

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1623 CS                      Persons with Disabilities  
**SPONSOR(S):** Bean  
**TIED BILLS:**                                **IDEN./SIM. BILLS:** SB 1278

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Elder & Long-Term Care Committee	9 Y, 0 N, w/CS	DePalma	Walsh
2) Fiscal Council			
3) Health & Families Council			
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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### SUMMARY ANALYSIS

The CS for HB 1623 creates the Interagency Services Committee for Youth and Young Adults with Disabilities within the Agency for Persons with Disabilities. It directs the committee to establish goals to ensure the successful transition to employment or further education of youth and young adults with disabilities and to eliminate barriers that impede educational opportunities leading to future employment.

The CS specifies committee membership, and directs the Department of Children and Family Services, the Department of Education, the Department of Health, and the Agency for Persons with Disabilities to provide staff support to the committee. The CS also provides duties and responsibilities of the committee.

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

The CS provides an effective date of July 1, 2006.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. HOUSE PRINCIPLES ANALYSIS:

**Empower Families** – The CS is intended to eliminate barriers to educational opportunities for, and to ensure the successful transition to employment or further education of, youth and young adults with disabilities.

### B. EFFECT OF PROPOSED CHANGES:

#### BACKGROUND<sup>1</sup>

Children with disabilities face significant obstacles as they transition 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; and
- 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.<sup>2</sup>

Florida-specific data also reveals disparities in graduation rates and employment opportunities for youths with disabilities. As reported by the Florida Department of Education's Data Warehouse, the graduation rate in 2003-04 for students with disabilities was only 36.6% (8,376 out of a total 22,890 disabled students graduated), while 68.6% of other, non-disabled students graduated (117,706 out of a total of 171,447 students). Moreover, a mere 12 percent of students with disabilities were enrolled in postsecondary programs,<sup>3</sup> and only 17.5 percent of students with developmental disabilities were employed after leaving secondary schools, with average quarterly earnings of approximately \$3,700.

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 who chooses to continue to receive FAPE, can continue to generate funding through the Florida Education Financing Program (FEFP) until receiving a standard diploma or "aging 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 total public school students.<sup>4</sup>

The transition to adulthood is a difficult process for all adolescents, but such transition presents additional challenges for young people with disabilities. Various transition services and supports are necessary 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 process ill-equipped for further vocational training, post secondary education, or securing gainful employment. According to APD, some of the barriers to a smooth transition include:

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<sup>1</sup> A substantial portion of the background analysis is patterned after the Senate Staff Analysis to identical Senate Bill 1278, prepared by the Senate Committee on Children and Families.

<sup>2</sup> The 2004 National Organization on Disability/Harris Survey of Americans with Disabilities, [www.nod.org](http://www.nod.org)

<sup>3</sup> According to 2002 Florida Education and Training Placement Information Program (FETPIP) surveys, as reported by Florida Developmental Disabilities Council, Inc.

<sup>4</sup> Florida Department of Education, Bureau of Exceptional Education and Student Services, <http://www.firn.edu/doef>

- students leaving school are often placed on a waitlist for adult services, and may not be able to keep a job they had previously 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;
- youths with disabilities and their families often are unprepared 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 serving children and youths with disabilities are very different than the structure of the service and support system for adults, which is primarily focused on community integration;
- commitment to the philosophy of self-determination and choice varies across agencies; in some programs self-determination is the cornerstone of the supports, while 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 frequently 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; and
- agencies may have different criteria for providers of the same service. For example, supported employment services can be offered by either not-for-profit or for-profit providers through APD, however, the Division of Vocational Rehabilitation (DOE) requires that such providers be not-for-profit.

Although there are 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 developing 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.<sup>5</sup>

### **Florida's Partners in Transition**

In 2003, a partnership of agencies was formed under the auspices of the Florida Developmental Disabilities Council (FDDC) to identify issues and barriers faced by Florida's disabled youth as they transition from high school to adulthood. 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, 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, defining how state agencies, organizations, families,

<sup>5</sup>Florida Partners in Transition, <http://partnersintransition.org/members.htm>

youth, and government programs can work together to reach young Floridians with disabilities in an attempt 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' efforts to achieve post-school results for students with disabilities, to develop goals and action steps for local implementation of the Statewide Strategic Plan, and to identify technical assistance needs of Leadership Teams.<sup>6</sup>

### **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 to determine consistency 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.<sup>7</sup> 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 intended 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."<sup>8</sup> These recommendations included:

- developing a cost effective, coordinated, comprehensive system of supports and services (accomplished through a BRTF working group);
- developing 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; and
- 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**

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 participating 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

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<sup>6</sup> Florida Developmental Disabilities Council, Florida's Transition Plans Comparison Chart (DRAFT), February 9, 2006.

<sup>7</sup> Florida Blue Ribbon Task Force (BRTF) on Inclusive Community Living, Transition, and Employment of Persons with Developmental Disabilities, Final Report, December 15, 2004.

<sup>8</sup> Ibid, page 6.

is required to determine and develop 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.<sup>9</sup>

According to the FDDC, “[g]iven 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, establishing 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, as well as other Phase I recommendations, with a continued focus on strengthening cross-agency collaborations among the domains of housing, transportation, health, assistive technology, education, employment, community integration, and consumer advocacy.

### **Creation of a Committee or Task Force**

Section 20.03 (8), F.S., states that a "Committee" or "task force" refers to 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.

### **EFFECT OF PROPOSED CHANGES**

The CS creates the Interagency Services Committee for Youth and Young Adults with Disabilities within the Agency for Persons with Disabilities. This committee is intended to establish goals to ensure successful transition to employment or further education of youth and young adults with disabilities, as well as to eliminate barriers that impede educational opportunities leading to future employment of these youths.

The CS requires that the committee consist of heads, or their designees, of the following agencies and bureaus or divisions of agencies:

- 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;

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<sup>9</sup> Florida Developmental Disabilities Council, Florida’s Transition Plans Comparison Chart (DRAFT), February 9, 2006.

- the Department of Juvenile Justice;
- the Department of Corrections;
- the Commission for the Transportation Disadvantaged; and
- the Florida Housing Finance Corporation.

The CS provides that agency representatives must be at least at the bureau chief level. The committee is required to invite representation from the following private and public parties:

- the Able Trust;
- the Business Leadership Network;
- the Florida Advocacy Center;
- the Governor's Americans with Disabilities Act Working Group;
- the Florida Association for Centers for Independent Living;
- an individual with a disability; and
- a parent or guardian of an individual with a disability.

The CS requires members of the committee to designate one of its members as chairperson, and 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 CS requires that the Department of Children and Family Services, the Department of Education, the Department of Health, and the Agency for Persons with Disabilities are to provide staff support to the committee, and the chairperson is to designate one of the agencies to perform "administrative responsibilities" for 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. Public officers and employees are to be reimbursed through the budget entity from which their salary is paid. Reimbursement for members who are not public officers or employees shall alternate between the budget entities represented on the committee.

The CS 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 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 of 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 strategies to encourage each public employer to hire persons with disabilities; and
- 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 progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2007, must submit a final report on its findings and recommendations by January 1, 2008, and is abolished on June 1, 2008.

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

C. SECTION DIRECTORY:

**Section 1.** Creates the Interagency Services Committee for Persons with Disabilities with the Agency for Persons with Disabilities.

**Section 2.** Provides an effective date of July 1, 2006.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

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.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The CS does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce authority that counties or municipalities have to raise revenue in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

At its March 22, 2006 meeting, the Committee on Elder and Long-Term Care adopted a strike-all amendment to HB 1623, which:

- provides for the Interagency Services Committee for Youth and Young Adults with Disabilities to be created within the Agency for Persons with Disabilities;
- revises committee composition, and directs the committee to invite representation from various private and public entities;
- provides a reimbursement schedule for committee members who are not public officers or employees;
- refines duties and responsibilities of the committee;
- requires the committee to submit both a progress report to the Governor, the President of the Senate, and the Speaker of the House by March 1, 2007, and a final report detailing committee findings and recommendations by January 1, 2008; and
- pushes back the date upon which the committee is abolished by one year, to June 1, 2008.

A Committee Substitute was favorably reported, and this analysis is drafted to the Committee Substitute.