

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Children and Families Committee

BILL: SB 1278

INTRODUCER: Senator Wise

SUBJECT: Persons with Disabilities

DATE: February 15, 2006 REVISED: 03/14/06 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Goltry</u>	<u>Whiddon</u>	<u>CF</u>	Fav/1 amendment
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

Senate Bill 1278 creates the Interagency Services Committee for Persons with Disabilities to develop and implement a coordinated, multidisciplinary, and interagency intervention service system for youth with disabilities who are between three years and 30 years of age. The service system is to eliminate barriers to educational opportunities and enhance educational opportunities that will lead to future employment of these youth.

The bill requires that the committee consist of state agency heads of those agencies involved in providing educational, social, and employment support services and requires that the Department of Children and Family Services (DCF), the Department of Education (DOE), the Department of Health (DOH), and the Agency for Persons with Disabilities (APD) provide staff and administrative support to the committee. Committee members are to serve without compensation but are entitled to reimbursement for travel and per diem as provided in s. 112.061, F.S. It authorizes the committee to invite technical experts to meetings and to provide those experts with travel and per diem reimbursement.

The committee is charged with carrying out a variety of activities that will encourage the educational, vocational, and social development of young persons with disabilities. These activities relate to educational and vocational training opportunities, workforce development, community participation and housing. The bill requires the committee to present a report of its

findings and recommendations to the Governor, President of the Senate and Speaker of the House of Representatives by March 1, 2007, and it abolishes the committee on June 1, 2007.

The bill has an effective date of July 1, 2006.

This bill creates an undesignated section of the Florida Statutes.

II. Present Situation:

Children with disabilities face significant obstacles as they age out of traditional educational and service arrangements. According to the National Organization on Disability's Harris Survey of Americans with Disabilities:

- Young people with disabilities drop out of high school at twice the rate of their peers.
- As many as 90 percent of children with disabilities are living at poverty level three years after graduation.
- 80 percent of people with significant disabilities are not working.
- Currently, only one out of ten persons with a developmental disability will achieve integrated, competitive employment, and most will earn less than \$2.40 an hour in a sheltered workshop.¹

Florida specific data also reveals disparities in education and employment for youth with disabilities. As reported by the Florida Department of Education's Data Warehouse, the graduation rate in 2003-04 for regular students was 68.6 percent (117,706 /171,447) compared to 36.6 percent (8,376/22,890) for students with disabilities. Only 12 percent of all students with disabilities were enrolled in postsecondary programs according to 2002 Florida Education and Training Placement Information Program (FETPIP) surveys. Only 17.5 percent of students with developmental disabilities were employed after leaving secondary schools with average quarterly earnings of approximately \$3,700 according to 2002 FETPIP surveys.²

The Individuals with Disabilities Education Act (IDEA) requires that schools provide a free and appropriate education (FAPE) to all students who have not reached age 22 and have not earned a regular high school diploma. A student who graduates with a credential other than a standard diploma and chooses to continue to receive FAPE can continue to generate funding through the Florida Education Financing Program (FEFP) until the student receives a standard diploma or ages out. A student with disabilities ages out when he or she reaches age 22 or completes the school year in which they turn 22. In December 2004 there were 364,877 students ages six to 21 served under IDEA, Part B, representing approximately 15 percent of the total public school students.³

Transition to adulthood is a difficult process for all adolescents but presents additional challenges for young people with disabilities. "Transition services" is the term used to describe a set of services and supports designed to assist adolescents in adjusting to the change from the home and school environment to independent living and meaningful employment. Students with

¹ The 2004 National Organization on Disability/Harris Survey of Americans with Disabilities, www.nod.org

² Florida Developmental Disabilities Council, Inc.

³ Florida Department of Education, Bureau of Exceptional Education and Student Services, <http://www.firn.edu/doef>

disabilities often face this transition unprepared for further vocational training, post secondary education, or gainful employment. According to APD, some of the barriers to a smooth transition include:

- Students leaving school are often placed on a waitlist for adult services and may not be able to keep a job they obtained in school because of a lack of transitional supports as adults. Medicaid waiver rules require students to return to school for services until age 22 if they have a special education diploma;
- Youth with disabilities and their families often are ill-prepared for the transition from an entitlement program (such as a free and appropriate education) to an adult service system;
- Priorities and expectations in the systems that serve children and youth with disabilities are very different than the structure of the service and support system for adults, which is focused on integration in the community rather than separate programs that are only for people with disabilities;
- Commitment to the philosophy of self-determination and choice varies across agencies; in some programs self-determination is the cornerstone of the supports and other agencies provide fewer choices in services and supports;
- Eligibility for services and supports vary by agency and often support staff and families may be unaware of services for which they are eligible because planning processes are often not coordinated;
- Social Security benefits often create a disincentive to work. Individuals on Social Security Disability Income (SSDI) who require supports and health benefits to obtain a job lose eligibility for those services if they make over \$850, thus losing the benefits that enable them to obtain and keep meaningful employment;
- Agencies may have different criteria for providers of the same service. For example, supported employment services can be offered by not for profit or for-profit providers through APD, but the Division of Vocational Rehabilitation (DOE) requires that they be not for profit.

Although there is a variety of federal and state programs and agencies with some involvement in meeting the educational and vocational needs of children and adolescents with disabilities, successfully integrating these efforts has proven difficult. Recently, there have been several statewide initiatives focused on helping to identify challenges faced by young adults with disabilities as they transition from high school to adult life and to develop strategies to create an effective transition system. The state agencies involved in these interagency activities include Agency for Persons with Disabilities, the Department of Education, the Department of Children and Families, the Department of Health, the Agency for Health Care Administration, and the Department of Juvenile Justice. A variety of private organizations and individuals have also been involved in these activities including the Able Trust, the Advocacy Center for Persons with Disabilities, Inc., the ADA Working Group, Center for Autism and Related Disabilities at the University of South Florida, Family Network on Disabilities of Florida, Inc., the Florida Developmental Disabilities Council, Inc., the Florida Independent Living Council, Inc., the Florida Institute for Family Involvement, the Florida Recreation and Parks Association, the Florida Rehabilitation Council, the Florida Schools Health Association, the Transition Center at

the University of Florida, the Transition to Independence Process Project, Workforce Florida, Inc., parents, self-advocates, and teachers from throughout the state.⁴

Florida's Partners in Transition

In 2003, a partnership of agencies was formed under the auspices of the FDDC to identify issues and barriers faced by Florida's youth with disabilities as they make the transition from high school to adult life. The partnership contracted with national experts to examine existing research and documents on transition and held three public forums. As a result, a workgroup of 40 individuals was put together in March 2003 to review the findings and draft a statewide strategic plan for transition. In September 2003 a team of Florida representatives attended the National Leadership Summit on Improving Results: Policy and Practice Implications for Secondary and Postsecondary Education and Employment for Youth with Disabilities which provided additional impetus for developing interagency partnerships for transition planning. Since that time, Florida's Partners in Transition has developed the Florida Strategic Plan on Transition which defines how state agencies, organizations, families, youth, and government programs can work together to reach young Floridians with disabilities to support their transition to independence through education, meaningful work and a life in the community. A statewide summit was hosted on January 25-26, 2005, for the purpose of providing an opportunity for local level leadership teams to be introduced to the Partners in Transition State Strategic Plan, to host facilitated planning sessions for the implementation of the strategic plan within their areas, and to hear from state and national experts on research-based practices in transition from school to adult life.

The 2006 Summit is scheduled for April 2006 and this year's objectives will be to enhance local level, cross disciplinary leadership teams for improving post-school results for students with disabilities, develop goals and action steps for local implementation of the Statewide Strategic Plan, and identify technical assistance needs of Leadership Teams.⁵

Blue Ribbon Task Force (BRTF) on Inclusive Community Living, Transition, and Employment of Individuals with Disabilities

In 2004, the Governor issued Executive Order 04-62 establishing the Florida Blue Ribbon Task Force on Inclusive Community Living, Transition, and Employment of Persons with Developmental Disabilities. The BRTF was charged with evaluating systems, programs, projects, and activities in accordance with the principles and policies consistent with Federal law, including the Americans with Disabilities Act and the Developmental Disabilities Assistance Act, Individuals with Disabilities Education Act, No Child Left Behind, Rehabilitation Act of 1973, and Bill of Rights for People with Developmental Disabilities.⁶ The Governor directed the BRTF to concentrate on implementing strategies that result in improved inclusive community living options, transition outcomes, and employment for people with developmental disabilities so that they may achieve full integration and inclusion in society, in a manner that is consistent with the strengths, resources, and capabilities of each individual.

⁴Florida Partners in Transition, <http://partnersintransition.org/members.htm>

⁵ Florida Developmental Disabilities Council, Florida's Transition Plans Comparison Chart (DRAFT), February 9, 2006.

⁶ Florida Blue Ribbon Task Force (BRTF) on Inclusive Community Living, Transition, and Employment of Persons with Developmental Disabilities, Final Report, December 15, 2004.

The BRTF issued a final report in December 2004 with four key recommendations to “achieve a system that aligns resources and eliminates barriers to effective transition, integrated employment, and inclusive community living and addresses priority needs of people with developmental disabilities.”⁷ These recommendations included:

- A cost effective, coordinated, comprehensive system of supports and services accomplished through a BRTF working group;
- A transition plan that ensures transition outcome measures, a statewide assessment system that measures year to year progress, an incentive system to reward schools for students achieving employment, and an enhanced data system;
- Allocation of a portion of federal Workforce Investment Act state set aside funds for competitive, integrated employment;
- An increase in funding to expand the number of persons served by the Home and Community Based Services waiver, and the Family and Supported Living waiver administered by APD.

The Blue Ribbon Task Force Implementation Working Group (BIWG) was established to support the planning and actions necessary to assure that the BRTF recommendations were achieved. In July 2005 Florida was selected as one of six states to participate in the National Governors’ Association (NGA) Policy Academy on Improving Outcomes for Young Adults with Disabilities. Most of the Core Team members of the NGA Policy Academy were also members of the BIWG. Each participating state will determine the most effective strategies for itself, given its specific challenges and opportunities and will:

- Develop clear goals and realistic strategies for making both tangible short-term progress and key first steps toward broader system change;
- Design a governance structure that drives implementation of innovative strategies and ensures coordination across all relevant agencies;
- Undertake service integration and coordination such as mapping delivery systems, integrating case management, coordinating funds, and implementing effective memoranda of understanding among agencies; and
- Develop cross-system outcomes and performance measures for the targeted population, including strategic data collection and analysis techniques in order to determine what strategies are successful and where change is required.⁸

According to the FDDC, “Given the similarities in the goals and focus of the two initiatives and need to maximize the efforts of the mutual serving member agencies and organizations, the NGA Policy Academy was merged with the BIWG initiative to focus the first phase of the BIWG implementation efforts on the transition related recommendations in the Blue Ribbon Task Force final report.” The Core Team members, agencies and organizations on the BIWG have developed Implementation Plans for each agency and organization’s work that sets forth measures of success, objectives, action steps, responsible parties, timelines, and resources or partners needed for success

Phase II of the BIWG/NGA initiative will address Inclusive Community Living recommendations and other Phase I recommendations, with a continued importance placed on

⁷ Ibid, page 6.

⁸ Florida Developmental Disabilities Council, Florida’s Transition Plans Comparison Chart (DRAFT), February 9, 2006.

strengthening cross-agency collaborations among the domains of housing, transportation, health, assistive technology, education, employment, community integration, and consumer advocacy.

Section 20.03 (8), F.S., states that a "Committee" or "task force" means an advisory body created without specific statutory enactment for a time not to exceed one year or created by specific statutory enactment for a time not to exceed three years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment.

III. Effect of Proposed Changes:

The bill creates an interagency services committee for persons with disabilities to develop and implement a coordinated, multidisciplinary, and interagency intervention service system for youth with disabilities who are between three years and 30 years of age. The service system is to eliminate barriers to educational opportunities and enhance educational opportunities that will lead to future employment of these youth.

The bill requires that the committee consist of state agency heads of those agencies involved in providing educational, social, and employment support services including the Commissioner of Education, the director of the Agency for Persons with Disabilities, the director of the Division of Vocational Rehabilitation, the Secretary of Health Care Administration, the Secretary of Health, the Secretary of Children and Family Services, the director of Workforce Florida, Inc., the director of the Division of Blind Services, the director of the Commission for the Transportation Disadvantaged, the director of the Florida Housing Finance Corporation, and the director of Individuals in Supported Employment within the Division of Vocational Rehabilitation. The chairperson of the committee will be designated by the members. Meetings and records of the committee are subject to s. 119.07 and s. 286.011, F.S., the open records and open meetings laws.

The bill requires that DCF, DOE, DOH, and APD provide staff and administrative support to the committee, and the chairperson is to designate one of the agencies to perform "administrative responsibilities" for the committee. The committee is authorized to invite technical experts or other experts to their meetings and to reimburse them for travel and per diem.

Committee members are to serve without compensation but are entitled to reimbursement for travel and per diem as provided in s. 112.061, F.S. Public officers and employees are to be reimbursed through the budget entity from which their salary is paid.

The bill requires that the committee shall:

- Identify and assist in removing federal and state barriers to the local coordination of services that are provided to persons with disabilities.
- Identify adequate, equitable, and flexible funding sources in order to streamline services that are provided to persons with disabilities.
- Develop guidelines for implementing policies to ensure a comprehensive and coordinated system for all services provided by state and local agencies, including multidisciplinary assessment practices for persons with disabilities.

- Develop an evaluation process to measure the success of state and local interagency efforts in improving the quality and coordination of services that are provided to persons with disabilities.
- Identify current systems for dispute resolution and recommend guidelines to coordinate the systems.
- Encourage each governmental agency, school district, university, and community college to review employment policies for the purpose of identifying jobs and tasks that can be accomplished by individuals with disabilities and to develop job classifications that identify preferred employment for persons with disabilities.
- Identify and eliminate state-imposed work disincentives.
- Eliminate barriers that impede options for living within a community.
- Assist in the revision of special competencies for earning a high school diploma and course requirements necessary for employment-related competencies.
- Ensure that employment goals are a primary objective of each support plan.
- Develop incentives or preferences in the state procurement process for businesses that employ persons with disabilities.
- Develop collaborative relationships with federal, state, and local agencies in order to identify and align resources and eliminate barriers for expanding and improving inclusive options for living within a community.
- Coordinate transition services statewide for students with disabilities as they prepare to leave secondary schools and access postsecondary institutions for training and subsequent employment.
- Develop an incentive system that rewards secondary and postsecondary schools that place young persons with disabilities into competitive employment.
- Ensure that data systems transfer data between agencies and that each agency reports annually on its efforts to employ persons with disabilities.

The committee must present a report of its findings and recommendations on these issues to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2007, and is abolished on June 1, 2007.

The bill has an effective date of July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Committees, commissions, and councils, as defined in s. 20.03, F.S., must to be adjunct to an executive branch agency. The state constitution limits the number of agencies to 25, a council created outside existing agencies could be considered a separate agency.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Costs will include travel and per diem expenses for committee members and persons invited to attend and participate in the committee meetings, and administrative support costs, and staff time. Travel and per diem costs should be minimal unless the committee conducts meetings outside Tallahassee.

Since the committee will select the chairperson who will then designate the agency to provide administrative support, the costs to each of the agencies named cannot be determined.

VI. Technical Deficiencies:

This bill creates a committee that is not attached to any executive branch agency. Without assignment to an agency, it is unclear as to how the administrative support costs, travel and per diem will be paid.

Given the scope of activities this committee is directed to accomplish, it is unlikely that meaningful change could be accomplished by the date the committee is to be abolished.

VII. Related Issues:

It is unclear how this committee will enhance the existing interagency activities relating to transition of youth with disabilities that are currently in progress among numerous public and private agencies and organizations.

VIII. Summary of Amendments:

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The amendment strikes all provisions of the bill and adds language which establishes the Interagency Service Committee for Youth and Young Adults with Disabilities and states legislative intent for the committee to establish goals to ensure successful transition to employment or further education for youth with disabilities. Membership of the committee must include heads or their designees of agencies, bureaus, and divisions and representatives of certain private organizations. The Department of Health, Department of Education, Department of Children and Family Services, and Agency for Persons with Disabilities must provide staff support to the committee, and all meetings and records are public. Members serve without compensation but may be reimbursed for travel and per diem expenses. The duty of the committee is to develop collaborative relationships among agencies to identify, design, and implement strategies to remove barriers to employment of youth with disabilities. The committee must submit a report of its progress to the Governor, President of the Senate, and Speaker of the House of Representatives on March 1, 2007, and January 1, 2008. The committee is abolished on June 1, 2008. The effective date is July 1, 2006.

WITH TITLE AMENDMENT

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
