



California Association for the Retarded

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June 22, 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.

The staff analysis of AB2424 presented to the Assembly Appropriations Committee at its hearing on May 14th, stated that the bill would establish Employment First as a presumptive policy. That is, through this bill the state would presume to know, *before hand*, the service preference of each consumer with a developmental disability. This is far too presumptive, and disregards the right of each consumer to have a service plan that responds to their assessed needs and preferences – not the state's presumption of their preference.

Certainly the state may, at its discretion, direct the Department of Developmental Services (DDS) to ensure that all regional centers provide consumers, at their Individual Program Plan (IPP) meeting, information on all available services and supports responsive to the individual's assessed needs and preferences – with no presumption other than that the individual does have a preference and the right to seek needed and preferred services. (Then fund the service or support according to its need and demand.) This would maintain the Lanterman Act's ability to respond to the individual and not create a new barrier to hearing about preferred services.

We disagree with the bill's use of language that places all individuals with a developmental disability in one category, and dismisses their preferences through presumption. 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 does not include the congregate employment models that are used and preferred by Developmental Center residents and tens of thousands of 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 channel and limit choice – and that is not supportable.

We urge your consideration that the proposed Employment First Policy be amended in its presumption that the state knows an individual's preference (since it cannot) and proceed to direct DDS to ensure that regional centers provide consumers at their IPP meeting, information on all services indicated by assessment of the individual's needs and their preference – without further presumption. This would preserve the strength of the Lanterman Act through support of its respect for preference, is fiscally sound, and is agreeable to the Employment First policy by responding to those who want to work in specific settings of their choice.

We must oppose this measure unless it is amended to reflect corrective language which addresses the preferences of those who want congregate services.

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 all choices into the expansion of available choices.

Sincerely,

Marion Lieberman
President