



NOTICE/AGENDA

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES EMPLOYMENT FIRST COMMITTEE MEETING

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MEETING ID: **935 6684 7127**

PASSWORD: **594468**

(JOIN BY TELECONFERENCE: (VOICE ONLY)

CALL IN NUMBER: **888-475-4499**

MEETING ID: **935 6684 7127**

DATE: February 2, 2023



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> | |
| Item 5. | APPROVAL OF OCTOBER 2022 MINUTES  | Page 4 |
| Item 6. | CIE IMPLEMENTATION SUPPORTS UPDATE <i>Presented by Tania Morawiec</i> | Page 10 |
| Item 7. | STATE LEGISLATIVE UPDATES <i>Presented by: Bridget Kolakosky and Tania Morawiec</i> A. 2023 Legislative Priorities B. “There Should Be A Law” Contest | Page 11 |
| Item 8. | 2022 EMPLOYMENT FIRST REPORT <i>Presented by: All; Led by: Tania Morawiec and Robin Maitino-Erben</i> A. Finalize Report Outline B. Identify Section Responsibilities | Page 21 |
| Item 9. | 2023-24 TARGET PRIORITIES EXERCISE  | Page 36 |
| | <i>Presented by: Tania Morawiec and Bridget Kolakosky</i> | |
| Item 10. | UPDATE ON THE IMPLEMENTATION OF THE DATA SHARING LEGISLATION <i>Presented by: Michael Luna</i> | Page 39 |
| Item 11. | UPDATE ON CIE BLUEPRINT IMPLEMENTATION <i>Presented by: CDE, DOR and DDS</i> | Page 40 |
| Item 12. | MEMBER UPDATE <i>Presented by All</i> | Page 41 |
| Item 13. | 2023 MEETING DATES & ADJOURNMENT May 4 th , July 13 th and October 12 th | |

Accessibility:

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

February 2, 2023

AGENDA ITEM 5.

ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Approval of October 2022 Minutes

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

Action Recommended

Approve October 20, 2022, minutes.

Attachments

October 20, 2022, Meeting Minutes



DRAFT

Employment First Committee Meeting Minutes October 20, 2022

Attending Members

Sarah Issacs (DRC)
Michael Luna (DDS)
Steve Ruder (UCD)
Wesley Witherspoon (SA)
Cathay Liu (FA)
Christine T. Moody (UCLA)
Robert Loeun (DOR)
Larry Yin (UCLA)

Members Absent

Kara Ponton (SA)
Nick Wavrin (CDE)

Others Attending

Aaron Carruthers
Anne De Medeiros
Tania Morawiec
Bridget Kolakosky
Mary Ellen Stives
Veronica E. Bravo
Michelle Cave
Beth Hurn
Lucile Lynch
Stacey Hard

Others Attending

Zac Ford
Kaylee Hard
Tyler Hershey
Caitlin Mueller
Elizabeth Frank

1. CALL TO ORDER

Chairperson Wesley Witherspoon (SA) called the meeting to order at 10:37 a.m.

2. ESTABLISH QUORUM

A quorum was established.

3. WELCOME/INTRODUCTIONS

Members and others introduced themselves.

4. PUBLIC COMMENTS

None.

5. APPROVAL OF THE JULY 2022 MEETING MINUTES

It was moved/seconded (Luna/Moody) and carried to approve the July 14, 2022 Meeting Minutes. (All attending members voted in favor.)

6. **CHAIR UPDATE**

Chair Witherspoon updated the committee on relevant activities since the last meeting. He reminded the group that October is National Disability Employment Awareness Month (NDEAM). Tara Lynch Design has been nominated as this month's inclusive employer.

7. **2022 TARGET PRIORITY UPDATES**

Deputy Director of Regional Office Operations Tania Morawiec spoke about NDEAM and the importance of spotlighting competitive integrated employment (CIE) as achievable by individuals and beneficial for employers. She stated that a recent human services-focused poll shows that a very low percentage of employers consider disability as part of diversity. In response, SCDD will assist employers in their efforts to hire more diverse populations. SCDD will also promote the bottom-line benefits of hiring individuals with disabilities.

Ms. Morawiec spoke about SB 639, legislation which will phase-out subminimum wage in California by 2025. A foundation must be built to meet the needs of those who have more significant support needs, upskill participants, and inform and listen to stakeholders and the community. SCDD held a series of four stakeholder meetings to discuss data collection and pathways for success. These were led by subject matter experts (SME), Amy Gonzalez and Doug Crandell. Additionally, SCDD gathered public input throughout the state with extensive community conversations. Data continues to be gathered through an ongoing letter-writing campaign.

Incentives, a tiered reimbursement structure, clarity around billing codes, disincentivizing things that don't work, and the importance of benefits consultation have been discussed at stakeholder meetings. SCDD is currently working to educate regional center employment specialist staff about work incentives and benefits available throughout the state- to better inform families and persons with disabilities. The final report will include the importance of job match/job discovery to identify a person's knowledge, skills, and abilities, and desires to create a customized/individualized employment plan.

Deputy Director of Policy and Public Affairs Bridget Kolakosky drew attention to a link for the letter-writing campaign (https://scdd.sjc1.qualtrics.com/jfe/form/SV_6tJz804hRtUIX5c) which was posted in the chat and available for people to give input on phasing out

subminimum wage Every letter submitted will be included in the appendix of the report to reflect diversity of voice, opinion, and knowledge.

8. MAKING CIE A REALITY – NOT JUST A GOAL

Lucile Lynch, President and Co-Founder of Beacons, Inc. and Tyler Hershey, Director of PathFinder Vocational Program within Beacons, gave a PowerPoint presentation on Beacons' success with CIE. Beacons is a provider of vocational, recreational, and social activities to adults with IDD with a goal to improve access to employment. The presentation included a history of Beacons and a description of the PathFinder Vocational program.

Workshops include soft skills, technology basics, PCP planning, disability discussions, and pre/post-employment assessments. Beacons has integrated SSI worksheets into their programs so that jobseekers/trainees can see the impact of employment on their SSI. Some of Beacon's success stories were shared.

9. STATE LEGISLATIVE UPDATES AND EFC POLICY RECOMMENDATIONS

Deputy Director of Policy and Public Affairs Bridget Kolakosky provided an update on the status of SCDD sponsored bills and reviewed the statutory responsibilities of the Employment First Committee (EFC). Committee members discussed potential changes in the operations of the EFC, including having shorter, more frequent meetings or using workgroups to ensure the timely completion of projects. Members discussed expanding membership of the EFC to include employers and self-advocates. SCDD staff will create a draft of member recommendations to bring back to the committee.

10. 2023 TARGET PRIORITIES

Deputy Director of Regional Office Operations Tania Morawiec presented the EFC target priorities of SB 639, "Data, and preventing people from falling through the cracks". Deputy Director Morawiec also presented 2019-2021 EFC report recommendations and led the committee in a discussion about what to prioritize in 2023 and how the EFC can accomplish those priorities, including using these to draft a recommendation letter for SB 639.

Committee members discussed using the information presented to draft SMART goals for the EFC. Members agreed that a small workgroup will meet to draft these goals.

11. 2023 EMPLOYMENT FIRST REPORT TIMELINE

Deputy Director of Regional Office Operations Tania Morawiec presented the proposed Employment First Report Timeline. Members agreed on the timeline and process, which will be updated to include deadlines and brought to the committee for a vote at the next meeting.

12. UPDATE ON CIE BLUEPRINT IMPLEMENTATION

Committee member and DDS representative Michael Luna provided an update on the CIE Blueprint implementation, informing the committee that the blueprint has concluded as of July 1, 2022, and the 5-year annual report is being prepared and will be released in early November 2022. Data from the DDS PIP and CIE surveys will be provided in the report.

13. MEMBER UPDATES

Committee member Michael Luna provided an update of DSS CIE activities. DSS received 10 million in one-time funding to release a grant for innovative ways to achieve CIE. DDS is in the process of reviewing applications, which are primarily for projects that focus on employment preparation services and reports and training and implementation. Review panels include DOR, DRC and DDS staff. Grants will be awarded in either late November or early December 2022.

DDS has also restarted discussions on a 3-year subminimum wage pilot program for individuals exiting work activity programs or high school, with a service model focused on the individual. DDS is also implementing the following incentive payments for CIE placements:

- After 4 consumers have been placed, starting on 5th consumer, each CIE placement will receive an incentive funding of \$500 after 30 days and \$1000 after 6 months.
- Providers who place a consumer into CIE as a result of PIP will be eligible to receive \$500 after 30 days and 500 after 6 months.
- Providers will be eligible to receive \$500 after 30 days and \$500 after 6 months for each consumer who exits a subminimum wage program.
- Providers can receive an incentive payment for \$1,900 for each employer that becomes certified or recertified through ACRE.
- Providers will receive \$550 for each employee that becomes certified in CESP training, and \$300 for each employee that is recertified.

Committee member Robert Loeun provided a DOR update, stating that DOR has increased the rate for service providers to align with the DDS rate. He reported that there are 69 individuals in the state internship program of

which 11 have entered employment and 9 more have received non state agency job offers. DOR received 10 million in RSA grant funding, which can be utilized by new businesses to hire people with disabilities.

14. **ADJOURNMENT**

The meeting was adjourned at 2:55 p.m.

DRAFT

February 2, 2023

**AGENDA ITEM 6.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

CIE Implementation Supports Update

Deputy Director Tania Morawiec will provide members with an update on a variety of CIE implementation activities including the NEON grant and the Department of Rehabilitation's post-secondary education grant.

Attachments

None – may be handouts the day of the meeting.

February 2, 2023

**AGENDA ITEM 7.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

State Legislative Updates

Deputy Director Bridget Kolakosky and Policy Analyst Veronica Bravo will provide an update on state legislative issues relating to employment for people with disabilities, which will include the status of the Council's 2022 Bill Idea Contest and planned legislative priorities for this legislative session.

Attachments

Legislative Update PowerPoint Presentation

Handout(s)

May be additional handouts the day of the meeting.

State Council on Developmental Disabilities

Review of 2022 and Priorities for 2023



Bridget Kolakosky, Deputy Director of
Policy and Public Affairs

Veronica Bravo, Policy Analyst

BILL IDEAS CONTEST

- ▶ “There Should Be a Law” contest is an annual contest by SCDD.
- ▶ The contest encourages everyone to participate by proposing changes to the law to improve daily life for people with disabilities.
- ▶ We will share your bill ideas with legislators and will fight for the bill if a legislator wants to champion it.

Bill Ideas Contest

Update on 2021 Ideas

Three bill ideas from the September 2021 bill idea contest were made into legislation in 2022:

- AB 1663: Conservatorships Reform (passed)
- AB 1092: Fair Hearing Reform (passed in the budget)
- AB 2547: Housing Subsidy (did not pass in 2022 but is back in 2023, see SCDD Priority #3)

Bill Ideas Contest 2022

Highlights

- ▶ Over 100 bill ideas submitted from across the state
11 bill ideas submitted in Spanish
- ▶ Ideas were submitted by self-advocates, family members, professionals, and other members of the community
- ▶ This year bill idea trends include:
 - Safety
 - Access to transportation
 - Equal opportunities in higher education & employment
 - Affordable housing
 - Access to services

2023 SCDD PRIORITIES:

#1 Employment

2023 is shaping up to be an excellent year to focus on employment for several reasons.

- ▶ California state departments (DDS, DOR, CDE and their agency HHS) are doing a lot of work to increase job opportunities for our community because of SB 639.
- ▶ As sponsors of SB 639, we will work with the departments and the legislature to make sure the law is implemented well.
- ▶ We want everyone who was earning subminimum wages to transition to a job of their choosing and have the best possible outcome.

2023 SCDD PRIORITIES:

#2 Safety, Abuse and Neglect

SCDD'S Legislation and Public Policy Committee (LPPC) will spend time at each of the 2023 LPPC meetings exploring public safety, abuse and neglect issues.

- ▶ in January, LPPC had a guest speaker from the California Department of Aging (CDA) to talk about ways we can work together to improve safety amongst the elderly and people with disabilities.

Our goal by the end of 2023 is to accomplish two things:

- 1) Build a diverse coalition to advocate for improved safety in our communities
 - 2) Identify bill ideas for 2024
- ▶ We welcome your interest, your ideas and any recommendations you might have.

2023 SCDD PRIORITIES:

#3 Rental Assistance for Aging and Persons with Disabilities– SB 37

- ▶ Last year SCDD co-sponsored AB 2547 but the bill failed due to no funding. This year the bill comes back as SB 37 authored by Senator Caballero.
- ▶ People with disabilities are more likely to live in poverty, and make up about 43% of those experiencing homelessness.
- ▶ SB 37 will help prevent homelessness by providing rental assistance to aging population and persons with disabilities

2023 POLITICS AND MONEY

What to expect in the legislature this year

- ▶ Due to several reasons, the economy is not as strong this year as it was last year.
- ▶ Many experts predict a recession-this means there may be less money available for bills and budget requests.
 - Less money impacts what the state will pass in the legislature and in the state budget process.
 - The Governor and Legislature have stated that they will prioritize oversight and accountability over new programming.
- ▶ There are also many new legislators, which impacts votes and priorities, we need to learn who the new legislators are and if they can be a champion for our community.

QUESTIONS?



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February 2, 2023

**AGENDA ITEM 8.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

2022 EFC 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 and finalize the report outline, identify section responsibilities, and determine due dates to ensure timely submission to the legislature.

Attachments

Draft 2022 EFC Report Outline

Handout(s)

May be additional handouts the day of the meeting.

DRAFT

Report of the Employment First Committee for 2022

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.

Impact of COVID on Employment

NEEDS UPDATING – Leave this section in to continue tracking continued and emerging issues related to the pandemic

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.¹

Federal Trends and Policies Impacting CIE in California

NEEDS UPDATING – expanded to include trends to reenforce policies.

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. In early 2020, California submitted its draft Unified Strategic Workforce Development Plan (State Plan) for 2020-2023. 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

¹ https://www.statedata.info/sites/statedata.info/files/files/DN_69_D2.pdf

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.

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.

In addition, in 2020, the U.S. Civil Rights Commission issued a report, *Subminimum Wages: Impacts on the Civil Rights of People with Disabilities*.² The overarching finding in the report is that Congress should repeal 14(c) of the Fair Labor Standards Act, that allows for the payment of subminimum wage, 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 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."³

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.

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

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

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)

NEEDS UPDATING

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.⁴ A gap of 39.8 percent that has remained relatively unchanged from 2018 to 2019.⁵ 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.⁶ A gap of 14.5 percent.⁷ 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.⁸

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 2016.⁹ In 2017, 23,265 Regional Center clients received wages.¹⁰ The average monthly Regional Center clients' wage was \$725.¹¹ 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.

⁴ <https://disabilitycompendium.org/annualreport> at pg. 16.

⁵ Id. at pg. 17.

⁶ Id. at pg. 15.

⁷ Id. at pg. 20.

⁸ https://www.disabilitystatistics.org/StatusReports/2018-PDF/2018-StatusReport_CA.pdf at pg. 35

⁹ <https://dds.ca.gov/rc/dashboard/employment/33>

¹⁰ Id.

¹¹ Id.

Internship and Employment Success Stories! *(Have photos of participants too)*

NEEDS UPDATING

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

NEEDS UPDATING

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.

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

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

The continued dissemination of the CIE Blueprint Written Guidance and Local Partnership Agreements (LPA) Template. An LPA identifies how Local Educational Agencies, DOR Districts, Regional Centers, and other stakeholders will work together to streamline service delivery and engage their local communities to increase opportunities for CIE. In 2020, 21 new LPAs between LEAs, DOR Districts, and Regional Centers were created and posted, bringing the cumulative total of LPAs to 49 and their are 5 currently under review. As of May 2021, there are 57 LPAs that have been submitted and 53 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 2022

NEEDS UPDATING

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.

DDS INCENTIVES AND GRANTS

New Section – NEEDS DRAFTING

INTERAGENCY COLLABORATION

New Section – NEEDS DRAFTING

EFC's Activities and Accomplishments in 2022

NEEDS UPDATING AND ADDITIONS TO INCLUDE ACCOMPLISHMENTS

In August 2019, Committee members completed its annual strategic planning process and identified the goals and activities to work towards completing in 2020. While Committee members strived to make progress on these activities, the COVID-19 pandemic redirected priorities that impacted the planned outcomes for 2020.

Finally, the Committee concluded the year by creating an outline of targeted issues to work on in 2021 which will include completing the updates to the data dashboard; convening workgroup meetings to evaluate and provide recommendations to improve the service delivery system; evaluate emerging practices; and providing more education and training whenever possible.

Recommendations

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.

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

NEEDS UPDATING

- Wesley Witherspoon, Chair, State Council on Developmental Disabilities
- Michael Luna, Department of Developmental Services
- Cindy Chiu, 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.

February 2, 2023

AGENDA ITEM 9.
ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

2023-2024 Target Priorities Exercise

At this meeting, members will engage in an exercise to identify 1-3 targeted priorities to accomplish and consider whether or not to adopt them for one year or two years. Should the members decide to select two-year priorities, this will not preclude them from taking up emerging issues.

The enclosed summary of previously identified priorities is being included to assist in the priority setting exercise. We ask that committee members review them and be prepared to discuss at the meeting.

Action Recommended

Staff recommends that the Committee identify 1-3 priorities to accomplish in 2023-2024. These identified priorities will guide the work of the Committee through October 2024.

Attachments

Two-Page Summary of Previously Identified Targeted Priorities.

Handout(s)

May be additional handouts the day of the meeting.

EFC Priorities and Recommendations to Create SMART Goals 2023

Targeted Priorities: Data, Service Delivery System, Emerging Practices, Education and Training, Phasing out 14c, SB 639 and not letting people fall through the cracks, Ensure CIE Blueprint Implementation of Recommendations.

Recommendations by Categories:

Data: Need to track trends and success of transition and implementation of CIE

(Category: Identifying sources of employment data and recommend approach for measuring progress/Identify demographic data that can be matched to employment outcomes) **Note: this work was delegated to a Data Workgroup to work on alongside the Data Dashboard.**

- Identify **type of data/from where** needed to track outcomes and to inform on participation of people transitioning/participating in CIE
- Identify **how data can be gathered**/collected across all departments, including regional centers
- Identify **how data can be timely shared** across all departments, including employers, regional centers, and job coaches
- Identify how can we get **immediate input** from participants during transition and in CIE

Transition into CIE: (Category: Identifying strategies and best practices for increasing CIE)

- Identify transition plan and challenges
 - How to reorient families from day programs to CIE?
 - ❖ Using media- success stories
 - ❖ Warning against transitioning to what some call “day wasting” programs
- Identify best practices and how to implement those practices to increase CIE
 - Customized Employment Service Model: how to fully integrate this into service delivery

State Collaboration for Planning CIE: (Category: Identifying roles and responsibilities of agencies that can enhance employment opportunities for I/DD)

- How to ensure delivery of services are unified? (Including through transition time)
- How to ensure unified/comprehensive implementation (delivery of services) and evaluation of CIE?

Workforce: Identify Solution to Challenges from Lack of Professionalization of Work Force (Category: Identifying strategies and best practices for increasing employment including transition practices)

- Direct Service Providers are under skilled in Vocational Rehabilitation. The focus/expectation is more on living skills-not employment- Needs system change
- Too much reliance of volunteering as a means of job training
- Difficult to adapt group services to individual needs. Need individualized/customized employment plans

- What it should look like: Vocational Rehabilitation Training includes: Assessment, Training, Career Search, Career Coaching, Placement, Modifications, Case management, Benefits and Work Incentives, etc.
- A shortage of staff exists:
 - There is no clear quality assessment around training and/or skills for supported employment professionals in the state of CA.
 - There is no career path to support retention
 - Job coaches: retention and professionalism
 - PIP Paid Internships
- Create higher incentive payments for placing people with more complex needs

Media Campaign and Outreach: (Category: Identifying strategies and best practices for increasing employment including transition practices)

1. Family Outreach and Engagement to Encourage Transition Among Persons with I/DD:

- Build awareness of CIE- People need to learn about CIE and need information about CIE. How can we get this information to families?
- Education on benefits of working in competitive integrated employment
- Create incentives to encourage people to make transition (types of incentives?)
- Information must be made available regarding how CIE can impact SS/other benefits. People are afraid of losing benefits and is the primary reason people don't pursue employment.
- All information needs to be the same/consistent and shared comprehensively across all agencies- need strategic plan across multiple agencies to undertake this campaign- how would that plan look?

2. CIE Campaign for Employers and Consumers:

- Outreach geared towards eliminating stigma of hiring people with I/DD
- Create incentives for employers to hire I/DD or participate in CIE
- EFC members recommend campaign to showcase disability employment success stories across industries. This needs to be reflective of diverse cultures and communities so that people who have disabilities and family members see themselves in the service. Functional examples include targeted social media campaigns to people with lived experience of disability linked to self-advocacy and self-determination. Ideally this will involve overcoming fears, challenges and building resiliency during work search and job loss.

Identify Transportation Barriers/Solutions (Category: Identifying strategies and best practices for increasing employment including transition practices)

- Develop case studies and solutions

February 2, 2023

AGENDA ITEM 10.
INFORMATIONAL ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC

Update on the Implemenationofthe Data Sharing Legislation

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

Attachments

None.

Handout(s)

May be additional handouts the day of the meeting.

February 2, 2023

**AGENDA ITEM 11.
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 Robert Loeun 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.

February 2, 2023

**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.