



NOTICE/AGENDA

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

Members of the public may participate in person, telephonically, or by Zoom.
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www.scdd.ca.gov

MEETING DETAILS:

PHYSICAL LOCATION

SCDD HQ OFFICE
3831 North Freeway Blvd., #125
Sacramento, CA 95834

REMOTE LOCATION(S):

See last page

ZOOM LINK:

[2022.EFC.Meeting.Link](#)

MEETING ID: 935 6684 7127

PASSWORD: 594468

TELECONFERENCE

CALL IN NUMBER: 888-475-4499

MEETING ID: 935 6684 7127

DATE: June 6, 2022



TIME: 10:30 AM – 3:30 PM

COMMITTEE CHAIR: Wesley Witherspoon

Item 1. CALL TO ORDER

Item 2. ESTABLISH QUORUM

Item 3. WELCOME AND INTRODUCTIONS

Item 4.	PUBLIC COMMENTS <i>This item is for members of the public 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.</i> <i>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.</i>	
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Item 6.	CHAIR UPDATE <i>Presented by Wesley Witherspoon</i> A. DDS Employment Subcommittee	Page 11
Item 7.	STATE BUDGET & CIE RELATED LEGISLATIVE UPDATES <i>Presented by: Bridget Kolakosky</i>	Page 12
Item 8.	FINALIZE 2021 EMPLOYMENT FIRST REPORT 	Page 13
Item 9.	UPDATE ON TARGET PRIORITIES <i>Presented by Tania Morawiec</i> A. SB 639 Implementation Update	Page 31
Item 10.	UPDATE ON CIE BLUEPRINT IMPLEMENTATION <i>Presented by: CDE, DOR and DDS</i>	Page 32
Item 11.	UPDATE ON THE IMPLEMENTATION OF THE DATA SHARING LEGISLATION <i>Presented by: Michael Luna</i>	Page 33
Item 12.	MEMBER UPDATES <i>Presented by: All</i>	Page 34
Item 13.	FUTURE MEETINGS AND ADJOURNMENT <i>July 14th and October 20th</i>	Page 35

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 Robin Maitino-Erben at (916) 263-8193 or robin.maitino@scdd.ca.gov. *Please provide at least 3 business days prior to the meeting to allow adequate time to respond to all requests.*

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

There are members of the public body who are participating in today's meeting that were granted a reasonable modification per the Americans with Disabilities Act (ADA). To protect their health and/or safety, they are participating remotely for this proceeding without providing their physical location.

In addition to Zoom and teleconference, the below addresses will be made available for public participation.

REMOTE LOCATIONS:

USC University Center for Excellence
in Developmental Disabilities
Children's Hospital Los Angeles
4650 Sunset Blvd. MS #76
Los Angeles, CA 90027-6062

June 6, 2022

AGENDA ITEM 5.

ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Approval of February 2022 Minutes

Members will be presented with the draft minutes from the February 2022 meeting for consideration.

Action Recommended

Approve February 2022 minutes.

Attachments

February 10, 2022 Meeting Minutes



DRAFT

Employment First Committee Meeting Minutes February 10, 2022

Attending Members

Sarah Isaacs (DRC)
Michael Luna (DDS)
Wilbert Francis (UCLA)
Steve Ruder (UCD)
Nick Wavrin (CDE)
Wesley Witherspoon (SA)
Larry Yin (USC)
Kara Ponton (SA)
Cathay Liu (FA)

Members Absent

Robert Loeun (DOR)

Others Attending

Bridget Kolakosky
Tania Morawiec
Mary Ellen Stives
Robin Maitino-Erben
Viri Salgado
Julie Paulson
Suza Szewiola
Mary Agnes Nolan
Aaron Carruthers
Sarah May
Dena Hernandez
Beth Hurn
Victoria Schlusser

1. CALL TO ORDER

Chairperson Wesley Witherspoon (SA) called the meeting to order at 10:34 a.m.

2. ESTABLISH QUORUM

A quorum was established.

3. WELCOME/INTRODUCTIONS

A minute of silence was observed in honor of Matt Traverso, SCDD Policy Analyst, who passed away in December. Several attendees shared their memories of Matt and offered condolences to his family, co-workers, and friends.

Chairperson Witherspoon introduced new Employment First Committee member, Cathay Liu. Committee member Liu is a family advocate. She stated that her two children are clients of the Regional Center and

participate in Self-Determination. She is also a member of the Los Angeles Regional Advisory Committee.

Members and others introduced themselves.

4. **PUBLIC COMMENTS**

Julie Paulson mentioned that she will comment on the Inclusive Higher Education Act later in the meeting

5. **APPROVAL OF THE JULY 2021 MEETING MINUTES**

It was moved/seconded (Ruder/Francis) and carried to approve the October 2021 meeting minutes with amendments to correct the spelling of Sarah Isaacs' last name and to add Kara Ponton as being present. (All present voted in favor. See page one for members in attendance.)

6. **SELF-ADVOCATE SPOTLIGHT: VIRI SALGADO**

Viri Salgado, Information and Outreach Intern for the San Diego Imperial Office, gave a PowerPoint presentation on her internship. Ms. Salgado described how she obtained the internship, her duties, and how the internship has contributed positively to her future employability by giving her a range of experiences and knowledge as well as the opportunity to expand her possible employment connections.

Ms. Salgado expressed the importance of spreading the word to other SAs about the internship program through Regional Centers and social media.

North State Office Manager Sarah May and San Diego Imperial Manager Mary Ellen Stives, said their experience working with Ms. Salgado has been exceptionally positive and that her work is excellent.

7. **INTRODUCTION TO EMPLOYMENT DEAP**

After a few opening comments by Deputy Director Tania Morawiec, Manager Mary Ellen Stives gave an overview of the Employment DEAP (Disability Expert Advisory Panel). She described some of the activities of the DEAP: creating on-demand curriculum; offering local/statewide training; providing professional development for SCDD staff; focusing on the needs of transition-age youth; participating in local partnerships; collaborating with the Department of Rehabilitation (DOR); and sharing information with and gathering data from community and stakeholders through a series of "Community Conversations."

8. **UPDATE ON TARGET PRIORITIES**

Deputy Director Tania Morawiec shared ideas gathered from the February 3rd EFC Priorities Meeting. These ideas were contributed by attending committee members Wesley Witherspoon, Wilbert Francis, and Sarah and Steve Ruder (who was unable to attend).

Tania reviewed the various ideas which were related to the following: implementation of SB 639 and stakeholder engagement and outreach; the importance of data; tailored day services, DOR Pre-Employment Transition Services (Pre-ETS); preventing people from “falling through the cracks”; staff shortages; COVID-19; optics/messaging; CIE Blueprint; research; and employer-targeted media.

After a break for lunch, members discussed and then voted on the six top priorities for the EFC to work on in 2022. The vote resulted in the following six priorities:

1. SB 639
2. Data
3. Preventing people from “falling through the cracks”
4. COVID-19
5. Staff shortages
6. Tailored day services

9. **STATE LEGISLATIVE UPDATES**

Deputy Director Bridget Kolakosky provided an update on State legislative issues relating to employment for people with disabilities.

Ms. Kolakosky reviewed a draft report of the 2021 SCDD Bill Idea Contest. She stated that there were over 100 diverse submissions in the “There Should Be A Law” contest. Two-thirds of the ideas were from self and family-advocates and many others were from experts in the field. All of the proposals have been put into a database and will become part of the official record.

Ms. Kolakosky has been sharing the report with legislative offices and also encouraged EFC members to share it “far and wide”.

She stated that the Bill Idea Contest can be considered the starting point of a citizen-led campaign for important policy change for people with I/DD. SCDD plans to hold a bill idea contest each year with a bill submission portal available on the SCDD website.

Ms. Kolakosky introduced Julie Paulson, a San Francisco State University faculty member. Ms. Paulson is working with the Inclusive College Alliance (ICA) for Students with Intellectual and Developmental Disabilities. They are promoting “The Inclusive Higher Education Act for California” which is a proposal to increase living wages and employment for people with intellectual and developmental disabilities.

The proposal allocates \$8 million annually to establish and/or maintain 8 inclusive college programs universities for students with I/DD at 8 public 4-year universities. Annually, 384 students will be served.

Ms. Paulson stated that the ultimate goal of the Act is to have inclusive college at all of the UC and CSU campuses. These programs will be guided by a statewide coordinating center. The coordinating center would perform a variety of functions such as: application vetting, parent outreach, sharing best practices, and performing functions that one campus cannot do alone.

Ms. Paulson asked the EFC to support this proposal and fielded questions from the Committee.

Committee members voted on whether to support the work of the ICA to expand the number of post-secondary educational programs in California. It was moved/seconded (Francis/Ponton) and carried. [With the exception of one abstention (Isaacs), all present voted in favor. See page one for members in attendance.]

It was agreed that the EFC will revisit the idea of co-sponsorship once the ICA has found a legislative champion.

10. FIRST DRAFT – 2021 EMPLOYMENT FIRST REPORT

Committee Specialist Robin Maitino-Erben reviewed the notes from the October meeting. She updated the group on what has and has not been accomplished within each section as well as what needs to be updated.

Ms. Morawiec reminded members that it is necessary for them to connect with each other and work between meetings in order to effect timely change.

It was decided that client intern success stories should be turned in by February 28, 2022.

Committee members Michael Luna (DDS) and Nick Wavrin (CDE) agreed to update their agencies' numbers in Data Trends in Competitive Integrated Employment (CIE).

It was agreed that Ms. Maitino-Erben and Ms. Morawiec will streamline the Report's Recommendations and send them out to committee members by February 28th for feedback/changes/additions. Work will be done offline and a report will be produced so that members can finalize recommendations during the next meeting (May 12th).

Ms. Morawiec suggested that the addendum include references to the newest research that supports the Report's recommendations.

11. UPDATE ON CIE BLUEPRINT IMPLEMENTATION

Blueprint partner/EFC member Michael Luna provided an update on activities since the last meeting.

The State has been meeting with the various Local Partnership Agreements (LPAs) to gather information on what is working or not working, barriers encountered, resources needed, and data tracked.

Mr. Luna said that LPAs have consistently relayed that communication and coordination between the DOR, DDS, and the CDE has improved significantly.

Blueprint partner/EFC member Nick Wavrin noted that "Train the Trainer" sessions (in conjunction with the State Learning Collaborative) will be happening in April. The topics of the trainings are person-centered career planning for people with I/DD and self-advocacy.

12. UPDATE ON THE IMPLEMENTATION OF THE DATA SHARING LEGISLATION

Committee member Michael Luna reported the Data Sharing Agreement has been implemented and the first set of data has been shared among the departments and is currently being analyzed.

13. MEMBERS UPDATES

Ms. Morawiec updated the members about efforts to increase SB 639 stakeholder outreach with a letter writing campaign to inform legislation and regionally focused stakeholder engagement sessions ("Community Conversations").

14. FUTURE MEETINGS AND ADJOURNMENT

Upcoming meetings are scheduled for May 12, July 14, and October 20, 2022.

The meeting was adjourned at 3:28 p.m.

DRAFT

June 6, 2022

**AGENDA ITEM 6.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Chair Update

Committee Chair Wesley Witherspoon will provide members with an update on CIE-related activities that have taken place since the last meeting, including an update on the DDS Employment Subcommittee.

Attachments

None – may be handouts the day of the meeting.

June 6, 2022

**AGENDA ITEM 7.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

State Budget & CIE Related Legislative Updates

Deputy Director Bridget Kolakosky will provide members with an update on state legislative issues relating to the employment and/or education of people with disabilities as well as the status of proposed trailer bill language and other related state budget items.

Handout(s)

None - may be handouts the day of the meeting.

June 6, 2022

AGENDA ITEM 8.

ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Finalize 2021 Employment First Committee Report

Pursuant to California Welfare and Institutions Code Section 4868 (e), the Employment First Committee shall produce an annual report to the Legislature describing its work and policy recommendations.

The Committee will review the final draft, finalize the report and develop the recommendations before acting to send the 2021 EFC Report to the Council for consideration.

Attachments

Final Draft of 2021 EFC Report

Handout(s)

May be additional handouts the day of the meeting.

2nd DRAFT

Report of the Employment First Committee for 2021

Executive Summary

TO BE UPDATED ONCE REPORT IS COMPLETE

This is the 2020 annual report of the Employment First Committee (EFC) convened by the State Council on Developmental Disabilities. EFC is tasked with advancing competitive integrated employment (CIE) for people with developmental disabilities by identifying: 1) the respective roles and responsibilities of state and local agencies; 2) strategies and best practices for increasing employment, including transition practices; 3) sources of employment data and recommended approaches for measuring progress; 4) demographic data that can be matched to employment outcomes; and 5) goals for measuring employment participation and outcomes for various people with developmental disabilities across service systems.

The world has changed a great deal over the past year as a result of the COVID-19 pandemic. In California and across the nation, unemployment rates are at record highs. Those rates are significantly higher when focusing on people with disabilities. However, as California begins to open up and build back, we are presented important new opportunities to achieve meaningful change. To that end, sub-committees of the EFC have made recommendations to the Governor's Taskforce on Business, Jobs and Recovery. We also provided recommendations to the California Labor and Workforce Development Agency to help ensure that people with intellectual and developmental disabilities are considered and included in efforts to rebuild. Additionally, we reviewed the State of California Developmental Disabilities System Employment Data Dashboard and made recommendations on how to enhance the accessibility of the information.

Even before COVID-19 the majority of working age adults with developmental disabilities remained unemployed or underemployed. We recognize that now, more than ever, California has the opportunity to become a national leader in CIE. Although California has a strong Employment First Policy, it has not yet been fully actualized. Some of the current barriers include: 1) insufficient measurable outcome data that allow for an evaluation of effective practices for CIE; 2) shortfalls in employment service provider availability and retention; and 3) insufficient availability of comprehensive benefits planning and education for individuals and families.

This report discusses some of the efforts that have been undertaken in 2020 to address these barriers and includes policy recommendations for the Legislature and Administration to meet these challenges.

Success in Employment

The College2Career (C2C) is a 3-year program for students with an intellectual disability. The program identifies a short-term academic goal, provides students with educational coaches and resources, and the opportunity to enroll in career exploration classes. These internships put students on the path to a successful transition into independent competitive employment. We are proud to share a variety of success stories throughout the state that demonstrates how several individuals have utilized programs such as C2C and have gained internships and/or full-time competitive integrated employment as a result.

College to Career (C2C) program at North Orange Continuing Education Student Success Story

Elizabeth B.

College to Career (C2C) student, Elizabeth B. completed a Business Administration Worker Certificate with North Orange Continuing Education (NOCE), in 2020. She was recently hired at a local grocery store in her area as a Courtesy Clerk and has been gainfully employed for 8 months now. Elizabeth continues to be engaged with student activities at NOCE and is often invited to sit on student panels to share her experience and successes as an NOCE student with community partners and peers. Elizabeth B. stood for a photo in her work attire below.

STUDENT IMAGE WILL GO HERE

Debbie B.

Debbie B. completed her goals with College to Career (C2C) in 2016 and earned an Early Childhood Education Certificate from North Orange Continuing Education (NOCE). She went on to work 30 plus hours per week at a local convenience store while continuing her education. After completing C2C, Debbie went on to receive educational coaching thorough Disability Support Services (DSS) at NOCE and graduated from Fullerton College with an Associate's Degree. Debbie did not stop there; she recently transferred to California State University, Fullerton and is happy to report that she earned all A's her first semester. Debbie B. stopped for a photo while walking in graduation regalia below.

STUDENT IMAGE WILL GO HERE

San Diego Community College District's College to Career Student Success Stories

Fall 2021/Spring 2022

Kyle K.

The San Diego Community College District's College to Career (C2C) program had the pleasure of working with Kyle K. for three years both before and during the Covid-19 pandemic. Kyle's work ethic and commitment facilitated his successful completion of a Certificate of Achievement in Electrical Theory from San Diego City College and obtaining full-time employment as a Construction Wireman Apprentice. Kyle fulfilled his lifelong dream of becoming a member of the International Brotherhood of Electrical Workers (IBEW) Union and working as an electrician.

Work during the first two years of the C2C program focused on academics, supporting the adjustment to college, self-advocacy, and developing interpersonal skills. Kyle's willingness to

try new things and venture outside his comfort zone allowed him to overcome the challenges he faced and provided a path forward to his career goals.

In Kyle's third year of the program, the focus shifted to employment services. Kyle worked with his C2C team in developing employment opportunities and in preparing to compete for them. The C2C team supported and assisted Kyle with completing the Construction Career Jumpstart program through San Diego Workforce Partnership which led directly to Kyle obtaining full-time employment. Postemployment services were provided to support and maintain Kyle's employment which included guidance on requesting Workplace Accommodations and participating in the Interactive Process, monitoring to troubleshoot unexpected issues, and providing moral support. Kyle's C2C and Department of Rehabilitation (DOR) cases were successfully closed, and Kyle currently maintains his employment.

Kyle's story is one of resiliency and dedication. It demonstrates the importance of supporting and providing individuals with intellectual disabilities equal access to education and life-changing employment opportunities. Kyle's future is wide open, and C2C is proud to be a small beginning chapter in Kyle's unfolding story.

Mary M.

Mary M. is an outgoing and optimistic young woman who embodied perseverance and dedication as a college student, and as a role model in the College to Career (C2C) program. Through ongoing support from the San Diego Community College District' C2C program, Mary obtained competitive and meaningful employment in her field of interest working in the Culinary Department at the San Diego Safari Park. This placement further advanced her knowledge, skills, and qualifications as a student at San Diego Mesa College's Culinary Arts program. Along the way Mary's career journey presented many challenges including being furloughed twice due to the COVID-19 pandemic. Despite the bumps and unexpected events along the road Mary stayed the course in achieving her goals. During Mary's participation with C2C, she has been a leader to the other students, which has inspired others to take that important first step of getting their first job. Mary has also demonstrated her strong ability to advocate for her needs and preferences in a variety of environments, which has contributed greatly to her success. As a result of her hard work, Mary has received additional job opportunities that will help her advance her career. C2C has truly enjoyed supporting Mary in her college and career goals, and we look forward to seeing her continue her professional growth.

College to Career (C2C) program at Shasta College Student Success Story

Carrie W.

Carrie joined the College to Career (C2C) program at Shasta College in the fall of 2018. Her goal was to be a paraprofessional at a high school. Her passion is working with students with disabilities. She volunteered in high school as a Teacher's Assistant in special education classes. Carrie achieved her academic goal by successfully completing 48 units, and a Customer Service Certificate. Carrie will tell you it was not easy. She had many break downs from the stress of managing college. She endured death in her family and had living situation issues. Carrie stayed in the campus dorms, and this allowed her to use the C2C lab, daily. She would come every day to work with an Educational Coach for support with her academics. She

became a mentor to new C2C students and helped in our lab. In May 2021, Carrie graduated and was employed by the end of the semester. She now has her own apartment, a dependable new car, and full-time employment with a school district, as an Instructional Assistant. She is a success of C2C and a true example of how this program makes students with an intellectual disability (ID) grow and become independent adults. Carrie shared the photo below.

STUDENT IMAGE WILL GO HERE

Federal Policies Impacting CIE in California

UPDATED

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

Home and Community Based Services (HCBS) Settings Rule

- In 2014, the Centers for Medicaid and Medicare Services (CMS) published a final HCBS Settings Rule which states in part that residential and non-residential programs must provide services in the most integrated setting by March 2022. Given the COVID-19 pandemic, the deadline for implementation was moved to March 2023. California received initial approval for its plan in 2018 and is working towards final approval.

Workforce Innovation and Opportunity Act (WIOA)

- In 2014, WIOA was signed into law and superseded the Workforce Investment Act of 1998, amended the Wagner-Peyser Act, the Adult Education and Family Literacy Act, and the Rehabilitation Act. For people with disabilities, WIOA created a presumption of employability in CIE. For individuals with disabilities under age 25, it established strict requirements that must be met before a person can be placed in subminimum wage employment. The WIOA core partners are working on their shared commitment to CIE and are either in the process of phasing out or no longer placing people in subminimum wage employment. WIOA also focuses on ensuring that youth in transition from school to employment or post-secondary education are provided pre-employment transition. It also ensures that adults with disabilities in segregated and/or subminimum wage employment receive information about options to become employed in CIE. California is currently operating under the 2020-2023 Unified Strategic Workforce Development Plan (State Plan). The State Plan “represents agreement among partners identified in WIOA and serves as the framework for the development of public policy, fiscal investment, and operation of the state workforce and education system.”

Achieving a Better Life Experience (ABLE) Act

- In 2014, the ABLE Act was signed into law and allows people with disabilities under the age of 26 and their families to set up a special savings account to pay for disability-related expenses which are not taxed. The funds in the ABLE account are also not generally considered for the Supplemental Security Income (SSI) program or Medicaid and other federal means-tested benefits. In December 2018, California launched its program. In 2019, California eliminated differences in qualification criteria for ABLE accounts between federal and California tax law to increase contribution limits to up to the federal poverty level and allow taxpayers to roll-over Section 529 plans to ABLE accounts.

Strengthening Career and Technical Education for the 21st Century Act

- In 2018, the *Strengthening Career and Technical Education for the 21st Century Act* was signed into law which reauthorized and amended the *Carl D. Perkins Career and Technical Education Act of 2006*. The Act provides expanded opportunities for all students, including students with disabilities, to explore, choose, and follow career and technical education programs of study and career pathways. In early 2020, California submitted its draft Strengthening Career and Technical Education for the 21st Century Act State Plan.

State Policies Impacting CIE in California

NEEDS UPDATING

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

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

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

Self-Determination Program (SDP)

In 2013, the SDP (SB 468 [Emmerson]) was signed into law. SDP provides people with developmental disabilities receiving Regional Center services the option to choose their service providers. The SDP launched in the fall of 2018 and is in the third year of a three-year phase-in process for 2500 people with developmental disabilities. As of December 2020, there 447 participants receiving services through the SDP.

Data Trends in Competitive Integrated Employment (CIE)

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

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

A secondary analysis of the American Community Survey reported in 2019, the employment rate of working-aged people with disabilities was 38.9 percent compared to 78.6 percent of

working-aged people without disabilities.¹ A gap of 39.8 percent that has remained relatively unchanged from 2018 to 2019.² Also, in 2019, 25.9 percent of working-aged people with disabilities were living in poverty compared to 11.4 percent of working-aged people without disabilities.³ A gap of 14.5 percent.⁴ In California in 2018, the percentage of working-aged people with disabilities who were not working but actively looking for work was 7.9 percent compared to 17.5 percent of working-aged people without disabilities.⁵

In 2017, the Department of Developmental Services reported that 14.5 percent of working-aged people with developmental disabilities who are receiving services through the Regional Centers were working compared to 14.2 percent in 2016.⁶ In 2017, 23,265 Regional Center clients received wages.⁷ The average monthly Regional Center clients' wage was \$725.⁸ This calculation is made based on quarterly earnings to EDD, and if annualized, this amount is significantly below the federal guidelines in 2019 for one person at \$12,490. This is the most current data available as of this report. The Employment First Committee continues to work with the Department of Developmental Services and its partners to secure the most up to date data available.

In July 2021, the DOR and DDS completed a Business Use Case Proposal Data Sharing Agreement to assist DDS and DOR coordinated efforts to conduct data analysis and support consumer experiences to individuals with intellectual and developmental disabilities, including youth with most significant disabilities. Data sharing between DDS and DOR enables effective administration of the departments' respective programs and supports consumers to achieve maximum independence in the community, including an employment outcome of competitive integrated employment. This is in alignment with CHHS priorities and goals and maximizes use of federal funds as available to provide vocational rehabilitation, habilitation, extended, and other services to assist with the provision of employment and associated or extended services to individuals with the most significant disabilities in the State, including youth with the most significant disabilities.

¹ <https://disabilitycompendium.org/annualreport> at pg. 16.

² Id. at pg. 17.

³ Id. at pg. 15.

⁴ Id. at pg. 20.

⁵ https://www.disabilitystatistics.org/StatusReports/2018-PDF/2018-StatusReport_CA.pdf at pg. 35

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

⁷ Id.

⁸ Id.

State and Local Implementation of Policies for CIE: California CIE Blueprint for Change

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

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

In May 2020, the second CIE Annual Report was made available highlighting the work in the second year of implementation. Year three of the CIE Annual Report will be combined with Year four and is anticipated to be released in 2022.

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

The number of individuals with developmental disabilities working in CIE increased from 1,125 to 1,502.

The continued dissemination of the CIE Blueprint Written Guidance and Local Partnership Agreements (LPA) Template. An LPA identifies how Local Educational Agencies, DOR Districts, Regional Centers, and other stakeholders will work together to streamline service delivery and engage their local communities to increase opportunities for CIE. As of March 2022, 59 LPAs between LEAs, DOR Districts, and Regional Centers were created and posted on the CHHS CIE webpage at <https://www.chhs.ca.gov/home/cie/>.

The leveraging of the Senate Bill (SB) 644 Limited Examination and Appointment Program (LEAP) Internship Program resulting in two additional individuals with developmental disabilities hired as full-time permanent state employees, joining the five who were hired during state fiscal year 2017-2018.

An increased utilization of work opportunities including the following:

- 26,247 students participated in paid work experience and unpaid community-based vocational education with CDE WorkAbility I (WAI).
- 35 individuals participated in On-the-Job Training (OJT) through DOR.
- 1,420 individuals participated in a DDS Paid Internship Program (PIP)
- Provided career counseling and information and referral (CC&IR) services to over 12,029 individuals working at subminimum wage, of which over 300 applied for vocational rehabilitation (VR) services and 10 achieved CIE.

- Engaged with employers and business partners in a variety of innovative ways including the following:
 - Participated in Employment Roundtables, formed Business Advisory Committees and Employer Panels and connected to Mayor's Committees to encourage businesses to hire individuals with developmental disabilities.
 - Initiated regional workgroups between LPA core partners and local workforce development partners to enhance and build upon business engagements.
 - The DDS approved the allocation of \$15 million to service providers who submitted a plan to become compliant with the Home and Community-Based Services (HCBS) Final Rule. 33 non-integrated employment programs were approved to use funding to modify their services to come into compliance. Since 2016-2017, 78 non-integrated programs have received funding.

New Legislative Efforts in 2021

During the 2021 legislative session, three significant pieces of legislation were sponsored/supported by the organizations represented on the Committee. All three bills were successful in being signed by the Governor.

Senate Bill 639 (Durazo)

The State Council co-sponsored SB 639 with Disability Rights California and Legal Aid at Work. The bill phases out and ends 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. SB 639 includes a planned phase-out period that will allow time for providers and people with disabilities to transition services. The bill was signed by the Governor on September 27th, 2021.

Assembly Bill 313 (C. Garcia)

The State Council supported Assembly Bill 313, which was sponsored by Disability Rights California and the Association of California State Employees with Disabilities and authored by Assemblymember Cristina Garcia. The bill will improve the Limited Examination and Appointment Program (LEAP) by ensuring individuals with intellectual and developmental disabilities have more job opportunities in civil service through the development of a report to the Legislature on the status of the employment of people with disabilities at state agencies. The bill was signed by the Governor on October 5th, 2021.

Assembly Bill 1578 (Committee on Judiciary)

Assembly Bill 1578 was the Committee on Judiciary's Omnibus bill for 2021, and the State Council was successful in having a one-year extension of the internship portion of the Limited Examination and Appointment Program's sunset. The bill extended the sunset from January 1st, 2022, to January 1st, 2023. The bill was signed into law by the Governor on October 30th, 2021.

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

Assembly Bill 136

Included in the Department of Developmental Services' budget for FY 21/22 was \$20M for DOR and DDS employment focused initiatives. DOR received \$10M in funding for a targeted disability

employment program to increase employment opportunities for people with disabilities to work toward and achieve competitive integrated employment. DDS received \$10M in funding to provide grants or contracts for entities to develop and implement innovative and replicable strategies and practices to increase paid work experience and employment opportunities for RC consumers.

The bill also brought changes to the Paid Internship Program (PIP) and Competitive Integrated Employment Incentive Payment (CIE-IP) program. The PIP has changed its funding method from \$10,400 per year, per individual, to a time based, 1,040 hours per year, per internship. A PIP incentive payment (PIP-IP) was also added to encourage providers for successful PIP placements. A provider is now eligible for two PIP-IPs, \$750 after 30 consecutive days of an internship and a second payment of \$1,000 after 60 consecutive days of an internship. The CIE-IP has received a temporary increase effective July 1, 2021, thru June 30, 2025. Incentive payments have been doubled during this period to \$2,000 after 30 days of consecutive employment, \$2,500 after 6 months of consecutive employment and \$3,000 after 12 months of consecutive employment.

EFC's Activities in 2021

In September 2020, the Committee completed its annual strategic planning process and identified the goals and activities to work towards completing in 2021. While Committee members strived to make progress on these activities, the ongoing COVID-19 pandemic and unexpected vacancies on the committee impacted the planned outcomes for 2021.

The Committee convened several workgroup meetings to identify data that would be most useful and relevant in determining barriers to competitive integrated employment (CIE) and outcomes. This included identifying the data needed to maintain a useful and informative data dashboard. The release of the data dashboard has been pushed forward into 2022 due to delays caused by a vacancy in the workgroup.

The Committee provided recommendations to the state legislature on policy changes and activities to remove barriers to CIE, including recommendations for state funding to employers to help businesses recover from the COVID-19 pandemic and support for SB 639 (Durazo) to phase out subminimum wage for people with disabilities in California.

The Committee continued to monitor progress of the implementation of the CIE Blueprint and the implementation of the Business Use Case Proposal (BUCP), a data sharing agreement between DDS and DOR.

In October 2021 the Committee created an outline of targeted issues to work on in 2022. The priorities will include the implementation of SB 639, Completing the updates to the data dashboard, preventing people from "falling through the cracks," COVID-19, staff shortages and tailored day services. Work on priorities from 2021 will continue, including convening workgroup meetings to evaluate and provide recommendations to improve the service delivery system; evaluate emerging practices, and optimizing ways to engage in education and training whenever possible.

Impact of COVID on Employment

NEEDS UPDATING

The COVID-19 Pandemic, which began roughly in March of 2020, threw the nation into a economic recession unlike any seen before due to the immediate nature of the reaction. Workers throughout the United States went from being employed to temporarily furloughed or unemployed almost overnight. In fact, the number of unemployed persons increased from 15.9 million to 23.1 million in the month of April, according to the Bureau of Labor Statistics. Additionally, this data shows that, if using February 2020 as the baseline for pre-pandemic employment status, the employment status of people with disabilities decreased by 18.8% compared to 15.5% for people without disabilities between February and April. The statistics also show that individuals with disabilities did not bounce back to the same degree as people without disabilities: in June 2020, 12.1% fewer people with disabilities were employed than in February 2020 compared to 9.5% of people without disabilities. Lastly, when using the same metric for February to October, the data shows that 8.5% fewer people with disabilities were employed in October of 2020 compared to February 2020 compared to only 4.7% of people without disabilities. This information shows that individuals without disabilities were almost twice as likely (8.5% to 4.7%) to rebound from the Pandemic as people with disabilities.⁹

Recommendations

All Members - NEEDS UPDATING

The EFC recommends that California undertake the following policy changes and activities to remove barriers to CIE and create a system that more fully supports CIE across agencies and departments with the goal of having an employment participation rate for people with disabilities, regardless of the significance of their disability, that is similar to that of people without disabilities. The recommendations included in this report represent the collective input of the EFC and have not been endorsed by the individual departments and organizations listed below.

Legislative

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

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

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

⁹ https://www.statedata.info/sites/statedata.info/files/files/DN_69_D2.pdf

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

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

The State Legislature should pass Senate Bill 639, authored by Senator Elena Durazo, which would phase out subminimum wage for people with disabilities in California, and present it to the Governor for signing at the end of the 2021 Legislative Session.

The State Legislature should pass legislation to create resources or incentives providing solutions and supports for employers who hire people with developmental disabilities and retain them long-term.

The State Legislature should pass legislation requiring outcome-driven evidence-based and/or promising practices that effectively enable people with disabilities to achieve CIE.

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

Administrative

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

DDS should invest in the collection and reporting of deaggregated, timely data with universal client identifiers across government systems to understand the factors that impact whether or not a person enters or retains CIE. DDS and the State Council should publicly report aggregate data on the Data Dashboard in a consumer friendly and accessible format so that the impact of CIE can be assessed and people with developmental disabilities and their families can make informed data-driven decisions about choosing the best pathway to CIE.

CDE, DDS, DOR, and the State Council should create data-sharing agreements across agencies that identify and quantify tertiary benefits of employment as a social determinant of health.

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

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

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

Appendices

EFC MEMBERSHIP FOR 2021

- Wesley Witherspoon, Chair, State Council on Developmental Disabilities
- Michael Luna, Department of Developmental Services
- Cindy Chiu, Department of Rehabilitation
- Robert Loeun, Department of Rehabilitation
- Wilbert Francis, UCEDD, Tarjan Center at University of California, Los Angeles
- Sarah Isaacs, Disability Rights California
- Kara Ponton, Self-Advocate, State Council on Developmental Disabilities
- Steve Ruder, UCEDD, University of California, Davis MIND Institute
- Larry Yin, UCEDD, University of Southern California
- Nick Wavrin, California Department of Education

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

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

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

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

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

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

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

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

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

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

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

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

self-employment, and microenterprises, and in the number of individuals who earn wages at or above minimum wage.

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

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

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

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

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

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

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

(PLAIN LANGUAGE VERSION)

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

Why the EFC was created:

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

What is Competitive Integrated Employment (CIE):

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

Who is a member of the EFC?

The EFC includes representatives from departments of government and other organizations that help people with developmental disabilities get good jobs.

What the EFC has to do:

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

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

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

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

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

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

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

Recommend goals for CIE for the state.

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

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

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

Other things the EFC thinks will help.

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

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

“Developmental disability” means a disability that originates before an individual attains 18 years of age; continues, or can be expected to continue, indefinitely; and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability but shall not include other handicapping conditions that are solely physical in nature.

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

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

(i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) is manifested before the individual attains age 22;

(iii) is likely to continue indefinitely;

(iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:

- (I) Self-care.
- (II) Receptive and expressive language.
- (III) Learning.
- (IV) Mobility.
- (V) Self-direction.
- (VI) Capacity for independent living.
- (VII) Economic self-sufficiency; and

(v) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

June 6, 2022

**AGENDA ITEM 9.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Update on Target Priorities

At this meeting, Chair Wesley Witherspoon and Deputy Director Tania Morawiec will provide members with an update on the targeted priorities listed below. The update will include sharing SB 639 success stories and insights gained from the SB 639 community conversations.

2022 Targeted Priorities

1. SB 639
2. Data
3. Preventing people from “falling through the cracks”
4. COVID-19
5. Staff shortages
6. Tailored day services

Attachments

None – may be handouts the day of meeting.

June 6, 2022

**AGENDA ITEM 10.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Update on CIE Blueprint Implementation

Michael Luna with the Department of Developmental Services, Nick Wavrin with the Department of Education, and a representative from the Department of Rehabilitation will be asked to provide a report on the progress of the Blueprint Implementation across the Departments prior to the meeting.

Attachments

None – may be handouts the day of meeting.

June 6, 2022

**AGENDA ITEM 11.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Update on the Implementation of the Data Sharing Legislation

Michael Luna with DDS will be asked to provide a report on the implementation of the data sharing legislation.

Attachments

None – May be handouts the day of meeting.

June 6, 2022

**AGENDA ITEM 12.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Member Updates

Members will provide updates on local and/or agency activities related to the employment of people with developmental disabilities.

Attachments

None – May be handouts the day of the meeting.

June 6, 2022

**AGENDA ITEM 13.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Future Meetings and Adjournment

The remaining meetings for 2022 are scheduled for July 14th and October 20th.