



**LEGISLATION & PUBLIC
INFORMATION UNIT**
1831 K Street
Sacramento, CA 95811
Tel: (916) 504-5800
TTY: (916) 719-5798
www.disabilityrightsca.org

California's protection and advocacy system

Principles for Addressing the State Budget's Impact on Individuals with Disabilities

**Adopted 3/11/2005
Revised 9/19/2008**

Disability Rights California is committed to ensuring that people with disabilities have access to services and supports that enable them to live in the community. This can only be achieved when necessary health care, habilitative and other safety net programs are preserved—even in difficult budget times.

We recognize the fiscal challenges the State faces but also believe that tight fiscal times can result in creative “outside the box” thinking that will not only result in economic efficiencies but eliminate out dated models of providing services. We believe that the current fiscal crisis provides a real opportunity to increase federal funding for many of the services provided to Californians with disabilities thereby ensuring that State accesses as many dollars as it is entitled to receive.

These Budget Principles contain our recommendations for enhancing revenues, addressing shortfalls and ensuring access for people with disabilities to community services and supports.

I. Maintain Current Program Options and Funding Levels

A. Public Benefits and Services

1. Reductions in state, county, district or regional center services that eliminate entitlements to services or result in less services or services of lesser quality will be opposed.
2. No reduction in subsistence and health care benefits to persons with disabilities, including SSI/SSP, IHSS, Cash Assistance

Program for Immigrants (CAPI), and Medi-Cal substance abuse program, is acceptable. At the minimum, maintenance of current award levels is essential to the health and safety of recipients.

3. Consumer run alternatives, peer and self help groups and programs, independent living centers, self determination and self directed funding, are essential, effective community services that must be continued.
4. Effective programs for persons with disabilities must focus upon prevention, rather than crisis management, coercive intervention and institutionalization. Priority should be given to funding for preventative programs including, but not limited to, Early Start, EPSDT, Independent Living, Supported Living and Mental Health Demonstration Grants.

B. Independent Advocacy Services

1. Rights and due process protections afforded persons with disabilities under state law must be maintained.
2. Critical independent advocacy services must be maintained, including the Office of Patients' Rights (OPR), the Office of Clients' Rights Advocacy (OCRA) and other similar entities.

C. Special Education

1. Students with disabilities have a right to free and appropriate public education in the least restrictive environment. Funding to provide these services and protect these rights must be maintained.

D. Community Integration and the Olmstead Mandate

1. Self-determination and community integration for persons with disabilities are civil rights that shall not be compromised. The provision of community living options, including housing, is not only cost effective, but also mandated by the Olmstead decision.
2. Independence and choice in housing for persons with disabilities must be preserved. The budget must supply

adequate support for affordable housing and programs that help persons with disabilities remain in their own homes, such as In-Home Supportive Services (IHSS). However, housing must not be contingent upon supportive services or acceptance of prescribed treatment.

3. Funding for new institutional construction must cease.
4. Persons with disabilities have the right to quality services and supports, which cannot be provided absent adequate and appropriate compensation for direct care staff. Persons who provide services and supports to persons with disabilities deserve to make a living wage. Wages and benefits for direct care staff in the community should be comparable to wages and benefits of direct care staff at developmental centers and state institutions where consumers receiving services have similar levels of need. Where economic conditions in a particular geographic area are used to justify additional compensation for staff working in state institutions, such additional compensation should also be offered to direct care staff in the community.

II. Achieving State Budgetary Cost Savings

- A. Balancing the budget must entail a combination of revenue increases and expenditure reductions that do not unfairly target the low income end of the economic spectrum.
- B. The state shall seek to achieve savings by maximizing coordination between programs, for example, between the Departments of Mental Health, Developmental Services and Education, rather than by cutting essential services. Strategies to provide one stop, seamless access to services shall be pursued and strengthened.
- C. California shall maximize its opportunities to receive federal assistance for programs that serve persons with disabilities. The State must expand its existing Medicaid waiver programs, including the Home and Community Based Services, Nursing Facility and MSSP waiver programs, and intensive community mental health support services under the Rehabilitation Option amendment. California must also pursue additional Medicaid waiver programs, such as a Home and Community Based Services waiver for children who are seriously

emotionally disturbed.

- D. Before any cuts/reductions or fundamental changes are made to disabilities service systems, the State should develop comprehensive plans to close state and local institutions and the operational costs savings and the revenues from the sale or lease of the land shall be dedicated to address any project budget shortfall.

III. Equity Among Populations and Programs in Balancing the State Budget

- A. Bridging the state's budget gap should not fall disproportionately upon persons with disabilities, including those that are underserved or have unique needs based on language, immigration status, culture, religious or spiritual beliefs, ethnicity, gender or sexual orientation. Any service level reductions in programs that serve persons with disabilities should be based on equitable principles.
- B. Balancing the budget must entail a combination of revenue increases and expenditure reductions that do not unfairly target the low income end of the economic spectrum.
- C. In light of the state budget situation, the statewide hiring and salary freeze must be shared proportionately between management positions and line workers.
- D. The developmental disabilities service system budget should be unified (developmental center and community services portions) as one means of improving equity in services for individuals with developmental disabilities.

IV. The Necessity Of An On Time State Budget

- A. It is essential that a state budget be passed on time. Extensive delays in the passage of the budget negatively impact state programs and disproportionately affect persons with disabilities who need services provided by state funded programs to maintain independence and autonomy. These services include, but are not limited to public benefit programs and services, services needed to achieve community integration, regional center services, special education services, and ongoing independent advocacy services.

- B. To achieve the passage of an on time budget, the state must adopt a constitutional amendment to change the current two third 'super majority' required to pass the budget and make other changes to the budget process which protect the rights and interests of people with disabilities and help ensure a more timely budget.