifications.		
<u>SB 52</u>	State of emergency: local	Public Safety	Support
	emergency: planned power outage.		
AB 299	Career technical education:	Work & Wages	Support
	California Apprenticeship Grant	_	
	Program.		
AB 313	Civil service: Limited Examination	Work & Wages	Support
	and Appointment Program.	-	

It was moved/seconded (Witherspoon [SA]/ Eriksen [SA]) and carried to recommend the legislative packet for approval to the full Council at the March meeting. (Eriksen: Aye; Lapin: Not present at time of vote; Raynor: Not present at time of vote; Witherspoon: Aye; Neward: Aye; Austin: Aye; Ryan: Aye; Nelson: Aye; Millender: Abstain)

Following the presentation of legislative packet presentation, Deputy Director Bridget Kolakosky provided an update on the Council's legislative priorities.

# 9. UPDATES AND STANDING AGENDA ITEMS

A copy of the January Council summary was provided as an update for Council activities. Members were also provided hyperlinks to the state agency webpages in order to provide the most recent implementation updates on the DDS Taskforce and Workgroup, Self-Determination Program and CalABLE programs.

## 10. 2021 MEETING DATES

The remaining 2021 meeting dates are June 3<sup>rd</sup> and September 9<sup>th</sup>.

# 11. ADJOURNMENT

Meeting adjourned at 1:58 p.m.

### AGENDA ITEM 6. INFORMATIONAL ITEM

# STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC

## Federal Legislative, Budget and Regulatory Updates

The goal of this agenda item is to provide updates on the latest federal legislative and regulatory issues. For updates on policies affecting National Association of Councils on Developmental Disabilities (NACDD) please visit <u>https://www.nacdd.org/policy/</u>.

## Attachments

None.

## Handout(s)

Could be handout(s) day of meeting.

### AGENDA ITEM 7. POTENTIAL ACTION ITEM

# STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC

### State Legislative, Budget and Regulatory Updates

The goal of this agenda item is to go through the bills contained within the Legislative Bill Chart (Chart) and review the status and make recommendations if needed. The Chart is grouped by State Plan Goal with the status as of May 13<sup>th</sup>.

To assist in guiding this discussion, staff has included Policy Platform and Policy Priorities. Any actions should reflect these previously approved documents.

Members will also be provided an update on the Governor's May Revise Budget as well as any relevant updates on COVID-related items.

### Attachments

SCDD Policy Platform SCDD Policy Priorities 2021 May 2021 Legislative Bill Chart

### Handout(s)

**Updated Bill Chart** 



# 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 **a**nd 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 deny access to services. Individuals must be

reimbursed for insurance co-pays, co-insurance, and deductibles when their health insurance covers therapies that are on their Individual Program Plans (IPPs).

# **EDUCATION**

Every student has the right to be safe in school and to receive a quality education with their peers that prepares them for post-secondary education and/or 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



# **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 to the make 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.

Bill	Author	Bill Name	Summary	Current Status as of 5/12/2021	SCDD Position	SCDD State Plan Priority
<u>SB</u> <u>639</u>	Durazo (D)	wages: persons with disabilities.	Proposes the phase out and end of California's participation in the federal subminimum wage program, also known as the 14(c). The bill will stop new certificates from being issued after January 1, 2022, and ends California's participation in the program in 2025. The bill allows for a planned phase-out period that will allow time for providers and people with disabilities to transition services. The bill requires the Governor's office, in partnership with relevant state agencies and engaging input from statewide organizations, to develop and implement a phaseout plan with stakeholder involvement, by January 1, 2023, to pay any employee with a disability by January 1, 2024, no less than the state minimum wage. The bill would also requires the Governor, or the designated lead agency, to submit a report on its findings and the plan to implement these changes to the appropriate policy committees of the Legislature for review on or before January 1, 2023.	5/3/2021- Senate Appropriations Suspense File	Sponsor	State Plan Goal: Employment
<u>AB 34</u>	Muratsuchi (D)	Communications Broadband for All Act of 2022.	Broadband for All Act of 2022. Would place a \$10 billion bond on the ballot in November 2022 to fund access to high-speed internet service to unserved and underserved communities in rural as well as in low-income urban and suburbanareas.	5/5/2021- Assembly Appropriations Suspense File	Support	State Plan Goal: Community Supports (Internet access)
<u>AB</u> <u>813</u>	Mullin (D)	services: service	Requires the State Department of Developmental Services (DDS) to establish a pilot project to develop metrics and methods of data collection to evaluate the outcomes of services authorized by regional centers and provided through an approved vendor.	4/21/2021- Assembly Appropriations	Support	State Plan Goal: Community Support (Service Outcomes)
<u>AB</u> <u>1007</u>	Carrillo (D)	Forced or Involuntary Sterilization Compensation Program	Creates the "Forced Sterilization Compensation Program" that will compensate people who were involuntarily sterilized by a California state prison over the last40 years.	4/21/2021- Assembly Appropriations Suspense File	Support	State Plan Goal: Community Support (Compensa tion)

<u>SB 672</u>	Bradford(D)	Remote accessiblevote by mail systems: voters with disabilities.	Creates a vote by mail process for individuals with a disability for the purpose of voting in a California election.	4/30/2021- Senate 2 Year Bill	Support	State Plan Goal: Community Supports (Voting)
<u>AB 971</u>	Gray (D)	Driver's licenses: developmental disability status.	This bill allows an applicant for a CA ID card or a Driver's License to self-certify thatthey may have difficulty communicating with law enforcement stemming from an intellectual or developmental disability.	4/27/2021- Assembly Appropriations	Support if Amended	State Plan Goal: Public Safety
<u>AB 126</u>	E. Garcia(D)	Special education programs: Family Empowerment Centers on Disability.	Helps families in the special education system by increasing the funding for Family Empowerment Centers (or FEC's). FEC's help families of children and young adultswith disabilities, between the ages of 3 and 22, navigate the special education system.	4/14/2021- Assembly Appropriations Suspense File	Support	State Plan Goal: Education
<u>SB 291</u>	Stern (D)	Advisory Commission on Special Education: pupil advisory council.	This bill establishes an advisory council of pupils with exceptional needs to provide input to the Advisory Commission on Special Education (ACSE) and adds a member of the pupil advisory council to the ACSE.	3/22/2021-Senate Appropriations Suspense File	Support	State Plan Goal: Education
<u>SB 692</u>	Cortese (D)	5/3/2021- Senate Appropriations Suspense File	This bill adds least restrictive environment to the state priorities for purposes of a school district's Local Control and Accountability Plan (LCAP), requires the evaluation rubric to include least restrictive environment as an indicator, requires special education local plan areas to be invited to all differentiated assistance meetings related to least restrictive environment, and requires the Superintendent of Public Instruction (SPI) to conduct a survey on the minimum amount of professional development needed for teachers to be prepared to teach pupils with learning disabilities.	5/3/2021-Senate Appropriations Suspense File	Support	State Plan Goal: Education

<u>AB 610</u>	Kalra (D)	School safety: mandatory notifications	Allows schools to address a student's misbehavior in better ways than the current requirement to call the police. This will protect students by allowing schools to bringin the right supportive services.	4/30/2021- Assembly 2 Year Bill	Support if Amended	State Plan Goal: Education and Safety
<u>AB270</u>	Ramos (D)	Core Behavioral Health Crisis Services System	Creates the phone line "988 Suicide Lifeline." This will be a free phone number forpeople to call when they are in a mental health crisis and need help.	1/28/2021- AssemblyHealth	Support	State Plan Goal: Health
<u>AB 323</u>	Kalra (D)	Long-term health facilities.	Improves the health and safety of patients in skilled nursing facilities by holding thenursing home accountable for deaths that could have been avoided. The bill increases penalties and improves the department's ability to ensure a high quality level of care.	5/13/2021 Assembly Third Reading File	Support	State Plan Goal: Health and Safety
<u>AB</u> 1400	Kalra (D)	Guaranteed Health Care forAll.	Creates health care coverage for all California residents called "CalCare" whichwill guarantee quality health care at a low cost to individuals, regardless of citizenship status.	4/30/2021- Assembly 2 Year Bill	Support	State Plan Goal: Health
<u>AB</u> 1417	Frazier (D)	Community colleges: providers of care for individuals with developmental disabilities: model curriculum for certification program.	Creates a new certificate program through CA Community Colleges that would trainand educate professionals who provide care to individuals with developmental disabilities.	5/5/2021- Appropriations Suspense File	Support	State Plan Goal: Health and Safety

<u>AB 118</u>	Kamlager (D)	Emergency services: community response grant program	Establishes the "Community Response Initiative to Strengthen Emergency Systems" (CRISES) Act. This will allow other professionals to respond to 911 calls instead of just the police.	4/21/2021- Assembly Appropriations Suspense File	Support	State Plan Goal: Safety
<u>SB 52</u>	Dodd (D)	State of emergency: local emergency: planned power outage.	Expands the Emergency Services Act to include in "Public Safety Power Shutoff" events. This will ensure communities have more support services when the electricity is turned off due to concerns about extreme weather and risks for wildfires.	/29/2021-Assembly Desk	Support	State Plan Goal: Safety
<u>AB 299</u>	Villapudua (D)	Career technical education: Apprenticeship Grant Program.	Creates the Apprenticeship Grant Program through the CA Community Colleges and encourages students to participate with additional funding.	4/30/2021- Assembly 2 Year Bill	Support	State Plan Goal: Education and Employment
<u>AB 313</u>	C Garcia (D)	Civil service: Limited Examination and Appointment Program.	Improves the Limited Examination and Appointment Program (LEAP) by ensuringindividuals with intellectual and developmental disabilities have more job opportunities in civil service.	5/5/2021-Assembly Appropriations Suspense File	Support	State Plan Goal: Employment

March 25, 2021

The Honorable Melissa Hurtado, Chair The Honorable Brian Jones, Vice Chair Senate Committee on Human Services 1020 N Street, Room 521 Sacramento, California 95814

### RE: SB 639 (Durazo) – Sponsor

Dear Senator Hurtado and Senator Jones,

The State Council on Developmental Disabilities (SCDD) sponsors Senate Bill (SB) 639 (Durazo), which would eliminate unfair payment methods to people with disabilities and ensure equitable wages for all California workers regardless of disability. The bill will phase out the practice of paying subminimum wage for work performed by people with disabilities in California and will support providers to transition service delivery models away from subminimum wage employment to competitive integrated employment.

Section 14(c) of the Fair Labor Standards Act (FLSA) allows the federal Wage and Hour Division to issue special certificates to employers that allow them to pay employees with disabilities less than the minimum wage based on the purported impact that the employee's disability has on their ability to perform a job. Specifically, in California, Labor Code §1191 also allows for a one-year, state-issued subminimum wage license to pay employees with disabilities. Having been enacted respectively in 1938 and 1972, the FLSA and California's equivalent law predate other federal and state civil rights laws that deemed failure to provide an employee with a disability reasonable accommodation as a form of employment discrimination. This means subminimum wages are arguably in direct conflict with civil rights and employment discrimination law. Additionally, in California, these subminimum wage statutes are in conflict with the state's Employment First Policy, which states that *"[i]t 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."<sup>1</sup>* 

In 2020, the U.S. Civil Rights Commission issued a report, *Subminimum Wages: Impacts on the Civil Rights of People with Disabilities*.<sup>2</sup> The overarching finding in the report is that Congress should repeal 14(c) of the FLSA with a planned phase-out period that will allow time for providers and people with disabilities to transition services. The Commission's research concluded that "Section 14(c) is antiquated as it was enacted prior to our nation's civil rights laws, and its operation in practice remains discriminatory by permitting payment of

<sup>1</sup> Welfare and Institutions Code Section 4869(a)(1)

<sup>2</sup> <u>https://www.usccr.gov/pubs/briefing-reports/2020-09-17-Subminimum-Wages.php</u>

subminimum wages based on disability without sufficient controls to ensure that the program operates as designed "to the extent necessary to prevent curtailment of opportunities for employment."<sup>3</sup>

Other states have successfully enacted similar pieces of legislation including Texas, Oregon and Maryland, which SB 639 is modeled after. Specifically, SB 639 will repeal and replace Labor Code § 1191 and 1191.5 and will prohibit employers applying for a license after January 1, 2022 for a certificate under 14(c) of FLSA from paying subminimum wage. The bill will also create a stakeholder workgroup charged with the development and implementation of a plan to phase-out the payment of subminimum wages to people with disabilities currently receiving their working wages from providers with certificates under 14(c) of the FLSA on or before January 1, 2024. Lastly, the bill will supply employers with support transition service delivery models from subminimum wage employment to competitive integrated employment.

Congress established the State Councils in every state and territory 51 years ago. The Councils are authorized in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (the DD Act) to ensure that individuals with developmental disabilities and their families design and can access services and supports that "promote self-determination, independence, productivity, and integration and inclusion" in community life. The Lanterman Act establishes the SCDD in California to be comprised of 31 members appointed by the Governor, including individuals with disabilities, their families, other partners and state agencies. The SCDD develops a five-year state plan to implement the DD Act through the work of 12 regional offices in California. The plan is developed with stakeholder input and is focused on addressing systemic barriers to employment, housing, education, community supports, health and safety for persons with developmental disabilities.

We are pleased to sponsor SB 639, as we are persuaded it is consistent with our Legislative Platform, Policy Priorities and State Plan. If you have any questions or concerns, please contact our Deputy Director of Policy and Public Affairs, Bridget Kolakosky at 916-206-4055 or <u>bridget.kolakosky@scdd.ca.gov</u>.

Sincerely,

Wesley Witherspoon

Wesley Witherspoon, Chair

CC: Honorable Members, Senate Committee on Human Services The Honorable Maria Elena Durazo

<sup>3</sup> Id. at pg. vii citing 29 U.S.C. §214(c).

April 9, 2021

The Honorable Mark Stone, Chair The Honorable James Gallagher, Vice Chair Assembly Committee on Judiciary 1020 N Street, Room 104 Sacramento, California 95814

### RE: AB 1007 (Carrillo) – SUPPORT

Dear Assemblymember Stone and Assemblymember Gallagher,

The State Council on Developmental Disabilities (SCDD) supports, as amended, Assembly Bill (AB) 1007 (Carrillo), which would establish the Forced or Involuntary Sterilization Compensation Program to provide victim compensation to survivors of state-sponsored sterilization conducted pursuant to eugenics laws that existed in California between 1909 and 1979 and to survivors of coerced sterilizations of people in prisons after 1979.

In 1909, California authorized the involuntary sterilization of people who were institutionalized that were deemed "unfit for reproduction." The state went on to administer the most aggressive eugenic sterilization program in the United States, sterilizing more than 20,000 people statewide. Research indicates that the majority of eugenic sterilizations affected women and girls, with Latinas being 59% more likely to be sterilized. Though the state's eugenic law was repealed in 1979, a later state audit revealed 144 people were sterilized during labor and delivery without proper consent while incarcerated in California women's prisons from 2006 to 2010. 94 out of 144 women captured in the state audit (65%) described themselves as Black, Hispanic, Mexican, or other. An additional 100 women were involuntarily sterilized in prison during labor and delivery dating back to the late 1990s, as well as a small number of forced sterilizations performed during other surgeries.

AB 1007 will provide acknowledgment of this injustice by establishing a program to compensate confirmed survivors who were sterilized in California state institutions and prisons. In 2022, when the bill would go into effect, there will be an estimated 350 surviving individuals sterilized under eugenics laws and 250 survivors of prison sterilization abuse. Additionally, markers or plaques will be placed at designated sites, raising awareness of the unjust sterilization of thousands of women. While the state has acknowledged that it was wrong to sterilize people with disabilities without their consent, the State Council believes this bill plays an important role in righting this state-sanctioned violation of the human rights of persons with developmental disabilities. Everyone has the human right to control their reproductive capacity without state or other interference. The bill affirms that all people should be treated with respect and dignity regarding their lives and reproduction. The survivors of forced sterilization deserve to be compensated now for this state sanctioned violation of their human rights.

Congress established the State Councils in every state and territory 51 years ago. The Councils are authorized in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (the DD Act) to ensure that individuals with developmental disabilities and their families design and can access services and supports that "promote self-determination, independence, productivity, and integration and inclusion" in community life. The Lanterman Act establishes the SCDD in California to be comprised of 31 members appointed by the Governor, including individuals with disabilities, their families, other partners and state agencies. The SCDD develops a five-year state plan to implement the DD Act through the work of 12 regional offices in California. The plan is developed with stakeholder input and is focused on addressing systemic barriers to employment, housing, education, community supports, health and safety for persons with developmental disabilities.

We are pleased to support AB 1007, as we are persuaded it is consistent with our Legislative Platform, Policy Priorities and State Plan. If you have any questions or concerns, please contact our Deputy Director of Policy and Public Affairs, Bridget Kolakosky at 916-206-4055 or <u>bridget.kolakosky@scdd.ca.gov</u>.

Sincerely,

Wesley Witherspoon

Wesley Witherspoon, Chair

CC: Honorable Members, Assembly Committee on Judiciary The Honorable Wendy Carrillo



April 12, 2021

The Honorable Adam Gray California State Assembly State Capitol, Room 3152 Sacramento, California 95814

### RE: AB 971 (Gray) – SUPPORT IF AMENDED

Dear Assemblymember Gray,

The State Council on Developmental Disabilities (Council) supports Assembly Bill (AB) 971 (Gray) in principle in order to facilitate communication that might otherwise prove challenging, including with law enforcement. However, the Council believes additional language will ensure only individuals with disabilities take part in this new program.

Some disabilities are not immediately perceivable. A standard traffic stop can quickly go wrong if law enforcement mistakenly perceives the individual as uncooperative or suspicious y. Some individuals with IDD may not be able to understand or respond to an officer's requests. AB 971 will help alleviate any confusion that may arise in these situations by allowing an applicant to request, and requiring the DMV to include, an appropriate indicator on the applicant's ID card or Driver's License.

The Council believes this new program at the DMV is a simple mechanism that can assist in various encounters for individuals with disabilities out in the public at large. The council has pursued similar policies in recent years and to that end is concerned with the bill's proposal to allow for self-certification. Individuals applying for the AB 971 indicator need only "self-certify" that they have an IDD to be eligible. The Council believes that without a requirement for proper paperwork when applying, there will be no way to ensure that only people who are eligible have signed up for the program. The Council suggests an amendment where applicants planning to sign up for the program must provide proof of their disability through the form of their regional center certification. *Section* 12811(d)(2).

§ 12811(d)(<u>1)</u> An application for a driver's license or identification card shall contain a space for an applicant to self-certify that they may have difficulty communicating with law enforcement officers as a result of a developmental disability including, but not limited to, autism spectrum disorder, cerebral palsy, or intellectual disability. An application shall allow an applicant to request an appropriate designation to be printed on the face of a driver's license or identification card of a person who has self-certified that they may have difficulty communicating with law enforcement officers due to a developmental disability. For purposes of this section, a "developmental disability" has the meaning set forth in the federal Developmental Disabilities Assistance and Bill of



Rights Act of 2000, contained in Chapter 144 (commencing with Section 15001) of Title 42 of the United States Code.

(2) In order to be eligible for this program, the applicant must have documentation that the applicant receives In Home Support Services as described in Welfare and Institutions Code section 12300 et seq. and/or Regional Center Services as described in Welfare and Institutions Code section 4500 et seq.

We look forward to working with the author's office and the Committee on this important issue.

Congress established the State Councils in every state and territory 51 years ago. The Councils are authorized in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (the DD Act) to ensure that individuals with developmental disabilities and their families design and can access services and supports that "promote self-determination, independence, productivity, and integration and inclusion" in community life. The Lanterman Act establishes the Council in California to be comprised of 31 members appointed by the Governor, including individuals with disabilities, their families, other partners and state agencies. The Council develops a five-year state plan to implement the DD Act through the work of 12 regional offices in California. The plan is developed with stakeholder input and is focused on addressing systemic barriers to employment, housing, education, community supports, health and safety for persons with developmental disabilities.

If you have any questions or concerns, please contact our Deputy Director of Policy and Public Affairs, Bridget Kolakosky at 916-206-4055 or <u>bridget.kolakosky@scdd.ca.gov</u>.

Sincerely,

Wesley Witherspoon

Wesley Witherspoon, Chair

CC: Honorable Members, Assembly Committee on Transportation The Honorable Adam Gray

### AGENDA ITEM 8. 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. May Council Meeting Summary
- b. DDS Taskforce and Workgroup (Updates )
- c. Self-Determination Program (Implementation Updates)
- d. CalABLE (<u>Updates</u>)

## Attachment(s)

Could be handout(s) day of meeting.

### AGENDA ITEM 9. INFORMATIONAL ITEM

# STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC

### Member Updates

The goal of this agenda item is to allow members to provide brief 3-5 minute updates on local emerging and standing issues relating to individuals with intellectual and developmental disabilities (I/DD).

### Attachment(s)

Could be handout(s) day of meeting.

### AGENDA ITEM 10. INFORMATIONAL ITEM

# STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC

### Future Meeting Dates

The next meeting is scheduled for September 9<sup>th</sup> and members will begin planning for the 2022 legislative session. Members that would like to provide input on current practices and/or have ideas on streamlining or changing current practices, please be prepared to present them to the Committee at the September meeting.