

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: Governmental Oversight and Productivity Committee

BILL: CS/SB 1278

INTRODUCER: Governmental Oversight and Productivity Committee and Senator Wise

SUBJECT: Persons with Disabilities

DATE: March 23, 2006

REVISED: _____

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

I. Summary:

The bill creates the Interagency Services Committee for Youth and Young Adults with Disabilities for persons with disabilities in the Agency for Persons with Disabilities to recommend a coordinated, multidisciplinary, and interagency intervention service system for youth and young adults with disabilities. The stated legislative intent is to eliminate barriers to educational opportunities and enhance educational opportunities that will lead to future employment of these youth.

The committee must present a report of its progress on these issues to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2007, and a final report on its findings and recommendations by January 1, 2008. The committee is abolished on June 1, 2008.

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 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;

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>

- 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

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

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.

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.

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.

⁷ Ibid, page 6.

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 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 the Interagency Services Committee for Youth and Young Adults with Disabilities for persons with disabilities in the Agency for Persons with Disabilities to recommend a coordinated, multidisciplinary, and interagency intervention service system for youth and young adults with disabilities. The stated legislative intent is to eliminate barriers to

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

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, or designees, of agencies and bureaus or divisions of agencies, including the Department of Education and in that department, the Bureau of Exceptional Education and Student Services, the Division of Vocational Rehabilitation, the Division of Blind Services, the Division of Community Colleges, workforce education, and the Office of Interagency programs; the Agency for Persons with Disabilities; the Agency for Health Care Administration; the Division of Children's Medical Services Network in the Department of Health; children's mental health in the Department of Children and Family Services; the Department of Juvenile Justice; the Department of Corrections; the Commission for the Transportation Disadvantaged; and the Florida Housing Finance Corporation. The committee is required to invite representation from the following public and private parties: the Able Trust; the Governor's Americans with Disabilities Act Working Group; the Florida Association for Centers for Independent Living; the Business Leadership Network; the Florida Advocacy Center; an individual with a disability; and a parent or guardian of an individual with a disability. The members of the committee must designate one of its members as chairperson.

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. 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 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.

The committee substitute requires that the committee shall:

- Identify the roles and responsibilities of each agency with regard to the committee goals.
- Develop collaborative relationships to identify and assist in removing federal and state barriers to achieving the goals.
- Identify common or comparable performance measures for all agencies that serve youth and young adults with disabilities.
- Design a mechanism to annually assess the progress toward the goals by each agency.
- Collect and disseminate information on research-based practices of state and local agencies on successful strategies.
- Develop strategies to educate public and private employers on the benefit of hiring persons with disabilities.
- Develop and recommend strategies to encourage each public employer to hire persons with disabilities.
- Recommend a statewide system of accountability which would include incentives for persons with disabilities; service providers, including school districts, technical centers, and community colleges; and businesses and industries providing integrated competitive employment to individuals with disabilities.

The committee must present a report of its progress on these issues to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2007, and a final report on its findings and recommendations by January, 1, 2008.

The committee is abolished on June 1, 2008.

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IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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:

None.

VII. Related Issues:

None.

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

VIII. Summary of Amendments:

None.

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