



## COUNCIL MEETING NOTICE/AGENDA

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**DATE:** Thursday, November 17, 2011  
**TIME:** 10 a.m. – 5 p.m.  
**LOCATION:** Hilton Sacramento Arden West  
2200 Harvard Street  
Sacramento, CA 95815  
(916) 922-4700

*Pursuant to Government code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact Robin Maitino at (916) 322-8481 or email [robin.maitino@scdd.ca.gov](mailto:robin.maitino@scdd.ca.gov). Requests must be received by 5:00 pm, November 14, 2011.*

*\*Denotes action items*

	<u>Page</u>
1. CALL TO ORDER	M. Bailey
2. ESTABLISHMENT OF QUORUM	M. Bailey
3. WELCOME/INTRODUCTIONS	M. Bailey
4. PUBLIC COMMENTS	

*This item is for members of the public only to provide comments and/or present information to the Council on matters **not** on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first. The Council will provide a public comment period, not to exceed a total of seven minutes, for public comment prior to action on each agenda item.*

5.	<b>*APPROVAL OF SEPTEMBER MEETING MINUTES</b>	M. Bailey	3
6.	<b>COMMITTEE REPORTS</b>		
	<b>A. *EMPLOYMENT FIRST</b>	C. Arroyo	9
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	*(i) Assembly Bill 1244		11
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	<b>C. SELF-ADVOCATES ADVISORY COMMITTEE</b>	J. Allen	
7.	<b>*SPONSORSHIP REQUEST</b>	R. Newton	126
8.	<b>NOMINATING COMMITTEE APPOINTMENT</b>	M. Bailey	135
9.	<b>NOAH HOMES VIDEO</b>	D. Mulvaney/ Molly Nocon	138
10.	<b>MEMBERS' UPDATES</b>	All	
11.	<b>ADJOURNMENT</b>	M. Bailey	



# DRAFT

## Council Meeting Minutes September 21, 2011

### Members Present

Jennifer Allen  
Michael Bailey  
Catherine Blakemore  
Dan Boomer  
Max Duley  
Ray Ceragioli  
Lisa Cooley  
Terri Delgadillo  
Marcia Good  
Robin Hansen  
Bill Moore  
Patty O'Brien-Petterson  
Wayne Sauseda  
Leroy Shipp  
Steve Silvius  
Kerstin Williams

### Members Absent

Jorge Aguiar  
Lora Connolly  
Toby Douglas  
Denise Filz  
Robert Jacobs  
David Mulvaney  
Olivia Raynor  
Jennifer Walsh

### Others Attending

Dena Hernandez  
Robin Keehn  
Angie Lewis  
Robin Maitino  
Dawn Morley  
Carol Risley  
Margaret Shipp  
Rocio Smith  
Vicki Smith  
Mark Starford  
Joe Bowling  
Mary Agnes Nolan  
Melissa Corral  
Roberta Newton  
Anastasia Bacigalupo  
Dwight Hansen  
Joan Burg  
Mary Ellen Stives  
Greg Hamtil  
Alice Tapley  
Robert Phillips  
Will Sanford  
Mareva Brown  
Carl London  
Rick Ingraham  
Joe Jaquez  
Tammy Eudy  
Holly Bins  
Jacquie Foss  
Michelle Ramirez

**6. REGIONAL CENTER CONFLICT OF INTEREST WAIVER REQUEST – PROPOSED REVIEW PROCEDURE**

Melissa Corral reported on the Council's request that the Executive Committee develop Council procedures/guidelines for considering waiver requests.

It was moved/seconded (Blakemore/Silvius) and carried to adopt the revised process as presented and pursue changes to the Welfare and Institutions Code to remove area boards and the Council from the waiver approval process.

**7. RCRC CONFLICT OF INTEREST WAIVER RENEWAL REQUEST**

Pursuant to Welfare and Institutions Code Section 4628 and the California Code of Regulations, Title 17 Section 54524, both the local area board and State Council must approve or deny conflict of interest (COI) request submitted by a regional center.

The Redwood Coast Regional Center requested a COI waiver be granted for Beverly Fontaine (approved by Area Board 1).

It was moved/seconded (Bailey/Hansen) and carried to add the stipulation that Ms. Fontaine recuse herself from any discussion, and/or vote which may present a conflict. (1 no, 1 abstention)

It was moved/seconded (Bailey/Silvius) and carried to approve the waiver request with the added stipulation. (1 no, 1 abstention)

**8. MERIT SALARY ADJUSTMENTS BRIEFING**

The following questions were posed to Melissa Corral with regard to salary adjustments for exempt employees:

1. What are the differences between exempt and civil service employees?
2. What are Merit Salary Adjustments (MSAs) and when do they apply?
3. What/who is an appointing authority?

4. Who has the authority to determine salary adjustments for exempt employees at the Council?

Ms. Corral researched the questions and reported her findings to the Council. She clarified that while civil service employees are granted incremental salary steps until they reach the top of their salary range; exempt employees are eligible for 5% increases on their annual anniversary up to the top of their salary range. All increases must be approved by the employees' supervisor. Her research concluded that the appointing authority/supervisor for the Council Executive Director is the Council, while the Executive Directors of each area board are appointed by the Executive Director of the Council upon the recommendation of the area board and with the approval of the Council. She concluded that the Executive Director of the Council has the final authority for approving salary increases, within the DPA established salary ranges, for the area board executive directors.

Following discussion, the Council requested staff seek a formal opinion from the Attorney General on these issues.

9. **COMMITTEE REPORTS**

a. **EMPLOYMENT FIRST**

Carol Risley provided an Employment First report in the absence of Olivia Raynor. The first annual report was submitted to the Legislature and Governor in August 2011. The Assembly Human Services Committee conducted a hearing on employment first. Olivia Raynor represented the Council and Bill Kernan from Massachusetts testified in support of the report findings and recommendations. Molly Kennedy also spoke as a self-advocate.

The next Employment First Committee meeting is set to for October 26, 2011.

b. EXECUTIVE

(i.) Executive Director Evaluation (closed session)

Leroy Shipp convened a closed session to discuss the evaluation of SCDD Executive Director, Carol Risley.

(ii.) Executive Director Evaluation (open session)

Leroy Shipp reconvened the Council in open session. The following actions were taken with regard to the executive director evaluation.

It was moved/seconded (Good/Boomer) and carried to award the SCDD Executive Director a 5% merit increase.

It was moved/seconded (Good/Bailey) and carried to develop an executive director evaluation standard policy for area boards and the Council to promote consistency.

c. SELF-ADVOCATES ADVISORY COMMITTEE

Jennifer Allen, Lisa Cooley, and Michael Bailey provided an overview of the Committee's organization, operating rules, goals and action plan, and leadership development.

10. COUNCIL MEMBER REPORTS/COMMENTS

Kerstin Williams announced the Area Board 6 Annual Barbecue would take place on September 26, 2011.

Robin Hansen announced that author Luis Montalván would be speaking at the M.I.N.D. Institute on September 28, 2011. Luis is an Iraq vet who suffered a traumatic brain injury and subsequently wrote a book entitled Until Tuesday.

There are two educational conferences at the M.I.N.D. Institute on October 25, 2011, "The Mind Distinguished Lecture Series," and "Minds Behind the Mind."

State-wide training of teachers continues. This year the training focuses on providing services to children with autism spectrum disorders in middle and high school.

The M.I.N.D. Institute has developed a series of workshops focused on youth transition and mentoring. The next workshop entitled Success Defined is scheduled for November 5, 2011. The target audience is for youth between the ages of 16 and 22 and their families.

The M.I.N.D. Institute has also developed collaboration with the UCEDD and Infant Development Association to do a series of conferences.

Patty O'Brien-Petterson attended the Lake County Special Education Local Planning Action Community Advisory meeting and found it very interesting.

Lisa Cooley continues to share the accomplishments of the Employment First Committee and Self-Advocates Advisory Committee with the local community.

Steve Silvius thanked Carol Risley for attending the Area Board 8 meeting and bringing the "Feeling Safe, Being Safe" booklets.

He gave an update on Matt Silvius' micro-business. They may be getting an order for 200 backpacks. Steve is very excited.

Jennifer Allen will be attending the educational conference at the M.I.N.D. Institute at the end of the month.

Jennifer also talked about a group called the Self Advocacy Coordination Project. This is a local group that has asked Jennifer to do a presentation on the Council in 2012.

Marcia Good spoke about her experience with the Council the past six years and how enriching it has been, in large part because of Roberta Newton, Area Board 10 Executive Director. Marcia went on to say that she encourages all area board executive directors to speak with their board members on a regular basis and let them know what is going on.

Michael Bailey reported on Area Board 11 meeting that took place the second week of September. The majority of the discussion was focused around adult day health care. He went on to say that CalOptima is preparing to implement a program that will replace the adult day health care in Orange County with a program called PACE.

Michael has been working with the Regional Center of Orange County, and several others organizations to bring awareness about an program called Dog Wish. This program provides trained service dogs to children with severe autistic disorders and persons with seizure disorders. RCOC and Inland Regional Center is getting ready to launch a pilot program with Dog Wish.

#### 11. **CHAIRPERSON'S REPORT**

Leroy Shipp reported that he would be attending the NACCD meeting and Alliance for Full Participation Summit 2011 in Washington D.C. in November with Carol Risley and therefore not present for the November 2011 Council Meeting.

Leroy also talked about the difficulty his son is having finding a job and how the Council needs to help change the social norm concerning persons with disabilities.

Leroy would also like to see the Council consider changing its name to something like, "Developing Capabilities."

#### 12. **EXECUTIVE DIRECTOR'S UPDATE**

Carol Risley also reported that she would not be at the November Council meeting due to travel on behalf of the Council. Michael Bailey, Vice Chair, will be chairing the November meeting.

#### 13. **ADJOURNMENT**

Meeting was adjourned at 4:25 p.m.

## COUNCIL AGENDA ITEM DETAIL SHEET

**ISSUE:** Employment First Committee

**BACKGROUND:** Chapter 231, Statutes of 2009 (Assembly Bill 287) was signed into law and requires the Council to form a standing Employment First Committee (EFC), submit an annual report to the governor and legislature, and identify a number of strategies to increase the number of individuals with developmental disabilities working in integrated competitive employment. The Council reviewed and approved the report submitted to the Governor and Legislature at the July 2011 Council meeting.

The EFC met on October 26, 2011 to hear updates from agencies regarding the progress made in increasing the number of individuals with developmental disabilities working in integrated competitive employment.

The EFC reviewed the goals and strategies in the Employment First report and developed a consensus as to what it believes the Council should focus its employment related activities on during 2011-12. The greatest consensus is around focusing on education and training, particularly to enhance the expectations of families, educators and service providers that individuals with developmental disabilities can and should work and the need to prepare students for work.

Eric Gelber, Consultant, Assembly Human Services Committee provided a legislative update on the status and intent of Assembly Bill 254 as well as his preliminary ideas for possible amendments designed to place the proposed Employment First policy in state law. **A motion was passed to request the Council sponsor and/or co-sponsor Assembly Bill (AB) 254 in order to place the proposed employment first policy into statute.**

**ANALYSIS/DISCUSSION:** The proposed employment first policy articulated in the Employment First report reads:

It is the policy of the State of California that integrated competitive employment is the priority outcome for working age individuals with developmental disabilities.

In plain language:  
"Work is for all"

It should be noted that "integrated competitive employment" includes all income generation activities such as traditional jobs and owning one's own business.

If the Council sponsors or co-sponsors AB 254 in order to place the proposed employment first policy into statute as articulated in the report, California would have a policy that would guide the state and its departments. Such a policy would not force individuals into integrated competitive employment because the policy and report support the tenets of the Lanterman Act and the individual program plan development process.

**COUNCIL STRATEGIC PLAN GOAL:** Goal #8- The State of California will adopt an Employment First policy which reflects inclusive and gainful employment as the preferred outcome for working age individuals with developmental disabilities.

**PRIOR EFC/COUNCIL ACTIVITY:** Please see Background above.

**EFC RECOMMENDATION:** The Council should offer to sponsor or co-sponsor Assembly Bill 254. This recommendation was presented to the Council Legislative and Policy Committee on October 27, 2011 which concurred with the EFC recommendation. See AB 254 for additional background information under the LPPC report.

**ATTACHMENT(S):** AB 254, Employment First report Executive Summary, and the Assembly Human Services Committee staff draft amendments for comment are all included under AB 254 with the LPPC report.

**PREPARED:** Christofer Arroyo, November 2, 2011

## COUNCIL AGENDA ITEM DETAIL SHEET

**BILL NUMBER/ISSUE:** Assembly Bill 1244: Developmental Services: Self-Determination

**BILL SUMMARY:** This bill would repeal the provisions establishing the Self-Directed Services Program and would, instead, contingent upon approval of federal Medicaid matching funding, establish the Self-Determination Program to be available in every regional center catchment area to enable individuals with developmental disabilities to exercise their rights to make choices in their own lives, and would make conforming changes. This bill would require that program participants be provided with a capitated individual funding allocation, as prescribed, to be used for the purchase of services and supports necessary to implement the participant's individual program plan. This bill would require the department to establish a risk pool fund to meet the unanticipated needs of participants in the program. This bill would require the department to take all steps necessary to ensure federal financial participation is available for all program services and supports by applying for amendments to a specified federal waiver or by applying for a new waiver.

**BACKGROUND:** The Individual Budget Advocates Workgroup (IBAW) in a point by point validation of an individual choice budget refers to universal human aspirations, short and long term cost savings, individualized allocation, flexibility, conflict of interest free fiscal management and other administrative and operational values support the individual choice budget legislation. Notwithstanding the current fiscal limitation environment, this bill is within the domain of the Council's organizational values and objectives.

**ANALYSIS/DISCUSSION:** The Lanterman Act has led to tremendous advancements in deinstitutionalization, community integrated services, disability rights and family support. However, the long-term national trends away from congregate services and toward highly individualized options has led to the demand by people with disabilities for control over their services and lives. People seek homes of their own, where they control who comes in and who supports them. They seek real membership in their communities, participating as a valued member in community organizations and activities that they choose. They seek to develop and preserve long-term reciprocal relationships, with friends, family, neighbors, and others in their communities. And people want to earn income to begin to overcome the barriers inherent to a life of deprivation.

Self-determination, the author says, "leads to those outcomes that people seek" and, "in an environment of fiscal constraint, and with more and more limits put on the

availability of traditional services, Self-Determination offers an alternative to the cost pressures and increasing limits of the traditional developmental services system."

Council staff met with SEIU and Disability rights California on October 24, 2011 to discuss the next steps in the movement of this bill. It was agreed that we need to reach out to others in the developmental services system to better understand their positions on the bill.

**COUNCIL STRATEGIC PLAN OBJECTIVE:** Goal #14- Public policy in California promotes the independence, productivity, inclusion and self determination of individuals with developmental disabilities and their families.

**PRIOR COUNCIL ACTIVITY:** AB 1244 is currently supported by the Council.

**LPPC RECOMMENDATION:** With the start of the second year of a two-year legislative session in January, LPPC believes it important to reaffirm the Council's position on this bill, thus recommends that the Council continue to support AB 1244.

**ATTACHMENT(S):** AB 1244

**PREPARED:** Carol Risley, November 1, 2011.

AMENDED IN SENATE JULY 5, 2011  
AMENDED IN ASSEMBLY MAY 27, 2011  
AMENDED IN ASSEMBLY APRIL 14, 2011  
AMENDED IN ASSEMBLY MARCH 31, 2011  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1244**

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**Introduced by Assembly Member Chesbro  
(Coauthors: Assembly Members Ammiano and Beall)**

February 18, 2011

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An act to amend Sections 4677 and 4678 of, *to add Article 4.5 (commencing with Section 4689.90) to Chapter 6 of Division 4.5 of, and to repeal Section 4685.7 of, and to add Article 4.5 (commencing with Section 4689.90) to Chapter 6 of Division 4.5 of, the Welfare and Institutions Code, relating to of, the Welfare and Institutions Code, relating to developmental services.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1244, as amended, Chesbro. Developmental services: Self-Determination Program.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities. Under existing law, the regional centers purchase needed services and supports for individuals with developmental disabilities through approved service providers or arrange for their provision through other publicly funded agencies. The services and supports to be provided to a regional center

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consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements. Existing law establishes, contingent upon approval of a federal waiver, the Self-Directed Services Program, and requires the program to be available in every regional center catchment area to provide participants, within an individual budget, greater control over needed services and supports.

This bill would repeal the provisions establishing the Self-Directed Services Program and would, instead, contingent upon approval of federal Medicaid matching funding, establish the Self-Determination Program to be available in every regional center catchment area to enable individuals with developmental disabilities to exercise their rights to make choices in their own lives, and would make conforming changes. This bill would require that program participants be provided with a capitated individual funding allocation, as prescribed, to be used for the purchase of services and supports necessary to implement the participant's individual program plan. This bill would require the department to establish a risk pool fund to meet the unanticipated needs of participants in the program. This bill would require the department to take all steps necessary to ensure federal financial participation is available for all program services and supports by applying for amendments to a specified federal waiver or by applying for a new waiver.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4677 of the Welfare and Institutions Code  
2 is amended to read:  
3 4677. (a) (1) All parental fees collected by or for regional  
4 centers shall be remitted to the State Treasury to be deposited in  
5 the Developmental Disabilities Program Development Fund, which  
6 is hereby created and hereinafter called the Program Development  
7 Fund. The purpose of the Program Development Fund shall be to  
8 provide resources needed to initiate new programs, and to expand  
9 or convert existing programs. Within the context of, and consistent  
10 with, approved priorities for program development in the state  
11 plan, program development funds shall promote integrated  
12 residential, work, instructional, social, civic, volunteer, and  
13 recreational services and supports that increase opportunities for

1 self-determination and maximum independence of persons with  
2 developmental disabilities. Notwithstanding any other provision  
3 of law or regulation to the contrary, commencing July 1, 2009,  
4 parental fees remitted to the State Treasury shall be deposited in  
5 accordance with Section 4784.

6 (2) In no event shall an allocation from the Program  
7 Development Fund be granted for more than 24 months.

8 (b) (1) The State Council on Developmental Disabilities shall,  
9 at least once every five years, request from all regional centers  
10 information on the types and amounts of services and supports  
11 needed, but currently unavailable.

12 (2) The state council shall work collaboratively with the  
13 department and the Association of Regional Center Agencies to  
14 develop standardized forms and protocols that shall be used by all  
15 regional centers and area boards in collecting and reporting this  
16 information. In addition to identifying services and supports that  
17 are needed, but currently unavailable, the forms and protocols shall  
18 also solicit input and suggestions on alternative and innovative  
19 service delivery models that would address consumer needs.

20 (3) In addition to the information provided pursuant to paragraph  
21 (2), the state council may utilize information from other sources,  
22 including, but not limited to, public hearings, quality assurance  
23 assessments conducted pursuant to Section 4571, regional center  
24 reports on alternative service delivery submitted to the department  
25 pursuant to Section 4669.2, and the annual report on  
26 Self-Determination Program services produced pursuant to Section  
27 4689.94.

28 (4) The department shall provide additional information, as  
29 requested by the state council.

30 (5) Based on the information provided by the regional centers  
31 and other agencies, the state council shall develop an assessment  
32 of the need for new, expanded, or converted community services  
33 and support, and make that assessment available to the public. The  
34 assessment shall include a discussion of the type and amount of  
35 services and supports necessary but currently unavailable including  
36 the impact on consumers with common characteristics, including,  
37 but not limited to, disability, specified geographic regions, age,  
38 and ethnicity, face distinct challenges. The assessment shall  
39 highlight alternative and innovative service delivery models  
40 identified through their assessment process.

1 (6) This needs assessment shall be conducted at least once every  
2 five years and updated annually. The assessment shall be included  
3 in the state plan and shall be provided to the department and to the  
4 appropriate committees of the Legislature. The assessment and  
5 annual updates shall be made available to the public. The State  
6 Council on Developmental Disabilities, in consultation with the  
7 department, shall make a recommendation to the Department of  
8 Finance as to the level of funding for program development to be  
9 included in the Governor's Budget, based upon this needs  
10 assessment.

11 (c) Parental fee schedules shall be evaluated pursuant to Section  
12 4784 and adjusted annually, as needed, by the department, with  
13 the approval of the state council. The July 1, 2009, parental fee  
14 adjustment shall be exempt from this approval requirement. Fees  
15 for out-of-home care shall bear an equitable relationship to the  
16 cost of the care and the ability of the family to pay.

17 (d) In addition to parental fees and General Fund appropriations,  
18 the Program Development Fund may be augmented by federal  
19 funds available to the state for program development purposes,  
20 when these funds are allotted to the Program Development Fund  
21 in the state plan. The Program Development Fund is hereby  
22 appropriated to the department, and subject to any allocations that  
23 may be made in the annual Budget Act. In no event shall any of  
24 these funds revert to the General Fund.

25 (e) The department may allocate funds from the Program  
26 Development Fund for any legal purpose, provided that requests  
27 for proposals and allocations are approved by the state council in  
28 consultation with the department, and are consistent with the  
29 priorities for program development in the state plan. Allocations  
30 from the Program Development Fund shall take into consideration  
31 the following factors:

32 (1) The future fiscal impact of the allocations on other ~~state~~  
33 ~~supported~~ *state-supported* services and supports for persons with  
34 developmental disabilities.

35 (2) The information on priority services and supports needed,  
36 but currently unavailable, submitted by the regional centers.

37 Consistent with the level of need as determined in the state plan,  
38 excess parental fees may be used for purposes other than programs  
39 specified in subdivision (a) only when specifically appropriated

1 to the State Department of Developmental Services for those  
2 purposes.

3 (f) Under no circumstances shall the deposit of federal moneys  
4 into the Program Development Fund be construed as requiring the  
5 State Department of Developmental Services to comply with a  
6 definition of “developmental disabilities” and “services for persons  
7 with developmental disabilities” other than as specified in  
8 subdivisions (a) and (b) of Section 4512 for the purposes of  
9 determining eligibility for developmental services or for allocating  
10 parental fees and state general funds deposited in the Program  
11 Development Fund.

12 SEC. 2. Section 4678 of the Welfare and Institutions Code is  
13 amended to read:

14 4678. (a) The State Council on Developmental Disabilities,  
15 in implementing subdivision (b) of Section 4677, and with the  
16 support of the State Department of Developmental Services, shall  
17 convene a stakeholder workgroup on alternative and expanded  
18 options for nonresidential services and supports. The workgroup  
19 shall include persons with developmental disabilities, family  
20 members, providers, and other system stakeholders. The workgroup  
21 shall develop recommendations on how to best achieve all of the  
22 following:

23 (1) The development and expansion of community-based models  
24 that provide an array of nonresidential options, including, but not  
25 limited to, participation in integrated instructive, social, civic,  
26 volunteer, and recreational activities.

27 (2) The development and expansion of community-based work  
28 activities, including, but not limited to, customized employment  
29 development, integrated job training, and employer-provided job  
30 coaching.

31 (3) The expansion of work opportunities in the public sector.

32 (4) The increased utilization of existing models, including, but  
33 not limited to, Self-Determination Program services, vouchers,  
34 family teaching models, existing habilitation, and supported work  
35 vendors to facilitate access to nontraditional community-based  
36 nonresidential activities.

37 (5) Strategies to promote and duplicate successful and innovative  
38 models developed in California and in other states.

39 (6) The identification of, and strategies to address, statutory,  
40 regulatory, licensing, vendor-related, funding, and other types of

1 barriers to achieving the goals identified in this act, including  
2 strategies to improve individualization of services and supports  
3 by increased flexibility in design, staffing, and compensation.

4 (b) By May 1, 2007, the State Council on Developmental  
5 Disabilities shall submit recommendations from the workgroup to  
6 the Governor and appropriate committees of the Legislature and  
7 may, thereafter, incorporate subsequent recommendations into its  
8 state plan developed pursuant to Section 4561.

9 SEC. 3. Section 4685.7 of the Welfare and Institutions Code  
10 is repealed.

11 SEC. 4. Article 4.5 (commencing with Section 4689.90) is  
12 added to Chapter 6 of Division 4.5 of the Welfare and Institutions  
13 Code, to read:

14  
15 Article 4.5. Self-Determination Program

16  
17 4689.90. For the purposes of this section, the following  
18 definitions shall apply:

19 (a) "Advocacy services" means services and supports that  
20 facilitate the participant in exercising his or her legal, civil, and  
21 service rights to gain access to generic services and benefits that  
22 the participant is entitled to receive. Advocacy services shall be  
23 provided only when other sources of similar assistance are not  
24 available to the participant, and when advocacy is directed ~~towards~~  
25 *toward* obtaining generic services.

26 (b) "Financial management service" means a ~~conflict of interest~~  
27 *conflict-of-interest* free service or function that assists the  
28 participant to manage and direct the distribution of funds contained  
29 in the individual allocation. This may include, but is not limited  
30 to, bill paying services and activities that facilitate the employment  
31 of service workers by the participant, including, but not limited  
32 to, federal, state, and local tax withholding payments,  
33 unemployment compensation fees, establishing benefits, fiscal  
34 accounting, and expenditure reports. The financial management  
35 service shall provide to the department workforce and expenditure  
36 information as required in this article. The department shall  
37 establish specific qualifications which shall be required of a  
38 financial management services provider and contract with one  
39 entity to provide financial management services statewide.

1 (c) “Individual allocation” means the amount of funding  
2 available to the participant for the purchase of services and supports  
3 necessary to implement an individual program plan (IPP). The  
4 individual allocation shall be constructed using a fair, equitable,  
5 and transparent methodology that includes, but is not limited to,  
6 consumer characteristics and needs.

7 (d) “Individual budget” means an individually created and  
8 designed expenditure plan, developed by the participant, for  
9 purchases to be made within the individual allocation to achieve  
10 the core quality outcomes relevant to the participant and meet the  
11 participant’s IPP goals.

12 (e) “Participant” means an individual, and when appropriate,  
13 his or her parents, legal guardian or conservator, or authorized  
14 representative, who has been deemed eligible for, and ~~have~~ *has*  
15 voluntarily agreed to participate in, the Self-Determination  
16 Program.

17 (f) “Public Employment Relations Board” or “board” means  
18 the board established pursuant to Article 2 (commencing with  
19 Section 3541) of Chapter 10.7 of Division 4 of Title 1 of the  
20 Government Code.

21 (g) “Risk pool” means an account that is available for use in  
22 addressing the unanticipated needs of participants in the  
23 Self-Determination Program.

24 (h) “Self-Determination Program” or “SD Program” means a  
25 voluntary delivery system consisting of a defined and  
26 comprehensive mix of services and supports, selected and directed  
27 by a participant, in order to meet all or some of the objectives in  
28 his or her IPP. Self-determination services and supports are  
29 designed to assist the participant to achieve personally defined  
30 outcomes in inclusive community settings. Self-determination  
31 services and supports shall include, but are not limited to, all of  
32 the following:

33 (1) Home health aide services.

34 (2) ~~Employment and self-employment supports including~~  
35 ~~individual placement supported employment.~~ *supports, including*  
36 *individual placement-supported employment.*

37 (3) Respite services.

38 (4) Supports broker functions and services.

39 (5) Financial management services and functions.

40 (6) Environmental accessibility adaptations.

- 1 (7) Skilled nursing.
- 2 (8) Transportation.
- 3 (9) Specialized medical equipment and supplies.
- 4 (10) Personal emergency response system.
- 5 (11) Integrative therapies.
- 6 (12) Vehicle adaptations.
- 7 (13) Communication support, including interpretive or
- 8 translation services.
- 9 (14) Crises intervention.
- 10 (15) Nutritional consultation.
- 11 (16) Behavior intervention services.
- 12 (17) Specialized therapeutic services.
- 13 (18) Family assistance and support.
- 14 (19) Housing access supports.
- 15 (20) Community living supports, including, but not limited to,
- 16 socialization, personal skill development, community participation,
- 17 recreation, and leisure.
- 18 (21) In-home and personal care supports.
- 19 (22) Advocacy services.
- 20 (23) Individual training and education, including, but not limited
- 21 to, adult education and support to attend community college.
- 22 (24) Participant-designated goods and services.
- 23 (25) Training and education transition services.
- 24 (i) “Self-Determination support worker” or “SD support worker”
- 25 means a person who has been selected and employed by a
- 26 participant for an average of at least 25 hours per month over a
- 27 two-month period to provide the relevant SD services and supports
- 28 described in subdivision (h), but does not include licensed
- 29 professionals and workers providing services purchased from
- 30 agencies or other organizations where the worker is solely under
- 31 the employ of those organizations.
- 32 (j) “Supports broker” means a person, selected and directed by
- 33 the participant, who fulfills the supports brokerage service or
- 34 function and assists the participant in the SD Program.
- 35 (k) “Supports brokerage” means a ~~conflict of interest~~
- 36 *conflict-of-interest* free service or function that assists participants
- 37 in making informed decisions about how to develop their budget
- 38 from the individual allocation, assists in locating, accessing, and
- 39 coordinating services consistent with and reflecting a participant’s
- 40 needs and preferences and negotiating with providers. A supports

1 brokerage service is available to assist in identifying immediate  
2 and long-term needs, developing options to meet those needs,  
3 participating in the person-centered planning process and  
4 development of the IPP, and obtaining identified services and  
5 supports.

6 4689.91. (a) (1) Contingent upon approval of federal Medicaid  
7 matching funding, the Self-Determination Program is hereby  
8 established and shall be available in every regional center  
9 catchment area to enable individuals with developmental  
10 disabilities to exercise their rights to make choices in their own  
11 lives and access services and supports as described in subdivision  
12 (j) of Section 4502. The program shall give participants greater  
13 control over ~~access to, and the flexibility,~~ *increased flexibility and*  
14 *choice over, and the ability* to access, a wide range of needed and  
15 desired services and supports, including, but not limited to, hiring  
16 their own workers and purchasing needed items. The SD Program  
17 shall be consistent with the requirements set forth in this section.

18 (2) SD Program participants shall be provided with a capitated  
19 individual funding allocation computed in a fair, transparent, and  
20 equitable manner, based on consumer characteristics and needs.  
21 The allocation shall be used for the purchase of services and  
22 supports necessary to implement the participant's individual  
23 program plan (IPP).

24 (b) The SD Program shall be designed to promote, and shall be  
25 evaluated against, core quality outcomes for the participants,  
26 including, but not limited to, all of the following:

27 (1) Participants' welfare, health, and safety.

28 (2) Participants living in a place called home, including living  
29 with family, friends, or on one's own; adult participants' living  
30 arrangements are under their own control.

31 (3) Participants having meaningful participation and membership  
32 in their own community.

33 (4) Participants maintaining reciprocal long-term relationships,  
34 including relationships that assist the participant to live a healthy,  
35 included life.

36 (5) Participants of working age generating private income,  
37 through typical jobs in regular employment settings or through  
38 self-employment.

39 (6) Participants having access to or control over transportation.

1 (7) *Participants having access to a defined and comprehensive*  
2 *mix of services and supports that are selected and directed by a*  
3 *participant.*

4 (8) *Participants controlling and achieving personally defined*  
5 *outcomes in inclusive community settings.*

6 (c) Participation in the SD Program is fully voluntary. A  
7 participant may choose to participate in, and may choose to leave,  
8 the SD Program at any time. A regional center may not require  
9 participation in the SD Program as a condition of eligibility for,  
10 or the delivery of, services and supports otherwise available under  
11 this division. Participation in the SD Program shall be available  
12 to any regional center consumer who meets the following eligibility  
13 requirements:

14 (1) The participant is three years of age or older.

15 (2) The participant, and when appropriate his or her parents,  
16 legal guardian or conservator, or authorized representative, agrees  
17 to all of the following terms and conditions:

18 (A) The participant shall agree to utilize the services and  
19 supports available within the SD Program only when generic  
20 services cannot be accessed, and except for Medi-Cal state plan  
21 benefits when applicable.

22 (B) The participant shall consent to use only services necessary  
23 to implement his or her IPP, as an available service in the SD  
24 Program, and shall agree to comply with any and all other terms  
25 and conditions for participation in the SD Program described in  
26 this section.

27 (C) The participant shall manage SD Program services within  
28 the individual allocation amount.

29 (D) The participant shall utilize the services of the conflict of  
30 interest free financial management services entity.

31 (E) The participant shall utilize the services of a supports broker  
32 of his or her own choosing for the purpose of providing services  
33 and functions as described in subdivisions (j) and (k) of Section  
34 4689.90. A supports broker may either be hired or designated by  
35 the participant. A designated supports broker shall perform support  
36 brokerage services on a nonpaid basis. An individual or a parent  
37 of an individual in the SD Program shall provide supports  
38 brokerage services only as an unpaid designated provider.

1 (3) A participant who is not Medi-Cal eligible may participate  
2 in the SD Program and receive SD Program services if all other  
3 program eligibility requirements are met.

4 (d) An adult may designate an authorized representative to  
5 participate in the program on his or her behalf. The representative  
6 shall meet all of the following requirements:

7 (1) He or she shall demonstrate knowledge and understanding  
8 of the participant's needs and preferences.

9 (2) He or she shall be willing and able to comply with SD  
10 Program requirements.

11 (3) He or she shall be at least 18 years of age.

12 (4) He or she shall be approved by the participant to act in the  
13 capacity of a representative.

14 (e) Notwithstanding any provision of law, an individual  
15 receiving services and supports under the self-determination pilot  
16 projects originally established pursuant to Section 13 of Chapter  
17 80 of the Statutes of 1998, as amended, may elect to continue to  
18 receive self-determination services within his or her current scope  
19 and existing procedures and parameters. Participation in  
20 self-determination projects originally authorized pursuant to  
21 Section 13 of Chapter 80 of the Statutes of 1998, as amended, may  
22 only be terminated upon a participant's voluntary election and  
23 qualification to receive services under another delivery system.

24 (f) The SD Program shall be phased in during the first year in  
25 the five regional centers with self-determination pilot projects that  
26 were originally authorized by Section 13 of Chapter 80 of the  
27 Statutes of 1998, as amended. In the second year, each regional  
28 center shall be responsible for implementing an SD Program as a  
29 term of its contract under Section 4629.

30 4689.92. (a) The department shall develop informational  
31 materials about the SD Program. The department shall ensure that  
32 regional centers are trained in the principles of the SD Program,  
33 the mechanics of the SD Program, and the rights of consumers and  
34 families as candidates for, and participants in, the SD Program.  
35 Regional centers shall conduct local meetings or forums to provide  
36 regional center consumers and families with information about the  
37 SD Program. Regional centers shall make available to consumers  
38 and families who express an interest in participating in the SD  
39 program *Program* a timely in-depth orientation; however,

1 enrollment in the SD-program *Program* shall not be delayed or  
2 conditioned on the orientation.

3 (b) Prior to enrollment in the SD Program, and based on the  
4 methodology described in this subdivision, an individual, and when  
5 appropriate, his or her parents, legal guardian or conservator, or  
6 authorized representative, shall be provided in writing with the  
7 individual allocation amount that would be provided for developing  
8 his or her individual budget to implement his or her IPP. The  
9 individual, and when appropriate his parents, legal guardian or  
10 conservator, or authorized representative, may then elect to  
11 participate in the SD Program.

12 (1) The methodology and formulae for determining the  
13 individual allocation amount shall be computed in a fair,  
14 transparent, and equitable manner, that includes, but is not-be  
15 limited to, consumer characteristics and needs. *The methodology*  
16 *shall specify the mechanism by which a consumer's individual*  
17 *allocation shall be adjusted to allow for increased wages*  
18 *established in the base compensation package established in*  
19 *subdivision (a) of Section 4689.93.* The department shall meet with  
20 the Self-Determination Program Advisory Committee, established  
21 pursuant to Section 4689.94, to receive their input on developing  
22 the methodology.

23 (2) The individual allocation amount shall equal 90 percent of  
24 the annual per capita purchase of service costs for the previous  
25 fiscal year for consumers with similar characteristics, who do not  
26 receive services through the SD Program. The allocation  
27 methodology shall be constructed using data available on the State  
28 Department of Developmental Services' information system,  
29 including, but not limited to, age, type of residence, type of  
30 disability and ability, functional skills, support needs, and whether  
31 the individual is in transition. Until the first full year of historical  
32 data is available, the department shall adjust the allocation to  
33 estimate the impact of service reductions resulting from the Budget  
34 Act of 2011.

35 (3) The allocation methodology shall provide for additional  
36 necessary resources when a participant is transitioning from a  
37 family home or a congregate setting to living independently.

38 (4) Once an individual, and when appropriate his or her parents,  
39 legal guardian or conservator, or authorized representative, has  
40 elected to become an SD Program participant, his or her individual

1 allocation amount shall be available to the participant each year  
2 for the purchase of SD Program services until a new individual  
3 allocation amount has been determined. An individual allocation  
4 amount shall be calculated no more than once in a 12-month period.

5 (5) A regional center's calculation of an individual allocation  
6 amount may be appealed to the executive director of the regional  
7 center, or his or her designee, within 30 days after receipt of the  
8 allocation amount. The executive director of the regional center  
9 shall issue a written decision within 10 working days. The decision  
10 of the executive director may be appealed to the Director of  
11 Developmental Services, or his or her designee, within 15 days of  
12 receipt of the written decision. The decision of the department is  
13 final.

14 (c) Once an individual, and when appropriate his parents, legal  
15 guardian or conservator, or authorized representative, has elected  
16 to become an SD Program participant and his or her individual  
17 allocation amount has been determined, the following shall occur:

18 (1) A regional center shall advance funds to the financial  
19 management services entity to support a participant's hiring of a  
20 supports broker.

21 (2) The participant, and when appropriate his parents, legal  
22 guardian or conservator, or authorized representative, with the  
23 assistance of the service broker and other members of his or her  
24 circle of support if appropriate, shall develop a person-centered  
25 plan and individual budget within the amount of the individual  
26 allocation. The plan and budget shall be designed to assist the  
27 participant to achieve the relevant core quality outcomes specified  
28 in *paragraphs (1) to (8), inclusive, of subdivision (b) of Section*  
29 *4689.91.*

30 (3) The individual budget shall distribute the allocation,  
31 including expenditures for services and supports, among the  
32 following categories based on the core quality outcomes specified  
33 in *paragraphs (1) to (8), inclusive, of subdivision (b) of Section*  
34 *4689.91:*

35 (A) Welfare, health, and safety.

36 (B) Supports for living in a place called home.

37 (C) Meaningful participation and membership in the community  
38 including, but not limited to, socialization, recreational, and  
39 educational opportunities.

40 (D) Developing and maintaining long-term relationships.

1 (E) Generating income, supports for employment or  
2 self-employment.

3 (F) Transportation.

4 (4) A participant may not use any portion of his or her individual  
5 allocation to purchase services from a licensed long-term health  
6 care facility, as defined in paragraph (44) of subdivision (a) of  
7 Section 54302 of Title 17 of the California Code of Regulations,  
8 or a residential facility, as defined in paragraph (55) of subdivision  
9 (a) of Section 54302 of Title 17 of the California Code of  
10 Regulations. A participant may not use his or her individual  
11 allocation to purchase complete day program or habilitation  
12 services, as defined in paragraph (16) or (34) of subdivision (a) of  
13 Section 54302 of Title 17 of the California Code of Regulations,  
14 respectively. However, a participant may use a portion of his or  
15 her individual allocation to negotiate for specific periodic or  
16 one-time services from a day program or habilitation services  
17 provider. A participant may also use a portion of his or her  
18 allocation to purchase job development and job coaching services  
19 for individual ~~placement supported~~ *placement-supported*  
20 employment.

21 (5) Consumers currently living in a licensed long-term health  
22 care facility, as defined in paragraph (44) of subdivision (a) of  
23 Section 54302 of Title 17 of the California Code of Regulations,  
24 or a residential facility, as defined in paragraph (55) of subdivision  
25 (a) of Section 54302 of Title 17 of the California Code of  
26 Regulations, or receiving day program or habilitation services, as  
27 defined in paragraph (16) or (34) of subdivision (a) of Section  
28 54302 of Title 17 of the California Code of Regulations,  
29 respectively, may request that the regional center provide  
30 person-centered planning services in order to make arrangements  
31 for transition to the SD Program. In that case, the regional center  
32 shall initiate person-centered planning services within 30 days of  
33 a request pursuant to paragraphs (1) and (2).

34 (6) The planning team, established pursuant to subdivision (j)  
35 of Section 4512, shall review and utilize the person-centered plan  
36 developed in paragraph (2) to develop the IPP for the participant.  
37 The IPP shall detail the goals and objectives of the participant that  
38 are to be met through the purchase of ~~participant selected~~  
39 *participant-selected* services and supports. The planning team shall  
40 also review the individual budget to ensure the budget assists the

1 participant to achieve the *relevant* core quality ~~outcomes~~, assures  
2 *outcomes identified in paragraphs (1) to (8), inclusive, of*  
3 *subdivision (b) of Section 4689.91, ensures* his or her health and  
4 safety, and implements his or her IPP goals. The completed budget  
5 shall be attached to the IPP.

6 (7) The participant shall implement his or her IPP, including  
7 choosing the services and supports allowable under this section  
8 necessary to implement the plan. A regional center may not prohibit  
9 the purchase of any service or support that is otherwise allowable  
10 under this section.

11 (8) Annually, participants may transfer up to 20 percent of the  
12 funds originally distributed to any budget category set forth in  
13 paragraph (3), to another budget category or categories. Transfers  
14 in excess of 20 percent of the original amount allocated to any  
15 budget category may be made upon the approval of the regional  
16 center. Regional centers may only deny a transfer if necessary to  
17 protect the health and safety of the participant.

18 (9) Consistent with the implementation date of the IPP, the  
19 regional center shall annually ascertain from the participant whether  
20 there are any circumstances that require a change to the annual  
21 individual allocation amount as calculated pursuant to subdivision  
22 (b). Based on that review, the regional center shall calculate a new  
23 budget amount based on the methodology described in subdivision  
24 (b). The participant may choose the new budget amount, or  
25 continue using the current amount. The IPP shall be amended to  
26 reflect any changes in the allocation.

27 (d) The department shall establish a risk pool fund to meet the  
28 unanticipated needs of participants in the SD Program. The fund  
29 is hereby administered by the department.

30 (1) The risk pool shall be funded at the equivalent of 2.5 percent  
31 of the historical annual purchase of service costs for consumers  
32 participating in the SD Program, as determined for consumers of  
33 similar characteristics pursuant to paragraph (2) of subdivision  
34 (b).

35 (2) The risk pool shall be allocated by the department to regional  
36 centers through a process specified by the department.

37 (3) The risk pool may be used only in the event of substantial  
38 change in a participant's service and support needs that were not  
39 known at the time the individual allocation was set including, but

1 not limited to, an urgent need to relocate a residence or to prevent  
 2 or respond to significant injury or illness.

3 (4) The risk pool may be accessed by a participant more than  
 4 once in a lifetime.

5 (e) The department shall allocate 7.5 percent of the historical  
 6 annual purchase of service costs for consumers participating in  
 7 the SD Program, as determined for consumers of similar  
 8 characteristics pursuant to paragraph (2) of subdivision (b), ~~towards~~  
 9 *toward* offsetting costs to the state of the SD Program with the  
 10 remainder to be returned as savings to the General Fund. Program  
 11 costs to the state shall include, but not be limited to, training of  
 12 consumers, family members, regional centers, and service brokers,  
 13 caseload ratio improvement, and service broker support for  
 14 participants' initial ~~person-centered~~ *person-centered* planning and  
 15 budget plan development.

16 (f) The regional center service coordinator shall assist consumers  
 17 and when appropriate his or her parents, legal guardian or  
 18 conservator, or authorized representative, in understanding the SD  
 19 Program service option, assist participants to understand their  
 20 rights, responsibilities, and opportunities under the SD Program,  
 21 and provide information on locating service brokers. The regional  
 22 center service coordinator shall, as required by this section,  
 23 determine the SD Program participant's individual allocation  
 24 amount, participate in the IPP, approve the initial individual budget  
 25 and amendments to the budget, ensure plans and services are  
 26 adequate to ensure the ~~participants~~ *participants'* health, welfare,  
 27 and safety, address the goals of the IPP and the core quality  
 28 outcomes specified in *paragraphs (1) to (8), inclusive, of*  
 29 subdivision (b) of Section 4689.91, monitor for abuse, fraud, and  
 30 exploitation, monitor the quarterly budget report for rate of  
 31 expenditure and consistency with the budget plan, annually  
 32 ascertain from the participant whether there are any circumstances  
 33 that require a change to the annual individual allocation amount,  
 34 conduct quarterly visits as required by the department, and assist  
 35 the participant to access the risk pool in the event of a substantial  
 36 change in a participant's service and support needs that were not  
 37 known at the time the individual allocation was set. Regional  
 38 centers, therefore, shall provide an average service  
 39 coordinator-to-consumer ratio of 1 to 62 for all SD Program  
 40 participants. To the maximum extent possible, regional centers

1 shall assign SD Program participants to service coordinators with  
2 a designated SD Program caseload.

3 (g) The financial management service shall send to the  
4 participant and the regional center case manager a quarterly  
5 statement that describes the amount of allocation by budget  
6 category, the amount spent in the previous 90-day period, and the  
7 amount of funding that remains available under the participant's  
8 individual budget.

9 (h) If at any time during participation in the SD Program a  
10 regional center determines that an individual is no longer eligible  
11 to continue based on the eligibility criteria described in subdivision  
12 (c) of Section 4689.91, or a participant voluntarily chooses to exit  
13 the SD Program, the regional center shall provide for the  
14 participant's transition from the SD Program to other services and  
15 supports. This shall include the development of a new individual  
16 program plan that reflects the services and supports necessary to  
17 meet the individual's needs. The regional center shall ensure that  
18 there is no gap in services and supports during the transition period.

19 (1) Upon determination of ineligibility pursuant to this  
20 subdivision, the regional center shall inform the participant in  
21 writing of his or her ineligibility, the reason for the determination  
22 of ineligibility, and shall provide a written notice of the fair hearing  
23 rights, as required by Section 4701.

24 (2) An individual determined to be ineligible, or who voluntarily  
25 exits the SD Program, shall be permitted to return to the SD  
26 Program upon meeting all applicable eligibility criteria and after  
27 a minimum of 12 months time has elapsed.

28 (i) A participant in the SD Program shall have all the rights  
29 established in Chapter 7 (commencing with Section 4700), except  
30 as provided under paragraph (5) of subdivision (b).

31 (j) Only the financial management service provider is required  
32 to apply for vendorization in accordance with subchapter 2  
33 (commencing with Section 54300) of Chapter 3 of Title 17 of the  
34 California Code of Regulations, for the SD Program. All other  
35 service providers shall have applicable state licenses, certifications,  
36 or other state required documentation, but are exempt from the  
37 vendorization requirements set forth in Title 17 of the California  
38 Code of Regulations. The financial management services entity  
39 shall ensure and document that all service providers meet specified

1 requirements for any service that may be delivered to the  
2 participant.

3 (k) A participant enrolled in the SD Program pursuant to this  
4 section and utilizing an individual allocation for services and  
5 supports is exempt from Section 4783, the Family Cost  
6 Participation Program, and cost control restrictions, including, but  
7 not limited to, purchases of services pursuant to Sections 4648.35,  
8 4648.5, and 4659, subparagraph (B) of paragraph (3) of subdivision  
9 (c) of Section 4685, Sections 4686.2, 4686.5, and 4689, and  
10 purchase of service best practices enacted pursuant to 4620.3.

11 4689.93. (a) The Legislature finds and declares that SD  
12 Program support workers are the foundation necessary for SD  
13 Program participants to access full community participation and  
14 employment opportunities and to pursue a life of meaning in the  
15 ways that they choose.

16 (b) Participants shall have the right to utilize their individual  
17 allocation to employ SD support workers of their choice, hire,  
18 supervise, direct, schedule, evaluate, train, and terminate  
19 employment of SD support workers. Except for the limited  
20 purposes set forth herein, the state shall not be deemed the  
21 employer of SD support workers for any purpose.

22 (c) The state shall support the quality, availability, and stability  
23 of direct support workers by establishing a base compensation  
24 package to ensure decent pay standards for workers in the program.  
25 Individuals may use their allocation and private sources of funds  
26 to pay SD support workers above the base established by the state,  
27 develop job descriptions, and otherwise organize and incentivize  
28 their SD support workers.

29 (d) SD support workers may form, join, and participate in the  
30 activities of labor organizations of their own choosing in order to  
31 engage in collective negotiations with the department with regard  
32 to all matters specified in paragraph (4).

33 (1) Within 10 days of receipt of a request from a labor  
34 organization that represents SD support workers, the department  
35 shall provide the following information concerning SD support  
36 workers:

37 (A) Name, address, telephone number, and any unique personal  
38 identification generated by the department.

39 (B) Wage rates earned by each SD support worker.

1 (C) Hours of services provided by each SD support worker. The  
2 department shall be required to collect the information on no less  
3 than a quarterly basis from any financial management services  
4 providers that process payments for SD support workers.

5 (2) A labor organization that represents SD support workers  
6 may petition the board to be designated as the exclusive negotiating  
7 representative of SD support workers in the state.

8 (A) The only appropriate bargaining unit of SD support workers  
9 shall consist of all SD support workers in the state.

10 (B) If a labor organization that represents SD support workers  
11 petitions the board to be designated as the negotiating  
12 representative for SD support workers and provides written  
13 authorization from a majority of the total number of workers in  
14 the unit as of January of the year in which the petition is made,  
15 the board shall designate that organization as the exclusive  
16 negotiating representative for all SD support workers in the unit.

17 (C) If a labor organization that represents SD support workers  
18 petitions to be designated as the negotiating representative for all  
19 SD support workers in the unit and provides written authorization  
20 to serve as the negotiating representative from at least 30 percent  
21 of the workers in the unit, an election shall be held pursuant to  
22 board policies and procedures within 90 days after the day on  
23 which the petition is filed. The board shall designate the labor  
24 organization that prevails in the election the exclusive negotiating  
25 representative for all SD support workers in the unit.

26 (3) The designated exclusive negotiating representative pursuant  
27 to paragraph (2) shall be the negotiating representative for all SD  
28 support workers in the unit for the purposes of this subdivision.

29 (A) An SD support worker may refuse to join or participate in  
30 the activities of the designated negotiating representative.

31 (B) The designated negotiating representative shall represent  
32 all SD support workers in the bargaining unit fairly and without  
33 discrimination and without regard to whether the workers are  
34 members of the labor organization designated as the negotiating  
35 representative.

36 (C) The designated negotiating representative may charge a  
37 reasonable fair share service fee to bargaining unit nonmembers,  
38 who meet the minimum hour criteria described in subdivision (i)  
39 of Section 4689.9, for representing them in negotiations, contract  
40 administration, and other activities. The costs covered by the fair

1 share service fee pursuant to this section may include, but are not  
2 limited to, costs associated with representing SD support workers  
3 pursuant to paragraph (4). The fair share service fee shall not exceed  
4 the annual dues paid by members of the labor organization  
5 designated as the negotiating representative of SD support workers.  
6 (4) The designated negotiating representative of SD support  
7 workers shall negotiate with the department concerning the terms  
8 and conditions of workers' participation in the SD Program  
9 including all of the following:  
10 (A) The base compensation package mandated by this article.  
11 (B) Access to benefits for SD support workers.  
12 (C) Payment procedures.  
13 (D) Training and career development opportunities.  
14 (E) Deduction of membership dues and fair share service fees.  
15 (5) The designated negotiating representative of SD support  
16 workers shall not negotiate over terms and conditions of  
17 employment reserved for the participant pursuant to subdivisions  
18 (b) and (c).  
19 (6) The designated negotiating representative of SD support  
20 workers shall not call or direct a strike or any other form of work  
21 stoppage.  
22 (7) The board's jurisdiction shall include all matters related to  
23 the representation of SD support workers.  
24 (e) A participant in the SD Program may request, at no charge  
25 to the participant or the regional center, criminal history  
26 background checks for persons seeking employment as a service  
27 provider and providing direct care services to the participant.  
28 (1) Criminal history records checks pursuant to this subdivision  
29 shall be performed and administered as described in subdivision  
30 (b) and subdivisions (d) to (h), inclusive, of Section 4689.2, and  
31 Sections 4689.4 to 4689.6, inclusive, and shall apply to  
32 vendorization of providers and hiring of employees to provide  
33 services for family home agencies and family homes.  
34 (2) The department may enter into a written agreement with the  
35 Department of Justice to implement this subdivision.  
36 4689.94. (a) The department shall establish a statewide  
37 Self-Determination Program Advisory Committee. Greater than  
38 50 percent of the committee shall be comprised of SD Program  
39 participants and their family members representing the geographic,  
40 ethnic, and language diversity of the state. Other committee

1 members shall include representatives from the State Council on  
2 Developmental Disabilities, Disability Rights California, a  
3 University Center for Excellence in Developmental Disabilities,  
4 regional centers, and a labor representative of regional center  
5 employees. The committee shall meet at least semiannually and  
6 participate in system oversight and advise with respect to ongoing  
7 system design and implementation and SD support worker wages,  
8 benefits, training, and career development. In addition, the  
9 committee shall meet with the department at least twice during the  
10 initial development phase of the SD Program to provide input on  
11 the methodology for calculating individual allocations and other  
12 initial implementation issues.

13 (b) Notwithstanding Section 10231.5 of the Government Code,  
14 commencing January 10, 2013, the department shall annually  
15 provide the following information to the SD Program Advisory  
16 Committee and to the policy and fiscal committees of the  
17 Legislature:

18 (1) The number and characteristics of participants, by regional  
19 center.

20 (2) The range and average of individual allocations, by regional  
21 center.

22 (3) Utilization of the risk pool, including range and average  
23 individual allocation augmentations and type of service, by regional  
24 center.

25 (4) The proportion of participants who report that their choices  
26 and decisions are respected and supported.

27 (5) Detailed workforce metrics for SD support workers including  
28 wages, hours worked, and length of time on the job.

29 (6) The number and outcome of individual allocation appeals,  
30 by regional center.

31 (7) The number and outcome of fair hearing appeals, by regional  
32 center.

33 (8) The number of participants who voluntarily withdraw from  
34 participation in the SD Program and a summary of the reasons  
35 why, by regional center.

36 (9) The number of participants who are subsequently determined  
37 to no longer be eligible for the SD Program and a summary of the  
38 reasons why, by regional center.

39 (10) Identification of barriers to participation and  
40 recommendations for program improvements.

1 (11) A comparison of average annual expenditures for  
2 individuals with similar characteristics not participating in the SD  
3 Program.

4 (c) Notwithstanding Section 10231.5 of the Government Code,  
5 commencing June 30, 2015, and at three year intervals, the  
6 department shall submit an SD-program *Program* evaluation to  
7 the relevant policy committees of the Legislature and the SD  
8 Program Advisory Committee. The evaluation shall be developed  
9 in consultation with the advisory committee and shall be based on  
10 the core quality outcomes described in subdivision (b) of Section  
11 4689.91 and also include a summary of all of the following:

12 (1) The types and ranking of services and supports purchased  
13 under the SD Program, by regional center.

14 (2) Consumer satisfaction under the SD Program and, when  
15 data is available, the traditional service delivery system, by regional  
16 center.

17 (3) The proportion of participants who report they are able to  
18 recruit, hire, and retain qualified service providers.

19 (4) *The adequacy of the risk pool established pursuant to*  
20 *subdivision (d) of Section 4689.92.*

21 4689.95. It is the intent of the Legislature that the purchase of  
22 services and supports through the SD Program be eligible for  
23 federal Medicaid match funding. The department shall take all  
24 steps necessary to ensure federal financial participation is available  
25 for all SD Program services and supports by applying for  
26 amendments to the current ~~home~~ *home-* and community-based  
27 waiver for individuals with developmental disabilities or for a new  
28 waiver pursuant to Section 1396n of Title 42 of the United States  
29 Code. The department shall seek to maximize federal financial  
30 participation by applying for an enhanced federal match through  
31 the federal Community First Choice Option pursuant to Section  
32 1396n(k) of Title 42 of the United States Code.

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## COUNCIL AGENDA ITEM DETAIL SHEET

**BILL NUMBER/ISSUE:** Assembly Bill (AB) 254: Developmental services: Employment First Policy.

**BILL SUMMARY:** This bill would require the regional center, when developing an individual program plan for a transition age youth or working age adult, to be guided by the Employment First Policy. The bill also, beginning when a consumer is 14 years of age, would require the planning team to discuss school-to-work opportunities during individual program plan meetings and to inform the consumer, parent, legal guardian, or conservator that the regional center is available, upon request, to participate in the consumer's individualized education plan meetings to discuss transition planning. The bill would require the planning team, as part of the individual program plan process for working age adults, to address integrated employment opportunities, while respecting the consumer's right to choose.

**BACKGROUND:** Last session, Chapter 231, Statutes of 2009 (AB 287) was enacted requiring the Council to create an Employment First Committee (EFC). The EFC was required to submit a report to the Legislature and Governor that identified an employment first policy and included recommendations to enhance and increase integrated employment opportunities for people with developmental disabilities. This report was submitted to the Governor and Legislature in August 2011.

**ANALYSIS/DISCUSSION:** The Council's Employment First Committee met on October 26, 2011 and Eric Gelber, Consultant, Assembly Human Services Committee discussed the option for this bill to be the vehicle for the Legislature to consider enacting an Employment First policy in state law. Eric provided the attached possible amendments for the Committee's and input. On October 27, 2011, the Legislative and Public Policy Committee also reviewed the bill and Eric's draft amendments and provided the following comments on the draft:

"Thank you for making the mockup of potential amendments available to the Council for review and comment. The Council Legislative and Public Policy Committee met today and discussed the mock-up and while we await input from the members of the Employment First Committee, I wanted to share the suggestions, comments and questions from today's meeting for your consideration.

Section 4868:

(d) Members noted that "integrated work is currently defined in WIC section 4581 (o), thus recommend consideration of not redefining it in this section or referencing the definition in that section here. Further, while microenterprises are not defined in existing law, perhaps it should be and the members recommended you consider the

definition included for microenterprises that appears in the Employment First Report which reads:

*Microenterprises are small businesses owned by individuals with developmental disabilities, with accompanying business licenses, taxpayer identification numbers other than social security numbers, and separate business bank accounts. Microenterprises may be considered competitive employment, integrated employment, and integrated competitive employment.*

It was recommended that the reference to supported employment be tied back to the definition of supported employment that appears in WIC section 4581 (n) to insure consistency of understanding.

(f) Members felt it important to add language in this section that clarifies that health and employment benefits should be commensurate with other employees performing similar tasks; recognizing that not all employers offer some benefits to any of their employees and so as not to eliminate an employment option because of this situation.

Section 4869:

This language accurately reflects the Council's proposed Employment First policy, however in keeping with your inclusion of self-employment, supported employment and microenterprises, as defined; thought adding these options could strengthen the policy.

*It is the policy of the State of California that integrated competitive employment is the priority outcome for working age individuals with developmental disabilities, including but not limited to supported employment, self-employment and microenterprises as defined in this division.*

(a) Members were unclear as to the intent of the language which reads "...but individuals do not have to meet exclusion criteria in order to choose goals other than integrated competitive employment."

Other:

There are additional recommendations in the Employment First report relative to potential language changes in the WIC that the Committee recommends be considered for inclusion in AB 254:

- Add the following language to Welfare and Institutions Code, section 4501 "...developmental disabilities present social, *educational*, medical, economic, and legal problems of extreme importance."

- Add the following definition for education in Welfare and Institutions Code, section 4512 “*Education means preschool, elementary, secondary, and postsecondary instruction and training.*”
- Amend Welfare and Institutions Code section 4692 to exempt, on an individual basis, services that support individuals in integrated competitive employment from reductions that impact their potential for success in their jobs.

The Committee, based upon the recommendation made by the Employment First Committee, also passed a motion recommending that the Council sponsor AB 254, work with the author and others to develop amendments to achieve some of the goals and strategies in the Employment First Report, and collaborate with others to advocate for the passage of and Governor’s signature on AB 254.”

Eric Gelber responded as follows:

“Thank you and the committee for the helpful and timely comments. I particularly think the suggestions of including a definition of microenterprises and clarifying health and employment benefits are significant. I wanted to comment on a few of the other suggestions/comments.

On referencing the Section 4851(o) definition of supported work, if I understand the comment, I think the cross-reference is important for a couple of reasons: First, the terms used are not identical (supported work vs. supported employment); so, it’s important to clarify that they refer to the same thing. Second, the definitions in 4851 apply only to that chapter—not to the entire division—so I think it’s necessary to explicitly say that the definition also applies here.

The language on “exclusion criteria” is to give further emphasis to the fact that consumers can choose options other than integrated competitive employment. The terminology has been used by SELN, for example, to distinguish between employment *first* policies and more restrictive policies--employment *only* policies--which allow non-employment options only if specified conditions (i.e., exclusion criteria) are met. There may be a better way of saying this that is more clear.

I think the suggestion concerning allowing exemptions from reductions is a good one. I’m concerned about including it here, however, because it will be given a fiscal impact. (It may be something to include for now, though.)

Thanks again for the input.”

**COUNCIL STRATEGIC PLAN OBJECTIVE:** Goal #8-The State of California will adopt an Employment First policy which reflects inclusive and gainful employment as the preferred outcome for working age individuals with developmental disabilities

**PRIOR COUNCIL ACTIVITY:** The Council supported AB 287 (2009) and submitted the first annual Employment First Report in August 2011 to the Governor and Legislature.

**LPPC RECOMMENDATION:** Sponsor AB 254, work with the author and others to develop amendments to achieve some of the goals and strategies in the Employment First Report, and collaborate with others to advocate for the passage of and Governor's signature on AB 254.

**ATTACHMENT(S):** AB 254, Employment First Report Executive Summary and Eric Gelber's draft amendments to AB 254.

**PREPARED:** Carol Risley, November 1, 2011

**Amendments Mock-up for 2011-2012 AB 254 (Beall)**

**\*\*\*\*\*Amendments are in BOLD\*\*\*\*\***

**Mock-up based on Version Number 99 - Introduced 2/3/11**

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 4646.5 of the Welfare and Institutions Code is amended to read:

**4646.5.** (a) The planning process for the individual program plan described in Section 4646 shall include all of the following:

(1) Gathering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the person with developmental disabilities. For children with developmental disabilities, this process should include a review of the strengths, preferences, and needs of the child and the family unit as a whole. Assessments shall be conducted by qualified individuals and performed in natural environments whenever possible. Information shall be taken from the consumer, his or her parents and other family members, his or her friends, advocates, providers of services and supports, and other agencies. The assessment process shall reflect awareness of, and sensitivity to, the lifestyle and cultural background of the consumer and the family.

(2) A statement of goals, based on the needs, preferences, and life choices of the individual with developmental disabilities, and a statement of specific, time-limited objectives for implementing the person's goals and addressing his or her needs. These objectives shall be stated in terms that allow measurement of progress or monitoring of service delivery. These goals and objectives should maximize opportunities for the consumer to develop relationships, be part of community life in the areas of community participation, housing, work, school, and leisure, increase control over his or her life, acquire increasingly positive roles in community life, and develop competencies to help accomplish these goals.

(3) When developing individual program plans for children, regional centers shall be guided by the principles, process, and services and support parameters set forth in Section 4685.

*(4) When developing an individual program plan for a transition age youth or working age adult, the regional center shall be guided by the Employment First Policy described in Chapter 14 (commencing with Section 4868). Beginning when a consumer is 14 years of age, the planning team shall discuss school-to-work opportunities during individual program plan meetings, and the regional center representative shall inform the consumer, parent, legal*

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*guardian, or conservator that the regional center is available, upon request, to participate in the consumer's individualized education plan meetings to discuss transition planning.*

(4)

(5) A schedule of the type and amount of services and supports to be purchased by the regional center or obtained from generic agencies or other resources in order to achieve the individual program plan goals and objectives, and identification of the provider or providers of service responsible for attaining each objective, including, but not limited to, vendors, contracted providers, generic service agencies, and natural supports. The plan shall specify the approximate scheduled start date for services and supports and shall contain timelines for actions necessary to begin services and supports, including generic services.

(5)

(6) When agreed to by the consumer, the parents or legally appointed guardian of a minor consumer, or the legally appointed conservator of an adult consumer or the authorized representative, including those appointed pursuant to subdivision (d) of Section 4548 and subdivision (e) of Section 4705, a review of the general health status of the adult or child including a medical, dental, and mental health needs shall be conducted. This review shall include a discussion of current medications, any observed side effects, and the date of last review of the medication. Service providers shall cooperate with the planning team to provide any information necessary to complete the health status review. If any concerns are noted during the review, referrals shall be made to regional center clinicians or to the consumer's physician, as appropriate. Documentation of health status and referrals shall be made in the consumer's record by the service coordinator.

(6)

(7) A schedule of regular periodic review and reevaluation to ascertain that planned services have been provided, that objectives have been fulfilled within the times specified, and that consumers and families are satisfied with the individual program plan and its implementation.

(b) For all active cases, individual program plans shall be reviewed and modified by the planning team, through the process described in Section 4646, as necessary, in response to the person's achievement or changing needs, and no less often than once every three years. If the consumer or, where appropriate, the consumer's parents, legal guardian, or conservator requests an individual program plan review, the individual program shall be reviewed within 30 days after the request is submitted.

(c) (1) The department, with the participation of representatives of a statewide consumer organization, the Association of Regional Center Agencies, an organized labor organization representing service coordination staff, and the Organization of Area Boards shall prepare training material and a standard format and instructions for the preparation of individual program plans, which embodies an approach centered on the person and family.

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(2) Each regional center shall use the training materials and format prepared by the department pursuant to paragraph (1).

(3) The department shall biennially review a random sample of individual program plans at each regional center to assure that these plans are being developed and modified in compliance with Section 4646 and this section.

**SEC. 2. Section 4868 of the Welfare and Institutions Code is amended, as follows:**

4868. (a) The State Council on Developmental Disabilities shall form a standing Employment First Committee consisting of the following members:

(1) One designee of each of the members of the state council specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph (2) of subdivision (b) of Section 4521.

(2) A member of the consumer advisory committee of the state council.

(b) In carrying out the requirements of this section, the committee shall meet and consult, as appropriate, with other state and local agencies and organizations, including, but not limited to, the Employment Development Department, the Association of Regional Center Agencies, one or more supported employment provider organizations, an organized labor organization representing service coordination staff, and one or more consumer family member organizations.

(c) The responsibilities of the committee shall include, but need not be limited to, all of the following:

(1) Identifying the respective roles and responsibilities of state and local agencies in enhancing integrated and gainful employment opportunities for people with developmental disabilities.

(2) Identifying strategies, best practices, and incentives for increasing integrated employment and gainful employment opportunities for people with developmental disabilities, including, but not limited to, ways to improve the transition planning process for students 14 years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers.

(3) Identifying existing sources of employment data and recommending goals for, and approaches to measuring progress in, increasing integrated employment and gainful employment of people with developmental disabilities.

(4) Recommending legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in integrated employment, self-employment, and microenterprises, and who earn wages at or above minimum wage, including, but not limited to, recommendations for improving transition planning and services for students with developmental disabilities who are 14 years of age or older. This shall include, but shall not be limited to, the development of an Employment First Policy, the intended outcome of which is a significant increase in the number of individuals with developmental disabilities who engage in integrated

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employment, self-employment, and microenterprises, and in the number of individuals who earn wages at or above minimum wage. This proposed policy shall be in furtherance of the intent of this division that services and supports be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age and that support their integration into the mainstream life of the community, and that those services and supports result in more independent, productive, and normal lives for the persons served. The proposed Employment First Policy shall not limit service and support options otherwise available to consumers, or the rights of consumers, or, where appropriate, parents, legal guardians, or conservators to make choices in their own lives.

(d) For purposes of this chapter, “integrated employment” shall have the same definition as “integrated work” as defined in subdivision (o) of Section 4851. **Integrated employment includes, but is not limited to, supported employment, self-employment and microenterprises.**

**(e) For purposes of this chapter, "competitive employment" is work compensated at prevailing wages, at or above minimum wage, with related health and employment benefits.**

**(e) (f)** The committee, by July 1, 2011, and annually thereafter, shall provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations. The report due by July 1, 2011, shall include the proposed Employment First Policy described in paragraph (4) of subdivision (c).

**SEC. 2. SEC. 3.** Section 4869 is added to the Welfare and Institutions Code, to read:

**4869. ~~In furtherance of the Employment First Policy established pursuant to this chapter, the individual program plan process for working age adults shall address integrated employment opportunities, while respecting the consumer's right to choose.~~ It is the policy of the state that integrated competitive employment is the priority outcome for working age individuals with developmental disabilities. This policy is referred to as the Employment First Policy.**

**(a) The Employment First Policy is in furtherance of the intent of this division that services and supports be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age and that support their integration into the mainstream life of the community, and that those services and supports result in more independent, productive, and normal lives for the persons served. Implementation shall be consistent with rights established under this division, including the right of people with developmental disabilities to make informed choices with respect to individual program planning and implementation. Integrated competitive employment is intended to be the first option considered for working age individuals but individuals do not have to meet exclusion criteria in order to choose goals**

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other than integrated competitive employment.

(b) Regional centers shall ensure that consumers, beginning at age 14, and, where appropriate, their parents, legal guardians, or conservators, are provided with information about the Employment First Policy, about options for integrated competitive employment, and about services and supports, including post-secondary education, available to enable the consumer to transition from school to work, and to achieve the outcomes of obtaining and maintaining integrated competitive employment.

(c) The department may request information from regional centers on current and planned activities related to the Employment First Policy, including data on the numbers of consumers engaged in integrated competitive employment. As appropriate, the department shall post information on its Internet Web site pertaining to the Employment First Policy, including technical assistance and training materials, best practices, resources, and regional center-specific data on progress made in increasing the number of consumers in integrated employment and the number of consumers earning wages at or above minimum wage.

**ASSEMBLY BILL**

**No. 254**

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**Introduced by Assembly Member Beall**

February 3, 2011

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An act to amend Section 4646.5 of, and to add Section 4869 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 254, as introduced, Beall. Developmental services: Employment First Policy.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide support and services to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements.

Existing law requires the State Council on Developmental Disabilities to form a standing Employment First Committee to identify strategies and recommend legislative, regulatory, and policy changes to increase integrated employment for persons with developmental disabilities, as specified.

This bill would require the regional center, when developing an individual program plan for a transition age youth or working age adult, to be guided by the Employment First Policy. The bill also, beginning when a consumer is 14 years of age, would require the planning team to discuss school-to-work opportunities during individual program plan meetings and to inform the consumer, parent, legal guardian, or conservator that the regional center is available, upon request, to participate in the consumer's individualized education plan meetings

to discuss transition planning. The bill would require the planning team, as part of the individual program plan process for working age adults, to address integrated employment opportunities, while respecting the consumer’s right to choose.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4646.5 of the Welfare and Institutions  
2 Code is amended to read:

3 4646.5. (a) The planning process for the individual program  
4 plan described in Section 4646 shall include all of the following:

5 (1) Gathering information and conducting assessments to  
6 determine the life goals, capabilities and strengths, preferences,  
7 barriers, and concerns or problems of the person with  
8 developmental disabilities. For children with developmental  
9 disabilities, this process should include a review of the strengths,  
10 preferences, and needs of the child and the family unit as a whole.  
11 Assessments shall be conducted by qualified individuals and  
12 performed in natural environments whenever possible. Information  
13 shall be taken from the consumer, his or her parents and other  
14 family members, his or her friends, advocates, providers of services  
15 and supports, and other agencies. The assessment process shall  
16 reflect awareness of, and sensitivity to, the lifestyle and cultural  
17 background of the consumer and the family.

18 (2) A statement of goals, based on the needs, preferences, and  
19 life choices of the individual with developmental disabilities, and  
20 a statement of specific, time-limited objectives for implementing  
21 the person’s goals and addressing his or her needs. These objectives  
22 shall be stated in terms that allow measurement of progress or  
23 monitoring of service delivery. These goals and objectives should  
24 maximize opportunities for the consumer to develop relationships,  
25 be part of community life in the areas of community participation,  
26 housing, work, school, and leisure, increase control over his or her  
27 life, acquire increasingly positive roles in community life, and  
28 develop competencies to help accomplish these goals.

29 (3) When developing individual program plans for children,  
30 regional centers shall be guided by the principles, process, and  
31 services and support parameters set forth in Section 4685.

1 (4) *When developing an individual program plan for a transition*  
2 *age youth or working age adult, the regional center shall be guided*  
3 *by the Employment First Policy described in Chapter 14*  
4 *(commencing with Section 4868). Beginning when a consumer is*  
5 *14 years of age, the planning team shall discuss school-to-work*  
6 *opportunities during individual program plan meetings, and the*  
7 *regional center representative shall inform the consumer, parent,*  
8 *legal guardian, or conservator that the regional center is available,*  
9 *upon request, to participate in the consumer's individualized*  
10 *education plan meetings to discuss transition planning.*

11 ~~(4)~~

12 (5) A schedule of the type and amount of services and supports  
13 to be purchased by the regional center or obtained from generic  
14 agencies or other resources in order to achieve the individual  
15 program plan goals and objectives, and identification of the  
16 provider or providers of service responsible for attaining each  
17 objective, including, but not limited to, vendors, contracted  
18 providers, generic service agencies, and natural supports. The plan  
19 shall specify the approximate scheduled start date for services and  
20 supports and shall contain timelines for actions necessary to begin  
21 services and supports, including generic services.

22 ~~(5)~~

23 (6) When agreed to by the consumer, the parents or legally  
24 appointed guardian of a minor consumer, or the legally appointed  
25 conservator of an adult consumer or the authorized representative,  
26 including those appointed pursuant to subdivision (d) of Section  
27 4548 and subdivision (e) of Section 4705, a review of the general  
28 health status of the adult or child including a medical, dental, and  
29 mental health needs shall be conducted. This review shall include  
30 a discussion of current medications, any observed side effects, and  
31 the date of last review of the medication. Service providers shall  
32 cooperate with the planning team to provide any information  
33 necessary to complete the health status review. If any concerns  
34 are noted during the review, referrals shall be made to regional  
35 center clinicians or to the consumer's physician, as appropriate.  
36 Documentation of health status and referrals shall be made in the  
37 consumer's record by the service coordinator.

38 ~~(6)~~

39 (7) A schedule of regular periodic review and reevaluation to  
40 ascertain that planned services have been provided, that objectives

1 have been fulfilled within the times specified, and that consumers  
2 and families are satisfied with the individual program plan and its  
3 implementation.

4 (b) For all active cases, individual program plans shall be  
5 reviewed and modified by the planning team, through the process  
6 described in Section 4646, as necessary, in response to the person's  
7 achievement or changing needs, and no less often than once every  
8 three years. If the consumer or, where appropriate, the consumer's  
9 parents, legal guardian, or conservator requests an individual  
10 program plan review, the individual program shall be reviewed  
11 within 30 days after the request is submitted.

12 (c) (1) The department, with the participation of representatives  
13 of a statewide consumer organization, the Association of Regional  
14 Center Agencies, an organized labor organization representing  
15 service coordination staff, and the Organization of Area Boards  
16 shall prepare training material and a standard format and  
17 instructions for the preparation of individual program plans, which  
18 embodies an approach centered on the person and family.

19 (2) Each regional center shall use the training materials and  
20 format prepared by the department pursuant to paragraph (1).

21 (3) The department shall biennially review a random sample of  
22 individual program plans at each regional center to assure that  
23 these plans are being developed and modified in compliance with  
24 Section 4646 and this section.

25 SEC. 2. Section 4869 is added to the Welfare and Institutions  
26 Code, to read:

27 4869. In furtherance of the Employment First Policy established  
28 pursuant to this chapter, the individual program plan process for  
29 working age adults shall address integrated employment  
30 opportunities, while respecting the consumer's right to choose.

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CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

# **EMPLOYMENT FIRST**

## **Executive Summary**

*A vision of Californians with developmental disabilities  
working in integrated competitive employment.*

August 2011

## Executive Summary

“Community inclusion is fundamental to the whole idea of individuals with developmental disabilities finding jobs and choosing the ‘best’ support (natural or paid) to maintain employment.

School age children must be included in their school and community when they are young. That’s the foundation we build everything on.

Work leads to health and well-being – self-esteem, confidence, and more income. Also important it leads to increased social networks and making contributions to the greater community like paying taxes and having buying power.”<sup>1</sup>

### Legislation

Chapter 231, Statutes of 2009 (Assembly Bill 287) was signed into law on October 11, 2009 and directs the State Council on Developmental Disabilities to:

- Form a standing Employment First Committee;
- Develop an Employment First policy;
- Identify the respective roles and responsibilities of state and local agencies in enhancing integrated and gainful employment opportunities for individuals with developmental disabilities;
- Identify strategies, best practices, and incentives for increasing integrated employment and gainful employment opportunities for individuals with developmental disabilities, including, but not limited to, ways to improve the transition planning process for students 14 years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers;
- Identify existing sources of employment data and recommend goals for, and approaches to measuring progress in, increasing integrated

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<sup>1</sup> Consumer Subcommittee, Employment First Committee, January 6, 2011

employment and gainful employment of individuals with developmental disabilities;

- Recommend legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in integrated employment, self-employment, and microenterprises, and who earn wages at or above minimum wage, including, but not limited to, recommendations for improving transition planning and services for students with developmental disabilities who are 14 years of age or older;
- By July 1, 2011, and annually thereafter, provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations. The report due by July 1, 2011, shall include the proposed Employment First policy.

### **California Trends in Employment<sup>2</sup>**

Individuals with developmental disabilities are much less likely to have the opportunity to work than individuals without disabilities and earn less than half what the general population earned from working.<sup>3</sup> Additionally, supports that would help individuals with developmental disabilities achieve integrated competitive employment are not always available or are at insufficient levels.

The majority of working age adults with developmental disabilities is supported in segregated non-work programs or facility based employment. Data from 2009 reflect the following:

- While there are no specific data in California for working age individuals with developmental disabilities, approximately 70% of working age adults in California are in the workforce (either employed or unemployed), as compared to 30% working age adults with any disability and 20% working age adults with a “mental disability”.<sup>4</sup>
- 15% of individuals with developmental disabilities served by the Department of Developmental Services (DDS) were provided services in

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<sup>2</sup> The 2009 data reported here are the core elements of the Institute for Community Inclusion's IDD Agency National Survey of Day and Employment Services. These data focus on participation in integrated employment, community-based non-work, and facility-based services.

<sup>3</sup> American Community Survey, 2009

<sup>4</sup> Defined as difficulty learning, remembering, or concentrating.

integrated employment; 70% community based non-work settings; 15% facility-based work and non-work.

- 26.5% of working age individuals with developmental disabilities live below the poverty line versus 13% of the general population.
- The mean weekly earnings of individuals with a cognitive disability at closure from Vocational Rehabilitation Services were \$212.
- In 2007, individuals without a disability nationally earned a mean weekly wage of \$771 as opposed to \$223 for individuals with developmental disabilities in California.
- Educators, adult service agencies and service providers face barriers to collaboration, including a lack of knowledge about each other's systems and bureaucratic constraints that complicate service coordination.
- No one state or local agency is responsible for charting out cross system services, identifying gaps or measuring progress on the employment status of individuals with developmental disabilities (occupation, hours worked, salary, job maintenance or promotion, service setting and benefits received).

### **Employment First Committee**

In response to the legislative mandates, the Council formed an Employment First Committee (EFC) in September 2010. The EFC is composed of service recipients, state agencies, and advocacy organizations. In addition to the official committee, interested parties were invited to and actively participated in the EFC deliberations. Representatives included self-advocates, family organizations, state agencies, service providers, and a union representing employees.<sup>5</sup> Further, all meetings were noticed and conducted in accordance with the Bagley-Keene Open Meeting Act.<sup>6</sup>

At its initial meeting, the EFC and other interested parties formed five subcommittees to address barriers to employment, public benefits and employment, employer issues, innovative strategies, and transition from high school to adult life. Each subcommittee gathered information and developed proposed strategies designed to enhance employment

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<sup>5</sup> Please see Appendix E for a detailed roster.

<sup>6</sup> California Government Code Section 11120 et seq.

opportunities for individuals with developmental disabilities. Those strategies form much of this report.

**Recommended Employment First Policy for California**

***It is the policy of the State of California that integrated competitive employment<sup>7</sup> is the priority outcome for working age individuals with developmental disabilities.***

In plain language:

**WORK IS FOR ALL**

**Issues, Goals, and Recommendations**

Employment First is about focusing on real jobs, real wages, and real business settings for individuals with developmental disabilities to have the ability to increase their income and benefits, accrue assets and build wealth. The present work builds on the foundation laid by Chapter 397, Statutes of 2006 (SB 1270) that articulated core values and the need for expanded opportunities for individuals with developmental disabilities to work and participate in the community alongside their fellow citizens. Individuals with developmental disabilities are best suited to identify their own unique needs and how to best address those needs. Therefore, the services and supports provided must be individualized, culturally responsive, flexible and supportive of choice, change and control. For those individuals who receive services through the developmental disabilities system, the Employment First policy establishes a vision and direction while respecting the individual planning process as articulated in the Lanterman Developmental Disabilities Services Act.

The implementation of an Employment First policy will require a shift in policies and rebalancing of existing resources across all relevant state agencies (education, employment, health, disability and human services) to

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<sup>7</sup> Employment includes all income generation activities such as traditional jobs and owning one's own business.

support and encourage integrated employment outcomes, including self-employment and microenterprises. The following goals and objectives provide recommendations on policies, procedures, and practices in order to promote an employment first approach and document outcomes so as to measure success.

### **Interagency Collaboration and Coordination**

Issue: Interagency coordination assists youth and adults with developmental disabilities who have needs across multiple agencies to gain access to services and supports for integrated employment. There are collaborative efforts in place; however, there is no overall framework for state or local agency collaboration and coordination. As a result, individuals with developmental disabilities do not have the necessary linkages, services, and supports they need.

Goal: Evaluate and reform existing state laws, regulations, guidelines, and operational procedures to institute systemic changes that increase agency collaboration and coordination toward the employment of individuals with developmental disabilities. These recommendations should increase interagency collaboration to develop an infrastructure to support and further employment as a priority outcome.

- Review current laws and regulations to determine if they can be strengthened to ensure adequate collaboration among the Departments of Education, Employment Development, Rehabilitation, and Developmental Services, school districts, regional centers, service and support providers, and employers to promote, develop, and support work experience, training, and on-the-job training for students with developmental disabilities.
- Maximize system efficiency through interagency collaboration and coordination between California Departments of Education (CDE), Rehabilitation (DOR), Developmental Services (DDS), Employment Development (EDD) and the California Community College Chancellor's Office (CCCCO) focused on the transition of youth and working age adults with developmental disabilities into integrated competitive employment.
- Strengthen regulations and processes that encourage the blending and braiding of funds between CDE, DOR, DDS, EDD, and CCCCCO to

ensure seamless collaborative strategies for better employment outcomes.

- Identify and disseminate promising practices from partnerships such as DOR's College to Career Program where community colleges are providing inclusive education, job preparation, and placement services for integrated competitive employment.
- Coordinate the availability and usage of assistive technology across systems for individuals with developmental disabilities.
- Develop and implement evaluation strategies to determine effectiveness of models for interagency collaboration and coordination.
- Review and analyze existing employment data and develop and implement a system to establish benchmarks and measurable outcomes for the number of individuals with developmental disabilities that are competitively employed in integrated settings including self-employment and microenterprise.

## **Transition**

Issue: A high proportion of students with developmental disabilities leave high school without being employed in integrated competitive employment or attending postsecondary education. While federal and state laws require school districts to provide transition planning and services, many stakeholders reported transition to be an especially problematic area. There is a significant need to adequately prepare students and their families to understand the range of available possibilities and facilitate transition to integrated gainful employment.

Goal: To ensure that students with developmental disabilities are adequately prepared for integrated competitive employment.

- Ensure that transition planning and services for students begins early in secondary school and such services should be included in individualized education programs (IEP), individualized transition plans (ITP), and individualized plans for employment (IPE).
- Ensure that all relevant agencies and partners participate in the transition planning process.
- Students must have opportunities to explore all postsecondary options, including college and other post-school training for employment.

- Provide students with opportunities for career exploration and preparation through peer mentoring work-based learning, internships, volunteer opportunities, and paid employment.

### **Getting Work**

Issue: The majority of working age individuals with developmental disabilities is not in the labor force.

Goal: All working age youth and adults with developmental disabilities will have the choice and opportunity to work in jobs that are integrated within the general workforce and work side-by-side with co-workers with and without disabilities, earning benefits and competitive wages, or to engage in self-employment or microenterprise.

- Employment related training, services, and supports should target areas of present and future workforce growth with direct input from employers.
- Increase opportunities for individuals with developmental disabilities to pursue self-employment and the development of micro-enterprises or small businesses.
- Ensure supports are provided as needed and that generic resources, including natural supports within the family, community, and work setting are included as much as possible.
- Showcase parts of the system that are demonstrating success with implementing an employment first agenda through planning, service provision, job preparation and placement, removal of systems barriers, and provision of supports.
- Provide training and technical assistance to develop knowledge and skills for providers, job developers, job coaches, and agencies and employers to use best, promising, and emerging practices to provide employment related services and supports.

### **Benefits**

Issue: Some mechanisms exist for individuals with developmental disabilities to maintain public benefits while working. However, individuals with developmental disabilities, their families, and service providers are often not fully aware of those mechanisms. This lack of knowledge sometimes serves as a disincentive to work.

Goal: Individuals with developmental disabilities, their families, and service providers will have access to resources that fully inform them of ways to maintain benefits while working if needed. Any disincentives to working caused by the actual or perceived risk of losing benefits will be reduced.

- Individuals with developmental disabilities understand the impact of work on their public benefits.
  - This includes overcoming the barrier of a lack of outreach to individuals with developmental disabilities about work and benefits. Therefore, information must be provided, in plain language, to working age individuals with developmental disabilities including those in transition from school to adult life.
- Make public benefits more flexible to support working individuals with developmental disabilities.
- Ensure that all agencies involved in assisting individuals with developmental disabilities obtain and maintain integrated competitive employment, including self-employment and microenterprise, provide accurate advice and resources concerning the interplay between public benefits and work.
- Evaluate and reform existing state laws, regulations, guidelines, operational procedures and funding practices to institute systemic changes that eliminate any disincentives caused by the risk of losing benefits when working if needed.

## **Supports**

Issue: There are supports available to individuals with developmental disabilities to obtain and maintain employment. However, the various agencies responsible for serving individuals with developmental disabilities in their employment goals do not do so in collaboration with each other which results in supports that are frequently inadequate to meet the needs of individuals with developmental disabilities. Additionally, employers lack advice and information on the benefits of employing individuals with developmental disabilities and how to provide accommodations and supports.

Goal: Provide adequate supports to individuals with developmental disabilities in obtaining and maintaining integrated competitive employment, including self-employment and microenterprise.

- Provide regional center service coordinators with employment training from experts to instruct them on the available supports to individuals with developmental disabilities in obtaining and maintaining employment.
- Provide a dedicated employment specialist at each regional center, to enhance the level of information about employment and related issues available to individuals with developmental disabilities, families, service coordinators, and employers.
- Provide training for employers on how to appropriately accommodate individuals with developmental disabilities.

## COUNCIL AGENDA ITEM DETAIL SHEET

**ISSUE:** 2011-12 State Budget Update

**BACKGROUND:** The 2011–12 state spending plan includes total budget expenditures of \$120.1 billion from the General Fund and special funds. This consists of \$85.9 billion from the General Fund and \$34.1 billion from special funds. While General Fund spending has dropped by around 6 percent from 2010–11, this has, in part been offset by increases in special fund spending as the state shifts some programs—from state to local responsibility under what has been called "realignment"—from General Fund support to special fund support. Federal funds spending continues to decline with the expiration of much of the funding made available through the American Recovery and Reinvestment Act. The budget projects General Fund revenues and transfers of \$88.5 billion and expenditures of \$85.9 billion in 2011–12. The resulting \$2.6 billion operating surplus is necessary for the state to address the carry-in deficit and rebuild a reserve balance of \$0.5 billion by June 30, 2012. This reserve is based, in large part, on assumed revenue growth between 2010–11 and 2011–12.

In addition to the expenditure reductions, the budget package also contains a mechanism for further reducing expenditures in 2011–12 if General Fund revenues are estimated to fall short of the amount contained in the *2011–12 Budget Act*. The cuts are in two tiers: first, if revenues are forecast to be \$1 billion below the budget level, and second, if the revenue is forecast to be \$2 billion below. Chapter 41, Statutes of 2011 (AB 121, Committee on Budget), Chapter 43, Statutes of 2011 (AB 114, Committee on Budget), and Chapter 34, Statutes of 2011 (SB 73, Committee on Budget) provide the mechanisms and the upper limits for the additional cuts (also referred to as "trigger cuts"). Following is a table outlining "trigger" reductions:

### Trigger Reductions if Revenues Fall Short of Forecasts

*General Fund Benefit (In Millions)*

#### **Tier 1 Trigger—Revenues Are Forecast to Be \$1 Billion Below Budget Act**

Reduce University of California budget	\$100
Reduce California State University budget	100
Reduce funding for developmental services	100
Reduce service hours for In-Home Supportive Services (IHSS) recipients by 20 percent	100
Increase charges to counties for youthful offenders sent to CDCR facilities	72
Reduce community college funding (offset with a \$10 per unit fee increase)	30
Reduce child care funding by 4 percent	23

Reduce CDCR budget	20
Eliminate state grants for local libraries	16
Eliminate vertical prosecution grants	15
Extend Medi-Cal provider cuts and copayments to all managed care plans	15
Eliminate funding for local antifraud efforts in IHSS	10
Subtotal	(\$601)
<b>Tier 2 Trigger—Revenues Are Forecast to Be \$2 Billion Below Budget Act</b>	
Reduce school year by seven days	\$1,540
Eliminate Home-to-School Transportation	248
Reduce community colleges budget	72
Subtotal	(\$1,860)
<b>Total</b>	<b>\$2,461</b>

The Department of Finance could reduce spending by less than the amount shown in each category. Legislation includes a specific formula directing the amount of reductions to K-12 schools based on the amount by which revenues fall short of *Budget Act* estimates.

CDCR = California Department of Corrections and Rehabilitation.

The provisions of Chapter 41 require that the Department of Finance (DOF) compare its updated revenue estimate for 2011-12 with Legislative Analyst Office (LAO) estimate (presented in November). The higher of these two estimates will be compared with the forecast contained in the *2011-12 Budget Act*. DOF has the authority to reduce expenditures as laid out in Chapter 41.

On August 4, 2011, the Department of Developmental Services issued a memo to all regional centers providing a summary of the recently enacted Trailer Bill (AB 104, Chapter 37, Statutes of 2011), companion to the 2011-12 State Budget that directly affects regional centers or the developmental services system. This trailer bill language (TBL) became effective July 1, 2011.

**ANALYSIS/DISCUSSION:** Terri Delgadillo, Director, DDS provided a comprehensive overview of the 2011-12 DDS budget, reductions, and implementation of the trailer bill (companion to the budget) language relative to the developmental services system at the September 2011 Council meeting. Based upon the most recent revenue reports, most advocates believe that, at least, the first trigger will be pulled and that the developmental services system will be expected to assume another \$100 million in reduction during the second half of 2011-12. Advocates have been discussing two messages, one that the system has given enough and cannot afford to absorb another

\$100 million without sustaining significant damage and potential loss of the entitlement to services designed to increase the independence, productivity, inclusion and self-determination of those served; and the other is that if faced with any reduction, what strategies need to be considered. Since Chapter 41 (AB 121) includes the following language:

*(2) Reduce Item 4300-101-0001 of Section 2.00 by not more than \$100,000,000.*

it appears as though any further reduction could be from \$0 to \$100 million, thus strategy could range anywhere from no reduction to methods to address up to the maximum allowed by law assuming that no subsequent legislation is passed impacting this issue. This reduction could be addressed through increased federal funding, savings and is applicable to the entire developmental services system, not just regional center purchased services.

Although the Council took no action at the September meeting, the Self-Advocates Advisory Committee issued the following recommendation:

- *Keep reductions as far away from consumers as possible.*
- *Consolidate finance departments, executive directors, operations of regional centers to minimize cuts to services. Make cuts in regional center operations rather than from consumers.*
- *Adequate notice needs to be given to consumers in advance of any changes. Notice needs to be provided in ways people understand (plain language, accessible formats).*

**COUNCIL STRATEGIC PLAN OBJECTIVE:** Goal #14- Public policy in California promotes the independence, productivity, inclusion and self determination of individuals with developmental disabilities and their families.

**PRIOR COUNCIL ACTIVITY:** Historically the Council has opposed reductions in the budget for the developmental services system as they have, over time, reduced all three areas the majority of funds are used for, eligibility, access to services, and the rate of payment for services.

**LPPC RECOMMENDATION(S):** Oppose any further reductions in 2011-12 to the developmental services system and other services impacting individuals with developmental disabilities (i.e. in-home supportive services) on the basis that individuals with developmental disabilities, their families, and the service and support system has already contributed significantly to reducing the overall State deficit. If, however, reductions are to be made, the State should, to the extent possible, secure additional federal funding score savings from 2010-11 for application toward any additional reduction, and continue to encourage current activities designed to mitigate

the impact of any further reductions on persons with developmental disabilities and their families.

**ATTACHMENT(S):** California's Budget Woes: How is Our Fiscal Health?  
(Legislative Analyst Office, October 27, 2011)

**PREPARED:** Carol J. Risley, November 1, 2011

# California's Budget Woes: How Is Our Fiscal Health?



**Legislative Analyst's Office**

Randall Lewis Seminar Series  
University of California, Riverside  
October 27, 2011

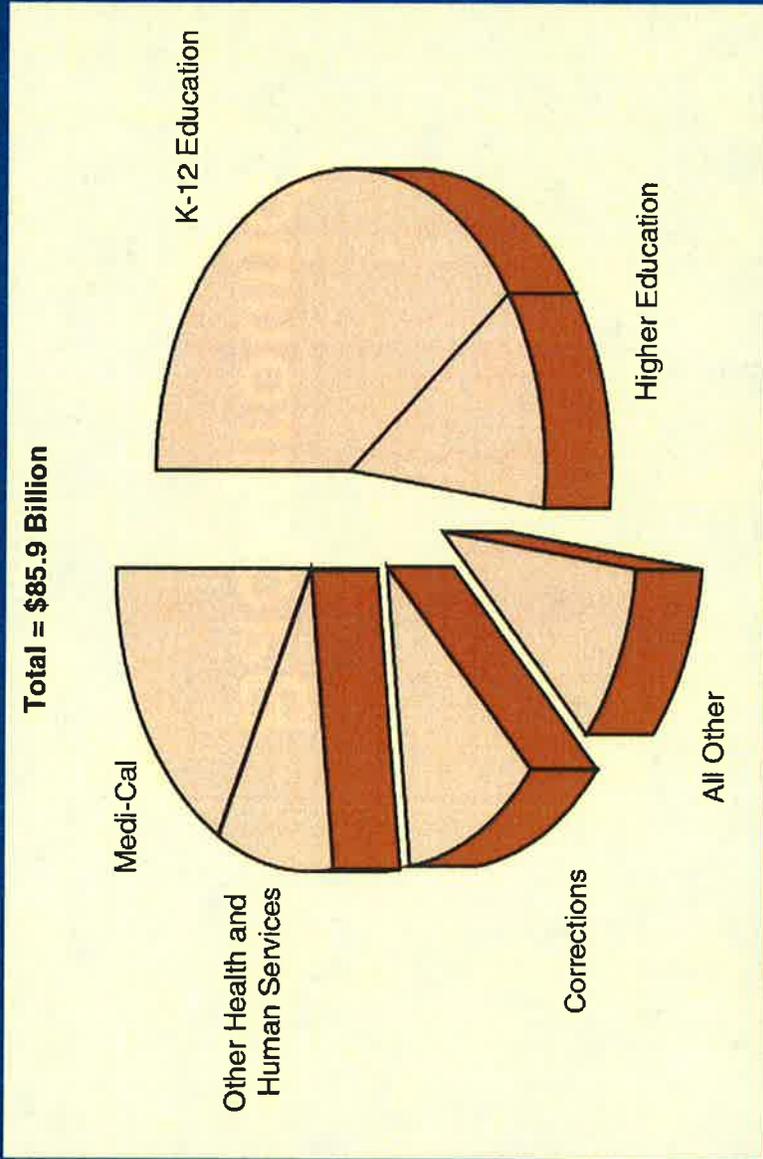
[www.lao.ca.gov](http://www.lao.ca.gov)



# Background

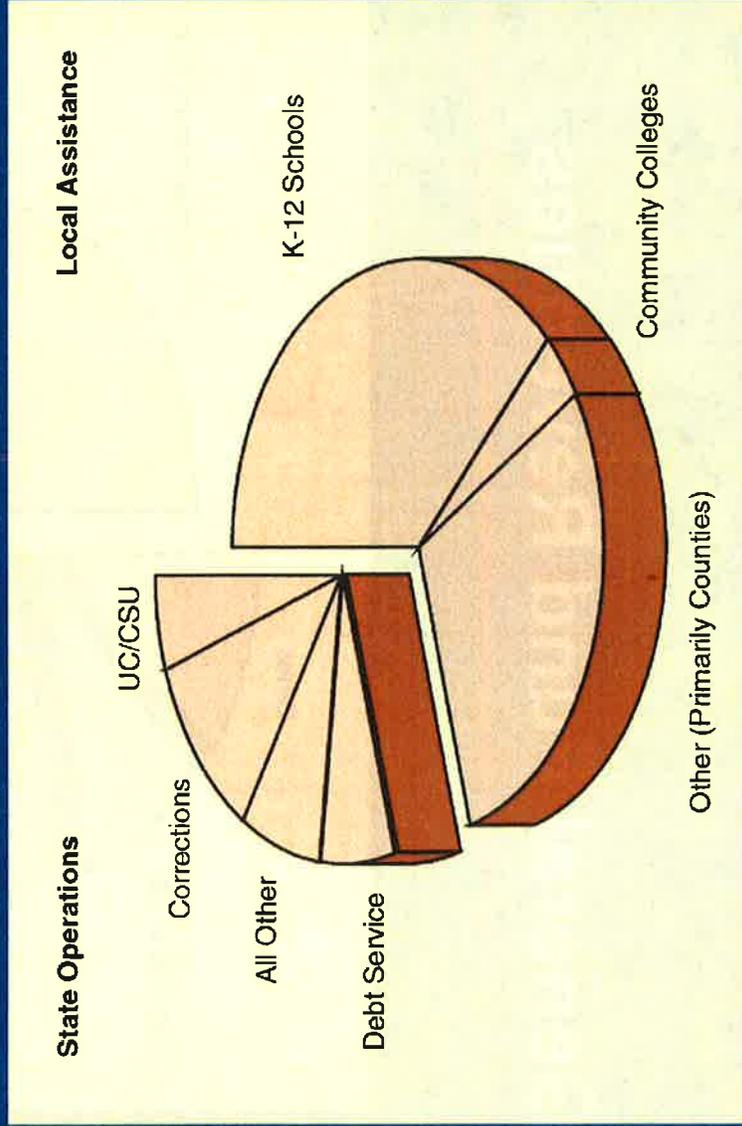
# General Fund Spending By Program

2011-12



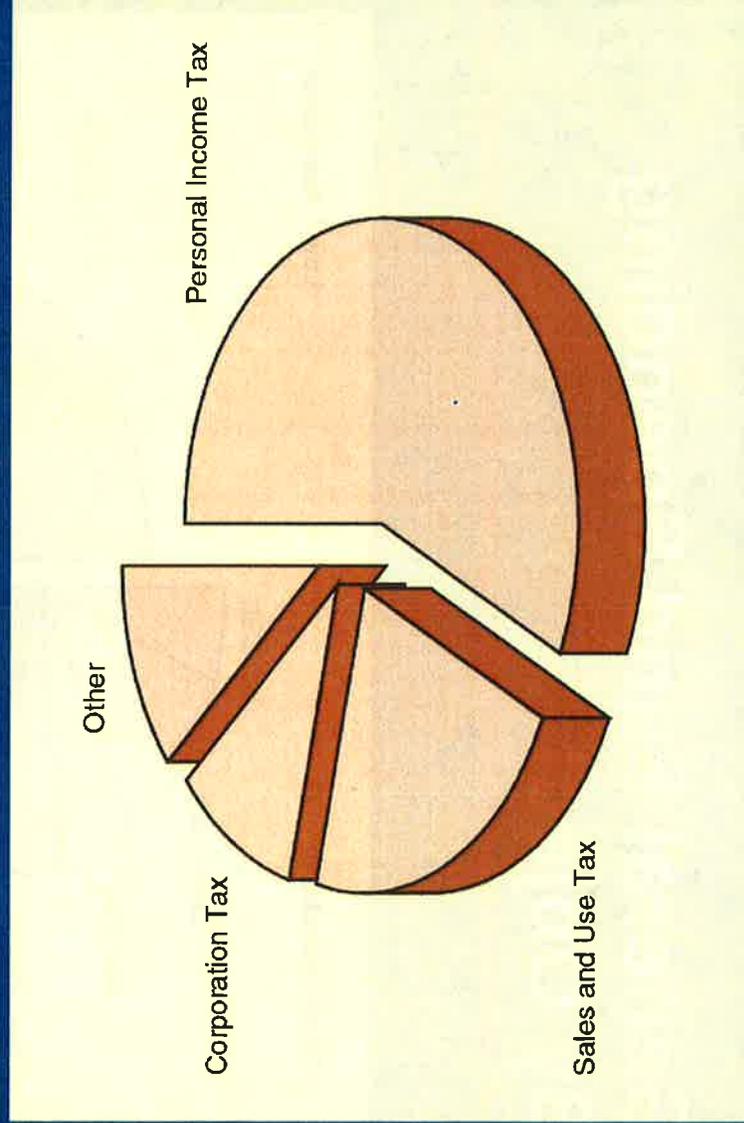
# General Fund Spending By Object

2011-12



# General Fund Revenues

2011-12



# The Change in Our General Fund Revenue Structure

Percent of Total	
1969-70	2011-12
Personal Income Tax	57%
Sales and Use Tax	22
Corporation Tax	10
Other	11
<b>100%</b>	<b>100%</b>

# The Origins of Our Situation



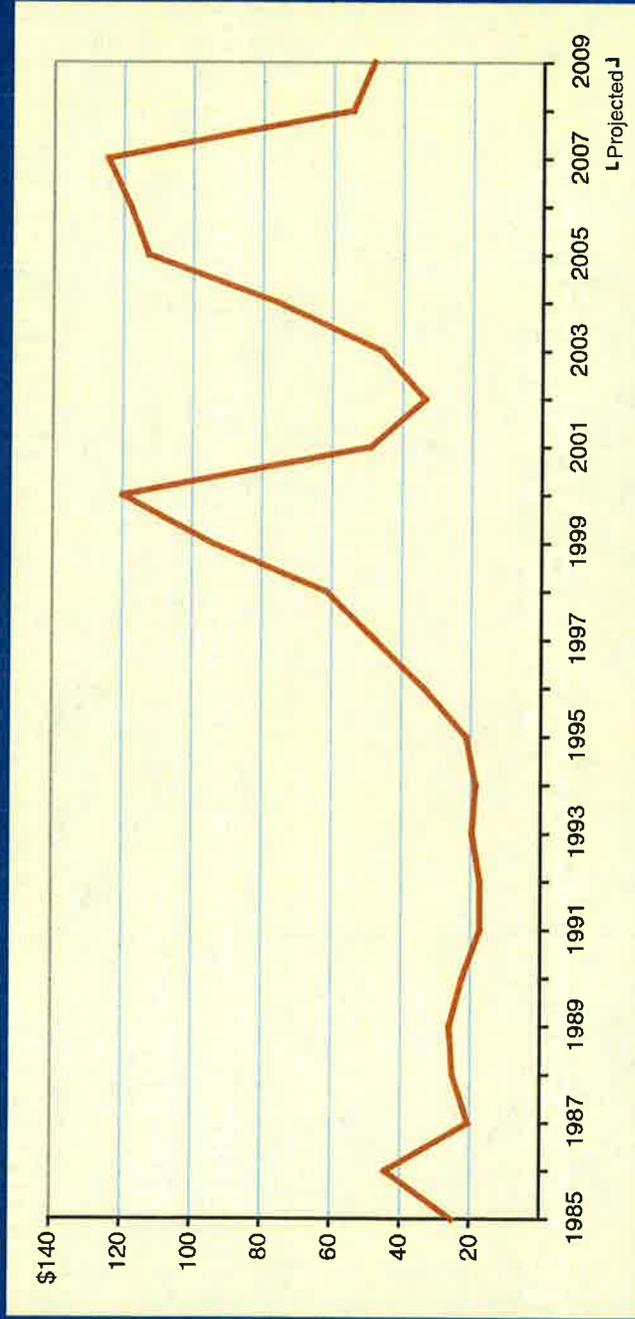
# Increasing Revenue Volatility

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- **What Is Volatility?**
  - State revenues change more dramatically than the economy.
- **From 1979-80 Through 2003-04, Revenues Were *Twice* as Volatile as the Economy**
- **From 1991-92 Through 2003-04, Revenues Were *3 1/2 Times* as Volatile**

# The Capital Gains Roller Coaster

Net Capital Gains Income in California (In Billions)



# Poor Budgeting Practices

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- **Failure to Build Up Reserves During the Good Times**
- **Boom in Revenues Used for Ongoing Spending Commitments and Tax Relief**
  - Did do some one-time spending (capital outlay).

# Use of Debt to Finance Operating Shortfalls

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- **2003-04: \$10.7 Billion Deficit Financing Bond**
- **March 2004: Voters Approved \$15 Billion “Replacement” Bond Measure**

## **End Result—State Entered Recession in Poor Fiscal Shape**

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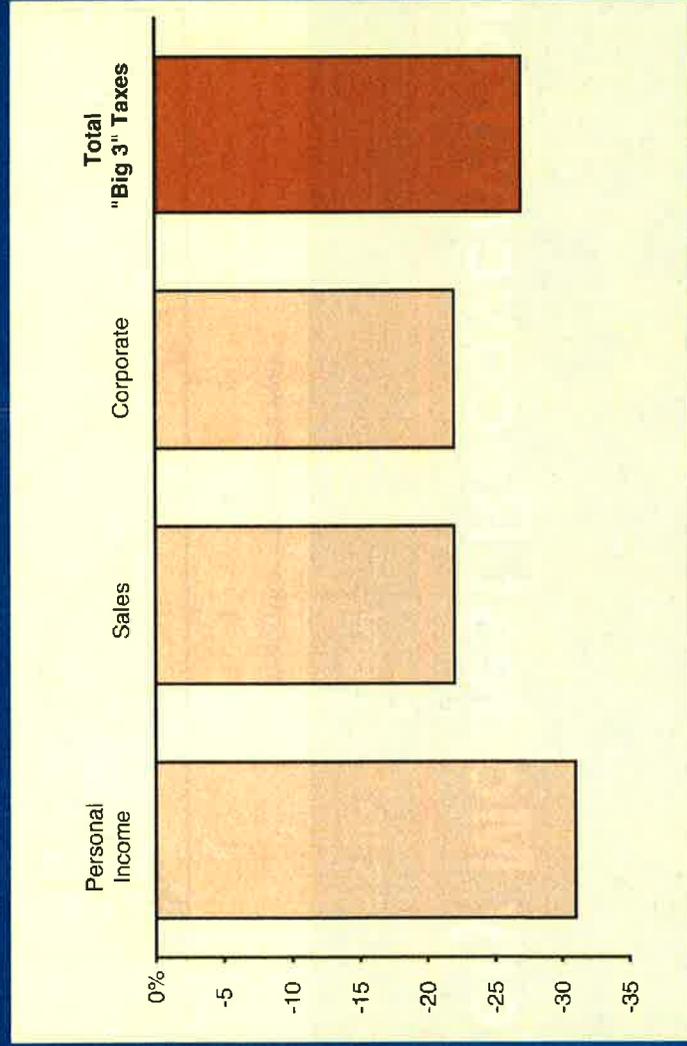
- **State Had an Underlying Out-Year Budget Problem in Excess of \$7 Billion**
- **No Budgetary Reserve to Cushion Blow of Recession**

# Addressing Our Budget During the Recession

# Recession Devastated State Revenues

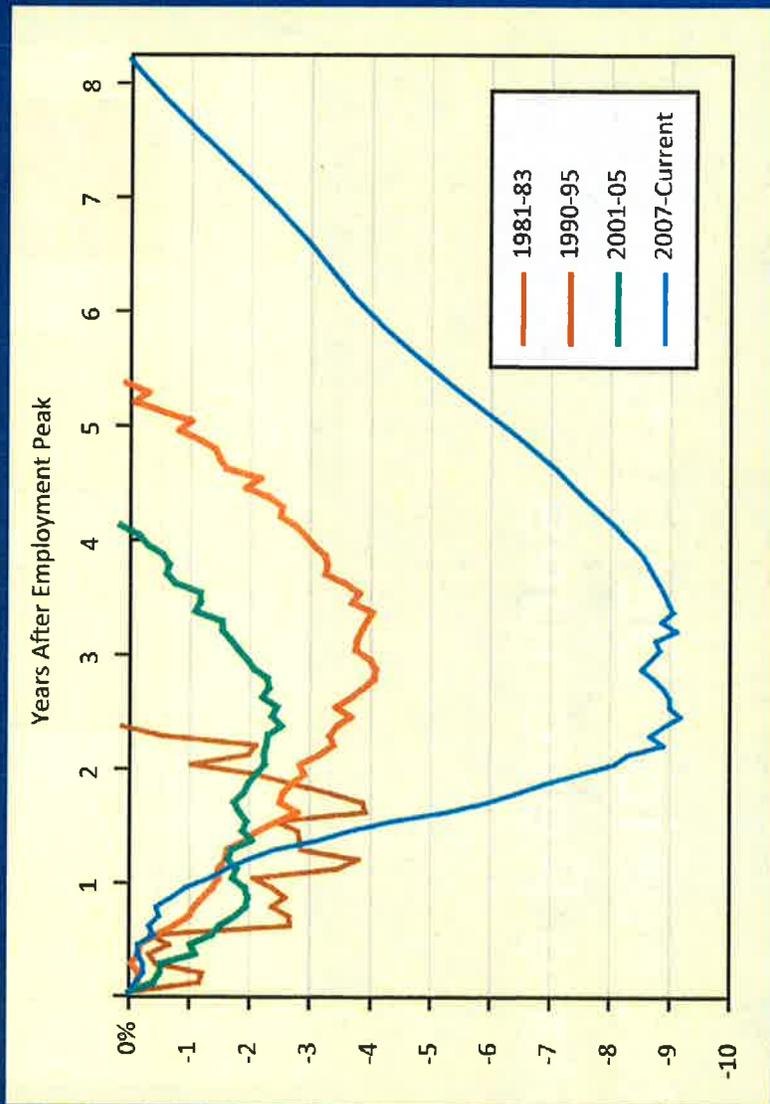
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Percent Reduction in Baseline Revenues  
November 2010 Estimates Compared to January 2008 Estimates



# Very Modest Recovery Forecast

Job Loss in Percent



# How Big Have Our Budget Deficits Been?

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(In Billions)

2008-09	\$24.3
2009-10	60.0
2010-11	19.3
2011-12	27.2

# The 2011-12 Budget

# Actions to Close the 2011-12 Budget Gap

Two-Year General Fund Benefit (In Billions)

Expenditure-Related Actions	\$111.1
Revenue-Related Actions	13.2
Borrowing and Transfers	2.9
<b>Total</b>	<b>\$27.2</b>

# Major Expenditure-Related Actions

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Two-Year General Fund Benefit (In Billions)

Medi-Cal	\$2.0
Redevelopment	1.7
UC and CSU	1.4
Fuel tax swap	1.1

# Major Revenue-Related Actions

Two-Year General Fund Benefit (In Billions)

Score additional revenues	\$11.8
May Revision	(6.6)
Final budget—2010-11	(1.2)
Final budget—2011-12	(4.0)
Various other fee and revenue measures	1.1

# Revenue-Related Proposals Not Included in the Budget

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- **Extension of Tax Rate Increases Adopted in 2009**
  - Personal income tax (PIT), sales and use tax (SUT), vehicle license fee (VLF)
- **Tax Provisions**
  - Mandatory single sales factor.
  - Changes to enterprise zone credits.
  - Sales tax exemption for manufacturing equipment.

# Impacts on Local Government



# Realignment—Major Shift in Services From State to Counties

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- **Transfers Over \$6 Billion in Services**
  - Adult and juvenile offenders and parolees.
  - Mental health programs.
  - Foster care and child welfare services.
- **Provides Counties With Equivalent Ongoing Funding Sources**
  - Just over 1 percent of state sales tax.
  - Certain VLF revenues.

## **Realignment—Major Service Delivery Changes in Correctional Programs**

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- **Lower-Level Offenders, Parole Violators, and Parolees Will Now Be Served Locally**
- **Estimated to Reduce State Prison Population by 40,000 Inmates (About 25 Percent) by 2014**

# Redevelopment Agencies

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- **One Bill Eliminated All Redevelopment Agencies**
- **A Second Allows Existing Agencies to Continue if They Make Payments to Other Local Agencies**
- **State Savings of \$1.7 Billion in 2011-12 and \$400 Million Annually Thereafter**
- **Currently Challenged in Courts**

# The Trigger

## **Mechanism Established to Address Revenue Shortfall**

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- **Given \$4 Billion Revenue Assumption, State Adopted Cuts to Go Into Affect Mid-Year if Monies Fail to Materialize**
- **Spending Reductions Would Cover About 60 Percent of Potential Shortfall**

# Trigger Reductions Fall Into Two Tiers

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- **Tier 1: Revenues Fall at Least \$1 Billion Short**
  - \$600 million in specific cuts (such as \$100 million to the University of California).
- **Tier 2: Revenues Fall More Than \$2 Billion Short**
  - Up to \$1,860 million in education cuts, primarily K-12.
  - K-12 cut prorated, based on revenue shortfall.

# Key Challenges

# Closing Our Remaining Budget Gap

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- **The State Made Much Greater Progress in 2011-12 in Reducing Structural Budget Problem**
- **We Are Still Likely to Have a Significant Problem Next Year**
  - **Revenues will be key.**
- **Our Mid-November Fiscal Forecast Will Estimate Remaining Problem in 2012-13 and Out-Years**

# Deciding on the Size of the Public Sector

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- **Much of the Debate—at Both State and Federal Level—Comes Down to:**
  - What is the appropriate size of government?
- **Your Answer Determines Whether You Support New Revenues or Expenditure Reductions**
- **If Governor Has His Way, You Will Have a Chance to Vote on Revenue Increases This November**

# Addressing Budget-Related Obligations

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- The State Has Accumulated a Variety of Deferred Expenses Over the Past Decade:

	Billions
School shortfalls	\$10.4
Deficit-financing bonds	7.2
Special fund loans	6.4
Mandate claims	4.7

# Addressing Public Employee Post-Retirement Obligations

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- **The State Has Unfunded Liabilities—Pension and Retiree Health—Probably Well Over \$150 Billion**
- **Two Major Implications:**
  - Increased state costs to begin to address these obligations.
  - Continued pressure to modify benefits—primarily related to future employees.

# Addressing Our State Unemployment Insurance Shortfall

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- **The State Currently Owes Over \$9 Billion to the Federal Government Related to Our Unemployment Insurance Program**
- **We Will Need to Raise Employer Costs and/or Reduce Future Benefits to Bring Our Account Back to Balance**

# Making Choices on Infrastructure

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- **The State Has Huge Infrastructure Demands:**
  - Water, highways, universities, schools, etc.
- **Capital Outlay Spending Is Also One of the Only Ways for State to Contribute Immediately to Economic Growth**
- **The Tradeoff?**
  - Every \$5 billion in new bond spending generates \$350 million in debt service payments.

# Achieving Budgetary Reform

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- **Key Is Addressing Revenue Volatility By:**
  - Taking revenues off the table during good times.
  - Building up and maintaining reserves that will be there in bad times.
- **Many Other Possibilities**
  - Performance based budgeting.
  - Two-year budgeting.
  - Improved program reviews.

# Considering Tax Reform

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- **Incredibly Difficult Task With No Clear Consensus on What to Do**
- **Most Widely Discussed Topics**
  - PIT: reducing volatility.
  - SUT: broadening base and not taxing business-to-business transactions.

## SCDD Legislative Update

### **AB 13**

#### **(Knight R) Public school volunteers.**

**Introduced:** 12/6/2010

**Last Amend:** 5/11/2011

**Status:** 7/8/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was ED. on 6/29/2011)

**Location:** 7/8/2011-S. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law authorizes any person, except a person required to register as a sex offender pursuant to a designated provision, to be permitted by the governing board of a school district to serve as a nonteaching volunteer aide under the immediate supervision and direction of certificated personnel of the district to perform noninstructional work that serves to assist the certificated personnel of the district in their teaching and administrative responsibilities. Existing law authorizes a school district or county office of education to request that a local law enforcement agency conduct an automated records check of a prospective nonteaching volunteer aide in order to ascertain whether the prospective nonteaching volunteer aide has been convicted of a designated sex offense. This bill would specify that each of these provisions applies to charter schools. The bill would also authorize a school district, county office of education, or charter school to request a local law enforcement agency to conduct an automated records check of a prospective nonteaching volunteer aide in order to ascertain whether that person has been convicted of a felony controlled substance offense that involves a minor or a violent or serious felony, as specified. The bill would additionally prohibit persons who have been convicted of violent or serious felonies, specified sex offenses, or felony controlled substance offenses, as specified, from serving as nonteaching volunteer aides, but would provide that a person would not be prohibited from serving as a nonteaching volunteer aide solely because of a conviction of a controlled substance offense that involves a minor or a violent or serious felony 5 years after the date of that conviction. This bill contains other existing laws.

#### **Position**

### **AB 27**

#### **(Gorell R) State budget.**

**Introduced:** 12/6/2010

**Status:** 2/3/2011-Referred to Com. on BUDGET.

**Location:** 2/3/2011-A. BUDGET

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Under existing law, no bill other than the Budget Bill may be heard or acted upon by a committee or either house of the Legislature until the 31st day after the bill is introduced, unless the house dispenses with this requirement via a 3/4 vote. This bill would require that the Budget Bill be in print and posted on a publicly accessible Internet Web site for 72 hours before it could be passed and sent to the Governor. This bill contains other related provisions and other existing laws.

#### **Position**

### **AB 39**

#### **(Beall D) Special education: funding.**

**Introduced:** 12/6/2010

**Status:** 1/24/2011-Referred to Com. on ED.

**Location:** 1/24/2011-A. ED.

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63, establishes the Mental Health Services Fund to fund specified county mental health programs. The act provides that all moneys in the Mental Health Services Fund are continuously appropriated to the State Department of Mental Health. The act may be amended only by a 2/3 vote of both houses of the Legislature and only so long as the amendment is consistent with and furthers the intent of the act. This bill would require the department to allocate \$57,000,000 of those moneys to county mental health departments for purposes of providing special education services, thereby making an appropriation. The bill also would require the Superintendent of Public Instruction and county mental health directors to jointly convene a technical working group to develop a transitional program to transfer the responsibilities associated with providing special education services from county mental health departments to the State Department of Education. This bill contains other related provisions.

#### **Position**

Support

**AB 40****(Yamada D) Elder abuse: reporting.****Introduced:** 12/6/2010**Last Amend:** 3/21/2011**Status:** 7/8/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was HUM. S. on 6/14/2011)**Location:** 7/8/2011-S. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** The Elder Abuse and Dependent Adult Civil Protection Act establishes various procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse. The act requires certain persons, called mandated reporters, to report known or suspected instances of elder or dependent adult abuse. The act requires a mandated reporter, and authorizes any person who is not a mandated reporter, to report the abuse to the local ombudsman or the local law enforcement agency if the abuse occurs in a long-term care facility. Failure to report physical abuse and financial abuse of an elder or dependent adult under the act is a misdemeanor. This bill would, instead, require the mandated reporter, and authorize any person who is not a mandated reporter, to report the abuse to both the local ombudsman and the local law enforcement agency. This bill contains other related provisions and other existing laws.

**Position**support with  
Amendments**AB 43****(Monning D) Medi-Cal: eligibility.****Introduced:** 12/6/2010**Last Amend:** 5/27/2011**Status:** 6/3/2011-Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on 5/31/2011)**Location:** 6/3/2011-A. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services are provided to qualified low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. This bill would require the department to establish, by January 1, 2014, eligibility for Medi-Cal benefits for any person who meets these eligibility requirements. This bill would permit the department, to the extent permitted by federal law, to phase in coverage for those individuals. This bill contains other related provisions and other existing laws.

**Position****AB 59****(Swanson D) Family and medical leave.****Introduced:** 12/7/2010**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 5/27/2011)**Location:** 5/28/2011-A. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law, the Moore-Brown-Roberti Family Rights Act, makes it an unlawful employment practice for an employer, as defined, to refuse to grant a request by an eligible employee to take up to 12 workweeks of unpaid protected leave during any 12-month period (1) to bond with a child who was born to, adopted by, or placed for foster care with, the employee, (2) to care for the employee's parent, spouse, or child who has a serious health condition, as defined, or (3) because the employee is suffering from a serious health condition rendering him or her unable to perform the functions of the job. Under the act, "child" means a biological, adopted, foster, or stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under 18 years of age or an adult dependent child. The act defines "parent" to mean the employee's biological, foster, or adoptive parent, stepparent, legal guardian, or other person who stood in loco parentis to the employee when the employee was a child. This bill would increase the circumstances under which an employee is entitled to protected leave pursuant to the Family Rights Act by (1) eliminating the age and dependency elements from the definition of "child," thereby permitting an employee to take protected leave to care for his or her independent adult child suffering from a serious health condition, (2) expanding the definition of "parent" to include an employee's parent-in-law, and (3) permitting an employee to also take leave to care for a seriously ill grandparent, sibling, grandchild, or domestic partner, as defined.

**Position****AB 73****(Feuer D) Dependency proceedings: public access.**

**Introduced:** 12/21/2010

**Last Amend:** 4/14/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was HUM. S. on 4/25/2011)

**Location:** 5/10/2011-A. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides that the public shall not be admitted to a juvenile court hearing in a dependency proceeding, unless requested by a parent or guardian and consented to or requested by the minor concerning whom the petition has been filed. Existing law permits the judge or referee to admit those persons as he or she deems to have a direct and legitimate interest in the particular case or the work of the court. This bill would require, contingent upon the securing of private funding, the Judicial Council to establish a 4-year pilot project in 3 counties to create a presumption that juvenile court hearings in juvenile dependency cases be open to the public, unless the court finds that admitting the public would not be in a child's best interest, as provided. The bill would require the Judicial Council to contract with an independent organization to conduct an evaluation and prepare a report to the Legislature regarding the results of the pilot project, as specified. The bill would also include a related statement of legislative findings and declarations.

**Position**

**AB 92**

**(Blumenfield D) 2011-12 Budget.**

**Introduced:** 1/10/2011

**Last Amend:** 2/28/2011

**Status:** 3/1/2011-Re-referred to Com. on BUDGET.

**Location:** 3/1/2011-A. BUDGET

<b>2Year Dead</b>	<b>Desk Policy</b>	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House						

**Summary:** This bill would make appropriations for support of state government for the 2011-12 fiscal year. This bill contains other related provisions.

**Position**

**AB 154**

**(Beall D) Health care coverage: mental health services.**

**Introduced:** 1/18/2011

**Last Amend:** 3/24/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/13/2011)

**Location:** 5/28/2011-A. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, a health care service plan contract and a health insurance policy are required to provide coverage for the diagnosis and treatment of severe mental illnesses of a person of any age. Existing law does not define "severe mental illnesses" for this purpose but describes it as including several conditions. This bill would expand this coverage requirement for certain health care service plan contracts and health insurance policies issued, amended, or renewed on or after January 1, 2012, to include the diagnosis and treatment of a mental illness of a person of any age and would define mental illness for this purpose as a mental disorder defined in the Diagnostic and Statistical Manual of Mental Disorders IV, including substance abuse but excluding nicotine dependence and specified diagnoses defined in the manual, subject to regulatory revision, as specified. The bill would specify that this requirement does not apply to a health care benefit plan, contract, or health insurance policy with the Board of Administration of the Public Employees' Retirement System unless the board elects to purchase a plan, contract, or policy that provides mental health coverage. This bill contains other related provisions and other existing laws.

**Position**

support with Amendments

**AB 170**

**(Jeffries R) Developmental services: regional centers: Inland Regional Center.**

**Introduced:** 1/20/2011

**Status:** 5/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 1/20/2011)

**Location:** 5/13/2011-A. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities. This bill would state the intent of the Legislature to enact legislation that would divide the Inland Regional Center, which serves Riverside and San Bernardino counties, into 2 separate regional centers that independently serve their respective communities.

**Position**  
Oppose Unless  
Amended

**AB 171 (Beall D) Autism spectrum disorder.**

**Introduced:** 1/20/2011

**Last Amend:** 5/3/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/11/2011)

**Location:** 5/28/2011-A. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law provides for licensing and regulation of health care service plans by the Department of Managed Health Care. A willful violation of these provisions is a crime. Existing law provides for licensing and regulation of health insurers by the Insurance Commissioner. Existing law requires health care service plan contracts and health insurance policies to provide benefits for specified conditions, including certain mental health conditions. This bill would require health care service plan contracts and health insurance policies to provide coverage for the screening, diagnosis, and treatment of autism spectrum disorders. The bill would, however, provide that no benefits are required to be provided by a health benefit plan offered through the California Health Benefit Exchange that exceed the essential health benefits required under federal law. The bill would prohibit coverage from being denied for specified reasons. Because the bill would change the definition of a crime with respect to health care service plans, it would thereby impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**  
Support

**AB 181 (Portantino D) Foster youth: mental health bill of rights.**

**Introduced:** 1/24/2011

**Last Amend:** 4/28/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 5/27/2011)

**Location:** 5/28/2011-A. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law provides that, when a child is removed from his or her family by the juvenile court, placement of the child in foster care should secure, as nearly as possible, the custody, care, and discipline equivalent to that which should have been given the child by his or her parents. Existing law provides enumerated rights for children who are placed in foster care. Existing law establishes the Office of the State Foster Care Ombudsperson to disseminate specified information, including the stated rights of foster youth, and to investigate and attempt to resolve complaints made by or on behalf of children placed in foster care, related to their care, placement, or services. This bill would enumerate rights for foster youth relating to mental health services. The bill would require the office, in consultation with various entities, to develop, no later than July 1, 2012, standardized information explaining the rights specified and to distribute this information to foster youth.

**Position**  
Support if  
Amended

**AB 254 (Beall D) Developmental services: Employment First Policy.**

**Introduced:** 2/3/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was HUM. S. on 2/18/2011)

**Location:** 5/10/2011-A. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide support and services to individuals with developmental disabilities. The services and supports to be provided to a regional

center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements. This bill would require the regional center, when developing an individual program plan for a transition age youth or working age adult, to be guided by the Employment First Policy. The bill also, beginning when a consumer is 14 years of age, would require the planning team to discuss school-to-work opportunities during individual program plan meetings and to inform the consumer, parent, legal guardian, or conservator that the regional center is available, upon request, to participate in the consumer's individualized education plan meetings to discuss transition planning. The bill would require the planning team, as part of the individual program plan process for working age adults, to address integrated employment opportunities, while respecting the consumer's right to choose. This bill contains other existing laws.

**Position**  
Support

**AB 269 (Ma D) Charter schools: pupil health and safety.**

**Introduced:** 2/7/2011

**Last Amend:** 5/4/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 5/27/2011)

**Location:** 5/28/2011-A. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** The Charter Schools Act of 1992 permits teachers and parents to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. This bill would require a charter school to comply with all laws governing the health and safety of pupils and school employees. To the extent this bill would impose additional duties on charter schools, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**AB 305 (Furutani D) Dymally-Alatorre Bilingual Services Act.**

**Introduced:** 2/9/2011

**Last Amend:** 3/17/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 5/27/2011)

**Location:** 5/28/2011-A. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law, the Dymally-Alatorre Bilingual Services Act, requires that state agencies that serve a substantial number of non-English-speaking people employ a sufficient amount of bilingual persons in order to provide certain information and render certain services in a language other than English. The act requires each state agency to conduct a survey of its local offices every 2 years regarding their public contact positions and the provision of bilingual services, as specified. The act requires the State Personnel Board to compile the results of the survey and provide it in a report to the Legislature every 2 years. This bill would revise and expand the duties of the State Personnel Board with regard to the surveys and implementation plans, and the report required to be submitted by the board. This bill would require state agencies to use specified criteria to determine whether the state agency serves a substantial number of non-English-speaking people for purposes of the act.

**Position**

**AB 350 (Solario D) Displaced Janitor Opportunity Act.**

**Introduced:** 2/10/2011

**Last Amend:** 9/2/2011

**Status:** 9/10/2011-Read third time. Refused passage. (Ayes 17. Noes 18. Page 2488.).

**Location:** 9/6/2011-S. THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law, the Displaced Janitor Opportunity Act, requires contractors and subcontractors, that are awarded contracts or subcontracts by an awarding authority to provide janitorial or building maintenance services at a particular job site or sites, to retain, for a period of 60 days, certain employees who were employed at that site by the previous contractor or subcontractor. The act requires the successor contractors and subcontractors to offer continued employment to those employees retained for the 60-day period if their performance during that 60-day period is satisfactory. The act authorizes an employee who was not offered employment or who has been discharged in violation of these provisions by a successor contractor or successor subcontractor, or an agent of the employee, to bring an action against a successor contractor or successor subcontractor in

any superior court of the state having jurisdiction over the successor contractor or successor subcontractor, as specified. This bill would rename the act the Displaced Property Service Employee Opportunity Act and make the provisions of the act applicable to property services, which would consist of licensed security, as defined, window cleaning, food cafeteria and dietary services, janitorial services, and building maintenance services. This bill would exclude from the definitions of "contractor" and "subcontractor" specified types of food service providers. The bill also would make conforming changes.

**Position**

**AB 367 (Smyth R) Elder abuse: reporting.**

**Introduced:** 2/14/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was AGING & L.T.C. on 3/22/2011)

**Location:** 5/10/2011-A. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** The Elder Abuse and Dependent Adult Civil Protection Act establishes various procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse. The act requires certain persons, called mandated reporters, to report known or suspected instances of elder or dependent adult abuse, and the failure of a mandated reporter to report physical abuse and financial abuse of an elder or dependent adult under the act is a misdemeanor. The act requires the mandated reporter to report the abuse to the adult protective services agency or the local law enforcement agency if the abuse occurs anywhere other than a long-term facility. This bill would require a county adult protective services agency or a local law enforcement agency to accept a report by a mandated reporter, or any other person, of suspected elder or dependent adult abuse even if the agency lacks jurisdiction to investigate the report, unless the call can be immediately transferred to an agency with proper jurisdiction. This bill would also require a county adult protective services agency or a local law enforcement agency that lacks jurisdiction to immediately refer the report of suspected abuse by telephone, facsimile, or electronic transmission to an agency with proper jurisdiction. By requiring county adult protective services agencies and local law enforcement agencies to provide a higher level of service, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**AB 369 (Huffman D) Health care coverage: prescription drugs.**

**Introduced:** 2/14/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/5/2011)

**Location:** 5/28/2011-A. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Commonly referred to as utilization review, existing law governs the procedures that apply to every health care service plan and health insurer that prospectively, retrospectively, or concurrently reviews and approves, modifies, delays, or denies, based on medical necessity, requests by providers prior to, retrospectively, or concurrent with, the provision of health care services to enrollees or insureds, as specified. This bill would impose specified requirements on health care service plans or health insurers that restrict medications for the treatment of pain pursuant to step therapy or fail first protocol. The bill would authorize the duration of any step therapy or fail first protocol to be determined by the prescribing physician and would prohibit a health care service plan or health insurer from requiring that a patient try and fail on more than two pain medications before allowing the patient access to other pain medication prescribed by the physician, as specified. This bill contains other related provisions and other existing laws.

**Position**

**AB 391 (Pan D) Energy: renewable energy resources: local publicly owned electric utility.**

**Introduced:** 2/14/2011

**Last Amend:** 9/8/2011

**Status:** 9/9/2011-Withdrawn from committee. (Ayes 24. Noes 15. Page 2445.) Ordered to third reading. Ordered to inactive file at the request of Senator Steinberg.

**Location:** 9/9/2011-S. INACTIVE FILE

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law creates the California renewables portfolio standard program (RPS program) and the Renewable Energy Resources Program to increase the amount of electricity generated per year from eligible renewable energy resources, as defined. This bill would, instead, authorize rules permitting the local utility to apply excess procurement in one compliance period to subsequent compliance periods in the same manner as allowed for retail sellers, with certain specified exceptions. This bill contains other existing laws.

**Position**

**AB 419 (Mitchell D) Care facilities.**

**Introduced:** 2/14/2011

**Last Amend:** 4/28/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 5/27/2011)

**Location:** 5/28/2011-A. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Under existing law, the State Department of Social Services licenses and regulates community care facilities, residential care facilities for persons with chronic life-threatening illness, residential care facilities for the elderly, and child day care facilities. This bill would require the department to conduct an unannounced inspection of a care facility using prescribed inspection protocols at least once each year and as often as necessary to ensure the quality of care provided, except for family day care centers which the department would be required to inspect using prescribed inspection protocols, at minimum, once every 2 years and as often as necessary to ensure the quality of care provided. This bill would also require the department to convene a specified workgroup to review the implementation of the annual inspection protocols, as prescribed, and would require the department to include certain information about the annual inspection protocols in the department's annual report to the relevant Senate and Assembly budget subcommittees. This bill contains other related provisions and other existing laws.

**Position**

**AB 443 (Bonilla D) Children with disabilities: insurance coverage.**

**Introduced:** 2/15/2011

**Last Amend:** 3/31/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was ED. on 4/4/2011)

**Location:** 5/10/2011-A. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires that every individual with exceptional needs, as defined, who is eligible be provided with educational instruction, services, or both, at no cost to his or her parent or guardian or, as appropriate, to him or her. A free appropriate public education is required to be made available to individuals with exceptional needs in accordance with specified federal regulations adopted pursuant to the federal Individuals with Disabilities Education Act. Existing law requires counties to coordinate the service responsibilities of this requirement, including assessment and the provision of necessary services. This bill would require the county, upon referral and during the individualized education program planning process, to ask the parent or legal guardian of the child or youth whether the child or youth is covered by a private health insurance provider and, if the child or youth has private health insurance, would authorize the county or other provider to seek reimbursement from that insurance company for medically necessary services provided to the child or youth. By imposing additional duties on counties, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

Watch

**AB 479 (Nestande R) In-Home Supportive Services program.**

**Introduced:** 2/15/2011

**Status:** 5/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/15/2011)

**Location:** 5/13/2011-A. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. This bill would provide that it is the intent of the Legislature to enact

legislation that would implement reforms in the IHSS program, as specified, secure choice of provider for all eligible IHSS recipients within the chosen model, and ensure coordination of programs for the aging to emphasize the most cost-effective care for each IHSS recipient.

**Position**  
Watch

**AB 508 (Swanson D) Displaced public transit, solid waste handling, and recycling services employees.**

**Introduced:** 2/15/2011

**Status:** 8/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 6/23/2011)

**Location:** 8/26/2011-S. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires a local government agency letting a public transit service contract out to bid to give a bidding preference for contractors and subcontractors who agree to retain, for a period of at least 90 days, certain employees who were employed to perform essentially the same services by the previous contractor or subcontractor. Under this law, contractors or subcontractors who agree to retain employees must offer employment to those employees except for reasonable and substantiated cause. Additionally, the law provides that if a successor contractor or subcontractor determines that fewer employees are needed than under the prior contract, qualified employees must be retained by seniority within the job classification. Further, the existing contractor, when required by the awarding authority, must provide employment information relating to wage rates, benefits, dates of hire, and job classifications of employees under the existing service contract to the awarding authority or a successor contractor. This bill would add employees of solid waste handling and recycling contractors and subcontractors to those provisions. By requiring local agencies to give a bidding preference to such contractors and subcontractors, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**AB 518 (Wagner R) Elder and dependent adult abuse: mandated reporters.**

**Introduced:** 2/15/2011

**Last Amend:** 3/23/2011

**Status:** 8/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was B. & F. on 5/26/2011)

**Location:** 8/26/2011-A. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Elder Abuse and Dependent Adult Civil Protection Act, establishes procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse, including, but not limited to financial abuse, as defined. These procedures require persons, defined as mandated reporters, to report known or suspected instances of elder or dependent adult abuse. A violation of the reporting requirements by a mandated reporter is a misdemeanor. Existing law, which will be repealed on January 1, 2013, defines who is a mandated reporter of suspected financial abuse of an elder or dependent adult. A violation of the financial abuse reporting requirements is subject to civil penalties. This bill would delete the January 1, 2013, repeal date and make conforming changes .

**Position**  
Support

**AB 519 (Hernández, Roger D) Pupil discipline: restraint and seclusion.**

**Introduced:** 2/15/2011

**Last Amend:** 4/27/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was ED. on 4/28/2011)

**Location:** 5/10/2011-A. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law prohibits a person employed by or engaged in a public school to inflict, or cause to be inflicted, corporal punishment upon a pupil. This bill would prohibit an educational provider from using chemical restraint, as defined, mechanical restraint, as defined, physical restraint, as defined, or seclusion, as defined, for the purpose of coercion, discipline, convenience, or retaliation by staff. The bill would limit the use of physical restraint, and would specify conditions under which an educational provider would be authorized to use physical restraint. The bill would allow, until January 1, 2014, nonpublic, nonsectarian schools, and certain district-designated alternative programs, to use seclusion if specified conditions are met. This bill contains other related provisions and other existing laws.

**Position**

support with  
Amendments

**AB 533 (Yamada D) Area agencies on aging: independent living centers: funding.**

**Introduced:** 2/15/2011

**Status:** 5/27/2011-In committee: Set, second hearing. Held under submission.

**Location:** 5/27/2011-A. APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law designates area agencies on aging as local units on aging in California, which are financially supported by a variety of sources, including federal funding, state and local government assistance, the private sector, and individual contributions. This bill would continuously appropriate from the Federal Trust Fund, in the absence of enactment of the annual Budget Act by July 1 of a fiscal year, (1) to the California Department of Aging, the amount of federal funds contained in the Federal Trust Fund necessary to pay area agencies on aging for the administration of programs under their jurisdiction, and (2) to the Department of Rehabilitation, the amount of federal funds contained in the Federal Trust Fund necessary to pay independent living centers for the administration of programs under their jurisdiction, pending enactment of the Budget Act. This bill contains other related provisions and other existing laws.

**Position**

support with  
Amendments

**AB 594 (Yamada D) California Department of Aging and Adult Services.**

**Introduced:** 2/16/2011

**Last Amend:** 4/4/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was HUM. S. on 4/5/2011)

**Location:** 5/10/2011-A. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides various services to persons with disabilities and older adults, which are overseen by the State Department of Social Services, including the In-Home Supportive Services program, and the development of guidelines in the implementation of local adult protective services programs, to assist them in living in the community instead of being placed in a facility. Existing law also vests in the Department of Rehabilitation the responsibility and authority for various programs, including the encouragement of the planning, development, and funding of independent living centers. Under existing law, the State Department of Mental Health is responsible for the administration of programs that serve older adults and persons with disabilities, including caregiver resource centers and the Statewide Resources Consultant. Existing law also establishes various programs under the jurisdiction of the California Department of Aging. This bill would enact the Community Care Modernization Act of 2011. The bill would establish the California Department of Adult and Aging Services in the California Health and Human Services Agency, for the purpose of maintaining individuals in their own homes, or the least restrictive homelike environments for as long as possible, by integrating services under a single agency, to establish stronger, more focused leadership for home- and community-based services for all older adults and persons with disabilities. The bill would provide for the appointment of the director of the department by the Governor, and would specify the director's duties. This bill would require the department to convene a stakeholder committee to assist the department in coordinating with other state agencies to transfer programs to the department, as specified. This bill contains other related provisions.

**Position**

Watch

**AB 652 (Mitchell D) Child health.**

**Introduced:** 2/16/2011

**Last Amend:** 5/10/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/18/2011)

**Location:** 5/28/2011-A. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act), provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law creates the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health, dental, and vision benefits to eligible children pursuant to a federal program, the State Children's Health Insurance Program. Existing law provides for the Medi-Cal program, which is

administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Under existing law, one of the methods by which Medi-Cal is provided is pursuant to contracts with various types of managed care plans. Existing law provides for a schedule of benefits under the Medi-Cal program and provides for various services provided to children, including, among others, early and periodic screening, diagnosis, and treatment for any individual under 21 years of age. This bill would provide that an initial health assessment, as defined, and a forensic medical evaluation, as defined, shall be covered benefits under health care service plans licensed pursuant to the Knox-Keene Act, and would require these health care service plans, plans providing services under the Healthy Families Program, and Medi-Cal managed care plans, as defined, to make payments to providers for these services, as specified. This bill would authorize a county board of supervisors to, upon a motion made at the request of a local child welfare agency, excuse the plans specified above from the obligation to provide coverage of, or payment for, initial health assessments or forensic medical evaluations provided to children who are residents of that county if the county welfare agency has made sufficient alternative arrangements to ensure that the services are provided and that payment is made to providers for these services. Because a willful violation of the bill's provisions relative to health care service plans would be a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**AB 663 (Morrell R) Elections: voter identification.**

**Introduced:** 2/17/2011

**Status:** 5/26/2011-From committee without further action pursuant to Joint Rule 62(a).

**Location:** 5/10/2011-A. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law requires that a person desiring to vote announce his or her name and address to the precinct board member at the polling place and then write the information in the roster of voters, except for specified exceptions. This bill would require a person desiring to vote to produce and show proof of identification, as defined, to the precinct worker at the polling place. This bill would also provide for a voter to cast a provisional ballot if the voter declines to provide, or is otherwise unable to provide, sufficient proof of identification. This bill would also provide exemptions from the requirement to provide proof of identification for voters residing in state-licensed care facilities that are used as polling places, vote by mail and special absentee voters who cast their ballots by mail, and voters who establish a religious objection to being photographed. This bill would also provide that, for purposes of complying with the proof of identification requirement, a registered voter could obtain a state-issued identification card from the Department of Motor Vehicles at no cost. This bill contains other related provisions and other existing laws.

**Position**

**AB 719 (Block D) Special education: funding.**

**Introduced:** 2/17/2011

**Last Amend:** 5/11/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/27/2011)

**Location:** 5/28/2011-A. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law, until July 1, 2011, requires the Superintendent of Public Instruction to make prescribed computations each fiscal year to determine an adjusted entitlement to be apportioned to each special education local plan area for each incidence of disability. This bill would instead provide that these provisions would remain in effect indefinitely by deleting the repeal date. This bill would require the Superintendent, on or before January 31, 2012, to update the incidence multiplier used to determine the adjusted entitlement of each special education local plan area using data collected in or after 2008. The bill would require the Superintendent to allocate funds increasingly based upon calculations made using the updated incidence multiplier for the 2011-12 to 2015-16 fiscal years, inclusive, as specified. The bill would provide that this funding is contingent upon an appropriation made in the annual Budget Act or an appropriation contained in another measure.

**Position**

**AB 733 (Ma D) Pupil records: privacy rights.**

**Introduced:** 2/17/2011

**Last Amend:** 6/16/2011

Status: 7/5/2011-In Senate. Held at Desk.

Location: 7/5/2011-S. DESK

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law prohibits a school district from permitting access to pupil records to any person without written parental consent or judicial order, except as provided. This bill would make various changes to these pupil record provisions to conform them to federal law.

Position

AB 774

(Campos D) Health facilities: licensure.

Introduced: 2/17/2011

Last Amend: 4/12/2011

Status: 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 4/13/2011)

Location: 5/28/2011-A. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law provides for the licensure of health facilities by the State Department of Public Health. Existing law requires that the licensure requirements for professional personnel, including psychologists, clinical social workers, and marriage and family therapists, among others, in state and other governmental health facilities, be not less than for those in privately owned health facilities. The department may grant a waiver from licensure requirements for persons in the professions of psychology, marriage and family therapy, or clinical social work who are employed in publicly operated health facilities who are gaining qualifying experience for licensure. The waiver cannot exceed 3 years from the commencement of employment in the state in the case of psychologists or 4 years for marriage and family therapists or clinical social workers, with one additional year to be granted to marriage and family therapists or clinical social workers under extenuating circumstances. Existing law requires the department to grant the extension of a waiver for extenuating circumstances if specified conditions are met. This bill would authorize the State Department of Mental Health to grant the above-described waiver and an extension of the waiver for persons employed in facilities licensed by the State Department of Mental Health . This bill contains other existing laws.

Position

AB 784

(Yamada D) Adult day health care.

Introduced: 2/17/2011

Last Amend: 8/23/2011

Status: 8/23/2011-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on HEALTH.

Location: 8/23/2011-S. HEALTH

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law, the California Adult Day Health Care Act, provides for the licensure and regulation of adult day health care centers, with administrative responsibility for the adult day health care program shared among the State Department of Public Health, the State Department of Health Care Services, and the California Department of Aging pursuant to an interagency agreement . Existing law provides that a negligent, repeated, or willful violation of a provision of the California Adult Day Health Care Act is a misdemeanor . This bill would require an adult day health care center to have a prescribed program plan, as defined. This bill would provide the minimum staffing requirements for an adult day health care center. This bill contains other related provisions and other existing laws.

Position

AB 881

(Cook R) Mental health: involuntary commitment: transportation.

Introduced: 2/17/2011

Status: 5/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was HEALTH on 3/17/2011)

Location: 5/13/2011-A. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Under existing law, when a person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, he or she may, upon probable cause, be taken into custody and placed in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation. Existing law exempts from criminal or civil liability specified people and entities who detain a person for 72-hour treatment and evaluation

pursuant to this provision. This bill would authorize a provider of ambulance services, as defined, and the employees of those providers to further detain a person in custody for the purpose of transporting him or her to a county-designated facility, whether or not accompanied by a person otherwise authorized. The bill would also exempt from criminal and civil liability individuals transporting a person for 72-hour treatment and evaluation pursuant to this provision.

**Position**

**AB 888**

**(Pan D) Pupil health: School Medication Authorization Task Force.**

**Introduced:** 2/17/2011

**Last Amend:** 3/31/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was ED. on 4/4/2011)

**Location:** 5/10/2011-A. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law requires the governing board of a school district to give diligent care to the health and physical development of pupils, and authorizes a governing board to employ properly certified persons for the work. This bill would establish the School Medication Authorization Task Force, consisting of 10 members who would be appointed by, and serve at the pleasure of, the Superintendent of Public Instruction. The bill would require the task force to provide specified advice regarding the administration of emergency medication to a pupil on a school campus and establish training and supervision standards regarding the administration of medical care in a school setting. The bill would require the task force to follow prescribed procedures relating to its operation.

**Position**

**AB 889**

**(Ammiano D) Domestic work employees.**

**Introduced:** 2/17/2011

**Last Amend:** 7/12/2011

**Status:** 8/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/16/2011)

**Location:** 8/26/2011-S. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law regulates the wages, hours, and working conditions of any man, woman, and minor employed in any occupation, trade, or industry, whether compensation is measured by time, piece, or otherwise, except for individuals employed as outside salesmen and individuals participating in specified national service programs. Under existing law, the Industrial Welfare Commission within the Department of Industrial Relations is authorized to adopt rules, regulations, and orders to ensure that employers comply with those provisions of law. This bill would specially regulate the wages, hours, and working conditions of domestic work employees, as defined. Specifically, this bill would, among other things, provide a private right of action for a domestic work employee when those regulations are violated by his or her employer and provide an overtime compensation rate for domestic work employees. This bill would also expressly state that the provisions of Wage Order Number 15 of the Industrial Welfare Commission, with specified exceptions, apply to a domestic work employee, but would provide that these new domestic work provisions shall prevail over protections in that order or any other law that afford less protection to a domestic work employee. This bill contains other related provisions and other existing laws.

**Position**

Oppose

**AB 899**

**(Yamada D) Home Care Services Act of 2011.**

**Introduced:** 2/17/2011

**Last Amend:** 5/11/2011

**Status:** 5/27/2011-In committee: Set, first hearing. Referred to APPR. suspense file. Held under submission.

**Location:** 5/27/2011-A. APPR. SUSPENSE FILE

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law provides for the licensing and regulation of various community care facilities by the State Department of Social Services. This bill would enact the Home Care Services Act of 2011 and would provide for the licensure and regulation of home care organizations, as defined, by the State Department of Social Services. The bill would establish home care organizations as being recognized in the health care industry. The bill would impose various licensure requirements on a home care organization and would also impose a civil penalty on an individual or entity that operates a home care organization without a license. The bill would require a home care organization to provide a client

with specified information before arranging for the provision of home care services, as defined, to that client, including, but not limited to, the types and hours of available home care services and the extent to which payment may be expected from specified sources. In addition, the home care organization would be required to, among other things, distribute to the client its advance directive policy and provide a written notice to the client of certain rights. The bill would also prohibit a home care organization from hiring an individual as a home care aide unless that individual meets certain requirements, including, but not limited to, demonstrating that he or she has specified language skills. The bill would require a home care organization to conduct background clearances on home care aides, as specified, and to require home care aides to demonstrate they are free of active tuberculosis. The bill would also require a home care organization to conduct regular evaluations of its home care aides, as specified, and to ensure that home care aides demonstrate basic competency in certain areas. The bill would establish the Home Care Organization Fund, would authorize the department to impose various fees to be deposited in that fund, and would make a continuous appropriation from that fund to the department to carry out the provisions of the act. The bill, in addition, would prescribe enforcement procedures and penalties for violations of the act.

**Position**

**AB 908 (Achadjian R) Mental health: state hospitals: safety.**

**Introduced:** 2/17/2011

**Status:** 5/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2011)

**Location:** 5/13/2011-A. 2 YEAR

<b>2 Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law provides for state mental hospitals for the treatment of mentally disordered persons. These hospitals are under the jurisdiction of the State Department of Mental Health, which is authorized by existing law to make regulations regarding the conduct and management of these facilities. This bill would state the intent of the Legislature to enact legislation that would address the safety of staff and other individuals in state hospitals under the jurisdiction of the State Department of Mental Health.

**Position**

**AB 941 (Bradford D) Education.**

**Introduced:** 2/18/2011

**Status:** 5/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/18/2011)

**Location:** 5/13/2011-A. 2 YEAR

<b>2 Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law states that each child is a unique person, with unique needs, and that the purpose of the educational system of this state is to enable each child to develop all of his or her own potential. This bill would make a technical, nonsubstantive change to this provision.

**Position**

**AB 1065 (Bradford D) Pupil transfers: records.**

**Introduced:** 2/18/2011

**Last Amend:** 4/6/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 5/27/2011)

**Location:** 5/28/2011-A. 2 YEAR

<b>2 Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law requires a pupil's former school district, as defined, or private school to transfer the pupil's permanent record, or a copy thereof, upon a request from the school district, as defined, or private school where the pupil intends to enroll. This bill would require the former school district or private school to perform the transfer no later than 5 business days following the date of the request. By imposing a new requirement on school districts and other local educational entities to transfer records within 5 business days, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**AB 1205 (Berryhill, Bill R) Licensed behavior analysts.**

**Introduced:** 2/18/2011

**Last Amend:** 4/4/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 5/27/2011)

**Location:** 5/28/2011-A. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law provides for the licensure and regulation of various healing arts professions and vocations, including, but not limited to, marriage and family therapists, licensed educational psychologists, social workers, and licensed professional clinical counselors by the Board of Behavioral Sciences. This bill would , commencing January 1, 2015, prohibit a person from holding himself or herself out to be a behavior analyst or an assistant behavior analyst unless licensed by the Board of Behavioral Sciences. The bill would require the board to issue a license to a person who meets certain educational requirements and passes an examination administered by the board, the Behavior Analyst Certification Board, or another comparable accredited entity approved by the board, as specified , and is certified by the Behavior Analyst Certification Board, a nonprofit corporation, or another comparable accredited entity approved by the board , as specified, and submits an application and pays fees established by the board. The bill would specify that a license shall expire no later than 24 months after its date of issue, as specified, and is subject to renewal upon the completion of various requirements, including the payment of a renewal fee and the completion of continuing education hours . The bill would describe the services that may be provided by a licensed behavior analyst and a licensed assistant behavior analyst, subject to specified supervision. The bill would authorize the board to regulate these licensees and to enforce these provisions.

**Position**

Oppose

**AB 1230 (Logue R) Health facilities: licensing.**

**Introduced:** 2/18/2011

**Status:** 5/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/18/2011)

**Location:** 5/13/2011-A. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law provides for the licensure and regulation of health facilities administered by the State Department of Public Health. A violation of these provisions is a crime. This bill would make technical, nonsubstantive changes in those provisions prescribing the information required to be contained in an application for licensure. This bill contains other existing laws.

**Position**

**AB 1244 (Chesbro D) Developmental services: Self-Determination Program.**

**Introduced:** 2/18/2011

**Last Amend:** 7/5/2011

**Status:** 7/8/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was HUM. S. on 7/5/2011)

**Location:** 7/8/2011-S. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities. Under existing law, the regional centers purchase needed services and supports for individuals with developmental disabilities through approved service providers or arrange for their provision through other publicly funded agencies. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements. Existing law establishes, contingent upon approval of a federal waiver, the Self-Directed Services Program, and requires the program to be available in every regional center catchment area to provide participants, within an individual budget, greater control over needed services and supports. This bill would repeal the provisions establishing the Self-Directed Services Program and would, instead, contingent upon approval of federal Medicaid matching funding, establish the Self-Determination Program to be available in every regional center catchment area to enable individuals with developmental disabilities to exercise their rights to make choices in their own lives, and would make conforming changes. This bill would require that program participants be provided with a capitated individual funding allocation, as prescribed, to be used for the purchase of services and supports necessary to implement the participant's individual program plan. This bill would require the department to establish a risk pool fund to meet the unanticipated needs of participants in the program. This bill would require the department to take all steps necessary to ensure federal financial participation is available for all program services and supports by applying for amendments to a specified federal waiver or by applying for a new waiver.

**Position**

Support

**AB 1337 (Alejo D) Educational equity.**

**Introduced:** 2/18/2011

**Status:** 5/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/18/2011)

**Location:** 5/13/2011-A. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law provides that it is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in a specified definition of hate crimes, equal rights and opportunities in the educational institutions of the state. Existing law also provides that all pupils have the right to participate fully in the educational process, free from discrimination and harassment. Existing law further provides that California's public schools have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity. This bill would make technical, nonsubstantive changes in a provision relating to legislative declarations and intent with respect to educational equity.

**Position**

**AB 1375 (Huber D) Developmental services: autism spectrum disorders.**

**Introduced:** 2/18/2011

**Last Amend:** 5/2/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was HUM. S. on 5/3/2011)

**Location:** 5/10/2011-A. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities. This bill would require the department to develop guidance for regional centers in regard to the treatment of autism spectrum disorders and to direct the regional centers to fund therapies prescribed by the consumer's clinical practitioner, so long as those therapies can be shown to meet the definition of an evidence-based practice.

**Position**

Watch

**SB 21 (Liu D) Long-term care: assessment and planning.**

**Introduced:** 12/6/2010

**Last Amend:** 3/25/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/2/2011)

**Location:** 5/28/2011-S. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law provides for the licensure of various health facilities, including general acute care hospitals, skilled nursing facilities, and intermediate care facilities, and congregate living health facilities by the State Department of Public Health. Certain of these facilities are included under the category of long-term health care facilities, as defined. A violation of these provisions is a crime. Existing law requires each hospital to have in effect a written discharge planning policy and process that requires appropriate arrangements for posthospital care and a process that requires that each patient be informed, orally or in writing, of the continuing care requirements following discharge from the hospital, as specified, and additionally requires specific information to be provided to a patient anticipated to be in need of posthospital care. This bill would require a hospital that is required to provide, as part of its discharge policy, information to patients anticipated to need posthospital care, to provide the information both orally and in writing to the patient and, if necessary, to his or her representative, at the earliest possible opportunity prior to discharge. By changing the definition of an existing crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**SB 60 (Evans D) Mental health: state hospitals.**

**Introduced:** 12/22/2010

**Last Amend:** 5/31/2011

**Status:** 8/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 7/6/2011)

**Location:** 8/26/2011-A. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law provides for state mental hospitals for the care, treatment, and education of the mentally disordered, including Napa State Hospital and Metropolitan State Hospital. These hospitals are under the jurisdiction of the State Department of Mental Health. This bill would delete these provisions governing evaluation and treatment, and instead require a risk evaluation, as specified, upon commitment to any state hospital, of a patient who is being committed pursuant to any provision of the Penal Code. This bill contains other existing laws.

**Position**

**SB 65 (Strickland R) Pupil health: prescription pancreatic enzymes.**

**Introduced:** 1/6/2011

**Status:** 5/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was ED. on 1/20/2011)

**Location:** 5/13/2011-S. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law establishes the public elementary and secondary school system in this state. Under this system, school districts throughout the state provide instruction to pupils in kindergarten and grades 1 to 12, inclusive, at the public elementary and secondary schools. This bill would further provide that any pupil who has been diagnosed with cystic fibrosis and is required to take, during the regular schoolday, medication prescribed for him or her by a physician or surgeon may be assisted by the school nurse or other designated school personnel or may carry and self-administer prescription pancreatic enzymes if the school district receives the appropriate written statements, as prescribed, from the physician or surgeon and the parent, foster parent, or guardian of the pupil. This bill contains other existing laws.

**Position**

**SB 71 (Committee on Budget and Fiscal Review) Budget Act of 2011.**

**Introduced:** 1/10/2011

**Last Amend:** 6/14/2011

**Status:** 6/14/2011-From committee with author's amendments. Read second time and amended. Referred to Com. on BUDGET.

**Location:** 6/14/2011-A. BUDGET

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** SB 69, as proposed by Conference Report No. 1 on March 7, 2011, would make appropriations for the support of state government for the 2011-12 fiscal year. This bill would make revisions to those appropriations in SB 69 for the 2011-12 fiscal year. This bill contains other related provisions.

**Position**

**SB 75 (Committee on Budget and Fiscal Review) California Children and Families Act of 1998: use of funds.**

**Introduced:** 1/10/2011

**Last Amend:** 3/14/2011

**Status:** 3/14/2011-From committee with author's amendments. Read second time and amended. Referred to Com. on BUDGET.

**Location:** 3/14/2011-A. BUDGET

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** The California Children and Families Act of 1998, an initiative measure, requires that the California Children and Families Program, established by the act, be funded by certain taxes imposed on the sale and distribution of cigarettes and tobacco products that are deposited into the continuously appropriated California Children and Families Trust Fund. Existing law requires the fund to be used for the implementation of comprehensive early childhood development and smoking prevention programs. Under existing law, prescribed percentages of moneys allocated and appropriated from the trust fund are required to be deposited into various accounts for expenditure by the California Children and Families Commission, also known as First 5 California, and to local children and families trust funds, to be expended for various subjects relating to and furthering the goals and purposes of the act. This bill would establish the Children and Families Health and Human Services Fund. The bill would require specified amounts of state and local children and families commission funds to be deposited in the fund for the 2011-12 fiscal year, as specified. Upon

appropriation by the Legislature, moneys deposited in the Children and Families Health and Human Services Fund would be used to provide health and human services, including direct health care services, to children from birth through 5 years of age. This bill contains other related provisions and other existing laws.

**Position**

**SB 76**

**(Committee on Budget and Fiscal Review) Mental Health Services Act.**

**Introduced:** 1/10/2011

**Last Amend:** 3/14/2011

**Status:** 3/14/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.

**Location:** 3/14/2011-A. BUDGET

<b>2Year</b>	<b>Desk</b>	<b>Policy</b>	<b>Fiscal</b>	<b>Floor</b>	<b>Desk</b>	<b>Policy</b>	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
<b>Dead</b>	<b>1st House</b>				<b>2nd House</b>			Conc.				

**Summary:** Existing law contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, funds a system of county mental health plans for the provision of mental health services, as specified. The act provides that it may be amended by the Legislature by a 2/3 vote of each house as long as the amendment is consistent with and furthers the intent of the act, and that the Legislature may also clarify procedures and terms of the act by majority vote. This bill would delete the requirement for these annual reviews and would authorize the commission, instead of the department, to provide technical assistance to the county mental health plans. This bill contains other related provisions and other existing laws.

**Position**

**SB 81**

**(Committee on Budget and Fiscal Review) Transportation.**

**Introduced:** 1/10/2011

**Last Amend:** 3/14/2011

**Status:** 3/14/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.

**Location:** 3/14/2011-A. BUDGET

<b>2Year</b>	<b>Desk</b>	<b>Policy</b>	<b>Fiscal</b>	<b>Floor</b>	<b>Desk</b>	<b>Policy</b>	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
<b>Dead</b>	<b>1st House</b>				<b>2nd House</b>			Conc.				

**Summary:** Existing law provides for payment of current general obligation bond debt service for specified voter-approved transportation bonds from gasoline excise tax revenue in the Highway Users Tax Account and revenue in the Public Transportation Account, and requires the Controller to make specified transfers of revenues in that regard to the Transportation Debt Service Fund. Existing law, pursuant to the Budget Act of 2010, provides for a loan of \$761,639,000 from gasoline excise tax revenue in the Highway Users Tax Account to the General Fund, to be repaid with interest by June 30, 2013. This bill, in fiscal years 2010-11 and 2011-12, would require the Controller to transfer specified amounts of revenues deposited in the State Highway Account from vehicle weight fees to the Transportation Debt Service Fund to be used for reimbursement of the General Fund for payment of current general obligation bond debt service for specified voter-approved transportation bonds, in lieu of the previously authorized gasoline excise tax revenues and Public Transportation Account revenues. In subsequent years, the bill would require all vehicle weight fee revenues to be transferred for this purpose. The bill would make appropriations in this regard. The bill would require the Department of Finance to notify the Controller of the amount of debt service relating to expenditures for eligible mass transit guideway projects that may be paid from revenues restricted by Article XIX of the California Constitution. This bill contains other related provisions and other existing laws.

**Position**

**SB 85**

**(Committee on Budget and Fiscal Review) Education finance.**

**Introduced:** 1/10/2011

**Last Amend:** 6/14/2011

**Status:** 6/23/2011-Returned by the Governor at the request of the Senate. Held at desk.

**Location:** 6/23/2011-S. DESK

<b>2Year</b>	<b>Desk</b>	<b>Policy</b>	<b>Fiscal</b>	<b>Floor</b>	<b>Desk</b>	<b>Policy</b>	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
<b>Dead</b>	<b>1st House</b>				<b>2nd House</b>			Conc.				

**Summary:** Existing law requires a revenue limit to be calculated for each county superintendent of

schools, adjusted for various factors, and reduced, as specified. Existing law reduces the revenue limit for each county superintendent of schools for the 2011-12 fiscal year by a deficit factor of 19.892%. This bill instead would set the deficit factor for each county superintendent of schools for the 2011-12 fiscal year at 20.041%. This bill contains other related provisions and other existing laws.

**Position**

**SB 95 (Committee on Budget and Fiscal Review) Criminal justice realignment.**

**Introduced:** 1/10/2011

**Last Amend:** 6/28/2011

**Status:** 6/28/2011-From committee with author's amendments. Read second time and amended. Referred to Com. on BUDGET.

**Location:** 6/28/2011-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides that certain specified felonies are punishable by incarceration in state prison. If Chapter 15 of the Statutes of 2011 becomes operative, certain of those felonies shall instead be punishable by incarceration in a county jail. This bill would provide that, if Chapter 15 of the Statutes of 2011 becomes operative, certain specified felonies would continue to be punishable by incarceration in state prison. The bill would make other technical changes. This bill contains other related provisions and other existing laws.

**Position**

**SB 96 (Committee on Budget and Fiscal Review) Budget Act of 2011.**

**Introduced:** 1/10/2011

**Last Amend:** 6/28/2011

**Status:** 6/28/2011-From committee with author's amendments. Read second time and amended. Referred to Com. on BUDGET.

**Location:** 6/28/2011-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires the Legislature to pass a Budget Bill making appropriations for the support of state government for the ensuing fiscal year. This bill would amend the Budget Act of 2011 to require the Director of Finance to forecast General Fund revenues for the 2011-12 fiscal year by December 15, 2011, and to determine whether that revenue forecast or the Legislative Analyst's November 2011 General Fund revenue forecast is higher. Under this bill, the Director of Finance would be required to make reductions to specified items of appropriation if the higher revenue forecast is less than \$87,452,500,000 and to make additional reductions to specified items of appropriation if the higher revenue forecast is less than \$86,452,500,000. This bill contains other related provisions.

**Position**

**SB 97 (Committee on Budget and Fiscal Review) Adult day health care.**

**Introduced:** 1/10/2011

**Last Amend:** 7/14/2011

**Status:** 7/14/2011-In Senate. Concurrence in Assembly amendments pending.

**Location:** 7/14/2011-S. CONCURRENCE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified, low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law provides, to the extent permitted by federal law, that adult day health care (ADHC) be excluded from coverage under the Medi-Cal program on the first day of the first calendar month following 90 days after the effective date of the act that added that provision or on the first day of the first calendar month following 60 days after the date the department secures all necessary federal approvals to implement that provision, whichever is later. This bill would, instead, require that ADHC be excluded from coverage under the Medi-Cal program on November 1, 2011. This bill contains other related provisions.

**Position**

**SB 98 (Committee on Budget and Fiscal Review) Budget Act of 2011.**

**Introduced:** 1/10/2011

**Status:** 7/7/2011-Withdrawn from committee. Ordered to second reading. Read second time. Re-referred to Com. on BUDGET.

**Location:** 7/7/2011-A. BUDGET

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2011.

**Position**

**SB 99**

**(Committee on Budget and Fiscal Review) Budget Act of 2011.**

**Introduced:** 1/10/2011

**Status:** 2/24/2011-Referred to Com. on APPR.

**Location:** 2/24/2011-A. APPR.

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2011.

**Position**

**SB 121**

**(Liu D) Pupils: foster children: special education.**

**Introduced:** 1/24/2011

**Last Amend:** 5/17/2011

**Status:** 7/8/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was HUM. S. on 6/13/2011)

**Location:** 7/8/2011-A. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires a pupil who is placed in a licensed children's institution or foster family home to attend programs operated by the local educational agency unless the pupil is entitled to remain in his or her school of origin, the pupil has an individualized education program requiring placement elsewhere, or the pupil's parent or guardian, or other person holding the right to make educational decisions for the pupil, determines that it is in the best interests of the pupil to be placed in another educational program. This bill would require that , if the pupil's parent or guardian, or other person holding the right to make educational decisions for the pupil, makes that determination, he or she shall provide a written statement to that effect to the local educational agency and the juvenile court, as specified . This bill contains other related provisions and other existing laws.

**Position**

Watch

**SB 166**

**(Steinberg D) Health care coverage: mental illness: autism spectrum disorders.**

**Introduced:** 2/3/2011

**Last Amend:** 4/4/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was HEALTH on 4/28/2011)

**Location:** 5/10/2011-S. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for licensure and regulation of health care service plans by the Department of Managed Health Care. A willful violation of these provisions is a crime. Existing law provides for regulation of health insurers by the Department of Insurance. Existing law requires health care service plan contracts and health insurance policies to provide benefits for specified conditions, including certain mental health conditions. This bill would require those health care service plan contracts and health insurance policies to also provide coverage for behavioral intervention therapy, as defined, for pervasive developmental disorder or autism. The bill would, however, provide that no benefits are required to be provided that exceed the essential health benefits required under federal law. Because a violation of these provisions with respect to health care service plans would be a crime, the bill would thereby impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

Support in  
Concept

**SB 174**

**(Emmerson R) Community care facilities.**

**Introduced:** 2/7/2011

**Status:** 5/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 2/17/2011)

**Location:** 5/13/2011-S. 2 YEAR

<b>2 Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care and residential facilities by the State Department of Social Services. This bill would make technical, nonsubstantive changes to these provisions.

**Position**

**SB 176 (Emmerson R) In-Home Supportive Services.**

**Introduced:** 2/7/2011

**Status:** 5/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 2/17/2011)

**Location:** 5/13/2011-S. 2 YEAR

<b>2 Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. This bill would make a technical, nonsubstantive change to an IHSS program provision.

**Position**

**SB 236 (Anderson R) California Public Records Act.**

**Introduced:** 2/9/2011

**Status:** 5/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 2/17/2011)

**Location:** 5/13/2011-S. 2 YEAR

<b>2 Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** The California Public Records Act requires state and local agencies to make public records available for inspection by the public, subject to specified criteria, and with specified exceptions. This bill would make technical, nonsubstantive changes to these provisions.

**Position**

**SB 253 (Alquist D) Health care coverage: acquired brain injuries.**

**Introduced:** 2/10/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was HEALTH on 2/24/2011)

**Location:** 5/10/2011-S. 2 YEAR

<b>2 Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law provides for licensing and regulation of health care service plans by the Department of Managed Health Care. A willful violation of these provisions is a crime. Existing law provides for licensing and regulation of health insurers by the Insurance Commissioner. Existing law requires health care service plan contracts and health insurance policies to provide coverage for specified matters. This bill would provide that health care service plan contracts and health insurance policies may not deny coverage for medically necessary treatment of acquired brain injuries at any of various facilities that are properly licensed and accredited, as specified. The bill would also prohibit denial of coverage because the treating facility is not in or near the home of the enrollee or insured. Because the bill would change the definition of a crime with respect to health care service plans, it would thereby impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**SB 268 (Wright D) School attendance: interdistrict attendance.**

**Introduced:** 2/14/2011

**Last Amend:** 4/6/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/2/2011)

**Location:** 5/28/2011-S. 2 YEAR

<b>2 Year</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered

Dead	1st House	2nd House	Conc.		
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**Summary:** Existing law authorizes the governing boards of 2 or more school districts to enter into an agreement for the interdistrict attendance of pupils who are residents of the school districts. If either school district fails to approve the interdistrict attendance of a pupil, or in the case of the failure or refusal of the school districts to enter into an agreement, existing law authorizes the person having legal custody of the pupil to appeal to the county board of education in accordance with a prescribed procedure. This bill would require the county board of education to conduct a hearing within 30 days of the filing of the appeal. The bill would specify the issues to which the county board's review of the decision would be limited. Because this bill would create new duties for county boards of education, it would constitute a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**SB 280**

**(Wyland R) Pupil assessments: public hearings.**

**Introduced:** 2/14/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was ED. on 2/24/2011)

**Location:** 5/10/2011-S. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires each school district, charter school, and county office of education to administer to each of its pupils in grades 2 to 11, inclusive, designated achievement tests. Existing law establishes the Public Schools Accountability Act of 1999 and requires the Superintendent of Public Instruction to develop an Academic Performance Index (API), which consists in part of the results of the tests administered pursuant to the Standardized Testing and Reporting (STAR) Program, to measure the performance of schools and to rank schools based on the value of the API. Existing law requires schools to report their ranking, including a description of the components of the API, in their annual school accountability report card. Existing law requires the governing board of each school district to discuss the results of the annual ranking at the next regularly scheduled meeting following the annual publication of the API and school rankings by the Superintendent of Public Instruction and encourages that meeting to include a discussion that examines STAR test results by school, grade, and subgroup, as specified. This bill would require the governing board of a school district to conduct a public hearing to discuss, analyze, and compare the results of the API, STAR test scores, and school rankings and would instead require that public hearing to include a discussion that examines STAR test results by school, grade, and subgroup, as specified. This bill contains other related provisions and other existing laws.

**Position**

**SB 345**

**(Wolk D) Long-Term Care Ombudsman Program.**

**Introduced:** 2/15/2011

**Last Amend:** 4/25/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was HUM. S. on 4/25/2011)

**Location:** 5/10/2011-S. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, as part of the Mello-Granlund Older Californians Act, establishes the Office of the State Long-Term Care Ombudsman, under the direction of the State Long-Term Care Ombudsman, in the California Department of Aging. Existing law provides for the Long-Term Care Ombudsman Program under which funds are allocated to local ombudsman programs to assist elderly persons in long-term health care facilities and residential care facilities by, among other things, investigating and seeking to resolve complaints against these facilities. This bill would, instead, require the department to contract with a qualified nonprofit organization selected by a panel established by the department, as specified, to operate as the Office of the State Long-Term Care Ombudsman, and would require the contracting nonprofit organization to hire a qualified person to serve as the State Long-Term Care Ombudsman after consulting with the department's director and other stakeholders on the selection. This bill would provide that the office shall carry out all the duties prescribed by the federal Older Americans Act and would make other conforming changes.

**Position**

**SB 382**

**(Liu D) Developmental services: regional centers: complaints.**

**Introduced:** 2/15/2011

**Last Amend:** 5/31/2011

**Status:** 7/8/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was HUM. S. on 6/9/2011)

**Location:** 7/8/2011-A. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. That law authorizes the department to enter into 5-year contracts with regional centers, subject to an annual appropriation of funds by the Legislature. The act requires the contracts to specify that each regional center include annual performance objectives that will meet certain standards and allows the department to specify additional areas of support that require development or enhancement. The act requires corrective action if a regional center fails to meet the performance standards. This bill would authorize the department to specify additional areas of support requiring development or enhancement, as specified. This bill contains other related provisions and other existing laws.

**Position**  
Support in  
Concept

**SB 411 (Price D) Home Care Services Act of 2011.**

**Introduced:** 2/16/2011

**Last Amend:** 8/30/2011

**Status:** 9/6/2011-Ordered to inactive file on request of Assembly Member Charles Calderon.

**Location:** 9/6/2011-A. INACTIVE FILE

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	<b>Floor</b>	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides for the In-Home Supportive Services (IHSS) program, a county-administered program under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. The IHSS program includes various eligibility requirements for individuals who provide services to recipients under the program. Under existing law, a private provider of in-home care services is not subject to the requirements of the IHSS program. This bill would enact the Home Care Services Act of 2011, which would provide , on and after July 1, 2012, for the licensure and regulation of home care organizations, as defined, by the State Department of Social Services , and the certification of home care aides. The bill would exclude specified entities from the definition of a home care organization. The bill would impose various licensure requirements on a home care organization . The bill would also impose a civil penalty on an individual or entity that operates a home care organization without a license, except as specified. The bill would require a home care organization to provide a client with specified information before arranging for the provision of home care services, as defined, to that client, including, but not limited to, the types and hours of available home care services, and the extent to which payment may be expected from specified sources. In addition, this bill would require a home care organization, among other things, to distribute to the client its advance directive policy and provide a written notice to the client of certain rights. The bill would also prohibit a home care organization from hiring an individual as a home care aide unless that individual meets certain requirements, including, but not limited to, demonstrating that he or she has specified language skills and completing a minimum of 5 hours of training as specified. This bill contains other related provisions and other existing laws.

**Position**  
Support

**SB 433 (Liu D) Charter schools: suspension and expulsion of pupils.**

**Introduced:** 2/16/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was ED. on 5/4/2011)

**Location:** 5/10/2011-S. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** The Charter Schools Act of 1992 permits teachers and parents to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. Existing law exempts charter schools from the laws governing school districts except those of the Charter Schools Act, those establishing minimum age for public school attendance, specified building code regulations, and other specified laws. Existing law requires a charter school to comply with its charter. This bill would require a charter school to comply with laws governing school districts relating to the suspension and expulsion of pupils thereby imposing a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**SB 453 (Correa D) Pupil rights: bullying: school safety plans: suspension and expulsion.**

**Introduced:** 2/16/2011

**Last Amend:** 5/24/2011

**Status:** 6/3/2011-Failed Deadline pursuant to Rule 61(a)(8). (Last location was APPR. SUSPENSE FILE on 5/24/2011)

**Location:** 6/3/2011-S. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides that each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus, as specified. This bill would encourage, as comprehensive school safety plans are reviewed and updated, all plans, to the extent that resources are available, to include policies and procedures to ensure that appropriate strategies, resources, training, and other prevention or intervention efforts are in place to deal with the remediation and termination of bullying, as specified. This bill contains other related provisions and other existing laws.

**Position**

**SB 462**

**(Blakeslee R) Special education: special education advocates: certification.**

**Introduced:** 2/16/2011

**Last Amend:** 5/31/2011

**Status:** 6/3/2011-Failed Deadline pursuant to Rule 61(a)(8). (Last location was APPR. on 5/31/2011)

**Location:** 6/3/2011-S. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law requires local educational agencies to initiate, and individualized education program teams to conduct, meetings for the purposes of developing, reviewing, and revising the individualized education program of each individual with exceptional needs, as specified. Existing law also provides that it is the intent of the Legislature that parties to special education disputes be encouraged to seek resolution through mediation in a nonadversarial atmosphere, which may not be attended by attorneys or other independent contractors used to provide legal advocacy services, prior to filing a request for a due process hearing. Existing law provides, however, that this does not preclude the parent or public agency from being accompanied and advised by nonattorney representatives in mediation conferences. This bill would authorize a special education local plan area, in collaboration with the State Department of Education, to develop a voluntary special education advocate certification program for persons who would participate, upon the invitation of a parent, as a member of a pupil's individualized education program team, or, upon the invitation of a parent, in a mediation conference, as specified. The bill would authorize a special education local plan area to provide alternative dispute resolution training, and require the Board of Behavioral Sciences to administer a test, to persons seeking certification, as specified. The bill would also require the Board of Behavioral Sciences to certify persons who have successfully passed the test and completed the training. The bill would require a certified special education advocate to disclose his or her relationship to the pupil or his or her parents, as specified. This bill contains other related provisions and other existing laws.

**Position**

Oppose

**SB 472**

**(Correa D) Early intervention services: assessments.**

**Introduced:** 2/17/2011

**Last Amend:** 5/2/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/16/2011)

**Location:** 5/28/2011-S. 2 YEAR

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law, the California Early Intervention Services Act, is administered jointly by the Secretary of the Health and Human Services Agency and the Superintendent of Public Instruction, with the State Department of Developmental Services as the lead agency responsible for administration and coordination of the statewide system of services for the enhancement of the development of children who have disabilities or who are at risk of having disabilities and to minimize the potential for delays in their development. Under existing law, these provisions are in effect only until the state terminates its participation in prescribed components of the federal Individuals with Disabilities Education Act. This bill would require the secretary and the superintendent to develop either an integrated assessment instrument or a process to consolidate assessments to be used to coordinate multiple agency assessments, and to report to the Legislature by January 1, 2013.

**Position**

Oppose

**SB 476 (Lowenthal D) Education finance: categorical programs.**

**Introduced:** 2/17/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was ED. on 3/3/2011)

**Location:** 5/10/2011-S. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law establishes various categorical education programs, and appropriates the funding for those programs in the annual Budget Act. Existing law requires the Superintendent of Public Instruction, for the 2008-09 to 2012-13 fiscal years, inclusive, to apportion from the amount provided in the annual Budget Act for specified categorical education programs an amount based on the same relative proportion that the local educational agency received in the 2008-09 fiscal year for those programs, with certain specified exceptions. Existing law authorizes school districts, for the 2008-09 to 2012-13 fiscal years, inclusive, to use the categorical education program funds, with specified exceptions, for any educational purpose. This bill would extend the operation of this provision for 2 additional fiscal years, thus extending it through the 2014-15 fiscal year.

**Position**

**SB 529 (Correa D) Seniors: community-based services: long-term care strategic plan.**

**Introduced:** 2/17/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was HUM. S. on 3/24/2011)

**Location:** 5/10/2011-S. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Under existing law, the California Department of Aging administers various community-based programs for seniors, including adult day health care programs, the Multipurpose Senior Services Program, linkages, and home-delivered meals. Existing law identifies the mission of the department to provide leadership to the area agencies on aging in developing systems of home- and community-based services that maintain individuals in their own homes or least restrictive homelike environments. This bill would require the department, in consultation with the California Commission on Aging, the area agencies on aging, and the Office of the State Long-Term Care Ombudsman, to develop a long-term care strategic plan, as specified, to provide guidance and temporary funding for community-based programs that serve seniors. The bill would require the department to submit the plan to the Legislature by July 1, 2012.

**Position**

**SB 558 (Simitian D) Elder and dependent adults: abuse or neglect: damages.**

**Introduced:** 2/17/2011

**Last Amend:** 5/3/2011

**Status:** 8/25/2011-Set, second hearing. Held in committee and under submission.

**Location:** 7/13/2011-A. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law provides for the award of attorney's fees and costs to, and the recovery of damages by a plaintiff when it is proven by clear and convincing evidence that a defendant is liable for physical abuse or neglect of an elder or dependent adult and the defendant has also been guilty of recklessness, oppression, fraud, or malice in the commission of the abuse. This bill would revise these provisions to change the standard of proof to a preponderance of the evidence. This bill contains other related provisions and other existing laws.

**Position**

**SB 677 (Hernandez D) Medi-Cal: eligibility.**

**Introduced:** 2/18/2011

**Last Amend:** 5/23/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/23/2011)

**Location:** 5/28/2011-S. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. This bill would provide, to the extent required by federal law, that the department shall not apply an assets or resources test for purposes of determining eligibility for Medi-Cal or under a Medi-Cal waiver, except as specified. This bill would also require, to the extent required by federal law, the department to use the modified adjusted gross income of an individual, or the household income of a family, if applicable, for the purposes of determining income eligibility for Medi-Cal or under a Medi-Cal waiver, except as specified. The bill would provide that these provisions shall become operative on January 1, 2014. Because each county is responsible for making Medi-Cal eligibility determinations, the bill would increase the duties of county officials and would thereby impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**SB 717 (Walters R) Elder or dependent abuse.**

**Introduced:** 2/18/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 3/3/2011)

**Location:** 5/10/2011-S. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law makes it a crime for a person who knows or reasonably should know that a person is an elder or dependant adult, under circumstances likely to produce great bodily harm or death, to willfully cause or permit any elder or dependent adult to suffer, or inflict unjustifiable physical pain or mental suffering thereon, or to cause or permit the elder or dependent adult to be placed in a situation in which his or her person or health is endangered, as specified. Existing law punishes a violation of this provision by imprisonment in a county jail not exceeding one year, or by a fine not to exceed \$6,000, or by both that fine and imprisonment, or by imprisonment in the state prison for 2, 3, or 4 years. The bill would instead provide that a violation of the above provisions shall be punished by imprisonment in a county jail not exceeding one year, or by a fine not to exceed \$6,000, or by both that fine and imprisonment, or by imprisonment in the state prison for 2, 3, or 4 years, without regard to whether or not the violation occurred under circumstances likely to produce great bodily harm or death. This bill would accordingly delete the provisions regarding elder or dependent adult abuse under circumstances or conditions other than those likely to produce great bodily harm or death. This bill contains other related provisions and other existing laws.

**Position**

**SB 764 (Steinberg D) Developmental services: Autism TeleHealth Program.**

**Introduced:** 2/18/2011

**Last Amend:** 4/14/2011

**Status:** 5/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was HUM. S. on 5/19/2011)

**Location:** 5/28/2011-S. 2 YEAR

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities. This bill would require the department to establish the Autism TeleHealth Program (ATHP) to promote the use of telehealth systems (THS), as defined, to provide services for individuals with autism spectrum disorders (ASD). The bill would require the department to implement this program by requesting proposals from, and executing memorandums of understanding with, one or more regional centers that promote the use of or utilize THS to provide services for individuals with ASD. This bill would repeal these provisions on January 1, 2017.

**Position**

Watch

**SB 770 (Steinberg D) Health care coverage: mental illness: developmental disorder and autism.**

**Introduced:** 2/18/2011

**Last Amend:** 8/31/2011

**Status:** 8/31/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.

**Location:** 8/31/2011-A. APPR.

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. A willful violation of these provisions is a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires health care service plan contracts and health insurance policies to provide benefits for specified conditions, including certain mental health conditions. This bill would require those health care service plan contracts and health insurance policies to also provide coverage for behavioral health treatment, as defined, for pervasive developmental disorder or autism. The bill would provide, however, that no benefits are required to be provided that exceed the essential health benefits required under specified federal law. Because a violation of these provisions with respect to health care service plans would be a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

**SB 795 (Blakeslee R) Health.**

**Introduced:** 2/18/2011

**Last Amend:** 3/29/2011

**Status:** 5/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 3/29/2011)

**Location:** 5/10/2011-S. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** (1) Existing law provides for the commitment of persons found mentally incompetent for criminal process. Existing law also provides that if the defendant consented to antipsychotic medication, as specified, but subsequently withdraws his or her consent, or, if involuntary antipsychotic medication was not ordered, and the treating psychiatrist determines that antipsychotic medication has become medically necessary and appropriate, the treating psychiatrist shall make efforts to obtain informed consent from the defendant for antipsychotic medication. This bill would provide that if informed consent is not obtained from the defendant, and the treating psychiatrist is of the opinion that the defendant lacks capacity to make decisions regarding antipsychotic medication, or that the defendant is a danger to others, as specified, then the treating psychiatrist shall file a petition with the committing court for issuance of an emergency order within 24 hours after determining that antipsychotic medication has become medically necessary and appropriate. This bill contains other related provisions and other existing laws.

**Position**

**SB 804 (Corbett D) Medi-Cal: subacute care program: congregate living health facilities.**

**Introduced:** 2/18/2011

**Status:** 5/2/2011-Set, first hearing. Hearing canceled at the request of author.

**Location:** 3/10/2011-S. HEALTH

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law requires the department to establish a subacute care program in health facilities in order to more effectively use limited Medi-Cal dollars while ensuring needed services for patients who meet subacute care criteria, as established by the department. Existing law provides that, for the purposes of this program, subacute care may be provided by any facility designated by the Director of Health Care Services as meeting subacute care criteria and that has an approved provider participation agreement with the department. This bill would require the department to allow congregate living health facilities, as defined, that solely provide pediatric subacute care services and do not provide Medicare services to participate in the subacute care program. This bill would provide that these type of facilities shall not be required to be Medicare certified to participate in the subacute care program. The bill would require the department to seek all necessary federal approvals for the implementation of these provisions. This bill contains other related provisions.

**Position**

**SB 889 (Emmerson R) The protection and advocacy agency.**

**Introduced:** 2/18/2011

**Status:** 5/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 3/10/2011)

**Location:** 5/13/2011-S. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:** Existing law prescribes, in accordance with federal law, the powers of the protection and advocacy agency, which is a private, nonprofit corporation charged with protecting and advocating for the rights of persons with developmental disabilities and mental disorders. This bill would make a technical, nonsubstantive change to the law relating to the protection and advocacy agency.

**Position**

**SCA 7**

**(Yee D) Public bodies: meetings.**

**Introduced:** 1/10/2011

**Last Amend:** 4/13/2011

**Status:** 8/25/2011-Set, second hearing. Held in committee and under submission.

**Location:** 8/17/2011-A. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** The California Constitution requires meetings of public bodies to be open to public scrutiny. This measure would also include in the California Constitution the requirement that each public body provide public notice of its meetings and disclose any action taken.

**Position**

**Total Measures: 84**

**Total Tracking Forms: 84**

## COUNCIL AGENDA ITEM DETAIL SHEET

**ISSUE:** Sponsorship Request from Jay Nolan Community Services.

**BACKGROUND:** The California State Council on Developmental Disabilities (SCDD) supports events that promote self-advocacy, leadership and education, thereby enabling people with developmental disabilities and their family members to expand their knowledge and skills. Toward that goal, organizations may apply for Council sponsorships for events that promote consumer and family self-advocacy.

Jay Nolan Community Services supports 500 individuals with autism and other developmental disabilities. In the past two years, their Training and Resource Center has conducted training events that have been attended by hundreds of parents, special educators, and transition teachers, self –advocates and direct support professionals.

**ANALYSIS/DISCUSSION:** Jay Nolan Community Services is requesting a sponsorship of \$999.00 to assist 100 low income parents to attend the premier screening of the documentary **Education Revolution**, newest inclusion film by Dan Habib, creator of the film Including Samuel, on January 9, 2012. The event offers a one of a kind opportunity to participate, ask questions and give feedback directly to the film maker. Participants will include parents of children with disabilities, self-advocates, special educators, school clinicians, direct support professionals, service providers, and the community at large.

The project goals for all participants:

- Explore innovative educational approaches to discipline, dropout prevention and improved school climate;
- Foster a broader dialogue about all the benefits of challenges of fully including all students in our schools and community; and
- Strengthen the capacity among educators, parents, students and communities to successfully include and educate students with complex behavioral challenges.

There is no fee to attend.

Jay Nolan Community Services is partnering with UCLA Tarjan Center, Special Needs Network and several other non-profit organizations specifically working with children and young adults with disabilities to bring this important inclusion film to Southern California.

**COUNCIL STRATEGIC PLAN GOAL/OBJECTIVE:** Goal #2: Individuals with developmental disabilities and their families become aware of their rights and receive the supports and services they are entitled to by law across the lifespan, including early intervention, transition into school, education, transition to adult life, adult services and supports, and senior services and supports.

Objective 2b) Individuals with developmental disabilities, their families and their support and/or professional staff will increase their knowledge and skills so as to effectively access needed educational and/or community-based services through at least 225 trainings, conferences, workshops, webinars, and/or resource materials developed by the Council on topics such as rights under IDEA, rights under California's Lanterman Act etc. on an annual basis.

**PRIOR COUNCIL ACTIVITY:** Since the beginning of FY 2011-12, the Council has not awarded any funds for sponsorship requests. The Council allocates \$25,000 per fiscal year for sponsorships. The fiscal year began July 1, 2011.

**STAFF RECOMMENDATION:** Award \$999 to Jay Nolan Community Services to support families of individuals with developmental disabilities to participate a training event on January 9, 2012.

**ATTACHMENTS(S):** SCDD sponsorship policy, Jay Nolan sponsorship request, sponsorship budget, and support letters.

**PREPARED:** Kristie Allensworth October 27, 2011



## **SCDD SPONSORSHIP POLICIES AND PROCEDURES**

The California State Council on Developmental Disabilities (SCDD) supports events that promote self-advocacy, leadership and education, thereby enabling people with developmental disabilities and their family members to expand their knowledge and skills. Toward that goal, organizations may apply for Council sponsorships for events that promote consumer and family self-advocacy.

To apply for an **Agency/Organization Sponsorship** you must:

1. Submit a signed written request to the SCDD **at least 90 days** before the event. The request must include this information:
  - a. The name, date, location and description of your event/conference;
  - b. How this conference will increase the ability of consumers and family members to exercise control, choice and flexibility in the services and supports they receive, including a description of the specific way SCDD's funding would be utilized;
  - c. The number and type of expected attendees (i.e. teachers, providers, administrators, etc.), including how many are expected to be consumers and family members;
  - d. How you will conduct outreach to increase consumer and family involvement in the conference;
  - e. A complete and total budget, including the amount you are requesting (\$999 limit), details on the amount and sources of other funds solicited or obtained;
  - f. A list of other SCDD sponsorships and grants you have previously requested and/or received; and
  - g. A letter of recommendation from a consumer and/or family organization that supports your efforts to improve consumer and family self-advocacy.

2. During the event, provide acknowledgement that consumer and family participation in the event is made possible, in part, with funding from the California State Council on Developmental Disabilities.

Applicants should be aware of the following policies and procedures:

1. The SCDD Executive Committee is responsible for all Sponsorship decisions.
2. All requests are subject to the availability of funds, and are paid as reimbursements in arrears, in accordance with State administrative procedures.



**Submitted by:**

**Camille Skipper Watkins**

**Director, Training Resource Center**

**Jay Nolan Community Services** [www.jaynolan.org](http://www.jaynolan.org)

**(818) 361-6400 X140**

**E-mail: [cwatkins@jaynolan.org](mailto:cwatkins@jaynolan.org)**

**October 7, 2011**

Submitted To: State Council on Developmental Disabilities

Request for Event Sponsorship of \$999 towards Parents/Self-Advocates  
Travel/Lunch

**a. The name, date, location and description of event/conference:**

Premiere screening of documentary **Education Revolution**, newest inclusion film by Dan Habib creator of film **Including Samuel**, on January 9, 2012. The location is The Autry Museum's Wells Fargo Theatre, 4700 Western Heritage Way, Los Angeles, CA 90027-1462. The event is scheduled from 10:00am to 2:00pm. We will not be charging for attendance.

Dan Habib, filmmaker in residence with the Institute on Disability at the University of New Hampshire, has created **Education Revolution**, as part of comprehensive outreach and online campaign focusing on the ***inclusion of students with emotional/behavioral challenges through positive behavioral interventions and support***. The January 9<sup>th</sup> event will showcase both of Habib's films followed by facilitated discussions with the filmmaker. The event offers a one of a kind opportunity to participate, ask questions and give feedback directly to the film maker. Participants will include parents of children with disabilities, including autism and other developmental disabilities (as well as a cross-section of physical and learning disabilities), self-advocates, special educators, school clinicians, direct support professionals, service providers, and the community at large.

Purpose of the event is take a compelling and comprehensive look at the question: **How can students with complex emotional/behavioral challenges be successfully included in regular education classes?** The project goals for all participants:

- Explore innovative educational approaches to discipline, dropout prevention and improved school climate.
- Foster a broader dialogue about all the benefits of challenges of fully including ALL students in our schools and community.
- Strengthen the capacity among educators, parents, students and communities to successfully include and educate students with complex behavioral challenges.

Jay Nolan Community Services is partnering with UCLA Tarjan Center, Special Needs Network and several other non-profit organizations specifically working with children and young adults with disabilities, to bring this important Inclusion film to Southern California.

***b. How will this conference/event increase the ability of consumers and family members to exercise control, choice and flexibility in the services and supports they receive, include description of the specific utilization of SCDD's funding?***

Film creator Dan Habib is also a parent of a child with disabilities. One of the overarching objectives of his latest film is for all students to be successful in school, their community as well as at home. **Education Revolution** looks at the lives and education of young people with behavioral challenges caused by environmental factors (such as poverty) emotional disabilities (bipolar and ADHD), as well as autism and other neurological disorders. One of the most empowering aspects of the film is seeing and hearing the voices of students, family members, peers and educators examining these key issues:

- What types of supports and interventions including PBIS (Positive Behavioral Interventions and Supports), enable children with emotional/behavioral challenges to succeed?
- What role does school-wide culture play?
- How are behavioral problems linked to communication and learning disabilities?

**Jay Nolan Community Services is requesting SCDD funding of \$999** to help us assist 100 low-income parents with a \$5 travel allowance (\$500) and the remaining used towards lunches for parents designated by the partnering organizations as having a real need (70 @ average of \$8 ea.). Our objective is to make this event as accessible as possible to as many parents, self-advocates and families as possible.

***c. Number of and type of expected attendees including how many are expected to be consumers and family members***

The theatre seats 210, plus features 20 spaces for wheelchairs. We expect to have capacity attendance. Here's an estimated breakdown of attendance:

125	Parents, Family Members, Self-Advocates
35	Special Education/Transition Teachers, School Clinicians/District Administrators
40	Direct Support Professionals, Service Providers, Case Workers, Advocates
10	Community Guests

***d. How will you conduct outreach to increase consumer and family involvement in the conference?***

We plan to maximize a very limited advertising budget by producing posters, postcards and fliers. Postcards and fliers can be both mailed and distributed by large pool of volunteers (some with disabilities) who can distribute in a myriad of communities across Southern California.

The major marketing outreach will focus on electronic media: e-mails announcements, free calendar listings & related Listservs, Social Media (Facebook, Twitter, LinkedIn).

The great benefit of our collaborating non-profit partners is that together our combined outreach potential can create a tremendous wave of awareness about this event that will bring out a diverse section of Southern California residents including families of all incomes, racial and cultural ethnicities as well as educators, direct support professionals and advocates.

**e. Complete Budget:**

This is a being offered as a free community training event. Our primary target audiences are Southern California parents of students with autism or other developmental disabilities, special educators, direct support professionals/service providers and self-advocates. Our goal is to also offer 100 low-income parents a small transportation allowance, approximately \$5.00, to assist towards expenses related to transportation to this event. And the remaining \$499 of the sponsorship to be used towards \$6-\$7 lunch costs for an estimated 75 parent/self advocates, identified by the collaborating organizations as having financial need.

\$5,000	Speaker, Dan Habib Speaker (including travel expenses)
\$1,130	Venue Rentals – The Autry Museum Theater & Café (\$750 + \$380)
\$ 250	Tech Support A/V for screenings
\$ 499	Parents/Self Advocate lunch Allowance (approx. 75 @ \$6-7)
\$ 500	Parents/Self Advocate Transportation Allowance \$5 (100)
\$ 500	Advertising and Promotional materials (signage, postcards)
<b>\$7,879</b>	<b>Total Budget</b>

**f. Previous SCDD sponsorship received**

Jay Nolan Community Services received a grant from State Council Developmental Disabilities designated for Microenterprises for the period from October, 2006 through September, 2007. The amount received was approximately \$66,000.

**About the Partnering Organizations:**

**Jay Nolan Community Services**, located in Mission Hills CA, supports 500 children and adult individuals with autism and other developmental disabilities. In the past two years, our Training Resource Center has conducted training events that have been attended by hundreds of parent, special educators and transition teachers, self-advocates and direct support professionals throughout the San Fernando Valley, Los Angeles, Pasadena, Antelope Valley, San Gabriel Valley, Long Beach and more.

**Tarjan Center at UCLA** provides leadership in education, research and innovative practices that supports the quality of life and community inclusion of all people with disabilities. The Center serves as a bridge between the university and persons with disabilities from state, regional and local communities, state and local government agencies and community providers.

**Special Needs Network (SNN)**, responds to the needs of low-income families impacted by the autism epidemic and other developmental disabilities. SNN serves as a link between underserved communities and mainstream developmental disability organizations and governmental institutions, which often fail to address issues specific to these overlooked communities.

**Jay Nolan Community Services** [www.jaynolan.org](http://www.jaynolan.org)

15501 SAN FERNANDO MISSION BLVD., STE 200, P.O. BOX 9604, MISSION HILLS, CA 91346-9604



# new horizons

*san fernando valley association for the retarded, inc.*

Partnering for a Brighter Future

**officers**

Gene Siciliano  
*Chairman*

Spero Bowman  
*Vice Chairman*

Roc Caldarone  
*Treasurer*

John D. Bunzel  
*Secretary*

Stanley Bryant  
*Past Chairman*

October 6, 2011

California State Council on Developmental Disabilities  
1507 21<sup>st</sup> Street, Suite 210  
Sacramento, CA 95811

RE: Jay Nolan Community Services

**directors**

- Fred Aboody
- Larry Diamond
- Mitchell Englander
- Joyce Feucht-Haviar
- Mary K. Fischer
- Stuart Jaffe
- Burt Margulis
- Ken Miles
- James Porter
- Sondi Scheck
- Sister Colleen Settles

- Joel Simon
- Ernie Smith
- Greig Smith
- Stuart Steinberg
- Mark Studner
- Christine Ward
- Gary Washburn
- Sue Weitkamp

Cynthia Kawa  
*Chief Executive Officer*

**honorary directors**

- Paula Boland
- Peggy Carr
- Buddy Collette
- Julie Kavner
- John Lithgow
- Julie Newmar
- Charlotte Rae
- William Schallert
- Michael Tilson Thomas

To Whom It May Concern:

Jay Nolan Community Services and New Horizons have been good neighbors to each other for many years. We have watched as this organization has distinguished itself from similar agencies through their positive reputation in the community and an emphasis on inclusion training, not only for their stakeholders, but expanding to include all parents with children or adults with autism or other developmental disabilities, family members, self-advocates, educators, direct support professionals and service providers.

I am impressed with the high priority the organization continues to place on education and awareness, reaching out to all areas of the disability community. New Horizons has had several of our staff attend reasonably priced webinars and seminars at no charge hosted by their Training Resource Center. Instead of pulling back due to an uncertain economy, Jay Nolan Community Services is pushing ahead with its inclusion training platform.

Sincerely,

Cynthia Kawa  
CEO, New Horizons

*servng people with disabilities since 1954*

**JAE HONG RHEE**

5722 Lexington Avenue, Apt. 3  
Los Angeles, California 90038

October 6, 2011

California State Council on Developmental Disabilities  
1507 21<sup>st</sup> Street, Suite 210  
Sacramento, CA 95811

RE: Grants Supporting Jay Nolan Community Services

To: State Council on Developmental Disabilities

My son is 19 years old and has been a client of Jay Nolan community Services for more than seven years in the Family Support Department. He suffers from severe autism and retardation. It has taken me a long time to learn about dealing with his problems as a parent and a guardian who must deal with a variety of governmental and other entities.

We are extremely happy with Jay Nolan Community Services. I can honestly say that without Jay Nolan my life would be very different today, and so would Marvin's. I can tell you that having a child with a severe disability is not easy. It takes so many different kinds of knowledge and expertise to deal with Marvin, and to deal with the bureaucracy and all the many types of problems that arise. And it takes a lot of work to learn each different skill. You can't get it in just one program. I know from experience, it takes training over years to learn how to deal with the problems of a disabled child. Many parents in my situation who do not have access to the support or information that Jay Nolan provides are simply in the dark. I cannot properly express how grateful I am.

Because I want the best for my son, I try to stay informed. During the past year, Jay Nolan community Services has offered numerous training programs with important information for parents. Many different kinds of people come to these programs, and they all find it very helpful. These events are free and provide beneficial information for me and my family. Topics have included employment, the impact of employment on benefits, special needs trust planning, and more. This training has been important enough to me and to the future of my son, that I made it a point to participate.

As an agency, I am impressed with the high priority they place on training, obtaining new information, and then making it available to parents, families and the community. I would like to see the training provided by Jay Nolan community Services made available to more parents. Jay Nolan does a brilliant and loving job of increasing awareness of how to support and embrace children and adults with autism and other developmental disabilities with the goal of reaching the difficult—but attainable—task of helping them live valued lives as a part of their community.

  
JAE HONG RHEE  
Mother of Marvin Rhee

## AGENDA ITEM DETAIL SHEET

**ISSUE:** Nominating Committee

**BACKGROUND:** The Nominating Committee is charged with providing advice to the Council relative to the election of Council officers.

Unfortunately, Michael Bailey, SCDD Vice Chairperson, is resigning from the Council effective December 31, 2011.

**ANALYSIS/DISCUSSION:** The Council by-laws read, in part, that *"...If the Vice-Chairperson resigns or is permanently unable to serve during the term of office, nominations and elections to fill the newly-vacated position shall occur at the next noticed meeting of the Council. The Chairperson shall appoint a Vice-Chairperson to serve until an election is conducted. The person so elected shall serve for the remainder of that term."*

While bylaws are silent on the need for a nominating committee other than for the bi-annual election of officers, the Council chairperson has elected to appoint a Nominating Committee for the purpose of developing a slate for the January 2012 election of a new vice-chairperson. Names of the members of the Nominating Committee will be announced at the November 2011 Council meeting.

**COUNCIL OBJECTIVE:** Improve the SCDD organization and operations to effectively support the SCDD vision and mission and work collaboratively with other pertinent state agencies.

**PRIOR COUNCIL ACTIVITY:** On September 21, 2010, the Council elected Jorge Aguilar, Shirley Dove and Lisa Cooley as the Nominating Committee to present a slate of officers at the November 2010 Council meeting.

**RECOMMENDATION(S):** None

**ATTACHMENT(S):** None

**PREPARED:** Carol J. Risley, November 1, 2011

**Mr. Leroy Shipp**  
**Chairman**  
**Ms. Carol Risley**  
**Executive Director**  
**California State Council on Developmental Disabilities**  
**1507 21<sup>st</sup> Street**  
**Suite 210**  
**Sacramento, CA 95814**



**Michael E. Bailey**  
**25801 Marguerite Parkway**  
**No. 103**  
**Mission Viejo, CA 92692**

**October 2, 2011**

**Dear Chairman Shipp and Ms. Risley:**

**My term of Office ends on December 31<sup>st</sup> 2011. Because of health reasons, I would like to retire from the State Council service in Sacramento at the end of my term I am on now rather than seek a second term.**

**I am retiring because there is much important work ahead that must be done in a short period of time next year and it will need someone who is younger and healthier to carry things like Employment First and the new self advocacy project through. As well as to do many other things at the same time.**

**I have enjoyed my term of service and we got a lot done during this time that includes : (1) a Public Transportation Policy written in the Legislation and Public Policy Committee and approved by the Executive Committee and full Council; (2) work done on a Public Benefits Policy; (3) the Employment First Policy written, approved, and sent to the Capitol; (4) grant funding reform done; (5) a new process for the Executive Director Annual Review; (6) the launch of a new self advocacy project that will reach out across disabilities and will reach out to special education high school students. And I have served on all the committees, except the Program Development Committee.**

**But I have had health problems since February that get better and worse but have been told they will be getting worse as time goes on. Someone younger and healthier and who probably does not have job commitments is needed now.**

**I am cutting back my job at the Library to 3 days a week starting with the October 16 schedule change and that Wednesday beginning 2 days a week at RIO San Clemente for physical, social, and medical supports and services. I plan on coming to the Executive Committee meeting on October 11; the State Council meeting in November; and December Executive Committee meeting and retire from the Council in Sacramento on December 31<sup>st</sup>.**

**Thank you and best wishes,**

*Michael E. Bailey*  
**Michael E. Bailey**

Appointments Office  
Governor Jerry Brown  
State Capitol  
Sacramento, CA 95814

Michael E. Bailey  
25801 Marguerite Parkway  
No. 103  
Mission Viejo, CA 92692

October 2, 2011

Dear Governor Brown:

I am Vice-Chairman of the State Council on Developmental Disabilities and Chairman of the Council's executive Committee.

My term of office ends on December 31, 2011.

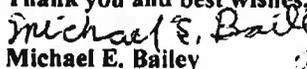
Because of health reasons, I have decided not to be a candidate for a second term, and would like to retire from State Council service in Sacramento at the end of the term I am on now on December 31, 2011.

I hope that I have served you well and faithfully during my term on the State Council.

The Council has done a number of major projects including completing the Employment First Policy Report and sending it to you and the legislature; reforming our grant funding process; launching a new self advocacy project that is new for the entire country and beyond because it will both reach out across the range of disabilities and reach out to high school special education students and will be locally based and driven; and developing an Executive Director review form to allow all Council members to participate in the annual review process. These are some of the things we have done in the past year.

I have served on the Legislation and Public Policy Committee of the Council and helped to write the Public Transportation Policy of the Council which was passed by the full Council and helped to write the Public Benefits Policy. I served as Chairman of the Employment First Committee from its first meeting in 2010 to March 2011 and served as Chairman of the Committee's Benefits Subcommittee. I am serving as Chairman of the Executive Committee, as Vice Chairman of the State Council, and as a member of the Self Advocates Advisory Committee of the Council.

For the important work ahead, I feel I would do a disservice to you by remaining for another term when my health situation I am told will only get worse. I want to give you the chance to appoint someone younger and healthier for the hard work ahead. The State Council is responsible for monitoring the implementation of Employment First across the State and through its Self Advocates Advisory Committee will be putting together the new self advocacy project on an area by area basis.

Thank you and best wishes,  
  
Michael E. Bailey

Tuesday November 1, 2011

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## About Noah Homes

With dreams, hope and dedication, Noah Homes opened in 1983 and over the next 20 years grew to become a dynamic community on 11 acres in the rural outskirts of San Diego.

Today, there are 65 men and women whom we like to call "the folks," celebrating life everyday on these beautiful grounds. There are eight homes all named to reflect the strong Hispanic culture of San Diego such as Casa de Flores and Casa de Felicidad. Six are located on the main campus and two more are in the surrounding neighborhood. Noah Homes is an oasis of peace as well as a hub of activity and everyday is full of life and new experiences.



The men and women who live at Noah Homes leave their homes each weekday morning to work in the community at a variety of jobs and activities. Some are earning salaries for positions with restaurants, bookstores, department stores, and other places of employment. Some are in work enclaves with the support of job coaches in garden and janitorial services, and others do contract work for local industry. Work and a paycheck are important aspects of daily life.

Weekends are opportunities to participate in all that San Diego and the outlying areas have to offer. There are many choices each week for recreation, enrichment spectator sports, Special Olympics, and worship. Some of the favorites are Ice Skating, Padre games, and bowling.

There is daily ongoing support and instruction at Noah Homes in the areas of personal care, independent living skills, problem solving, and leisure activities. Each of the folks is encouraged to grow as an individual as well as a respected member of the Noah Homes community.

Noah Homes, Inc. is a public benefit non-profit corporation under section 501 (c) (3) of the Internal Revenue Code. It accepts SSA, SSI and the residential rate from the State of California as payment in full. These two sources cover 68% of operating costs and the rest is recognized through grants, donations, and special fundraising events. Noah Homes is licensed and regulated by the State of California, Department of Social Services, Community Care Licensing Division and vendored by San Diego-Imperial Counties Developmental Services, Inc.



- [About Us](#)