



September 8, 2019

An Open Letter to Governor Newsom and First Partner Jennifer Siebel Newsom

Governor Newsom and First Partner Newsom,

Educate. Advocate. is a statewide grassroots nonprofit organization that serves families with children with special needs. Active since 2010, we have taken positions on California legislation for the past nine years. We belong to various statewide disability rights groups, including the Lanterman Coalition, CA4SSI and the IHSS Coalition. Yearly, we bring forth a bill package to legislators, along with other organizations, to address the needs of our community. In 2018, our bill proposal was adopted, but due to the DDS rate study, it was sidelined. In 2019, our bill proposals were once again adopted, one of which signed into law on Friday September 6, 2019. We thank you for your signature on AB 605 Governor Newsom, your support ensures that students with established need for assistive technology devices will no longer be without their ability to communicate over extended school breaks and holidays.

Today, we write to you on behalf of the families we serve in California, families of students with exceptional needs, many of whom opt for delayed immunization schedules related to their disabilities or have endured vaccine injury directly contributing to their disabilities. Since the implementation of SB 277 in 2016, school districts have misinterpreted CA HSC§120335(h), abruptly and unexpectedly terminating special education services and therapies, denying access to the general education environment and segregating students who meet the legal definition of “disabled”, to their homes with no supportive educational options. In short, districts across California are denying students with exceptional needs a free and appropriate education in the least restrictive environment, as required by the federal Individuals with Disabilities Education Act, solely based on the immunization status of the student. Financially unable to access special education attorneys and advocates to challenge these exclusions, many families obtained medical exemptions for their students. The bills before you, SB 276 and SB 714 impart continued exclusion and discrimination of our families.

Medi-Cal and HMO dependent families have been “fired” by their physicians, who, influenced by the current “McCarthyism” climate and threatened by investigation of the MBC, refuse to provide medical treatment or consider exemptions for children with disabilities whose parents do not adhere to the rigorous vaccine schedule, of which the physician is financially incentivized to comply with per patient¹. Parents of children with exceptional needs do not have the financial means to seek personalized, cutting-edge medical care.

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<https://www.educateadvocateca.com/app/download/969555261/Why+do+most+families+have+a+difficult+time+requesting+and+receiving+a+medical+exemption+from+PCP.docx>

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The disability community has faced several setbacks with 2019 legislation:

AB 261, a bi-partisan effort to restore social recreation and camp services for individuals with IDD

AB 3209, waiving property taxes for disabled veterans

AB 1434, increasing SSI/SSP grants to accommodate cost of living, ensuring that income for the elderly and disabled is no less than the federal poverty line

Restoration of funds to IHSS, including permanent protection from GPS for IHSS recipients, pertaining to EVV, as both Senate and Assembly Budget Human Services subcommittees discussed

All collaborative, impactful solutions left on the legislative floor.

California students and residents with disabilities have extensive needs, requiring urgent funding via legislation to ensure realization of their inherent civil rights. SB 276 and SB 714 subvert millions in funding yearly, direly needed by our community, to address an unsubstantiated claim that applies to less than 1% of students.

We ask that you veto SB 276 and SB 714. Both bills, heavily laden with contradictory and confounding language after a tumultuous and fast-tracked amendment process, will yield disparate implementation amongst districts and disparate impact for students with exceptional needs.

Years of advocacy efforts motivating inclusion in education will face reversal. Our children are entitled to equity, equality and equal access to education as students with disabilities and we look to you, Governor and First Partner, to sustain and advance the ideals of the IDEA, the Rehabilitation Act of 1973, the California Civil Rights Act (Unruh) and the ADA.

We implore you on behalf of the families we serve to veto SB 276 and SB 714.