



NOTICE/AGENDA

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: March 17, 2022

TIME: 10:00 AM – 3:30 PM

COMMITTEE CHAIR: Lee Bycel

Item 1. CALL TO ORDER

Item 2. ESTABLISH QUORUM

Item 3. WELCOME AND INTRODUCTIONS

Item 4. PUBLIC COMMENTS

Page 4

This item is for members of the public to provide comments and/or present information to this body on matters not listed on the agenda. There will be up to 20 minutes allocated to hear from the public with each person allotted up to 3 minutes to comment.

Additionally, there will be up to 10 minutes allocated to hear from the public on each Council agenda item, with each person allotted up to 1 minute to comment.

Item 5. APPROVAL OF JANUARY 2022 MINUTES

Page 5

Item 6. FEDERAL LEGISLATIVE & REGULATORY UPDATES

Page 9

Item 7. STATE LEGISLATIVE AND REGULATORY UPDATES

Page 10

Lee Bycel, Committee Chair and Bridget Kolakosky, Deputy Director

Bills for discussion that fall under SPG 2.1 are listed below by topic area.

Hyperlinks are provided so you can view the status. A chart showing a summary of the bill status as of March 15, 2022 will be provided as a handout.

A. Status of the Bill Contest**B. Introduced Bills that fall under State Plan Goal 2.1****1) Sponsored/Co-Sponsored Bills:**

Education: [AB 2920](#)

Emerging Issues: [SB 1092](#) (RC Fair Hearings)

Health/Safety: [AB 1663](#)

Housing: [AB 2547](#)

2) Bills to Consider Taking a Position On:

Community Supports: [SB 672](#); [AB 1007](#); [AB 813](#)

Education: [SB 692](#); [SB 291](#); [AB 126](#); [AB 299](#)

Employment: [SB 951](#)

Health/Safety: [SB 518](#); [SB 870](#); [AB 1831](#); [AB 1417](#); [AB 1400](#); [AB 971](#); [AB 270](#); [AB 610](#)

3) Watch Bill List:

[AB 808](#); [AB 911](#); [AB 1335](#); [AB 1915](#); [AB 1927](#); [AB 1947](#)

C. Budget

Item 8. UPDATES AND STANDING AGENDA ITEMS**Page 18**

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

Item 9. MEMBER UPDATES**Page 19***All*

Item 10. 2022 MEETINGS AND ADJOURNMENT*June 7th and September 13th*

Accessibility:

Pursuant to Government Code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact (916) 263-7919. Requests must be received by 5 business days prior to the meeting.

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

March 17, 2022

**AGENDA ITEM 4.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC

Public Comment

This item is for members of the public to provide comments and/or present information to this body on matters not listed on the agenda. There will be up to 20 minutes allocated to hear from the public with each person allotted up to 3 minutes to comment.

Additionally, there will be up to 10 minutes allocated to hear from the public on each Council agenda item, with each person allotted up to 1 minute to comment.

March 17, 2022

AGENDA ITEM 5.

ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC

Approval of January 2022 Minutes

Members will review and approve the January meeting minutes.

Action Recommended

Approve the January 19, 2022 minutes.

Attachment(s)

January 19, 2022 Meeting Minutes



DRAFT

**Legislative and Public Policy Committee Meeting Minutes
January 19, 2022**

Attending Members

Julie Austin (FA)
Jeana Eriksen (SA)
Karen Millender (FA)
Rosie Ryan (SA)
Wesley Witherspoon (SA)
Connie Lapin (FA)
Andy Imperato (DRC)
Julie Neward (FA)
Maria Marquez (SA)

Members Absent

Others Attending

Aaron Carruthers
Victoria Schlusser
Bridget Kolakosky
Brian Weisel
Chris Arroyo
Shahriar Arshar
Robin Maitino-Erben
Mary Agnes Nolan
Karen Mulvany
Pamela Perls

1. CALL TO ORDER

Committee Chair Julie Austin called the meeting to order at 10:06 a.m.

2. ESTABLISH QUORUM

A quorum was established.

3. WELCOME/INTRODUCTIONS

Deputy Director of Policy and Public Affairs Bridget Kolakosky called for a moment of silence in honor of Policy Analyst, Matt Traverso who unexpectedly passed away in December. Members and others in attendance then provided a brief introduction of themselves.

4. PUBLIC COMMENTS

Deputy Director of Policy and Public Affairs Bridget Kolakosky provided the committee with an overview of a conservatorship bill that is in the process of being drafted in legislative council. This legislation will increase transparency and self determination in the conservatorship process. LPPC Chair Julie Austin and Council Chair Wesley Witherspoon exercised their authority to move forward with bill sponsorship. SCDD is

joining a large coalition of disability rights advocates in support of this legislation.

Karen Mulvaney asked for clarification about public comment for issues not on the agenda.

5. APPROVAL OF THE SEPTEMBER 9, 2021 MEETING MINUTES

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

Correction

Add Bridget Kolakosky to the list of attendees.

6. PURPOSE OF LPPC AND OVERVIEW OF LEGISLATIVE

Deputy Director of Policy and Public Affairs Bridget Kolakosky provided committee members with an overview of the role and responsibilities of the LPPC and went over the federal and state legislative processes.

7. FEDERAL LEGISLATIVE & REGULATORY UPDATES

Committee Chair Julie Austin directed committee member to review legislative and regulatory updates on the National Association of Councils on Developmental Disabilities (NACDD) website. The link was provided in the chat.

8. 2022 LEGISLATIVE PROPOSALS

Deputy Director of Policy and Public Affairs Bridget Kolakosky presented the submissions for SCDD's "There Should be a Law" contest. Council staff provided an analysis of proposal submissions and the committee discussed some of the specific legislation proposals, including bills addressing abuse, settlements, unfair hearings and regional center data collection. The committee discussed the timeline for completing analysis of proposals and next steps.

9. UPDATES AND STANDING AGENDA ITEMS

Executive Director Aaron Carruthers provided a summary of the agenda for the upcoming Council meeting, which will include Cycle 45 Grants, the Council's legislative contest, and a budget update from the Department of Developmental Services.

10. **MEMBER UPDATES**

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

11. **2022 MEETINGS AND ADJOURNMENT**

The 2022 meeting dates are March 17, June 7, and September 13th. Meeting adjourned at 1:58 p.m.

March 17, 2022

**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 <https://www.nacdd.org/policy/>.

Attachments

None.

Handout(s)

Could be handout(s) day of meeting.

March 17, 2022

AGENDA ITEM 7.

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 listed on the agenda and make recommendations on the bills identified under agenda item 7, B, 2. These recommendations will be brought to the Council at the March meeting. Members will be asked to take positions on no more than 3-5 bills to allow bandwidth to co-sponsor four (4) bills and several budget plays

To assist in guiding this discussion, staff has included Legislative Policy Platform and Policy Priorities. Bills that are acted upon should reflect these previously approved documents.

Attachments

SCDD Policy Platform

SCDD Policy Priorities

Handout(s)

March 2022 Legislative Bill Chart

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-SUFFICIENCY

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 2022

PROTECTING AND ENHANCING CIVIL RIGHTS

Every person with intellectual and developmental disabilities (I/DD) has the right to self-determination, equality of opportunity, full participation, independent living and economic self-sufficiency no matter 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 and full implementation of state/federal policies 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 with I/DD has the right to a quality inclusive education with their peers that prepares them for post-secondary education and/or competitive integrated employment (CIE). Students in both secondary and postsecondary education with disabilities must be provided the same opportunities for learning, in the classroom and on-line, as students without disabilities.

Every person with I/DD should have the opportunity to be employed in CIE. Individuals 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 will work to ensure the implementation of the Individuals with Disabilities Education Act, Every Student Succeeds Act and other federal and state policies to ensure that students with 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, that policies and practices improve opportunities for and incentivize CIE, to create hiring incentives and supports for all employers and contractors and make the state a model employer.

Identifying and Prioritizing Emerging Issues in the I/DD Community

Every person with a developmental disability should not have to deal with problems of that arise due to the emergence of inequality issues in the community. Events in our every day lives, both due to policy changes and unforeseen events, have the ability to cause unintended consequences for the I/DD community. These issues must be identified and acted upon swiftly to ensure as little harm as possible is inflicted.

The Council will work to ensure any and all emerging issues including but not limited to dealing with disparity across all I/DD issues, barriers to participating in a community setting, and roadblocks to access for people with I/DD are dealt with through policy changes. The Council will work to ensure the Self Determination Ombudsperson program at the Department of Developmental Services uses its authority to ensure people with I/DD become successful participants in the Self Determination Program.

PROMOTING ACCESS TO QUALITY SUPPORTS IN THE COMMUNITY

Every person with I/DD should have the ability to fully participate in their communities. Receiving quality, individualized services is the cornerstone for people with I/DD to be safe, healthy and to promote self-determination, interdependence and inclusion. Community-based services/supports require adequate wages for providers; therefore, the state must restore rates. Disparities in access, outcomes and quality for 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, to make meaningful improvements to the service delivery system to reduce disparities, increase transparency and accountability and increase quality outcomes, support efforts to provide adequate wages to providers for inclusive and quality supports, and work to ensure successful implementation of the Self-Determination Program.

ENSURING SAFETY IN THE COMMUNITY

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

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

IMPROVING HOUSING AND COMMUNITY LIVING

Every person with I/DD 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 I/DD 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 and create a dedicated housing fund to support integrated community housing for people with I/DD.

March 17, 2022

**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 ([Updates](#))
- c. Self-Determination Program ([Implementation Updates](#))
- d. CalABLE ([Updates](#))

Attachment(s)

None – may be additional handout(s) day of meeting.

March 17, 2022

**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.

Handout(s)

Could be additional handout(s) day of meeting.