



# California Association for the Retarded

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May 22, 2008

The Honorable James Beall, Chair  
Assembly Human Services Committee  
and Members  
State Capitol Building, No. 4206  
Sacramento, CA 95814

RE: AB2424

Dear Assemblymember Beall and Committee Members:

We very much appreciate the hard work you and your committee are doing to improve the lives of many persons with developmental disabilities. Your informed perspective and commitment are a positive influence. Kindly consider the comments we make below in an effort to improve AB2424 and preserve the promise of the Lanterman Act.

- In Section 5, the addition of section 12803.75 is proposed to the Government Code. Subparagraph (a) would 'establish statewide transition protocols to ensure a smooth transition from school to integrated adult services....' This wording presumes that integrated adult services will meet all individually assessed needs and preferences, and is overbroad. It would erode the Lanterman promise of choice and preference – which can easily be for a non-integrated service or support (as it is for tens of thousands of individuals with developmental disabilities). We seek removal of the term 'integrated' in this subparagraph, as such a mandate contravenes the intent of the Lanterman Act.
- In Section 10, language in section 4646.5 (a) (2) proposes the provision of information on services and supports to consumers. We are pleased to support the concept of providing consumers such information. We seek the expansion of this language to include information on all services for which consumers express a preference. This would support recently amended language in the following subparagraph (3) that 'nothing in this paragraph is intended to limit service and support options otherwise available to consumers....' The use of language that mandates that the planning team start with a pre-conceived notion about the supposed preference of the individual contradicts the definition of person-centered planning. The language currently presented in subparagraph (2) creates a presumption which, again, would erode the Lanterman promise of choice and preference – which can easily be for a non-integrated service or support (as it is for tens of thousands of individuals with developmental disabilities).
- In Section 10, language in section 4646.5 (a) (7) includes provisions that affect a principle component of the Lanterman Act, namely the Individual Program Plan: 'For all consumers over 22 years of age, the individual program plan shall contain an employment and career development section that includes current status and future goals and objectives regarding... (A) Integrated gainful employment... This language mandates career development limited to integrated employment and other services and

supports only. Once again, this option does not include the congregate employment models that are used by developmental center residents and tens of thousands of others living in the community. The omission of these valued services exposes a philosophy that is not consistent with the Lanterman Act's recognition of the primacy of choice in all matters, including work. At a time when a wider variety of service options is needed to support the choices of consumers, this bill would begin to limit choice – and that is not supportable. We seek amendment of the language at the beginning of 4646.5 (a) (7) as follows: For all consumers over 22 years of age, *who wish to work in an integrated setting...* The mandate of developing integrated work opportunities for those who wish to work is an important and needed improvement for that subset of the target population, but is a burdensome imposition on those who would choose another setting.

AB2424 is an ambitious proposal introduced in the last half of the session in the midst of a fiscal crisis. Its attempt to 'move things along' erects significant roadblocks to an individual's choice of services by mandating consideration of services which have not been selected by the individual and so cannot serve their identified needs and preferences. As such, it is a well-intentioned bill that falls short of the mark.

Also, the bill proposes to increase workloads without the benefit of additional staffing or funding. In fact, the revised FY2008-09 budget removes funds (10% proposed cut) from supported work programs at a time when this bill would increase the demand for such services. Such cross-purposes cannot serve the interests of persons receiving services.

While components of this bill contain meritorious improvements, those are outweighed by objectionable material as cited above. We must oppose this measure unless it is amended to reflect corrective language which addresses the concerns mentioned above.

Sincerely,

Marion Lieberman  
President