



## **EMPLOYMENT FIRST COMMITTEE (EFC) AGENDA/NOTICE**

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**DATE:** October 25, 2016  
**TIME:** 10:00 a.m. – 3:00 p.m.  
**LOCATION:** **State Council on Developmental Disabilities**  
1507 21<sup>st</sup> Street, Suite 210  
Sacramento, CA 95811  
Phone: (916) 322-8481

*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 Michael Brett at (916) 322-8481 or email [michael.brett@scdd.ca.gov](mailto:michael.brett@scdd.ca.gov). Requests must be received by 5:00 pm, October 19, 2016.*

	<b><u>AGENDA</u></b>	<b><u>Page</u></b>
1.	<b>CALL TO ORDER</b>	J. Yang
2.	<b>ESTABLISH QUORUM</b>	J. Yang
3.	<b>WELCOME/INTRODUCTIONS</b>	J. Yang
4.	<b>PUBLIC COMMENTS</b>	J. Yang

*This item is for members of the public only to provide comments and/or present information to the Council on matters **not** on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first.*

5. **APPROVAL OF JANUARY 12 & JUNE 15, 2016 MINUTES** J. Yang 3  
*For additional information regarding this agenda, please contact Michael Brett, 1507 21<sup>st</sup> Street, Ste, 201, Sacramento, CA 95811, (916) 322-8481. Documents for an agenda item should be turned into SCDD no later than 12:00 p.m. the day before the meeting to give members time to review the material. The fax number is (916) 443-4957*

6.	<b>CIE BLUEPRINT UPDATE</b>	All	16
7.	<b>REVIEW OF CECY/EFC GOALS</b>	J. Yang/All	40
8.	<b>WORKGROUP REORGANIZATION DISCUSSION</b>	J. Yang/All	
9.	<b>UPDATE OF MOU BETWEEN FTB/DDS</b>	D. Curtright	45
10.	<b>DISCUSSION/REVIEW OF 2015 DRAFT EFC REPORT</b>	J. Yang/B. Giovati/ All	
11.	<b>MEMBER REPORTS</b>	All	
12.	<b>ADJOURN</b>	J. Yang	

**5. APPROVAL OF  
JANUARY 12 & JUNE 15,  
2016 MINUTES**





**DRAFT**

**Employment First Committee (EFC) Meeting Minutes**

**January 12, 2016**

**Members Present**

Robert Taylor (SA)  
Daniel Boomer  
Lisa Cooley (SA) Vice  
Denyse Curtright  
Rick Hodgkins (SA)  
Connie Lapin (FA)  
Bill Moore  
Andrew Mudryk  
Robert McCarthy for  
Pazdral  
Olivia Raynor  
Steve Ruder  
Kecia Weller (SA)  
Chair  
Vanda Yung (FA)  
Barbara Wheeler  
Rebecca Martinez  
David Mayer

**Members Absent**

Tony Anderson  
David Mulvey  
Debbie Sarmento  
Amy Westling

**Others Attending**

Aaron Carruthers  
Bob Giovati  
Nelly Nieblas  
Mary Ellen Stives  
Michael Brett  
Catherine Campisi  
Martha Schultz  
Benita Baines

**1. CALL TO ORDER**

Kecia Weller (SA), Chairperson, called the meeting to order at 10:03 a.m. She gave an overview of the committee and expressed that she is excited regarding what the committee can accomplish in 2016.

**2. ESTABLISH QUORUM**

A quorum was established.

### 3. WELCOME/INTRODUCTIONS

Chairperson Weller (SA), members of the committee, staff, and guests gave introductions.

### 4. PUBLIC COMMENTS

There were no public comments.

### 5. APPROVAL OF SEPTEMBER 29, 2015 MINUTES

It was moved/seconded (Lapin (FA)) (Hodgkins (SA)). All in favor of approving the September 29, 2015 minutes except for two abstentions from Robert Taylor (SA) and David Mayer.

(See member list for voting)

### 6. DEVELOPING IMPLEMENTATION PLAN OF EFC/CECY PRIORITIES

Chairperson Weller (SA) briefed the committee that this portion of the meeting is to develop the EFC/CECY priorities. It is also to set up a work plan for 2016-2017 and to develop concrete, achievable steps. To help with this process, Catherine Campisi, consultant for CECY is serving as the facilitator for today's meeting.

For more materials/information on the CECY priorities, please go to pages 9-19 of the EFC Packet which is located at the following link:

[http://www.scdd.ca.gov/res/docs/pdf/Employment\\_First/2015/2015%20EFC%20Packet%201%2012%2016.pdf](http://www.scdd.ca.gov/res/docs/pdf/Employment_First/2015/2015%20EFC%20Packet%201%2012%2016.pdf)

To help the committee come up with the priorities/work plan for 2016-2017, Ms. Campisi gave handouts to facilitate the meeting. These handouts can be viewed on the State Council website which can be retrieved from the following link:

[http://www.scdd.ca.gov/res/docs/pdf/Employment\\_First/2016/HQ-%20EFC%20Handouts%201.12.16.pdf](http://www.scdd.ca.gov/res/docs/pdf/Employment_First/2016/HQ-%20EFC%20Handouts%201.12.16.pdf)

Using the above handouts, Ms. Campisi held a brainstorming session with the committee to define their priorities. By the end of her facilitation session, the following items will be determined:

- What tasks should be referred to another area within the State Council.

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Legend

SA = Self-Advocate

FA = Family Advocate

- List of identified tasks.
- Priority order.
- Teams/Staff organized with a Lead committee member for each task.
- Next steps.

During the brainstorming session, Bob Giovati, Deputy Director for Policy and Planning, used a flip chart to record input from the committee.

Ms. Campisi asked staff what the status is with data sharing legislation. This would allow FTB and EDD to share individual wage data (priority 1.1). State Council has agreed to sponsor this legislation.

Nelly Nieblas, staff, responded:

- If we have enough data, this evidence will allow the State Council to pursue legislation. As a result of this, FTB and EDD have drafted an MOU. According to Denyse Curtright, Department of Developmental Services, this MOU is almost completed.
- Once this has been accomplished, the data will be pulled out by service code, etc. Legislation will still be needed for certain aspects of the data sharing. FTB is going to help with the language for this legislation.

Staff added additional priority (7.1) under the heading of Private Sector Employers. This is not a CECY priority. For this additional item, Dr. Rebecca Martinez, Enterprise Disabled Worker Consultant, briefed the committee that there are two different structures within the business and provider communities, and that sometimes, these parties do not understand each other. Dr. Martinez' suggestion to the committee is to start working with the providers to break down the barriers with businesses.

The committee then held a discussion on this idea, and it was decided to not make this a priority. However, it was determined to hold a future panel presentation regarding this topic.

After much discussion, the committee decided on the following 6 priorities with the following committee member involvement:

- **1.1 Data Sharing Legislation:** Denyse Curtright,

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- **1.2 Stakeholder Process:** Denyse Curtright and Barbara Wheeler (UCEDD/USC)
- **3.2 Bridge Funding to Employment Providers to Change Competitive Integrated Work Services:** Connie Lapin (FA) and Andrew Mudryk (Disability Rights California)
- **5.1 Inform/Train Consumers and Families on EF Policy:** Lisa Cooley (SA) and Vice Chair for EFC), Olivia Raynor (UCEDD/UCLA and Councilmember), Denyse Curtright, Bill Moore (Department of Rehabilitation), Connie Lapin (FA), and Vanda Yung (FA).
- **5.2 Develop Model Curriculum for Self-Advocacy Training for Special Education Including EF:** Vice Chair Lisa Cooley (SA), Rick Hodgkins (SA), and Connie Lapin (FA).
- **6.1 Benefits Planning/Develop Tool Summarizing Planning Resources:** Denyse Curtright, Bill Moore, and Connie Lapin (FA)

Before the committee broke up into three separate groups to prioritize these priorities, Aaron Carruthers (Executive Director) spoke to the committee on the criteria for prioritizing these subject areas. He stated that these areas of interest are good, but suggested the committee should decide on the priorities that will be the most significant and successful.

The committee then reconvened and ranked the TOP 3 priorities:

1<sup>st</sup> - **1.1 Data Sharing Legislation:**

2<sup>nd</sup> - **5.1 Inform/Train Consumers and Families on EF Policy**

3<sup>rd</sup> - **1.2 Stakeholder Process**

Committee then discussed the following:

- A work plan with the above determined priorities.
- Ranked the other priorities.
- Workgroup organization.

Throughout this agenda item discussion, the committee discussed other interest items for future reference

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**Legend**

SA = Self-Advocate

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Chairperson Weller (SA) then thanked Ms. Campisi for her excellent facilitation. She also thanked the committee for their participation.

## 7. BLUEPRINT UPDATE

Ms. Curtright and Mr. Mudryk briefed the committee on the Blueprint update.

Ms. Curtright began the briefing with the following information:

- Working group has been receiving very specific and detailed information from the Stakeholders.
- Have not received the blessing from the Governor's Office on the Blueprint.
- Our Agency Secretary and their staff have committed to getting the Blueprint vetted through this administration by the end of January of 2016
- Public comment period could take place in late winter or early spring of 2016

Mr. Mudryk continued with the following information:

- The Blueprint has been extended several times. In the beginning it was June 30, 2015 and then to December 30, 2015. Currently, it has been extended to the end of January 2016.
- State has given their proposal. However, the steering group has come back to track changes.
- Further discussions are taking place on the Blueprint.
- It is a huge task to get the Blueprint processed.

Blueprint update/committee discussion:

- Mr. Mudryk briefed the committee with this ongoing project.
- For more information on this Blueprint, please refer to the California Health and Human Services website: *California Competitive Integrated Employment (CIE): Blueprint for Change*. Link is located below:

[http://www.chhs.ca.gov/Pages/Competitive-Integrated-Employment-\(CIE\).aspx](http://www.chhs.ca.gov/Pages/Competitive-Integrated-Employment-(CIE).aspx)

## **8. OUTLINE OF 2015 EFC ANNUAL REPORT**

Nelly Nieblas, Staff, presented an outline of the proposed 2015 EFC Annual Report. This outline can be found on page 20 of the EFC Packet which is located at the following link:

[http://www.scdd.ca.gov/res/docs/pdf/Employment\\_First/2015/2015%20EFC%20Packet%201%2012%2016.pdf](http://www.scdd.ca.gov/res/docs/pdf/Employment_First/2015/2015%20EFC%20Packet%201%2012%2016.pdf)

Ms. Nieblas requested feedback from the committee. Members of the committee gave the following recommendations regarding the 2015 Draft EFC Annual Report:

- Benefits.
- Ranked Priorities.
- Framing the priorities in terms of the statutes.
- Look at the 2014 EFC Annual report for anything that needs to be followed up.
- Changes over time.
- Highlight the key principals to pull in the information.
- Discuss CMS Rules.

The committee requested staff to have a draft completed of the 2015 EFC Annual Report by early May 2016. Staff then requested assistance from the committee.

## **9. SELF-DETERMINATION AND EMPLOYMENT OPPORTUNITIES**

It was determined to move this item to the next meeting being held June 2016.

## **10. PENDING QUESTIONS**

Dr. Daniel Boomer, California Department of Education, suggested discussing Bagley-Keene. In order to discuss this, it needs to be added to the June 2016 meeting. Committee agreed to add it to the June 2016 agenda.

Mr. Hodgkins (SA) and the committee discussed training for individuals on their rights in order to be free from disability discrimination in employment.

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Legend

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Robert Taylor (SA) stated that Self-Determination and Person Centered Planning should be a high priority. He also stated that the EFC should spend some emphasis on this planning.

Committee also discussed future meeting locations close to eating establishments. Committee suggested some different locations to hold future meetings: DRC Conference Room and Alta Regional Center with the Hilton Arden West next door.

Ms. Nieblas then asked the committee how they would like to track their progress for future meetings. She suggested using a checklist.

Committee responded by recommending the following:

- To breakup into groups on the priorities discussed and then report back to the committee before the next meeting.
- Having a discussion on the work plan and then reporting back to the committee
- Provide a report on what has been accomplished for the next meeting.

#### **11. NEXT MEETING ITEMS & DATES FOR JUNE, SEPTEMBER, AND DECEMBER 2016**

Staff will be sending a Doodle to committee members to determine the next meeting dates for June, September, and December 2016.

#### **12. MEMBER REPORT**

It was determined to move this item to the next meeting being held June 2016.

#### **13. ADJOURN**

Meeting adjourned at 3:57 p.m.

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#### **Legend**

SA = Self-Advocate

FA = Family Advocate



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## **Employment First Committee (EFC) Meeting Minutes**

**June 15, 2016**

### **Members Present**

Bill Moore  
Andy Mudryk  
Steve Ruder  
Robert Taylor  
Jenny Yang

### **Members Absent**

Dan Boomer  
Denyse Cartwright  
Olivia Raynor  
Barbara Wheeler

### **Others Attending**

Aaron Carruthers  
Bob Giovati  
Nelly Nieblas  
Mary Ellen Stives  
Michael Brett  
Sandy Bishop

### **1. CALL TO ORDER**

The new EFC Chair, Jenny Yang (SA), called the meeting to order at 10:15 a.m. Chairperson Yang (SA) then asked the committee if there were any questions from the committee on her appointment.

### **2. ESTABLISH QUORUM**

With the announcement/creation of the official new EFC Roster, quorum was not met. For explanation, see agenda item 9, Committee Reorganization.

### **3. WELCOME/INTRODUCTIONS**

Chairperson Yang (SA), members of the committee, staff, and guest gave introductions.

### **4. PUBLIC COMMENTS**

There were no public comments.

### **5. APPROVAL OF JANUARY 12, 2016 MINUTES**

Due to lack of quorum, this item was tabled to the next meeting.

### **6. MEMBER REPORT**

**Robert Taylor (SA):** Briefed on the following:

- Mentioned Mr. Mudryk's upcoming overview of the Blueprint during this meeting, adding that the Blueprint is of interest to the Council. He also feels the Blueprint will benefit Self-Advocates.

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#### **Legend**

SA = Self-Advocate

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- Feels WIOA will assist in the training of Self Advocates for 2017.
- He is supporting Assembly Bill 1 and Senate Bill 644.

**Bill Moore:** Gave an update on some of the WIOA requirements/Department of Rehabilitation (DOR) activities:

- Received new budget for the year.
- Requesting a Competitive Integrated Employment (CIE) team of 11 members.
- Mentioned Section 511 of WIOA provides for counseling and referral services for those in subminimum wage/supportive employment.
- No longer accepting placements for subminimum wage. DOR consumers are now placed under CIE.
- Under WIOA, 15% of the DOR budget is allocated to Pre-Employment Transition Services to youth.
- We Can Work contracts.

**Andy Mudryk:** Former EFC member, Connie Lapin (FA), asked Mr. Mudryk to convey the following:

- The statute for EFC Membership should be amended to include Family Advocate representation. Mr. Mudryk agrees with Ms. Lapin (FA) on this.
- Transitions from segregated employment settings to building infrastructure in in the community.
- Ms. Lapin (FA) also recommends the EFC give status reports on transition community services. Mr. Mudryk concurs. Chairperson Yang (SA) is in agreement that this standing item can be placed on future agendas.

## 7. WORKGROUP UPDATE

The committee held a discussion on reducing the workgroups. It was agreed by the committee to reduce the Workgroups from 5 to 3. Developing Curriculum and Bridge Funding were eliminated, leaving Data Sharing, Stakeholder Process, and Informing Self-Advocates.

### a. Data Sharing Agreement – MOU

Committee held discussion on this item. See item 8 for more information.

**b. Stakeholder Process**

Committee held a discussion on this item and determined that it is an engagement process which consists of the following points:

- Reaching out to stakeholders.
- Involvement from CECY and SSAN members.
- Integration of the committee's work with the Blueprint.

**c. Bridge Funding**

It was determined by the committee that this priority deals with Stakeholder involvement so this item is being removed.

Committee held discussion on this item. See item 8 for more information.

**d. Informed Consumers and Families on the Employment First Policy**

It was decided by the committee to not write curriculum. It would be better to just have a module. With this being the case, the committee decided to merge "Inform Self-Advocates and their families about Employment First Policy" with "Develop a module/... on EFC for Self-Advocates and their families to be used in local school districts."

The following members will be working on this priority:

- Dr. Olivia Raynor
- Andrew Mudryk
- Chairperson Yang (SA)

Staff presented handouts to the committee on the above priorities. To view these handouts, click on the link below which is located on the SCDD Website:

[http://www.scdd.ca.gov/res/docs/pdf/Employment\\_First/2016/Workgroup.pdf](http://www.scdd.ca.gov/res/docs/pdf/Employment_First/2016/Workgroup.pdf)

By the next meeting, Chairperson Yang (SA) would like the committee to have a discussion on:

- What still needs to be accomplished within each workgroup.
- What has been accomplished within each workgroup.

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**Legend**

SA = Self-Advocate

FA = Family Advocate

- Status of MOUs.

## **8. EFC PRIORITIES IMPLEMENTATION PLAN UPDATE**

Nelly Nieblas, staff, briefed the committee on the following:

- Discussed Work Plan Development.
- Stakeholder groups met with the leads on January 2, 2016 to come up with long/short term goals.
- On June 2 and 10, 2016, staff met with the Workgroup leads to come up with various long/short term goals for the committee's priorities.
- Where the MOU is between DSS and FTB.
- Next Steps MOU with SCDD and DOR data sharing agreement.
- Next Steps MOU with SCDD and DDS data sharing agreement.
- Next Steps MOU with DOE and SCDD data sharing agreement
- Activities should be integrated into the Council's State Plan.
- Went over Goal 2 (Employment) of the proposed 2017 – 2021 State Plan. This is dealing with Competitive Integrated Employment.
- Connecting with Community Colleges.
- Pilot projects.
- Different types of resources.
- Family/community contacts.
- Employers with employers.
- Using State Council Regional offices.

Throughout this item, committee held a brainstorming session.

Staff presented handouts to the committee on the update. To view these handouts, click on the link below which is located on the SCDD Website:

[http://www.scdd.ca.gov/res/docs/pdf/Employment\\_First/2016/Workgroup.pdf](http://www.scdd.ca.gov/res/docs/pdf/Employment_First/2016/Workgroup.pdf)

## **9. COMMITTEE REORGANIZATION**

Bob Giovati, Deputy Director of Policy and Planning, briefed that this reorganization occurred because of structural deficits within the State Council.

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### Legend

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Staff continued to brief the committee that there will be 8 members of the committee which is the statutory guidelines. These new members were named in this meeting. Committee then held a discussion on this reorganization and stressed the importance of adding a Family Advocate to the statutory guidelines.

Aaron Carruthers, Executive Director, has stressed that the Council wishes this reduction did not have to take place. It also encourages past members to take an active interest in this committee.

Chairperson Yang (SA) also stated prior members are more than welcome to attend future meetings as the general public. The Council still wants the viewpoints/experience/expertise from these past members.

For more information on these statutory guidelines, click on the link below which is located on the SCDD Website:

[http://www.scdd.ca.gov/res/docs/pdf/Employment\\_First/2016/Statutory%20Requirements.pdf](http://www.scdd.ca.gov/res/docs/pdf/Employment_First/2016/Statutory%20Requirements.pdf)

## 10. CIE BLUEPRINT UPDATE

Mr. Mudryk briefed the following:

- DRC agreed to the final language.
- Still in the Department of Finance for approval.
- Future meeting to take place.
- Blueprint is a 5 year plan with the following departments:
  - DDS
  - DOR
  - HHS
- Discussed goals of the blueprint:
  - These goals go by year with objectives and targeted outcomes per section.
- State Council is mentioned in the Blueprint along with the Employment Data Dashboard and the three departments linking to the Data Dashboard.
- Stakeholder involvement.
- Working with local partners.

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### Legend

SA = Self-Advocate

FA = Family Advocate

- Section on data sharing.
- Once Blueprint is approved, will be translated into Medi- Cal threshold languages.
- Stakeholder process for input.
- Blueprint is posted on the HHS Webpage.

Committee and staff then held a discussion on this agenda item.

#### **11. 2015 EFC ANNUAL REPORT UPDATE**

Ms. Nieblas briefed the committee on the status of this report.

Staff recommended a timeline for committee feedback. Committee recommended that prior members take part in this feedback. Committee/Staff agreed to have these feedbacks by June 24, 2016.

The deadline for finalizing this report is set for July 1, 2016.

Committee continued to discuss this report.

#### **12. SELF DETERMINATION AND EMPLOYMENT OPPORTUNITIES**

Executive Director Carruthers briefed the committee on the workings of the Statewide Self Determination Advisory Committee (SDAC).

Dr. April Lopez, Chair of the Council, will convene the next SDAC teleconference on June 21, 2016. This meeting consisted of the following:

- Status of the waiver.
- Update from DDS on the waiver.
- Training roles for Regional Center Staff.
- Carving a role for the Local SDACs.
- DDS's next version of the waiver.

#### **13. PENDING QUESTIONS**

Committee had no pending questions.

#### **14. ADJOURN**

Meeting adjourned at 1:38 p.m.

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#### **Legend**

SA = Self-Advocate

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# 6. CIE BLUEPRINT UPDATE



## California Competitive Integrated Employment (CIE) Blueprint

Sections: Introduction, Interagency System Overview, and Current Initiatives and Collaboration  
(DRAFT Document)

### 1. INTRODUCTION

#### Purpose

The State of California has taken a historic step towards increasing CIE opportunities for individuals with ID/DD. The CDE, DOR, and DDS have worked together to create a proactive interagency plan to increase opportunities for individuals with ID/DD to prepare for and engage in CIE, and to reduce reliance upon subminimum wage jobs and segregated work settings. The California CIE Blueprint for Change hereafter referred to as the “Blueprint”, will be used to create capacity of the service delivery system to support the achievement of CIE for individuals with ID/DD. The Rehabilitation Act of 1973, amended by the WIOA, seeks to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society. Each person’s maximum employment potential and employment goals will be defined through the person-centered planning process. For each individual in CIE, his or her person-centered plan, if so chosen, will include services in settings that are integrated in and support full access to the greater community (HCBS settings rule).

The Blueprint will be implemented over a five-year period and will be incorporated by reference in departmental MOUs. The Blueprint will build capacity and stimulate policy change in California state systems and local communities to increase the number of individuals with ID/DD in CIE.

The development of the blueprint affords the departments the opportunity to collaborate in furtherance of their goals to provide equal opportunities for individuals with ID/DD. The Blueprint is consistent with state and federal law including the U.S. and California Constitutions regarding equality, the State’s Employment First Policy, the Lanterman Developmental Disabilities Services Act (“Lanterman Act”), the Americans with Disabilities Act, Individuals with Disabilities Education Act (IDEA), and the Supreme Court decision in *Olmstead v. L.C.* It will also

meet the new federal requirements enacted in the WIOA, and the Centers for Medicare and Medicaid Services (CMS) Guidance for community based services.<sup>1</sup>

The objectives, strategies, and actions within the goals of the Blueprint focus on the following five fundamental career development pathways to CIE: transition services, adult pathways to employment, post-secondary school activities, supported employment services, customized employment and other employment support options, and business partner engagement.

The goals of the Blueprint are to:

- Improve collaboration and coordination between the three departments to prepare and support all individuals with ID/DD who choose CIE.
- Build system capacity to increase opportunities for individuals with ID/DD who choose CIE to prepare for and participate in the California workforce development system and achieve CIE.
- Increase the ability of individuals with ID/DD to make informed choices, adequately prepare for, transition to, and engage in CIE.

“...work is a place where potential can be maximized.”  
*Youth Commissioner - Advisory Commission on Special Education  
Meeting, August 12, 2015*

## Background

In December 2014, the CDE, DOR, and DDS signed an MOU with the intent to identify and implement improvements in the coordination and capacity of the service system for individuals with ID/DD resulting in more individuals with ID/DD becoming employed in integrated settings at competitive wages consistent with the State’s Employment First Policy and other federal and state laws. The MOU documented the agreement between the three departments to formally engage in the Blueprint development process.

The intent of the Blueprint is to continue and build upon the implementation of new federal requirements including WIOA and HCBS settings rule related to integrated, competitive employment outcomes, specifically for students

<sup>1</sup> Section 3 of the Blueprint discusses some of these in greater detail.

and youth and individuals with ID/DD by developing and implementing a blueprint to improve CIE outcomes. Development of the Blueprint has been guided by the Employment First policy; information learned through several ongoing state projects including the California Community of Practice on Secondary Transition (CoP), California Promoting the Readiness of Minors in Supplemental Security Income (CaPROMISE), California Transition Alliance, and the California Employment Consortium for Youth and Young Adults with Intellectual and Developmental Disabilities (CECY) and will build on these projects. In addition, the development of the blueprint has been guided by the best thinking and resources of national entities wrestling with improving CIE outcomes, such as the National Center on Leadership for the Employment and Economic Advancement of People with Disabilities, the Office of Disability Employment Policy Community of Practice, the Institute on Community Inclusion, Partnerships In Employment, and Think College.

As demonstrated in the MOU and articulated in this Blueprint, the three departments will work together to increase CIE outcomes, using the effective practices<sup>2</sup> used by states who lead the nation in CIE outcomes. These practices include the following:

1. Clearly defined goals and data collection
2. Strong agency leadership
3. Interagency collaboration
4. Ongoing training and outreach
5. Communication through relationships
6. Local control
7. Flexibility and respect for innovation

To track the effectiveness of the strategies and outcomes, the departments will use the Employment Data Dashboard hosted by the California State Council on Developmental Disabilities (SCDD) to track the employment participation rate of individuals with ID/DD. Additionally, the departments will work with the SCDD to improve the outcome measures included in the Employment Data Dashboard.

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<sup>2</sup>High-Performing States in Integrated Employment, Allison Cohen Hall, John Buttenworth, Dana Scott Gilmore & Deborah Metzel. Originally published: 2/2003

## **Methodology**

In February 2015, the CDE, DOR and DDS formed the California CIE Interagency Leadership Workgroup consisting of subject matter experts from each department. The workgroup's goal has been to collaborate with community stakeholders to develop a blueprint to improve CIE outcomes for individuals with ID/DD over a five year period. The workgroup developed the following Blueprint agreed upon by the three departments, in consideration of the stakeholder feedback noted below, which is reflected in proposed changes, goals, recommendations and timelines to attain the desired outcomes.

Stakeholders were informed and engaged throughout the planning process. The interagency workgroup conducted three facilitated teleconferences with stakeholders including consumers, families and advocates, community partners, employers, Local Education Agency's (LEAs), regional centers, and providers. The representatives from the workgroup also attended an Advisory Commission on Special Education meeting and state level consumer advisory meetings supported by the SCDD, the Association of Regional Center Agencies and DDS to gather consumer stakeholder input. The workgroup also sponsored a conversation with business partners to gather input from business partners who hire individuals with ID/DD. Finally, individuals and organization stakeholders provided written input through the [CaliforniaCIE@dor.ca.gov](mailto:CaliforniaCIE@dor.ca.gov) email. Input from stakeholders will continue throughout the implementation of the Blueprint.

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As part of the Blueprint development process, data from the departments was utilized to recommend targeted outcomes outlined in section 4.

Additionally, the departments will provide guidance to their staff and to LEAs and regional centers, urging the LEAs and regional centers to endorse and modify their practices consistent with the Blueprint.

## **Terminology**

Because of multiple definitions for similar terms, for purposes of this Blueprint the following terms are defined:

- **Action:** For purposes of the Blueprint, action means the process of performing an activity for a specific purpose, e.g., development of joint written guidance to increase collaboration and communication.

- Collaborative Group: An existing or new collaborative group is made up of local agency professionals, consumers and families, and other stakeholders as appropriate.
- Community-Based Vocational Education:
  - For CDE this can include unpaid vocational exploration, assessment, or training.
  - For DOR this can include paid and unpaid work experience.
  - For DDS this can include volunteer opportunities, unpaid internships, and adult education and training.
- Competitive Integrated Employment: This term, or CIE, is defined as work that is performed on a full-time or part-time basis (including self-employment) –
  - A. For which an individual:
    - Is compensated at a rate that shall be not less than the higher of the rate specified in section 6 (a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. § 206 (a)(1)) or the rate specified in the applicable state or local minimum wage law; and is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills.
    - In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills.
    - Is eligible for the level of benefits provided to other employees.
  - B. That is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons.
  - C. That, as appropriate, present opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.<sup>3</sup>

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<sup>3</sup> Federal definition of “Competitive Integrated Employment” (Workforce and Innovation Opportunity Act, § 7, 29 U.S.C. § 705(5).)

D. The Rehabilitation Act of 1973, amended by WIOA, seeks to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society.

- Employment Preparation Services: This term, or EPS, refers to a continuum of services that provide guidance and direction to an individual with ID/DD in the development of job search techniques and appropriate work-related behaviors that will enhance the individual's employability.
- Guidance: The term guidance includes instruction, training, sharing of key regulatory and other related information, and recommended strategies sponsored by the Interagency Leadership Workgroup. The guidance is intended to facilitate collaboration leading to service changes and an increased capacity in employment resources and services resulting in an increase in CIE outcomes.
- Implementation Workgroup: The implementation workgroup will include at a minimum representation from each department including subject matter experts in services, funding, and data. Additional membership will be contingent upon available resources and at a minimum participation may be via phone conference. The workgroup will develop recommendations for review by the Interagency Leadership Workgroup.
- Individual: The term individual is used to reference an individual with ID/DD including youth (ages 14 through 24), students (ages 16 through 21), and adults (ages 18 and over) who are receiving services or eligible for services by one or more of the departments, and their family and/or representative(s), if any, as appropriate to the individual's circumstance.
- Individualized Education Program: This term, or IEP, is the document prepared by a LEA in collaboration with the IEP team for a child/student who is participating in Special Education.
- Individualized Plan for Employment: This term, or IPE, is the document prepared by the DOR in collaboration with the consumer, who is participating in the vocational rehabilitation program. It includes an employment goal and appropriate services.

- Individual Program Plan: This term, or IPP, is the document prepared by the regional center IPP team, in collaboration with the individual. It describes the needs, preferences, and choices of the individual and family.
- Informed Choice: This term refers to the principle of “informed choice,” in which individuals with ID/DD are encouraged to participate in the service process to the maximum extent possible and make meaningful and informed choices.
- Interagency Leadership Workgroup: The Interagency Leadership Workgroup comprised of representatives from CDE, DOR, and DDS developed the Blueprint with stakeholder input, and will oversee implementation.
- Local Educational Agency: This term, or LEA, refers to a school district, an entity which operates local public primary and secondary schools.
- Person-Centered Planning: For the purpose of the Blueprint, person-centered planning is the process for the development of IEPs, IPES, and IPPs.
- Post-Secondary Education (PSE): This term refers to education or training that occurs after secondary school (high school).
- Pre-Employment Transition Services (PETS): The local DOR districts, in collaboration with local LEAs, are required to provide or arrange for the following five activities for high school students with disabilities, ages 16 through 21:
  1. Job exploration counseling.
  2. Work-based learning experiences.
  3. Counseling related to post-secondary opportunities.
  4. Workplace readiness training.
  5. Self-advocacy training.
- Stakeholders: The term stakeholders refers to individuals representative of all Californians, including individuals with ID/DD, families or representatives as appropriate, staff of CDE, DOR, DDS, regional

centers, Special Education Local Plan Areas (SELPA's), LEAs, Family Resource Centers (FRC), service providers, and the California workforce development system, business partners, and any oversight and advisory boards and advocacy agencies.

- Steering Committee: The Steering Committee has provided feedback to the Interagency Leadership Workgroup to help guide the development of the Blueprint. As part of implementation, the committee will meet at least quarterly for the first year and at least semi-annually for the duration of the five year Blueprint implementation to provide ongoing feedback. Steering Committee representatives include California Health and Human Services Agency (CHHSA), CDE, DOR, DDS and Disability Rights California (DRC).
- Targeted Outcome: For the purposes of the Blueprint, targeted outcome means a desired level of performance measured by available or future data, e.g., a percentage increase in employment rates over time.
- "Triple E" Practices: The term "Triple E" practices refers to exemplary, effective, and emerging practices proven to be successful in supporting increased opportunities for individuals with ID/DD to prepare for and engage in CIE. "Triple E" practices illustrate successful programs and local agreements through success stories, as applicable, from the consumer, employer, and service perspectives. An example of a "Triple E" practice is well-sequenced provision of services and local partnership agreements. As part of implementation, additional "Triple E" practices, as they evolve, will be identified and shared on the CIE webpage.
- Well-Sequenced Services and Funding: Unique services provided by more than one fund source (LEA, DOR, and regional center) arranged in a manner, and provided in a timeframe, to best support each individual's employment goals and avoid duplicative services.

An overview of each department's service delivery system and a summary of current initiatives and collaboration efforts between the three departments are provided in the following Blueprint sections. Recommendations in support of improving access to CIE services and increasing CIE outcomes for individuals with ID/DD are addressed in Section Four of the Blueprint.

## 2. INTERAGENCY SYSTEM OVERVIEW

This section provides a brief overview of each department's service delivery system. Understanding how each department operates is an essential component to the development of the Blueprint. In addition, the Blueprint will be implemented within the current requirements of each department to provide culturally and linguistically appropriate material and information.

"Provide maximum opportunity in the community in paid employment or volunteer work..."

*Parent/Vendor – Feedback received through the California CIE  
Inbox, May 18, 2015*

### California Department of Education

The CDE oversees the state's diverse and dynamic public school system, which is responsible for the education of more than seven million children and young adults in more than 9,000 schools. The CDE and the State Superintendent of Public Instruction are responsible for enforcing education law and regulations; and for continuing to reform and improve public elementary school programs, secondary school programs, adult education, some preschool programs, and child care programs.

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The CDE works cooperatively with other state agencies to provide a wide variety of educational supports, from family-centered services for infants and preschool children with disabilities, to planned steps for transition from high school to further education, employment and quality adult life. The CDE responds to consumer complaints and administers the federal IDEA, the No Child Left Behind Act (NCLB), and in 2017 the Every Student Succeeds Act, which will replace NCLB, for students with disabilities in California. For more information on special education see the CDE Special Education web site [CDE Special Education Division](#).

The CDE provides state leadership and policy direction for school district special education programs and services for students who have disabilities, which the CDE defines as newborn through 21 years of age. Special education is defined as specially designed instruction and services, at no cost to parents, to meet the unique needs of children with disabilities.

## **Current Landscape**

During state fiscal year (SFY)<sup>4</sup> 2013/2014, there were approximately **28,743** students, ages 16 through 21, enrolled in state's public school system whose disability category could be considered ID/DD.<sup>5</sup>

## **What are the Special Education Eligibility Criteria?**

A child shall qualify as an individual with exceptional needs if the results of the assessment as required by Education Code section 56320 demonstrate that the degree of the child's impairment requires special education in one or more of the program options authorized by Education Code section 56361. The decision as to whether or not the assessment results demonstrate that the degree of the child's impairment requires special education shall be made by the Individualized Education Program (IEP) team. The IEP team shall take into account all the relevant material which is available on the child. No single score or product of scores shall be used as the sole criterion for the decision of the IEP team as to the child's eligibility for special education.<sup>6</sup>

## **What is an IEP?**

The CDE provides general supervision, as required by title 34 Code of Federal Regulations section 300.600, to LEAs that develop and implement IEPs for students with disabilities.

Annually, the student's IEP team reviews and revises the IEP. Triennially, the student is reassessed, unless there is agreement that assessment is not necessary.

The IEP is developed by a team that includes: the parents of the student; the regular education teacher of the student (if the student is or may be participating in the regular education environment); the special education teacher (or if appropriate, not less than one special education provider) of the student; an LEA representative, who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of the student and is knowledgeable about the general education curriculum and availability of LEA resources; an individual who can interpret the instructional implications of the assessment results; at the discretion of the parent

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<sup>4</sup> July 1 through June 30

<sup>5</sup> The disability categories included under ID/DD for the CDE are Intellectual Disability, Autism, and Traumatic Brain Injury.

<sup>6</sup> California Code of Regulations, title 5, section 3030

or the LEA, other individuals who have knowledge or special expertise regarding the student; and whenever appropriate, the student. This may include, if invited, representatives from regional centers or local DOR staff.

To the extent appropriate, with the consent of the parents or a student who has reached the age of 18, the LEA must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

Beginning not later than the first IEP to be in effect when the student is 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP must include:

- Appropriate measurable post-secondary goals based upon age-appropriate assessments related to training, education, employment, and where appropriate, independent living skills.
- The transition services, including the course of study, needed to help the student in reaching those goals.
- Beginning not later than one year before the student reaches the age of 18, a statement that the student has been informed that the rights afforded to parents relating to special education will transfer to the student at age 18, unless the student has been determined to be incompetent under state law.

Transition services for a student with a disability in a secondary education setting, are a coordinated set of activities that: 29

- Are designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
- Are based on the individual student's needs, taking into account the student's strengths, preferences, and interests.
- Include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and a functional vocational evaluation.

## California Department of Rehabilitation

The DOR is authorized under the Rehabilitation Act of 1973, as amended by the 2014 WIOA (29 U.S.C. § 701 et seq.), to provide vocational rehabilitation (VR) services to individuals with disabilities, including “youth with disabilities,” ages 14 through 24, and high school “students with disabilities,” ages 16 through 21. The VR program is intended to maximize opportunities for CIE and economic self-sufficiency for individuals with disabilities, including individuals with the most significant disabilities consistent with the individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and with informed choice. An employment outcome may include entering or retaining full-time or part-time CIE including but not limited to supported employment or customized employment.

The DOR collaborates with public agencies, including LEAs, colleges, Community Rehabilitation Programs (CRPs), regional centers, and other stakeholders to provide seamless services to mutual consumers. In an effort to serve as many consumers as possible, the DOR is required to make maximum effort to secure comparable services and benefits. When there are insufficient funds to serve all individuals who are eligible, the DOR operates under an Order of Selection and must determine an individual’s priority for VR services. Currently, the DOR is under an Order of Selection but is able to serve individuals with the most significant and significant disabilities. Typically, individuals with ID/DD are considered individuals with the most significant disabilities. A waiting list is maintained for those for whom the DOR does not have sufficient funds to serve and do not meet the priority of services under the Order of Selection.

There are 104 Vocational Rehabilitation Services Delivery (VRSD) teams at the DOR, which provide VR services to eligible Californians with disabilities. Each VRSD team includes five qualified rehabilitation counselors, two service coordinators, one employment coordinator, two office technicians (general), and a team manager.

### Current Landscape

In SFY 2013/2014, the DOR provided VR services to approximately 100,000 eligible Californians with disabilities per year in 13 geographic districts in the Vocational Rehabilitation Employment Division and a statewide Blind Field Services district within the Specialized Services Division. Of those, approximately 1,664 were identified as individuals with ID/DD ages 16 through 21 and 2,869 ages 22 and over.<sup>7</sup>

<sup>7</sup> The disability categories included under ID/DD for the DOR are Intellectual Disability and Autism.

## **What are the DOR Eligibility Criteria?**

To be eligible for services from the DOR, an individual must:

- Have a physical or mental impairment that creates a substantial impediment to employment.
- Require VR services to prepare for, secure, retain, advance in, or regain employment that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- Be able to benefit from the DOR services in terms of an employment outcome in an integrated setting.

The DOR presumes that individuals with significant disabilities can benefit from an employment outcome, and is responsible to provide each individual with an assessment to determine the individual's eligibility and priority for services and VR needs. Prior to determining that an applicant is unable to benefit due to the significance of the individual's vocational barriers related to their disability, the DOR must explore the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences with appropriate supports provided by DOR.

## **What is an IPE?**

In collaboration with each individual, the DOR qualified rehabilitation counselor performs key functions throughout the VR process, including determination of eligibility priority for services; development of the Individualized Plan for Employment (IPE); approval of any necessary IPE amendments; IPE review at least annually; and determination of the achievement of an employment outcome and/or case closure.

An employment goal and appropriate VR services, as documented through the IPE, are consistent with the individual's unique strengths, priorities, concerns, abilities, capabilities, interests, and informed choice. The purpose of the IPE is to help an individual with ID/DD prepare for and engage in CLE. Services are provided as appropriate to each individual's unique circumstances and needs, may include but are not limited to vocational counseling and guidance, assessment, assistive technology, benefits advisement, transition services, including pre-employment transition services (PETS) for students with disabilities, post-secondary training or education, on the job training (OJT), job-related services and supports, such as job coaching, PETS, customized employment, and post-employment services.

For specific information on the provision of VR services and the IPE process see the [Consumer Information Handbook](#).

<http://www.dor.ca.gov/Public/Publications-n-Forms.html>

## **California Department of Developmental Services**

The DDS is the agency through which the state provides services and supports to individuals with ID/DD. These disabilities include intellectual disability, cerebral palsy, epilepsy, autism and related conditions. Services are provided through state-operated developmental centers and community facilities, and contracts with 21 nonprofit regional centers. The regional centers serve as a local resource to help find and access the services and supports available to individuals with ID/DD and their families. These services include both pre-employment and employment support services. The most common type of pre-employment services funded by regional centers are various day program services. In addition, presently, regional centers are able to fund long-term employment supports through the supported employment program and work opportunities through work activity programs.

The Lanterman Act (Division 4.5 of the Welfare and Institutions Code) establishes, unique to the state of California, a commitment to provide services and supports to individuals with [developmental disabilities](#) throughout their lifetime. Services and supports are provided through a combination of federal, state, county and local government services, private businesses, support groups and volunteers.

Non-profit organizations called [regional centers](#) provide diagnosis and assessment of eligibility and help plan, access, coordinate, and monitor the services and supports that are needed because of a developmental disability. Employment supports available through regional centers include referral to DOR for vocational rehabilitation services, long-term services once placed in an integrated job through the supported employment program, and pre-vocational services through work activity programs (formerly known as sheltered workshops). Today several regional centers are beginning efforts to work with work activity program service providers to change the service delivery to be integrated and focus on achieving CIE opportunities. Finally, additional employment preparation services are available through day programs and a new sub code of individualized supports within these services known as Tailored Day Services.

## **Current Landscape**

During SFY 2013/2014, the DDS served approximately **37,685** individuals with ID/DD ages 16 through 21 and **126,053** ages 22 and over.<sup>8</sup>

### **What are the DDS Eligibility Criteria?**

To be eligible for regional center services, an individual must have a disability that begins before their 18th birthday, is expected to continue indefinitely, and presents a substantial disability. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, eligible individuals shall include persons with an intellectual disability, cerebral palsy, epilepsy, and/or autism. This term shall also include conditions resulting in a disability 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. Eligibility is established through diagnosis and assessment performed by regional centers.

### **What is an IPP?**

Person-centered individual program planning assists persons with developmental disabilities and their families to build their capacities and capabilities. This planning effort is not a single event or meeting, but a series of discussions or interactions among a team of people including the person with a developmental disability, their family (when appropriate), regional center representative(s) and others. The document known as the Individual Program Plan (IPP) is a record of the decisions made by the planning team.

As part of the planning process, this team assists the individual in developing a description that includes: a preferred place to live, favorite people with whom to socialize, and preferred types of daily activities, including preferred jobs. This description is called a preferred future, and is based on the individual's strengths, capabilities, preferences, lifestyle and cultural background.

The planning team decides what needs to be done, by whom, when, and how, if the individual is to begin (or continue) working toward the preferred future.

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<sup>8</sup> The disability categories included under ID/DD for the DDS are Intellectual Disability, Autism, Cerebral Palsy, Seizure Disorder, and other Developmental Disability.

For specific information on the IPP process see the [Individual Program Plan Resource Manual](http://www.dds.ca.gov/RC/IPPManual.cfm).  
<http://www.dds.ca.gov/RC/IPPManual.cfm>

The IPP captures the services and supports and who will provide those services and supports including those funded by entities other than the regional center and those the regional center will fund.

### 3. CURRENT INITIATIVES AND COLLABORATION

Current initiatives and collaboration efforts that have proven to be successful in supporting increased employment opportunities for individuals with disabilities were built upon and expanded on as part of the Blueprint. This section identifies these efforts at the local, state and national level. These efforts are foundational to the development and support of “[Triple E](#)” practices at the local level.

“...work provides that place to look forward to... a place to achieve goals...”

*Parent – California CIE Stakeholder Forum, May 15, 2015*

### Local Level

Local level initiatives and collaborations are foundational to the Blueprint in that they demonstrate existing and potential “[Triple E](#)” pathways to CIE in practice. Local level initiatives and collaboration efforts include, but are not limited to, the following:

- [Transition Partnership Program \(TPP\)](#)  
The TPP is a joint project of the DOR and CDE. TPP builds partnerships between select LEAs and the local DOR district. The TPP provides vocational services that successfully transition students with disabilities to meaningful employment. These programs provide PETS to students with disabilities in accordance with WIOA. From July 1, 2014 through May 31, 2015, there were 17,629 individuals in the TPP. Of those, 994 were individuals with ID/DD.

- College to Career Pilot (C2C)  
The C2C pilot program is a partnership between the DOR and select community colleges to serve individuals with ID/DD. Intended as an alternative to traditional supported employment, C2C was designed to provide vocational services and supports for college level vocational training leading to CIE. The program provides vocational instruction, work experiences and internships, and job development and placement services that result in workforce preparation, and placement in CIE with natural supports. There are eight C2C pilot programs, three of which have just been recently approved and have not yet been implemented. Between the five existing pilot programs, 304 individuals with ID/DD were served.

- WorkAbility I  
WorkAbility I is a competitive grant administered by the CDE and implemented by LEAs that provides comprehensive pre-employment training, work experience placement and follow-up for high school students in special education who are making the transition from school to work, independent living, and postsecondary education or training. During 2014/2015 school year, there were 18,689 individuals with ID/DD participating in WorkAbility I, of those 6,100 were in paid work experience. In that year, CDE directed schools to not use WorkAbility I funds for supporting work in subminimum wage settings.

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## State Level

State level initiatives and collaborations are foundational to the Blueprint in that they create and cultivate environments to support pathways to CIE. Statewide initiatives and collaboration efforts include, but are not limited to, the following:

- State Council on Developmental Disabilities Employment First Committee  
Representatives from the CDE, DOR, and DDS are members of the State Council on Developmental Disabilities (SCDD) Employment First Committee and participate in the committee's quarterly meetings. Under state statute, the Employment First Committee works to identify roles and responsibilities at the state and local level, and effective strategies. The committee also makes recommendations on data collection and increasing CIE as an outcome for working age individuals with ID/DD. It submits an annual report to the legislature regarding progress in the employment of people with developmental disabilities and recommendations for change.

[http://www.sccd.ca.gov/Employment\\_First\\_Committee.htm](http://www.sccd.ca.gov/Employment_First_Committee.htm)

- California Transition Alliance

The CDE, DOR, and DDS participate on the California Transition Alliance. The California Transition Alliance is a nonprofit that supports professionals who assist youth and families as they transition from secondary education to adult life. In close collaboration with its members, the California Transition Alliance develops secondary education transition tools, trainings and resources. In February 2015, CDE and DOR planned, co-sponsored, and presented at the California Transition Alliance Bridge to the Future II Institute. The statewide institute provided information on improving transition for youth with disabilities to area professionals.

[www.catransitionalliance.org](http://www.catransitionalliance.org)

- California Community of Practice on Secondary Transition (CoP)

The CDE, DOR, and DDS are members of the CoP. The CoP consists of students, parents, educators, and business, nonprofit and state agency representatives who meet monthly to coalesce around issues, bringing different perspectives, which affect secondary education transition for students with disabilities. It is the mission of the CoP to ensure seamless transition service delivery that will lead to positive post-school outcomes for students with disabilities. The CDE leads by convening the CoP and maintains the CoP listserv distributing information on the latest initiatives influencing secondary education transition. In 2015, the CoP, partnering with the California Transition Alliance, trained over 1,000 individuals in secondary education transition.

- CAPROMISE (California Promoting the Readiness of Minors in Supplemental Security Income) Grant (2013 - 2018)

CAPROMISE is the largest of six grants awarded nationally by the U.S. Department of Education led by DOR in partnership with Employment Development Department, CDE, DDS, Department of Social Services, Department of Health Care Services, and San Diego State University Interwork Institute. The purpose of CAPROMISE is to improve the provision and coordination of services and supports for child Supplemental Security Income (SSI) recipients and their families in order to achieve improved outcomes, such as completing postsecondary education and job training to obtain CIE that may result in long-term reductions in the child recipient's reliance on SSI. CAPROMISE is designed to increase economic self-sufficiency.

- California Employment Consortium for Youth and Young Adults with Intellectual and Developmental Disabilities (2011-2016)  
CDE, DOR and DDS work as part of a statewide consortium known as the California Employment Consortium for Youth and Young Adults with Intellectual and Developmental Disabilities to improve the transition process and outcomes from school to employment and/or post-secondary education for youth with intellectual and developmental disabilities. CDE, DOR and DDS collaborate with more than 45 representatives from 23 state agencies, regional centers, organizations, families, and self-advocates with responsibilities for the education, transition coordination, rehabilitation, employment, and support of youth with disabilities. This project is funded by a grant from the U.S. Administration on Intellectual and Developmental Disabilities to effect policy change supporting CLE outcomes for transition age youth.

- DOR/CDE Interagency Agreement

The purpose of the interagency agreement is to create a coordinated system of educational and VR services, which results in an effective and efficient transition from school to post secondary education and employment for eligible secondary school students with disabilities.

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- DOR/DDS Interagency Meetings

DOR and DDS meet regularly for the coordination of training and employment services to mutual regional center consumers. The scope of work for the DOR and DDS interagency meetings includes a roadmap of activities that are consistent with the long-standing collaboration between the departments and clarifies roles and responsibilities to support mutual consumers of DOR and DDS services. This forum allows the departments to provide technical assistance to the local DOR and regional center staffs as barriers and issues are identified.

- California Workforce Development Board (CWDB)

The CWDB is responsible for assisting the Governor in performing the duties and responsibilities required by the federal WIOA of 2014. The Board assists the Governor in setting and guiding policy in the area of workforce development. All members of the Board are appointed by the Governor and represent the many facets of workforce development - business, labor, public education, higher education, economic

development, youth activities, employment and training, as well as the Legislature. Under WIOA the DOR works in close collaboration with its core partners, businesses, and other stakeholders to develop and implement a unified state plan that will identify key workforce regions across the State. These workforce development regions will be targeted by local workforce development areas and America's Job Centers, and will include CIE opportunities for individuals with ID/DD.

- Cooperative Program Advisory Committee (CPAC)

DOR established CPAC as a means to provide information and solicit feedback on issues related to all cooperative programs statewide. The committee is comprised of representatives from all types of state and local cooperative partner agencies, including CDE, LEAs, mental health agencies, colleges, and non-profit Community Rehabilitation Programs. CPAC provides input to DOR which may result in the development or modification of policies and procedures. CPAC promotes the effectiveness of cooperative agreements by improvement of communication and exchange of information. The overall goal of CPAC is to improve the provision of employment services leading to successful employment outcomes for DOR consumers served in cooperative programs.

- Employment Data Dashboard

A joint project of the SCDD, DDS and the California Employment Consortium for Youth and Young Adults with Intellectual and Developmental Disabilities has been to create an employment data dashboard hosted on the SCDD's website. This data dashboard uses currently available data to provide a picture of the statewide status of CIE outcomes for individuals with ID/DD. As better data sources become available, the dashboard will be updated and improved.

[http://www.scdd.ca.gov/employment\\_data\\_dashboard.htm](http://www.scdd.ca.gov/employment_data_dashboard.htm)

- Tailored Day Services

Tailored Day Services is a service recently developed by DDS and made available to all regional centers statewide that allow individuals with ID/DD to opt out of traditional day program services to receive individualized services to achieve the goal of CIE. The scope, type, and duration of services to be provided are determined through the person-centered planning process and specified in the IPP. Tailored Day Services are designed to encourage opportunities to further the development or maintenance of employment, volunteer activities, and/or pursuit of post-secondary education and to maximize the

individual's ability to direct his or her own services. These services expected outcome is to increase the individual's ability to lead an integrated and inclusive life. For SFY 2013/2014, 3,299 individuals with ID/DD participated in Tailored Day Services.

- Work Experience Partnership

The DDS and the Sacramento City Unified School District Special Education Program (for 18-21 year old students) have collaborated to create a work experience program for students interested in possible employment in state government. Students participate in an internship, with support from teachers and aides, to learn about the state work environment, have an opportunity to sample a variety of tasks typical of state clerical workers, develop soft skills, build their resumes, and are assisted with navigating the state hiring process if they chose to apply for a state job post high-school.

## **National Level**

The national level policy and each department's federal requirements are foundational to the Blueprint in that they establish the primary infrastructure used to develop the Blueprint.

The national policy and federal requirements are as follows:

- Employment First Policy.
- Individuals with Disabilities Education Act (IDEA).
- Rehabilitation Act of 1973, as amended by Workforce Innovation and Opportunity Act (WIOA) in 2014.
- Center for Medicare and Medicaid Services (CMS), published in 2014.

## Employment First Policy

The U.S. Department of Labor, Office of Disability Employment Policy (ODEP) and the Administration on Intellectual and Developmental Disabilities have made significant investments to assist states to create systems change that result in increased competitive integrated employment opportunities for individuals with significant disabilities. This priority reflects growing support for a national movement called Employment First, a framework for systems change that is centered on the premise that all citizens, including individuals with significant disabilities, are capable of full participation in integrated employment and community life.

Under this approach, publicly-financed systems are urged to align policies, service delivery practices, and reimbursement structures to commit to community integrated employment as the priority option with respect to the use of publicly-financed day and employment services for youth and adults with significant disabilities. ODEP has initiated the Employment First State Leadership Mentoring Program (EFSLMP), a cross-disability, cross-systems change initiative. EFSLMP is providing a platform for multi-disciplinary state teams to focus on implementing the Employment First approach with fidelity through the alignment of policies, coordination of resources, and update of service delivery models to facilitate increased integrated employment options for people with the most significant disabilities. As of 2015, 46 states, including California, are engaged in Employment First activities, including 32 with formal policy actions.

California, as part of this ongoing national systems change effort, has taken formal policy actions to increase CIE outcomes for Californian's with significant disabilities. On October 9, 2013, Governor Brown signed Assembly Bill 1041, which established in statute an Employment First Policy. The statute provides 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. The signing of the MOU in December 2014 to develop this Blueprint for reform is another step to increase CIE.

#### Individuals with Disabilities Education Act

The U.S. Department of Education, under title 34 Code of Federal Regulations section 300.600, requires LEAs to develop and implement IEPs for students with disabilities. The IDEA of 1975 and amended in 2004 is a law ensuring services to children with disabilities throughout the nation. The IDEA governs how states and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities. Infants and toddlers with disabilities (birth through age 2) and their families receive early intervention services under IDEA Part C. Children and youth (ages 3 through 21) receive special education and related services under IDEA Part B.

#### Workforce Innovation and Opportunity Act

On July 22, 2014, President Obama signed the WIOA, which repealed the Workforce Investment Act of 1998 and amended the Rehabilitation Act of 1973. This federal statute makes significant changes to vocational rehabilitation and independent living programs in California and across the United States.

New requirements under the WIOA that affect vocational rehabilitation services include but, are not limited to:

- Pre-Employment Transition Services (PETS) - The DOR, in coordination with LEAs, is required to provide five types of PETS to students with disabilities, ages 16 to 21, who are either eligible or potentially eligible for vocational rehabilitation services. Fifteen percent of the federal portion of the DOR's VR grant must now be used for PETS. PETS also includes nine additional types of services, to the extent that reserved funding remains, and includes efforts coordinating transition by working with other entities.
  - The five required PETS activities are:
    1. Job exploration counseling.
    2. Work-based learning experiences.
    3. Counseling related to post-secondary opportunities.
    4. Workplace readiness training.
    5. Self-advocacy training.
- Subminimum Wage – WIOA prohibits employers are from compensating any individual with a disability who is age 24 or younger at subminimum wage unless completion of specific activities are documented. WIOA specifies subminimum wage as less than federal minimum wage and identifies the specific activities to be documented, which include PETS, career counseling, and information and referrals designed to enable the individual to obtain CIE.
- Supported Employment (SE) - For an individual with a most significant disability WIOA defines SE as CIE, including customized employment, or employment in an integrated work setting in which individuals are working on a short-term basis toward CIE, that is individualized and customized consistent with the strengths, abilities, interests, and informed choice of the individual. The definition of SE services now includes two new terms: customized employment and competitive integrated employment.
- Supported Employment Services – The DOR may provide ongoing support services, including customized employment, needed to support and maintain an individual with a most significant disability in SE for up to 24 months, instead of 18 months, and that period may be extended if necessary to achieve the consumer's employment outcome.
- Competitive Integrated Employment (CIE) - WIOA places significant emphasis on obtaining CIE; therefore, VR services must be designed to maximize the ability of individuals with disabilities, including individuals with the most significant disabilities, to achieve CIE through customized employment, supported employment, and other individualized services.

### Home and Community-Based Services Waivers

In January 2014, the federal CMS published final regulations defining what constitutes a home and community-based setting for Medicaid reimbursement purposes. These rules affect 1915(c) waiver programs, 1915(i) State Plan programs, and 1915(k) Community First Choice State Plans for HCBS, provided through Medicaid. The purpose of the regulations is to ensure that individuals receive HCBS in settings that are integrated in and support full access to the greater community.

HCBS settings are no longer defined based on specific locations, geography, or physical characteristics, but rather the nature and quality of the individual's experiences. Specific to the development of the blueprint, the CMS guidance states that "The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive, integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS." States are allowed up to five years to implement the changes to the home and community-based setting's requirements for approved waivers. All new waivers have to comply prior to approval and implementation.

The effective date of the regulations was March 17, 2014. As an administrator of the HCBS waiver services, the DDS is working to bring its services into compliance with the new rules, specifically the new requirement concerning the setting (or location) of services. The setting is required to be integrated in and support full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive, integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.

For additional information about the HCBS waiver rules see this website: <http://www.dds.ca.gov/HCBS/index.cfm>.

# 7. REVIEW OF CECY/EFC GOALS



## **CECY Policy Priorities adopted by the Employment First Committee, September 2015.**

### **Goal 1. Establish goals, benchmarks, and measurable outcomes for the implementation of the Employment First Policy.**

Good data drives policy and performance. To effectively implement the Employment First Policy, California needs an established outcome measurement system, baseline measurements of current performance, and goals for improvement. Employment outcome measures may include the percentage of people working, wages, hours worked, employment settings, and other employment measures.

#### **1.1 Data sharing legislation.**

The data that the Department of Developmental Services (DDS) currently has access to do not allow it to assess employment outcomes by geography, disability type, severity of disability, ethnicity, or age. There is also limited data on the quality of employment for the people served and a lack of data on Regional Center clients who do not receive day or employment services. Without better data, California cannot know how well it is doing to implement Employment First, where it is succeeding, or where it needs to improve. Therefore, legislation to improve data sharing is critical path to implementation of the Employment First Policy.

#### **1.2 Convene and organize a stakeholder process on measurements and goals.**

After the data sharing legislation is passed into law, there needs to be a stakeholder process for deciding on: (1) The most important measures of employment; (2) determining goals for improvement in those measures over time; and (3) goals, if appropriate, for target populations and geographic areas. Consideration of employment measures could include: income earned, hourly earnings, hours worked, level of integration, type of job, access to employer benefits, duration of employment, advancing on the job, and other employment measures.

### **Goal 2. Align and incentivize funding for CIE.**

There is consensus among stakeholders that the current Regional Center rates for day and employment services do not support CIE outcomes. In addition, the statutory formula for funding supported employment programs (SEP), which is also used by the California Department of Rehabilitation (DOR), discourages CIE as an outcome. Accordingly, in keeping with the implementation of California's Employment First Policy, existing funding needs to be realigned to better support services that lead to CIE.

#### **2.1 Incentivize CIE by increasing the rate for Individual Placement SEP.**

Individual Placement (IP) SEP supports people to work at regular job sites integrated into the work site and earning competitive wages. IP SEP is therefore considered CIE

and consistent with the Employment First Policy. The rate level for IP SEP has long been recognized as leading to a contraction in the supply of service providers, as the rate is not adequate for the hiring and retention of qualified job coaches. In 2014, the California Disability Services Association (CDSA) reported the results from a survey of their members: they found that SEP agencies on average lose close to \$700 per year per person served in supported employment. Agencies were only able to maintain these services by subsidizing from other parts of their operations, leading to greater stress on the entire organization. Since agencies are penalized for each individual served by IP SEP, they have the incentive to reduce their concentration in CIE and expand their use of segregated employment or non-work day services. This has resulted in very few providers across the states that are willing to provide CIE services to new clients.

Group SEP is usually not CIE, because the individual usually works for the provider agency (not for the business where they work), works as part of a group of individuals with IDD, is less integrated into the work site, and is often paid subminimum wage. The rates for IP and Group SEP are the same. However, given the same rate, providers have an incentive to develop Group SEP, at the expense of individual placement. It is easier and less costly to hire job coaches for Group SEP, as IP SEP job coaching requires a significantly higher skill level. Supporting people in IP is more complex than Group, as the agency must schedule and train an IP job coach to support several clients in a variety of jobs, locations, and businesses. The agency must also maintain steady hours for job coaches while they fade hours supporting people getting used to a job. In contrast, a Group SEP job coach typically supports 3 or 4 individuals full time, at one employment site, with no fading.

To implement the Employment First Policy, the Lanterman Act would need to be amended to allow for an increase in the IP SEP rate to make individual placement a workable business model for providers and adequately compensate highly skilled job coaches. This rate must be meaningfully above that for Group SEP in order to remove the unintended incentive in the current rates that drives consumers to less integrated, lower paid, and more expensive group placements.

### **Goal 3. Phase out sheltered work and subminimum wage.**

Increasingly, federal policy is finding that sheltered work and payment of subminimum wage are not appropriate employment outcomes. For example, the Workforce Innovation and Opportunities Act (WIOA) places limits on the use of sheltered work and subminimum wage jobs for youth with disabilities. The U.S. Department of Justice ruled that unnecessary segregation in sheltered workshops is considered discrimination under the Americans with Disabilities Act. Additionally, the new (CMS) Final "Settings Rule" for Medicaid waiver services requires states to transition from segregated day settings, such as sheltered workshops, to integrated community settings by March 2019. Consistent with these developments, the SCDD policy on sheltered work and subminimum wage calls for the phasing out of these services.

### **3.1 California should commit to stop new placements of individuals with IDD in sheltered work.**

An important part of phasing out sheltered work is to limit new admissions. Options could include a complete ban on new placements or a ban on new placement of transition age youth, ages 16-30. This could be accomplished through policy changes at the state or local level. For example, Orange County Regional Center has stopped new admissions to sheltered workshops in their catchment area.

### **3.2 Establish bridge funding for sheltered work facilities to transition to CIE.**

Faced with the need to transition to community integrated services, sheltered work providers need the knowledge and the resources to downsize existing operations and start up new operations to support CIE. All of this costs money. DDS should provide incentive payments to providers, use grants, or give a temporary rate increase to fund the costs of transition to CIE.

### **Goal 4. Repeal trailer bill language prohibiting Regional Center day services for students 18-22 years old.**

The Lanterman Act was amended in 2011 to prohibit Regional Centers from funding day and employment services for youth ages 18-22, unless they have completed school with a certificate of completion or a high school diploma. This cost-saving measure is at odds with the efforts at the state and federal levels towards greater integration of services and coordination of transition preparation and planning. Exceptions to the prohibition that are allowed in law create more paperwork, bureaucracy, and barriers to receiving needed services. These exceptions are not often utilized, and implementation varies across Regional Centers.

One difficulty is that the prohibition discourages DOR from providing services to students with IDD while they are in school. When needed by an individual, DOR will fund a supported employment provider to give intensive job coaching to a person while they are first learning a new job and adjusting to the demands of the work environment. Once the individual is stabilized on the job, typically when job coaching has faded below 20% of hours worked, the responsibility for long-term job coaching, or follow-on support, is transferred to the Regional Center system. However, under current law, Regional Centers are generally prohibited from providing that follow-on service until the youth leaves school at age 22.

As an example of the impact this has, DOR's innovative Transition Partnership Program (TPP) successfully places half of its students with disabilities in CIE. However, the TPP serves very few students with IDD, in part because follow-on services may not be available from the Regional Center until age 22.

This prohibition also limits the ability of schools to prepare students for employment, since it is difficult for them to collaborate with supported employment providers funded by DOR and DDS. It also discourages Regional Centers to engage in transition

planning with schools and to support students with ancillary services such as support for summer jobs and transportation to work sites during the transition years.

#### **4.1 Address the barrier in the trailer bill language prohibiting Regional Center day services for students 18-22 years old.**

Data from DDS indicates that repealing the prohibition will not be a significant cost to the state, and that enabling students to transition directly to CIE will create significant long-term savings.

#### **Goal 5. Raise and align expectations toward CIE.**

Historically, we have underestimated the abilities and interests of people with disabilities, especially those with IDD, to succeed in educational and employment settings. Professionals and families are not familiar with the Employment First Policy. Professionals from different departments often discourage youth and their families from considering CIE.

#### **5.1 Inform and train individuals with IDD and their families in the Employment First Policy.**

Individuals with IDD and their families need information early on about the Employment First Policy, the possibilities for CIE for all individuals, and the services and supports that can help individuals and their families get there. Service systems respond to demand from consumers and families. Having the knowledge about the possibilities for CIE will lead to people asking for the necessary supports to get there.

SCDD could contribute to this work through expansion of its Employment First/Data Dashboard webpages to include stories of success, best practices, employment resources, and training materials. Also, the Council could use its regional staff to train people at the local level about the Employment First Policy and what it could mean for them.

#### **5.2 Develop a model curriculum for self-advocacy training for special education students that includes Employment First.**

The core of successfully preparing students for adult life and its responsibilities is ensuring that they take responsibility and advocate for themselves. Therefore, California must require self-advocacy training for special education students. The model curriculum will include strategies for students to understand their own strengths and needs, identify personal goals, plan for their future, know their rights and responsibilities, advocate for their educational goals, and network with adult role models with disabilities. The curriculum must establish the expectation for Employment First, including the possibility of CIE and the services that can help them achieve it. Students and their families also need information on the management of Supplemental Security

Income (SSI) benefits and the use of Social Security Administration (SSA) work incentives. The Council could develop this curriculum through the direct work of staff or through grant funding.

**Goal 6. Improve availability of benefits planning information.**

Professionals from within education, rehabilitation, and developmental services have long reported that the fear of losing public benefits, such as SSI and Medi-Cal, cause many individuals to never enter the workforce or decide to stay with subminimum wage jobs. Also, family members often discourage individuals from getting work because of their belief that earnings would disqualify them from public benefits.

**6.1 Develop a tool on benefits planning resources.**

Through the direct work of staff or through grant funding, SCDD could develop a tool that summarizes all the benefits planning resources available to individuals with IDD, family members, and service providers throughout the person's lifespan.



# 9. MOU UPDATE



**MEMORANDUM OF UNDERSTANDING**  
**between the**  
**CALIFORNIA FRANCHISE TAX BOARD**  
**and the**  
**DEPARTMENT OF DEVELOPMENTAL SERVICES**  
**for**  
**DATA SHARING OF AGGREGATE WAGES AND/OR EARNINGS INFORMATION**

This Agreement is established between the California Department of Developmental Services, Information Services Division, hereinafter referred to as "DDS", and the California Franchise Tax Board, hereinafter referred to as "FTB". This Agreement is entered into in accordance with the requirements for information integrity and security set forth in the State Administrative Manual (SAM) [Section 5300, et seq.].

DDS will use the information for the purpose of implementation, oversight and improvement of outcomes as required by the State's Employment First Policy (WIC sections 4500.5, 4501 and 4869). DDS will also use the information in meeting federal Workforce Innovation and Opportunity Act (WIOA) requirements and evaluating whether the 21 Regional Centers assisting Californians with developmental disabilities have met their employment goals.

The data to be exchanged under this Agreement is classified as confidential and contains no Internal Revenue Service (IRS)-source data. This Agreement provides authorization for the use of this confidential data solely for the purposes described herein.

**Objective:**

FTB will assist DDS with information generated by a one-time file match, consisting of data for aggregate wages reported to FTB by tax year for tax years 2011 through 2014 for the specified clients of particular California Regional Centers. This information will aid DDS in determining the number of DDS clients with gross wages by regional center, program and diagnosis.

**Legal Authority:**

California Revenue and Taxation Code Section 19563 authorizes FTB to provide statistical information, so classified as to prevent the identification of a particular return and items thereof, to DDS under this Agreement.

Memorandum of Understanding Between the Franchise Tax Board and the Department of  
Developmental Services for Data Sharing of Aggregate Wages

**EXHIBIT A**  
**SCOPE OF WORK**

**I. RESPONSIBILITIES**

DDS shall:

- Provide a text file from its Client Master File (CMF) database, using the following criteria to provide to FTB the identified data elements from the following data sets:
  - Client's first name, middle initial, and last name
  - Date of birth
  - Social Security Number (SSN)
  - Unique Client Identifier
  - Regional Center name and number
  - Regional Center zip code
- Select Status 2 (Regional Center) and Status 8 (Developmental Center) clients from CMF who are 16 years of age or older to ensure that all DDS consumers who are FTB taxpayers are represented.

FTB shall:

- Use the text file received from DDS to generate a new text file comprised of aggregated wages reported to FTB for those taxpayers from FTB's electronic records system.
- Provide to DDS a notice of any report, dissertation or other summarization that is published or otherwise made available to the public, and that draws upon the information provided by DDS.
- FTB will use the following criteria to provide to DDS the identified data elements:
  - Use the SSN and name of DDS clients to identify matches with taxpayers who filed tax returns with FTB for the specified tax years, and extract wage data for those taxpayers. FTB will then use the assigned regional center code provided by DDS for the individual together with their SSN to total aggregated wage data for each regional center and the number of taxpayers assigned to that center for which wages were reported. If the aggregated data for any regional center is based on data for less than 10 (ten) taxpayers, no data will be provided for that center.

Memorandum of Understanding Between the Franchise Tax Board and the Department of  
Developmental Services for Data Sharing of Aggregate Wages

**EXHIBIT A  
SCOPE OF WORK**

**II. CONTACT INFORMATION**

**BUSINESS REPRESENTATIVES**

Each party shall designate a business representative as a single point of contact. The business representative will have primary responsibility for the activities necessary to carry out this Agreement.

<b>DDS</b>	<b>FTB</b>
Denyse Curtright	Jame Eiserman
Chief	Administrator II
Work Services Section	Economic and Statistical Research Bureau
1600 9 <sup>th</sup> Street, MS 3-13	9646 Butterfield Way
Sacramento, CA 95814	Sacramento, CA 95827
(916) 654-2208	(916) 845-7484
Email: <a href="mailto:Denyse.Curtright@dds.ca.gov">Denyse.Curtright@dds.ca.gov</a>	<a href="mailto:Jame.Eiserman@ftb.ca.gov">Jame.Eiserman@ftb.ca.gov</a>

**MOU REPRESENTATIVES**

Each party shall designate a representative who will have the responsibility for modifying or finalizing this Agreement.

<b>DDS</b>	<b>FTB</b>
Wilda Benamati	Sara Bradshaw
Research Analyst II	Data Specialist
Work Services Section	Privacy, Security and Disclosure Bureau
1600 9 <sup>th</sup> Street, MS 3-13	9646 Butterfield Way
Sacramento, CA 95814	Sacramento, CA 95827
(916) 651-1150	(916) 845-3405
Email: <a href="mailto:Wilda.Benamati@dds.ca.gov">Wilda.Benamati@dds.ca.gov</a>	<a href="mailto:DRSIA@ftb.ca.gov">DRSIA@ftb.ca.gov</a>

Memorandum of Understanding Between the Franchise Tax Board and the Department of  
Developmental Services for Data Sharing of Aggregate Wages

**EXHIBIT A  
SCOPE OF WORK**

INFORMATION SECURITY REPRESENTATIVES

Each party shall designate representatives for incident reporting.

<b>DDS</b>	<b>FTB</b>
Data Extraction Section	Information Security Audit Unit
Information Services Division	Privacy, Security and Disclosure Bureau
1600 9 <sup>th</sup> Street, MS 2-7	9646 Butterfield Way
Sacramento, CA 95814	Sacramento, CA 95827
(916) 654-2235	(916) 845-5555
Email <a href="mailto:Marjorie.mariu@dds.ca.gov">Marjorie.mariu@dds.ca.gov</a>	<a href="mailto:SecurityAuditMail@ftb.ca.gov">SecurityAuditMail@ftb.ca.gov</a>

**III. DDS MANDATED CONFIDENTIALITY AND SECURITY REQUIREMENTS**

FTB's Secure Web Internet File Transfer (SWIFT) service will be used by both departments to transfer data. Both agencies are required to obtain and maintain on file signed Confidentiality Statements, as referenced below and in Exhibit C, Special Terms and Conditions.

FTB shall:

- Require signed confidentiality statements (FTB Form 7912, Exhibit B incorporated herein) for all FTB personnel, including subcontractors, attesting to the fact that he/she is aware of the confidential data and the penalties for unauthorized disclosure thereof under applicable state and federal law.
- Ensure that only those FTB personnel who are authorized to receive and use the DDS information will have access to the information, and such personnel will not further use or further disclose the information other than as permitted by this Agreement or as otherwise required by law.
- Ensure that any agent, including subcontractors, to whom the DDS information is provided agrees to the same restrictions and conditions set forth in this Agreement.

**EXHIBIT A  
SCOPE OF WORK**

**IV. TERM AND TERMINATION**

**A. Term**

This Agreement shall become effective upon execution by both parties and terminate one year from the date of execution.

**B. Termination for Cause**

Upon DDS's knowledge of a pattern of activity or practice by FTB that constitutes a violation of this Agreement by FTB, DDS shall:

1. Take reasonable steps to provide an opportunity for FTB to end the violation, and shall terminate this Agreement if FTB does not end the violation within the time specified by DDS.
2. Immediately terminate this Agreement if FTB has breached a material term of this Agreement and cure is not possible.

**C. Effect of Termination**

Upon termination of this Agreement for any reason, FTB shall:

1. Return or destroy all data received from DDS. This provision shall apply to data in possession of subcontractors or agents of FTB. FTB, its agents or subcontractors shall retain no copies of the data.
2. In the event FTB determines that returning or destroying the data is not feasible, FTB shall provide DDS notification of the conditions that make returning or destruction not feasible. If DDS agrees that the return of the data is not feasible, FTB shall extend the protections of this Agreement to such data and limit further use and disclosures of such data to those purposes that make the return or destruction infeasible, for so long as FTB, or any of its agents or subcontractors, maintains such data.

Memorandum of Understanding Between the Franchise Tax Board and the Department of  
Developmental Services for Data Sharing of Aggregate Wages

EXHIBIT A  
SCOPE OF WORK

Signature	<i>Beverly Humphrey</i>
BEVERLY HUMPHREY, Chief	
Information Officer and Deputy Director	
Information Services Division, Department of Developmental Services	
Date	<i>Aug. 18, 2016</i>

Signature	<i>Elizabeth Hibbert</i>
ELIZABETH HIBBERT	
Privacy Officer	
Department of Developmental Services	
Date	<i>8/18/2016</i>

Memorandum of Understanding Between the Franchise Tax Board and the Department of  
Developmental Services for Data Sharing of Aggregate Wages

**EXHIBIT A**  
**SCOPE OF WORK**

<b>Signature</b>	
Selvi Stanislaus	
Executive Officer	
Franchise Tax Board	
Date	8/19/2016

## Exhibit B - Confidentiality Statement

I, Marjorie Mar Liu an employee or contractor of Dept of Developmental Svcs  
Print Your Name Print Your State Agency or Company Name

hereby acknowledge that confidential information is protected from disclosure by law, regulation, and policy. I further acknowledge that to protect confidential information is in the public's interest, the state's interest, and my own personal interest.

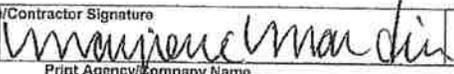
1. MML acknowledge that I completed the required security awareness training and reviewed the confidentiality and data security requirements of the State Board of Equalization, the Franchise Tax Board, the Department of Motor Vehicles, the Employment Development Department, and/or my organization.  
Initials
1. MML acknowledge that as a state employee, supplemental employee, or contractor, I am required to know whether information I have access to is classified as sensitive, personal, or confidential. If I have any questions, then I will contact the Information Security Office or the Disclosure Office.  
Initials
1. MML acknowledge that wrongful access, inspection, use, or disclosure of confidential information is a crime under state and federal laws, including but not limited to: California Government Code Section 15619; California Revenue and Taxation Code Sections 7056.5, 9255, 30455, 19542, 19542.1, and 19552; California Penal Code Section 502; California Unemployment Insurance Code Sections 1094, 2111, and 2714; California Civil Code Sections 1798.53 and 1798.55; California Vehicle Code Sections 1808.45 and 1808.46; Health Insurance Portability and Accountability Act; 26 United States Code Sections 6103, 7213, 7213A, and 7431; 20 Code of Federal Regulations Part 603; and 18 United States Code Section 1030.  
Initials
1. MML acknowledge that wrongful access, inspection, use, disclosure, modification, removal, or destruction of confidential information, including my own, or any attempt to engage in such acts can result in administrative disciplinary action, including but not limited to: reprimand, suspension without pay, salary reduction, demotion, or dismissal from state service and/or fines and penalties that result from criminal prosecution or civil lawsuits, and/or termination of contract.  
Initials
1. MMML agree to protect the following types of confidential information:  
Initials
  - Tax Account Information.
  - Taxpayer and feepayer information.
  - Medical Information.
  - Claimant and employer information.
  - California driver license information.
  - Wage data.
  - Information about individuals that relates to their personal life or identifies or describes an individual.
  - Internal Revenue Service's confidential and proprietary documents and information.
  - Other agencies' confidential and proprietary information.
  - Criteria used for initiating audit selection.
  - Information about how your agency's automated systems operate.
  - Methods agencies use to safeguard their information, including computer systems, networks, server configurations, etc.
  - Any other information that is considered proprietary, copyrighted, or otherwise protected by law or contract.
1. MMML agree to protect confidential information in the following ways:  
Initials
  - Access, inspect, use, disclose, or modify information *only* for the purpose to perform official duties.
  - Never access, inspect, use, disclose, or modify information for curiosity, personal gain, or any nonbusiness related reason.
  - Secure confidential information in approved locations.
  - Destroy confidential information by approved methods.
  - Never remove personal, confidential, or sensitive information from my work site without authorization.
  - Follow encryption requirements for all personal, sensitive, or confidential information in any portable device or media.

### Certification

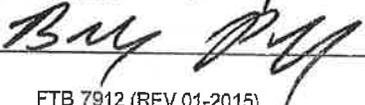
I expressly consent to the monitoring of my access to computer-based personal, confidential or sensitive information by the State Board of Equalization, the Franchise Tax Board, the Department of Motor Vehicles, the Employment Development Department, any other designated state agency, and the Internal Revenue Service.

I certify that I understand information security is strictly enforced and wrongful access, inspection, use, modification, or disclosure of confidential information is punishable as a crime and/or can result in disciplinary and/or civil action taken against me.

I certify that I completed the required security awareness training and have read and fully understand this confidentiality statement and have been provided the *Information Security Requirements for Employees and Contractors with Access to Confidential Information* pamphlet.

<small>Print Employee/Contractor Name</small> Marjorie Mar Liu	<small>Contractor Signature</small> 
<small>Print Agency/Company Name</small> Dept of Developmental services	

I certify that I reviewed and discussed this Confidentiality Statement with the employee named above and answered all questions

<small>Print Supervisor Name</small> Becky Pipoly	<small>Date</small> 8/29/16
<small>Supervisor Signature</small> 	



# Exhibit B - Confidentiality Statement

I, DENYSE CURTRIGHT an employee or contractor of DEPARTMENT OF DEVELOPMENTAL SERVICES

hereby acknowledge that confidential information is protected from disclosure by law, regulation, and policy. I further acknowledge that to protect confidential information is in the public's interest, the state's interest, and my own personal interest.

I, [Signature] acknowledge that I completed the required security awareness training and reviewed the confidentiality and data security requirements of the State Board of Equalization, the Franchise Tax Board, the Department of Motor Vehicles, the Employment Development Department, and/or my organization.

I, [Signature] acknowledge that as a state employee, supplemental employee, or contractor, I am required to know whether information I have access to is classified as sensitive, personal, or confidential. If I have any questions, then I will contact the Information Security Office or the Disclosure Office.

I, [Signature] acknowledge that wrongful access, inspection, use, or disclosure of confidential information is a crime under state and federal laws, including but not limited to: California Government Code Section 15619; California Revenue and Taxation Code Sections 7056.5, 9255, 30455, 19542, 19542.1, and 19552; California Penal Code Section 502; California Unemployment Insurance Code Sections 1094, 2111, and 2714; California Civil Code Sections 1798.53 and 1798.55; California Vehicle Code Sections 1808.45 and 1808.46; Health Insurance Portability and Accountability Act; 26 United States Code Sections 6103, 7213, 7213A, and 7431; 20 Code of Federal Regulations Part 603; and 18 United States Code Section 1030.

I, [Signature] acknowledge that wrongful access, inspection, use, disclosure, modification, removal, or destruction of confidential information, including my own, or any attempt to engage in such acts can result in administrative disciplinary action, including but not limited to: reprimand, suspension without pay, salary reduction, demotion, or dismissal from state service and/or fines and penalties that result from criminal prosecution or civil lawsuits, and/or termination of contract.

I, [Signature] agree to protect the following types of confidential information:

- Tax Account information.
- Taxpayer and feepayer information.
- Medical Information.
- Claimant and employer information.
- California driver license information.
- Wage data.
- Information about individuals that relates to their personal life or identifies or describes an individual.
- Internal Revenue Service's confidential and proprietary documents and information.
- Other agencies' confidential and proprietary information.
- Criteria used for initiating audit selection.
- Information about how your agency's automated systems operate.
- Methods agencies use to safeguard their information, including computer systems, networks, server configurations, etc.
- Any other information that is considered proprietary, copyrighted, or otherwise protected by law or contract.

I, [Signature] agree to protect confidential information in the following ways:

- Access, inspect, use, disclose, or modify information *only* for the purpose to perform official duties.
- Never access, inspect, use, disclose, or modify information for curiosity, personal gain, or any nonbusiness related reason.
- Secure confidential information in approved locations.
- Destroy confidential information by approved methods.
- Never remove personal, confidential, or sensitive information from my work site without authorization.
- Follow encryption requirements for all personal, sensitive, or confidential information in any portable device or media.

### Certification

I expressly consent to the monitoring of my access to computer-based personal, confidential or sensitive information by the State Board of Equalization, the Franchise Tax Board, the Department of Motor Vehicles, the Employment Development Department, any other designated state agency, and the Internal Revenue Service.

I certify that I understand information security is strictly enforced and wrongful access, inspection, use, modification, or disclosure of confidential information is punishable as a crime and/or can result in disciplinary and/or civil action taken against me.

I certify that I completed the required security awareness training and have read and fully understand this confidentiality statement and have been provided the *Information Security Requirements for Employees and Contractors with Access to Confidential Information* pamphlet.

Print Employee/Contractor Name <u>DENYSE CURTRIGHT</u>	Contractor Signature <u>[Signature]</u>
Print Agency/Company Name <u>STATE OF CALIFORNIA DEPARTMENT OF DEVELOPMENTAL SERVICES</u>	
I certify that I reviewed and discussed this Confidentiality Statement with the employee named above and answered all questions	
Print Supervisor Name <u>Shelton Dent</u>	Date <u>8/30/2016</u>
Supervisor Signature <u>[Signature]</u>	



# Exhibit B - Confidentiality Statement

I, Wilda Benamati an employee or contractor of Dept of Developmental Services  
Print Your Name Print Your State Agency or Company Name

hereby acknowledge that confidential information is protected from disclosure by law, regulation, and policy. I further acknowledge that to protect confidential information is in the public's interest, the state's interest, and my own personal interest.

I, WB acknowledge that I completed the required security awareness training and reviewed the confidentiality and data security requirements of the State Board of Equalization, the Franchise Tax Board, the Department of Motor Vehicles, the Employment Development Department, and/or my organization.  
Initials

I, WB acknowledge that as a state employee, supplemental employee, or contractor, I am required to know whether information I have access to is classified as sensitive, personal, or confidential. If I have any questions, then I will contact the Information Security Office or the Disclosure Office.  
Initials

I, WB acknowledge that wrongful access, inspection, use, or disclosure of confidential information is a crime under state and federal laws, including but not limited to: California Government Code Section 15619; California Revenue and Taxation Code Sections 7056.5, 9255, 30455, 19542, 19542.1, and 19552; California Penal Code Section 502; California Unemployment Insurance Code Sections 1094, 2111, and 2714; California Civil Code Sections 1798.53 and 1798.55; California Vehicle Code Sections 1808.45 and 1808.46; Health Insurance Portability and Accountability Act; 26 United States Code Sections 6103, 7213, 7213A, and 7431; 20 Code of Federal Regulations Part 603; and 18 United States Code Section 1030.  
Initials

I, WB acknowledge that wrongful access, inspection, use, disclosure, modification, removal, or destruction of confidential information, including my own, or any attempt to engage in such acts can result in administrative disciplinary action, including but not limited to: reprimand, suspension without pay, salary reduction, demotion, or dismissal from state service and/or fines and penalties that result from criminal prosecution or civil lawsuits, and/or termination of contract.  
Initials

I, WB agree to protect the following types of confidential information:  
Initials

- Tax Account Information.
- Taxpayer and feepayer information.
- Medical Information.
- Claimant and employer information.
- California driver license information.
- Wage data.
- Information about individuals that relates to their personal life or identifies or describes an individual.
- Internal Revenue Service's confidential and proprietary documents and information.
- Other agencies' confidential and proprietary information.
- Criteria used for initiating audit selection.
- Information about how your agency's automated systems operate.
- Methods agencies use to safeguard their information, including computer systems, networks, server configurations, etc.
- Any other information that is considered proprietary, copyrighted, or otherwise protected by law or contract.

I, WB agree to protect confidential information in the following ways:  
Initials

- Access, inspect, use, disclose, or modify information *only* for the purpose to perform official duties.
- Never access, inspect, use, disclose, or modify information for curiosity, personal gain, or any nonbusiness related reason.
- Secure confidential information in approved locations.
- Destroy confidential information by approved methods.
- Never remove personal, confidential, or sensitive information from my work site without authorization.
- Follow encryption requirements for all personal, sensitive, or confidential information in any portable device or media.

### Certification

I expressly consent to the monitoring of my access to computer-based personal, confidential or sensitive information by the State Board of Equalization, the Franchise Tax Board, the Department of Motor Vehicles, the Employment Development Department, any other designated state agency, and the Internal Revenue Service.

I certify that I understand information security is strictly enforced and wrongful access, inspection, use, modification, or disclosure of confidential information is punishable as a crime and/or can result in disciplinary and/or civil action taken against me.

I certify that I completed the required security awareness training and have read and fully understand this confidentiality statement and have been provided the *Information Security Requirements for Employees and Contractors with Access to Confidential Information* pamphlet.

Print Employee/Contractor Name <u>Wilda Benamati</u>	Contractor Signature <u>Wilda Benamati</u>
Print Agency/Company Name <u>Department of Developmental Services</u>	

I certify that I reviewed and discussed this Confidentiality Statement with the employee named above and answered all questions

Print Supervisor Name <u>DENYSE CURRIGHT</u>	Date <u>8-30-16</u>
Supervisor Signature <u>[Signature]</u>	

**EXHIBIT C**  
**SPECIAL TERMS AND CONDITIONS**

1. **STATEMENT OF CONFIDENTIALITY:** The Franchise Tax Board has taxpayer tax returns and other confidential data in its custody. Unauthorized inspection or disclosure of state returns or other confidential data is a misdemeanor (Sections 19542, 19542.1 and 19552, Revenue and Taxation Code). Unauthorized inspection or disclosure of federal returns and other confidential federal return data is a misdemeanor or a felony (Internal Revenue Code Sections 7213A(a)(2) and (b), and 7213(a)(2), respectively).

Each Agency and each of its employees who may have access to the confidential or sensitive data of the other agency will be required to have on file annually a signed confidentiality statement, attesting to the fact that he/she is aware of the confidential data and the penalties for unauthorized disclosure thereof under applicable state and federal law.

2. **USE OF INFORMATION:** The agency(ies) receiving data agree that the information furnished or secured pursuant to this Agreement shall be used solely for the purposes described in the Scope of Work of Exhibit A. Agency(ies) further agree(s) that information obtained under this Agreement will not be reproduced, published, sold or released in original or in any other form for any purpose other than as identified in this section.
3. **DATA OWNERSHIP:** The confidential tax information or sensitive information being provided under this Agreement remains the exclusive property of the providing agency(ies). Confidential tax and sensitive data/information are not open to the public and require special precautions to protect from loss and unauthorized use, disclosure, modification, or destruction. Each agency shall have the right to use and process the disclosed information for the purposes stated in the Scope of Work of Exhibit A of this Agreement, which right shall be revoked and terminated immediately upon termination of this Agreement.
4. **EMPLOYEE ACCESS TO INFORMATION:** The agency(ies) receiving data agree that the information obtained will be kept in the strictest confidence and shall make information available to its own employees only on a “need to know” basis. The “need to know” standard is met by authorized employees who need information to perform their official duties in connection with the uses of the information authorized by this Agreement. The Agency(ies) receiving data recognize(s) its/their responsibility(ies) to protect the confidentiality of the information in its/their custody as provided by law and ensure that such information is disclosed only to those individuals and for such purposes as are authorized by law and this Agreement.

**EXHIBIT C**  
**SPECIAL TERMS AND CONDITIONS**

5. PROTECTING CONFIDENTIAL INFORMATION/ INCIDENT REPORTING: The agency(ies) receiving data, in recognizing the confidentiality of the information to be exchanged, agree(s) to take all appropriate precautions to protect the confidential information obtained pursuant to this Agreement from unauthorized disclosure. The agency(ies) receiving data will conduct oversight of its users with access to the confidential information provided under this Agreement, and will immediately notify the FTB's Information Security Audit Unit ([SecurityAuditMail@ftb.ca.gov](mailto:SecurityAuditMail@ftb.ca.gov)) of any unauthorized or suspected unauthorized accesses, uses and/or disclosures (incidents). For purposes of this section, immediately is defined as within 24 hours of the discovery of the breach. The notification must describe the incident in detail and identify responsible personnel (name, title and contact information). The agency with an incident will comply with the incident reporting requirements in accordance with Civil Code Section 1798.29 and SAM Chapter 5300 to facilitate the required reporting to the taxpayer(s) or state oversight agencies.
6. INFORMATION SECURITY: Information security is defined as the preservation of the confidentiality, integrity, and availability of information. A secure environment is required to protect the confidential information obtained by each agency pursuant to this Agreement. The agency(ies) receiving data will store information so that it is physically secure from unauthorized access. The records received will be securely maintained and accessible only by employees of the specified program who are committed to protect the data from unauthorized access, use or disclosure. Confidential information obtained from FTB must be secured in accordance with the State Administrative Manual, Section 5100 (EDP Standards) and Chapter 5300 (Information Security), and National Institute of Standards and Technology (NIST) Special Publication 800-53 (moderate). If this Agreement calls for Federal Tax Information (FTI) to be provided by FTB, the receiving agency must also comply with Internal Revenue Service Publication 1075. FTB may require that a Security Questionnaire for the agency receiving confidential data from FTB be completed or be on file with FTB's Information Security Oversight Section.
7. CLOUD COMPUTING ENVIRONMENT: A Cloud Computing Environment cannot be used to receive, transmit, store or process FTB's confidential data without prior approval from FTB's Chief Security Officer.
8. DESTRUCTION OF RECORDS: All records received by the agency(ies) under this Agreement, and any database(s) created, copies made, or files attributed to the records received, shall be destroyed when they are no longer needed for the business purpose for which they were obtained. The records shall be destroyed in a manner to be deemed unusable or unreadable, and to the extent that an individual record can no longer be reasonably ascertained.

**EXHIBIT C**  
**SPECIAL TERMS AND CONDITIONS**

9. SAFEGUARD REVIEW: The providing agency retains the right to conduct on-site safeguard reviews of the other agency's use of information and the security controls established. The agency requesting the safeguard review will provide a minimum of seven (7) days' notice of the review being conducted.
  
10. DISPUTE RESOLUTION: In the event of a dispute, the Agency shall file a "Notice of Dispute" with the Chief Financial Officer of the Franchise Tax Board within ten (10) days of discovery of the problem. Within ten (10) days, the Chief Financial Officer, or his/her designee, shall meet with the Agency's Designee for purposes of resolving the dispute. The decision of the Chief Financial Officer shall be final.

