NEW CALIFORNIA LAW SEEKS TO ALLEVIATE RACIAL AND LINGUISTIC DISPARITIES IN SERVICE FUNDING FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Los Angeles (Oct 17, 2017) – For decades, California’s Department of Developmental Services (DDS) has been plagued by staggering inequities in service funding for non-English speaking clients and clients of color. In March of this year, the California’s Senate Human Services Committee found that Latino clients served by the state’s 21 “regional centers” – private non-profit agencies who contract with DDS to provide developmental services – received only 48% of what white clients received, and that this disparity was essentially unchanged from 2012, despite years of widespread calls for reform.

Governor Jerry Brown recently signed into law a bill that aims to alleviate some of the barriers contributing to these disparities. AB 959, authored by Assemblyman Chris Holden, will require DDS to create an on-line list and description of all available services. Regional centers will be required to maintain a link to this list on their websites, and to provide information to their clients in a culturally and linguistically appropriate manner. The goal is to increase transparency so that all families are aware of what resources are available – empowering families to seek and advocate for services to benefit their children.

Additionally, the new law will help to ensure that no family will face barriers in accessing services simply because English is not their primary language. Because the regional centers serve a diverse population that speaks 45 different languages, there is a critical need to deliver culturally and linguistically appropriate materials.

“For years, we have seen how non-English speaking families, and families of color, have struggled to equitably access resources through the state’s regional centers,” said Brian Capra, an attorney with Public Counsel – a non-profit law firm that testified in support of the bill. “Too often, regional center have not been forthright when disclosing what services are available, and for incomprehensible reasons, different families are offered either more or fewer services despite having a child with similar needs.”

Under the law, governmental agencies and private agencies that receive state money must take appropriate steps to ensure that people they serve who have limited or no English proficiency have equal access to programs and services. In recent years, agencies such as private insurance health plans and general acute hospitals have created “language access plans” to comply with federal and state laws. These organizations have developed written procedures to ensure the translation of vital documents, but the state’s regional centers have not taken similar steps. The new law aims to change that.

“The goal of this new law is to bring the regional centers into the 21st Century,” continued Capra. “Our state’s demographics have changed dramatically since the regional centers were created nearly five decades ago, but they haven’t evolved with the times. When these state-contracted agencies don’t meet the language and cultural needs of our residents, it hurts families and it hurts our communities.”

Capra is the author of a report released earlier this year, with funding support from the Lucile Packard Foundation for Children's Health, which documented in depth the racial and linguistic inequities in California’s delivery of services to children with developmental disabilities. The report found that the 10
regional centers that serve majority Black and Latino clients on average authorize $3,887 less per client when compared to the 11 regional centers that serve majority white and Asian clients. It also found that a client at the Harbor Regional Center in Los Angeles (53% Black and Latino) receives on average nearly half ($12,000 less) in approved services annually than a client at the Golden Gate Regional Center in San Francisco (31% Black and Latino). Funding data for 2015-2016 shows that even though Harbor Regional Center had 4,600 more clients than Golden Gate Regional Center, the former inexplicably spent $68.5 million less in services on its clients.

“We are pleased by the passage of AB 959, which will mitigate some of the inequities we find in the system,” said Capra. “But for the system to be totally fair, we need a total overhaul of how funding is distributed. Services should be allocated based on client needs, and not influenced by irrelevant factors such as race and language, or whether a parent has the fortuity to discover what the regional center provides so that they know to ask for a particular service.”

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