



## California Association for the Retarded

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April 28, 2008

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

RE: AB2424

Dear Chairman Beall:

The California Association for the Retarded (CAR) is a statewide organization comprised of parent-based advocacy organizations, service provider organizations and parent groups representing the interests of individuals residing in state developmental centers. CAR advocates for the fullest possible range of services and supports, *both in congregate settings and in the community*, and responsive to the individually assessed needs of regional center consumers and in accordance to their preferences, as mandated by the Lanterman Act. We seek the preservation of current service options and the extension of options to such services as meet needs and choices of consumers.

CAR is excited about the potential AB2424 has to increase regional center responsiveness to the delivery of services and supports in community-based settings. Our hesitancy on this bill is related not to the policy of strengthening community-based services – a policy that can improve outcomes – but to the proposal's dismissal of legitimate choices that include congregate settings which are *chosen* by thousands of individuals and which meet their assessed needs and preferences. Perhaps a subtle point, but one critical to the Lanterman Act.

This is a time not only of fiscal crisis, but of transition to a system more responsive to needs and choices which have in the past been dismissed. AB2424 would replace one bias with another – neither of which is useful to fulfilling an individual's goals. Further, we perceive in this bill a threat to the beauty and power of the Lanterman Act which bases its service provision on need and choice. The bill would replace choice with the presumption that an individual would prefer one service over another – a presumption that dismisses the choices made by thousands of individuals who reside, work, and often play in congregate settings.

This comment is made not to denigrate the policy of providing an informed choice about community-based service, but to protest the bias such a policy generates by its presumption and the disregard it demonstrates for the choices made by those who prefer congregate settings. We disagree with the use of language that places all individuals with a developmental disability in one category, and dismisses their preferences. These service recipients are entitled to treatment as individuals and should not be "assumed" to have a uniform preference. No generalized assumption is appropriate. We are opposed to provisions in this bill that define limited employment, recreation, and habilitation options without the inclusion of congregate settings as may be preferred. The language mandating career development information, limited to integrated employment, does not include the congregate employment models that are used and preferred by DC residents and many others

residing in the community. The omission of these valued services betrays a philosophy that is not consistent with the Lanterman Act's recognition of the primacy of choice in all matters - including work, residence and recreation. 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.

Further, there is an assumption in this proposed policy that holds up work in the community as the only way a consumer can find fulfillment in life, since that is a primary motivation for so many who do not have a developmental disability. This assumption is a dangerous vanity. There are many other avenues we all find to aid our search for fulfillment – avenues that certainly must also be open to persons with disabilities. But we take these paths through choices, not through mandated directives. Individuals with disabilities must also be afforded the same choices – and be protected from forced options.

Also, the proposed FY2008-09 budget threatens to remove funds (10% proposed cut) from supported work programs at a time when this bill would increase the use of such services (and such a cut would gut the program). Such cross-purposes and false promises cannot serve the interests of persons receiving developmental services.

AB2424 is an ambitious proposal introduced in the last half of the session in the midst of a fiscal crisis of epic proportions. 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.

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 language which addresses the preferences of those who want and choose either community-based or congregate services, and invite your deliberation of these points as may lead the bill to be amended.

We very much appreciate the hard work you are doing on this and other committees during this difficult time. Your informed perspective and commitment are a positive influence. Kindly consider our comments about the Lanterman Act's primacy of choice and incorporate the preservation of choices into the expansion of choices.

Sincerely,

Marion Lieberman  
President