



## COUNCIL MEETING NOTICE/AGENDA

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**DATE:** Wednesday, May 15, 2013  
**TIME:** 10 a.m. – 5 p.m.  
**LOCATION:** Hilton 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, May 8, 2013.*

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1.	<b>CALL TO ORDER</b>	J. Aguilar
2.	<b>ESTABLISHMENT OF QUORUM</b>	J. Aguilar
3.	<b>WELCOME/INTRODUCTIONS</b>	J. Aguilar
4.	<b>PUBLIC COMMENTS</b>	
	<i>This item is for members of the public only to provide comments and/or present information to the Council on matters <b>not</b> 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.</i>	
5.	<b>APPROVAL OF MARCH MEETING MINUTES</b>	J. Aguilar 4

For additional information regarding this agenda, please contact Robin Maitino, 1507 21<sup>st</sup> Street, Suite 210, Sacramento, CA 95811, (916) 322-8481

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9.	<b>APPOINTMENT OF AREA BOARD 7 EXECUTIVE DIRECTOR</b>	R. Newton	

**10. STAFF REPORTS**

i. Interim Executive Director

R. Newton

ii. Deputy Directors

M. Polit

iii. Area Board Executive Directors

Vicki Smith  
and others

174

**11. COUNCIL MEMBERS' REPORTS**

All

**12. NEXT MEETING DATE & ADJOURNMENT**

J. Aguilar



**DRAFT**

**Council Meeting Minutes  
March 21, 2013**

**Members Present**

April Lopez  
Bill Moore  
Carmela Garnica  
Catherine Blakemore  
Dan Boomer  
Eric Gelber  
Janelle Lewis  
Jennifer Allen  
Jonathan Clarkson  
Jorge Aguilar  
Kerstin Williams  
Kris Kent  
Molly Kennedy  
Nicole Smith  
Olivia Raynor  
Ray Ceragioli  
Rebecca Donabed  
Robert Jacobs  
Robin Hansen

**Members Absent**

David Forderer  
Feda Almaliti  
Heidi Smyers  
Kecia Weller  
Max Duley  
Patty O'Brien-Peterson

**Other Attending**

Anastasia Bacigalupo  
Anonymous  
Bob Phillips  
Carlene Holden  
Chris Arroyo  
David Grady  
Dawn Morley  
Dena Hernandez  
Denis Craig  
Eileen Richie  
Fiaz  
Holly Bins  
Jennifer Brown  
Joe Bowling  
Jonathan Reich

**Others Attending** (continued)

Kathy Tucker  
Kristie Allensworth  
Kristin Jacobsen  
Lisa Cooley  
Lisa Davidson  
L M Slultg  
Louis Vismara  
Mark Polit  
Mary Agnes Nolan  
Mary Ellen Stives  
Melissa Corral  
Nancy Wong  
Patricia Sturdevant  
Randy Brown  
Rene Macleay  
Roberta Newton  
Robin Maitino  
Sam Seaton  
Sarah Greenseid  
Sarah May  
Susan Eastman  
Szandra Keszthelyi  
Vicki Smith

**1. CALL TO ORDER/ESTABLISHMENT OF QUORUM**

Jorge Aguilar, Chairperson called the meeting to order at 10:10 a.m. and a quorum was established.

**2. WELCOME AND INTRODUCTIONS**

Members and others attending introduced themselves.

### 3. PUBLIC COMMENT

Anonymous spoke stating that the Golden Gate Regional Center (GGRC) met and announced that they were not going to respond to his claim filed with them on November 20, 2012.

He went on to say that GGRC felt they are not held by their performance contract with the state. According to anonymous, GGRC's consultant Mr. Segar stated that he does not know who writes this trailer bill language. Anonymous thinks that somebody at the Department of Developmental Services (DDS) sits there the night before the budget passes and says I know how to fix this problem, drafts something up, and then no one ever really reads the language before it passes.

### 4. APPROVAL OF JANUARY 2013 MEETING MINUTES

It was moved/seconded (Clarkson/Boomer) and carried to approve the January 16, 2013, Council meeting minutes as presented.

### 5. ADMINISTRATIVE COMMITTEE

Molly Kennedy provided the report on the Administrative Committee. She explained that the Committee is tasked with overseeing administration, policies that relate to administrative matters, and fiscal issues. The Committee is currently doing a basic review of administrative/fiscal matters to see what changes need to be added, changed, and implemented.

At the last meeting the Committee looked at SCDD's staffing level, which can be found on pages 80-83 of the packet. The reports included filled and vacant positions. The Committee also went over the current budget on pages 58 and 59 of the packet. As part of their responsibilities, the Committee will continue to monitor the budget. Council members expressed interest in seeing a more detailed budget.

## **6. PANEL PRESENTATION ON AUTISM INSURANCE COVERAGE**

In 2010, Senate Bill (SB) 946 was signed into law mandating that private insurance companies cover autism related behavioral health treatments as a medical expense. The autism community and other disability advocates worked hard in support of this legislation so that families would have access to autism interventions through their private insurance.

In response to questions from families across California, Area Board's 9 and 13 queried their communities on the difficulties families were having and sought input from other area boards. This led to the development of the SB 946 Challenges Overview that was included in the Council packet. This Overview served as a discussion piece to help address implementation issues arising from the mandate. Furthermore, area boards have distributed an on-line survey to families across California to obtain additional information on their experiences while trying to obtain insurance coverage for their children.

Seeing a further need, Area Board's 9 and 13 arranged to have presenters representing Senator Darrell Steinberg's office, the Department of Insurance, the Department of Managed Health Care Services, the Association of Regional Center Agencies, and Autism Deserves Equal Coverage speak to the Council and take questions regarding SB 946 implementation.

The full interactive presentation was recorded and will be made available at [www.scdd.ca.gov](http://www.scdd.ca.gov).

## **7. EMPLOYMENT FIRST COMMITTEE (EFC)**

Mark Polit provided the EFC report in Kecia's absence. The Committee met on February 5, 2013 and discussed the SCDD EFC Self-Advocate Team 2013 Data Collection Project; reviewed the final 2012 Annual Report of the Employment First Committee; and adopted a third priority to work on, participation of under-represented groups. The Committee decided to focus their work in the coming year on passage of the employment first policy, the interaction of work and public benefits, employment data, and education of employers.

## 8. FEBRUARY EXECUTIVE COMMITTEE ACTIONS

Jorge Aguilar provided the Executive Committee report on behalf of Jennifer Allen. Jorge reported the following action(s) taken during the Committee's closed session on February 12<sup>th</sup>: action one (1) was to appoint Roberta Newton as Interim Executive Director; and action two (2) was to pursue retroactive pay for Roberta from her appointment date as Acting Executive Director. Please note: since that time SCCD has been told by CalHR that Roberta will be unable to receive retroactive pay.

Jorge went on to report the approval and submittal of the Program Performance report and status of the Regional Center's Conflict of Interests stating that due to inadequate information, the Executive Committee took no action on the Shorter and Padilla waiver requests. The Committee also provided DDS input on the proposed COI regulations, recommending that DDS be permitted to approve or deny regional center board or staff waiver requests with or without SCDD input.

## 9. BYLAW REVISION

It was moved/seconded (Kennedy/Hansen) and carried to approve the following changes to the Bylaws:

- (1) On the cover – add notation “REVISED ON: \_\_\_\_\_ and CERTIFIED BY THE SCDD ON: \_\_\_\_\_.”
- (2) As a header throughout the bylaws add the “revision date: \_\_\_\_\_ on the top left and page # of # on the right.”
- (3) On page 7, capitalize “Chairperson and Vice-Chairperson.”
- (4) On page 8, remove formatting error.
- (5) On page 11, make capitalization changes and bring the language into compliance with Welfare and Institutions Code Section 4535.

- (6) On page 14-15, add SAAC proposed language clarifying mission and adding a standing representative to the Statewide Self-Advocacy Network.

Additional amendments were proposed and deferred to the Executive Committee for action.

#### 10. **CLOSED SESSION – PERSONNEL**

The Council went into closed session.

#### 11. **RECONVENE OPEN SESSION**

The following items were reported out by Jorge Aguilar in open session:

It was moved/seconded and passed that the Council accept all ten (10) recommendations in the audit dated November 29, 2012. The Council directed the Interim Executive Director to provide an action plan within 14 calendar days to address each recommendation with timelines and provide the full Council with the copy of this plan.

Jorge also reported that the full Council would like a copy of the Orientation Binder and an email with all future meeting dates and locations.

#### 12. **LEGISLATIVE AND PUBLIC POLICY**

Ray Ceragioli reported on the Committee's January 24<sup>th</sup> and March 12<sup>th</sup> meetings and went over what was included in the Council packet as well as the handout that was provided to the whole Council. No action taken, items were referred to the Executive Committee for action.

Additionally, Ray invited Catherine Blakemore to speak on a recent settlement consisting of 3 pieces of litigation that prevented certain program reductions from being implemented. Catherine stated that several years ago the state proposed to enact cuts to IHSS services based on consumers' functional index scores. This would have reduced or eliminated services for 40,000 or more people. The state also

proposed to enact a 20% cut to consumers' IHSS hours and reduced wages for IHSS workers.

The settlement resolved the three pieces of litigation by:

- Replacing the permanent 20% cut in IHSS hours with a temporary 8% cut in July 2013. (This is an additional 4.4% on top of the 3.6% current cut.)
- Reducing the cut to 7% (3.4% on top of the 3.6% current cut) in July 2014.
- Restoring the hours lost from the 7% cut as early as the spring of 2015 if the State obtains federal approval of a provider fee which could bring significant new federal revenue to California.
- Committing any savings from retroactive federal approval of the new provider fee to fund a program to benefit IHSS recipients, such as the SSI Special Circumstances program, which was used to pay for refrigerators and stoves, rent to avoid eviction and other emergency needs but has not been funded in the budget for many years.

Finally, Catherine directed people to DRC's website for a copy of the full press release. The web address is [http://www.disabilityrightsca.org/news/2013\\_newsaboutus/pressrelease\\_20130319.htm](http://www.disabilityrightsca.org/news/2013_newsaboutus/pressrelease_20130319.htm).

### 13. **SPONSORSHIP REQUESTS**

#### ***The California Youth Leadership Forum (YLF)***

YLF is an innovative, intensive five-day career and leadership training program for high school juniors and seniors with disabilities. YLF is presented in an entertaining and educational format in Sacramento. YLF is requesting the renewal of annual funding in the amount of \$10,000 for the fiscal year 2013-14.

SCDD funding will ensure participation of at least 10 student delegates with developmental disabilities in the California Youth Leadership Forum for Students with Disabilities.

It was moved/seconded (Clarkson/Boomer) and carried to award \$10,000 to YLF for people with developmental disabilities to participate in this program.

***United Cerebral Palsy (UCP) of San Diego County***

UCP is requesting a sponsorship in the amount of \$999 for Project College. Project College is a week-long on-campus living and learning experience for youth (ages 17-22) with developmental disabilities who have a goal to attend college. The program addresses areas critical to college success in four primary areas: academic achievement; campus connections; healthy lifestyles; and new perspectives.

SCDD funds would be used to assist in paying stipends for the staff who provide supervision and support throughout the week.

It was moved/seconded (Raynor/Garnica) and carried to award \$999 to UCP for people with developmental disabilities to participate in this program.

***Disability Capitol Action Day (DCAD)***

Disability Action Coalition (DAC) has invited SCDD to join them by sponsoring DCAD 2013. DCAD is the nation's largest and most diverse cross-disability annual day of unity. Persons with disabilities come to DCAD to share a unifying experience with their community at the solidarity march, learn from the vendors at the resource fair, and become better informed by our speakers at the educational rally.

SCDD funds would be used to help support event material and logistics.

It was moved/seconded (Blakemore/Kennedy) and carried to sponsor DCAD at the Gold Level of \$4,999.99 so people with developmental disabilities participate in this program.

**14. AD-HOC SEARCH COMMITTEE**

Jorge Aguilar provided the March 19<sup>th</sup> Ad-Hoc meeting report and an additional handout which included the proposed Executive Director Draft Job Announcement as well as a proposal from CPS HR Consulting to provide their recruitment services for a new executive director.

It was moved/seconded (Blakemore/Lewis) and carried to use the outside recruitment agency, CPS HR Consulting, for the recruitment of the new executive director.

It was moved/seconded (Boomer/Hansen) and carried to approve the Draft Job Announcement for the Executive Director as a starting point for CPS HR Consulting to use as a starting point for the duty statement.

**15. PROGRAM DEVELOPMENT COMMITTEE (PDC)**

Janelle Lewis provided the PDC report for the March 5<sup>th</sup> meeting. The March 5<sup>th</sup> agenda items included the Jay Nolan Community Services grant implementation and two Self-Advocacy Requests for Proposals (RFP).

The Jay Nolan update led to questions from the Council concerning recent allegations of abuse. Council members were very concerned about the allegations and requested more information.

The Council had directed PDC to develop a Self-Advocacy RFP that would support self-advocates in the Council's Self-Advocate Advisory Committee, the Employment First Committee, and the Statewide Self-Advocacy Network. As a result, PDC developed two Self-Advocacy RFPs for the Council approval. One RFP would focus on facilitation support and the other would encompass all other self-advocacy support services, such as planning, agenda development, leadership development, etc.

It was moved/seconded (Kennedy/Clarkson) and carried to approve both Self-Advocacy RFPs as presented.

**16. SELF-ADVOCATES ADVISORY COMMITTEE(SAAC)/  
STATEWIDE SELF-ADVOCATES NETWORK (SSAN)**

Jennifer Allen gave the SAAC and SSAN reports. SAAC met on March 19<sup>th</sup> and was unable to take any action due to a lack of quorum. The Committee did however make the following recommendation to the Council regarding the Bylaws:

- SAAC recommends that the language in the Bylaws under SAAC Committee be revised to state that SAAC membership be made up of self-advocates who choose to be on the SAAC.

Jennifer went on to say that SSAN met on February 28<sup>th</sup> – March 1<sup>st</sup>. Some of the items covered in that 2-day meeting included:

- A talent and interest survey designed to identify individual attributes and special skills of each member.
- Region reports, what is going on in their area.
- Various reports and presentations on topics like the Convention of the Rights of Persons with Disabilities; Bagley Keene Act, Self-Advocacy RFP Status; SCDD Legislation; and Self-Determination were also provided.

Jennifer expressed great satisfaction with the progress of SSAN since its inception in 2012.

#### 17. **NEW REGIONAL CENTER CONFLICT OF INTEREST WAIVER REQUESTS**

Due to a loss of quorum the waiver requests were referred to the Executive Committee to take action on.

#### 18. **STAFF REPORTS**

Roberta Newton provided a report to the Council on activities completed since the January Council meeting. This detailed report included an update on personnel issues, sequestration, SSAN, new member orientation and AIDD news.

##### Personnel

Roberta and Mark interviewed and selected a candidate for the Legislative and Public Policy Manager. They are currently awaiting Governors approval for their selection. Roberta also met with CalHR to receive permission to hire a retired annuitant to assist in fiscal matters.

Area Board's 5 and 7 are currently conducting interviews for their executive director vacancies.

### Sequestration

SCDD completed a drill required by the Department of Finance to submit requested a plan on absorbing the anticipated reductions. This plan will be submitted to the Administrative Committee.

### SSAN

Roberta reported that the February SSAN meeting was the first to take place without BRC support. The meeting was a great success. Various staff agency-wide along with self-advocates worked together to ensure a productive meeting.

### New Member Orientation

Roberta held a new member orientation on March 8<sup>th</sup> for the Council's newest members. This orientation provides an opportunity for SCDD to provide resources and important information to members in a timely fashion. They are provided a new member binder and are encouraged to ask questions.

### AIDD

Roberta provided an update on the follow-up activities with AIDD since their visit in January. She was disappointed to inform the Council that technical assistance opportunities had been derailed due to sequestration. Roberta did however inform the Council that she is currently looking into training alternatives.

Mark Polit provided his report by starting off with the various committees he's responsible for overseeing (LPPC, PDC, and EFC). He will also be responsible for the Strategic Planning Committee which has not met since before his appointment. He talked about the mission of each of his committees and went on to discuss his additional responsibilities which include the State Plan. Mark is planning on conducting interviews in the next week for the Program and Planning Specialist and hopes to have a recommendation for the Governor's office soon. Mark represents the Council at numerous hearings and is involved with various outside stakeholder groups.

Finally, Mark talked about his meeting with Jay Nolan and stated that they have already started meeting with families in San Diego and Los Angeles and recruiting schools. Mark is very pleased with the work they have completed thus far to fulfill the contractual requirements.

Vicki Smith provided the area boards report on behalf of all the area board executive directors (EDs). Vicki started by stating that the executive director's met on March 19<sup>th</sup> and that Jorge Aguilar attended the meeting and took time to address any questions the ED's may have had.

In the past, the area board EDs provided written reports to the Council as a way to bring more communication. However, in recent years this process was abolished. The Interim Executive Director felt that this method of communication and transparency was important to reinstate and reestablished it.

Vicki hit on some important bullets for each area board and directed members to pages 280-300 of their packets for the full snapshot of area board achievements.

19. **COUNCIL MEMBER UPDATES**

There were no reports from Council members.

20. **ADJOURNMENT**

Meeting was adjourned at 5:05 p.m.

## COUNCIL AGENDA ITEM DETAIL SHEET

**ISSUE:** Sponsorship Request – Congreso Familiar Conference

**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.

**ANALYSIS/DISCUSSION:** Congreso Familiar is requesting \$999 to be used to help families attend their conference that live outside of the Regional Center of the East Bay catchment area.

This conference is an annual event which attracts Spanish speaking families throughout the region. The 2012 Conference attracted over 800 individuals including over 500 families from Northern California and offered over 50 workshops on a variety of topics including: IHSS, housing, nutrition, autism treatments, and immigration. The conference is conducted in Spanish and also provides onsite child care to ensure the ability of family member participation. The conference provides breakfast, lunch, and assistance with transportation for families arriving from BART.

The conference is a collaborative effort of many agencies, parents and volunteers. The leadership of the conference comes from parents of children with developmental disabilities in collaboration with Regional Center of the East Bay, Area Board 5, CARE, Family Resource Network and La Familia Counseling Services.

The program will be offered on the campus of the Chabot College in Hayward on August 10, 2013.

**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 2012-13, SCDD has awarded \$8,947 for sponsorship requests. SCDD allocates \$25,000 per fiscal year for sponsorships.

**STAFF RECOMMENDATION:** Award \$999 to Congreso Familiar to of individuals with developmental disabilities to participate in this program August 10, 2013.

**ATTACHMENTS(S):** Congreso Familiar sponsorship request, sponsorship budget, and 2012 program.

**PREPARED:** Robin Maitino, April 30, 2013



## CONGRESO FAMILIAR

www.congresofamiliar.org

### Board of Directors

#### **President**

Isabel Lozoya

#### **Vice President**

#### **Secretary**

Angela Gattis

#### **Treasurer**

María Teresa Campos

#### **Members**

Juliet Barraza

Felsha Zuschlag

Ricardo Escobedo

### Collaborators/Sponsors

Regional Center of the  
East Bay

Family Resource  
Network

La Familia Counseling  
Services

Care Parent Network  
Area Board V on  
Developmental  
Disabilities

Contra Costa ARC  
Kaiser Permanente

Tel: (510)907-9775

April 18, 2012

State Council on Developmental Disabilities  
1507 21st Street, Suite 210  
Sacramento, CA 95811

Dear SCDD,

This letter is to request a \$999 sponsorship by the State Council on Developmental Disabilities for the Congreso Familiar conference which is scheduled for Saturday August 10, 2013 at Chabot College in Hayward. The conference is an annual event which attracts Spanish speaking families that have a child or family member with developmental disabilities.

Our 2012 conference attracted over 800 individuals including, including 500 families from throughout Northern California. The conference is conducted in Spanish and we offer a variety of services to families. Last year's conference offered over 50 workshops on a variety of topics which included IHSS, housing, nutrition, autism treatments, immigration, etc. The conference also provides child care on site, which is essential for the participation of many families. In addition there is a information fair that attracted over 50 exhibitors last year; we also provide breakfast, lunch, and assist with transportation for families arriving from BART.

The conference is a collaborative effort of many agencies, parents and volunteers. The leadership of the conference comes from parents of children with developmental disabilities in collaboration with Regional Center of the East Bay, Area Board 5, CARE, Family Resource Network and La Familia Counseling Services.

We are aware of the challenges that Spanish speaking families face in understanding complex systems and in getting the services and supports that their children are entitled to. We also know that it is critical to offer Spanish speaking families the opportunity to receive services and educational support in their native language. This is the reason why Congreso Familiar was established, to give families an opportunity to learn and share in an environment that celebrates their culture in their language, and this is the reason why so many families attend the event.

There are many families that do not live in the Regional Center of the East Bay catchment area who want to participate in the conference. We will use the sponsorship from SCDD to support the participation of such families. The SCDD provided a \$999 sponsorship for this conference in 2012 and the in-kind support from Area Board 5 has been invaluable.

We are attaching a copy of last year's program and the budget for the conference. Please contact us if you have any further questions.

Sincerely,

Felsha Zuschlag  
Program Coordinator



# Congreso Familiar Inc.

Annual Conference

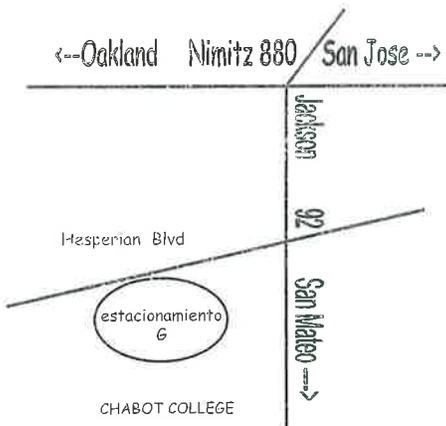
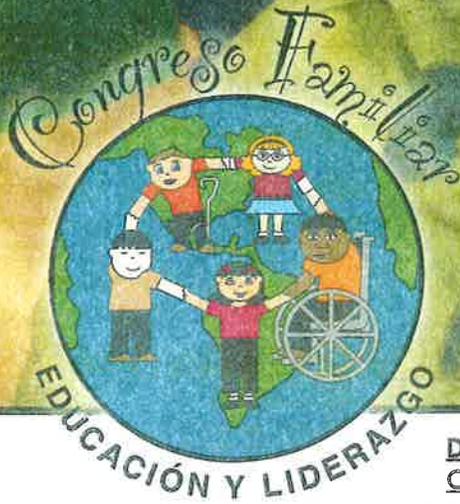
Chabot College, Hayward

August 11, 2012

## Operating Budget 2012

2012 Income	Total Income
Regional Center East Bay	\$52662.5
SCDD	\$999
Area Board 5	\$4,999
Kaiser Permanente	\$1,500
Fundraising Event	\$1,409
MANOS Homecare	\$500
Private Donations	\$1,000
<b>Total Income</b>	<b>\$63,069.5</b>

Expenses	Total Budget Expenditures
Coordination	\$18,000
Presenters	\$744.67
Child Care & related supplies	\$5,663.62
Rental Space (Chabot College)	\$1,200
Rental (tables & chairs)	\$4,655
Entertainment	\$550
Transportation	\$514.8
Insurance	\$800
Printing	\$5,516.88
Supplies	\$3,292.71
Food	\$8,781.38
Administrative Costs	\$2,650.02
<b>Total Expenditures</b>	<b>\$52,369.18</b>



**Direcciones a Chabot College:**

- De San Francisco o la Península: tome el puente de San Mateo. Tome la salida Hesperian Blvd, en Hayward. De vuelta a la izquierda sobre Hesperian y otra vez a la izquierda en la primera calle (Depot Rd). Chabot College está a la derecha (estacionese en el Lote G).
- Del Este y Sur de la Bahía: tome la 880 a la salida de Jackson hacia el puente de San Mateo (92). Tome la salida Hesperian Blvd. De vuelta a la izquierda sobre Hesperian y otra vez a la izquierda en la primera calle (Depot Rd). Chabot College está a la derecha (estacionese en el Lote G).

**EL ESTACIONAMIENTO CUESTA \$2.00 -  
POR FAVOR TRAIGA CAMBIO  
CONGRESO FAMILIAR NO SE HACE  
RESPONSABLE DE MULTAS**

Si necesita **transporte de CONTRA COSTA** por favor comuníquese con Angela Gattis al (925)313-0999 Ext. 105 (o 1-800-281-3023 Ext. 105)

**TRANSPORTE GRATIS** desde y hacia la estación **HAYWARD** del **BART** de las 8:00 a.m. a las 10:00 a.m. y de las 3:45 p.m. a las 4:30 p.m. El bus será accesible para personas en silla de ruedas. Si tiene problemas de transporte del BART llame al 541-740-3876

**Sábado 11 de Agosto, 2012  
8:30 a.m.-4:00 p.m.**

**Chabot College  
25555 Hesperian Blvd., Hayward**

**PROGRAMA**

<b>8:30 – 9:30</b>	<b>Inscripción</b>
<b>9:30 – 10:45</b>	<b>Talleres I</b>
<b>11:00 – 12:15</b>	<b>Talleres II</b>
<b>12:30 – 2:15</b>	<b>Almuerzo, Celebración, Feria de Información</b>
<b>2:30 – 3:45</b>	<b>Talleres III</b>

**[www.congresofamiliar.org](http://www.congresofamiliar.org)**

Se ofrecerán sandwiches de pavo para lunch.  
Si prefiere otra comida, por favor tráigala usted.

Una conferencia en español para familias con personas con discapacidades, sus amigos y profesionales que les apoyan. Abundante información, cuidado de niños, feria de recursos y más...

Patrocinada por: Regional Center of the East Bay, Area Board 5, Family Resource Network, CARE Parent Network, Contra Costa ARC, Chabot College, Kaiser Permanente, La Familia Counseling Services.

**El Programa de ABA (Análisis de Comportamiento Aplicado):** Como usar el tratamiento de ABA para adquirir destrezas y reducir comportamientos negativos. *Ponente: Florentina Gucho, Consultora de ABA, Si Se Puede Behavioral Intervention, Inc.*

**Relaciones Familiares:** *Ponente: Jaime Galindo, Psicólogo*

**Cómo Mantener la Salud Dental de los Hijos:** Estrategias que puede usar en casa para que su niño con necesidades especiales mantenga una adecuada salud oral. *Ponente: Frank M. Vargas, Dentista*

**Epilepsia:** Para lograr un control óptimo, es necesario entender esta condición de la mejor manera posible. *Ponente: Maritza López, RN, Universidad de California, San Francisco*

**Nutrición y Obesidad Infantil en las Familias Latinas:** ¿Qué podemos hacer? Venga y aprenda acerca de cómo las conductas alimentarias, los valores familiares y horario de trabajo pueden afectar los hábitos de comida de un niño con discapacidades. Únase a nosotros para compartir algunas soluciones, ideas y sugerencias a estos temas difíciles, pero posibles de hacer! *Ponente: Mariana Anaya, MPH, RD, Children's Hospital*

**Hombres Latinos: La Importancia de Conectarnos:** Los retos que enfrenta el hombre Latino en los Estados Unidos son muchos y sus efectos pueden ser destructivos que afectan a la familia creando hogares con poca felicidad. Hablaremos sobre como identificar esos factores y desarrollar mejores estilo para enfrentarse a estos retos. *Ponentes: Héctor Rivera-López, PhD. y Maggie Velasco, Lic. Ed.*

**Estrategias Para Estimular el Desarrollo de Niños con Impedimento Visual o Ceguera:** El taller se enfoca tanto a niños que sólo tienen discapacidad visual o ceguera así como aquellos que tienen discapacidades adicionales y como ayudarlos incluyendo: uso de lentes, actividades, juguetes/objetos, y adaptaciones del ambiente. *Ponente: Andrea Urquieta Alfaro*

**\*Inmigración: Cuando hay hijos con discapacidades nacidos en Estados Unidos.**

*Ponente: Nadeem H. Makada, Abogado especialista en Inmigración y Mirna E. Ávila, Asistente Legal*

**El Desarrollo del Lenguaje:** Reflexionaremos sobre el rol que los padres jugamos en el desarrollo del lenguaje de nuestros hijos. Aprenderemos cómo adaptarnos a las necesidades comunicativas de nuestros niños y como optimizar sus capacidades.

*Ponente: Constanza Beltran, especialista del desarrollo bilingüe*

**Educación Especial Cuando los Niños Empiezan la Escuela:** Una Breve Visión General sobre Educación Especial para los Padres que tienen niños con Necesidades Especiales: ¿Qué necesito saber?, ¿Quiénes califican?, ¿Qué son los servicios relacionados?, ¿Yo tengo que pagar los servicios relacionados de mi hijo? *Ponente: Ana Acosta, Madre Consejera Bilingüe, Matrix*

**El IEP:** Como entender mejor este contrato con la escuela, como desarrollar metas que tienen sentido para sus hijos, como sacar fruto de las reuniones. *Ponente: Juliet Barraza, DREDF*

**Servicios de CRIL:** Información de los servicios que provee CRIL para personas con discapacidades y familiares o proveedores de servicio: Vivienda, Tecnología asistencial, Asistencia personal y domestica, Beneficios, talleres y abogacía. *Ponente: Abril Tamayo, Tri-Valley Coordinator de Community Resources for Independent Living*

**Dieta libre De Gluten y Caseína:** Todo lo que necesita saber sobre esta dieta. *Ponente: Erin Peterson MFT y Terapeuta de Autismo*

**Técnicas Para el Estrés:** Aprende como manejar tu estrés y mejorar tu calidad de vida. Si tu estas bien van a estar bien todos los que te rodean. *Ponente: Irma Quiñones, Consejera y Facilitadora del Programa WRAP, La Familia Counseling Service*

**Criando Niños Seguros y Competentes:** Los niños pueden criarse seguros y exitosos, entre los temas que vamos a tratar están teniendo un buen comienzo y construyendo bloques para el éxito. *Ponente: Vivian Torres, LCSW, C.O.P.E. Family Support Center*

**Entre Hermanos:** Una oportunidad para jóvenes de 12 años en adelante de compartir con otros hermanos/as. Aprender de las experiencias de los demás y tratar con sentimientos encontrados. *Ponente: Fátima Mendoza-Enríquez, MA, MFTI*

**Integración Sensorial:** El taller se enfoca en métodos que padres pueden usar con sus hijos con dificultades de concentración, adaptación, aberración, movimientos repetitivos o de auto estimulación. Enfocado en niños dentro del espectro de autismo.

*Ponente: Carmen Tosoni de Elera, Especialista de Intervención Temprana*

## Talleres (II) 11:00 AM - 12:15 AM

**\*Tecnología Asistiva:** ¿Necesita tecnología asistiva? Aprenda sobre las herramientas que puedan hacer ampliar letras, subir sonidos, agarrar y sujetar cosas con más facilidad, casas más accesibles, y computadoras que lean en voz alta.

*Ponente: Karen Marshall, Community Resources for Independent Living, CRIL*

**Lenguaje de Señas:** Cómo usar el lenguaje de señas para comunicarse con su hijo/a con dificultades del habla.

*Ponente: Marcela López, Maestra*

**Entre Padres e Hijos:** Tiene preguntas de cómo hablar o cómo afecta a sus demás hijos el tener un hermano/a con necesidades especiales? Hablemos de nuestras experiencias y aprendamos a comunicarnos entre padres e hijos.

*Ponente: Fátima Mendoza-Enríquez, MA, MFTI*

**\*Inmigración: cuando hay hijos con discapacidades nacidos en Estados Unidos.**

*Ponente: Nadeem H. Makada, Abogado especialista en Inmigración y Mirna E. Ávila, Asistente Legal*

**Como Abogar Efectivamente por los Derechos de sus hijo/as:** Usted puede hacer una diferencia en la vida de su hijo(a) y en las vidas de los demás cuando conoce sus derechos y entiende como abogar por los servicios a los que tiene derecho.

*Ponente: Joe Goyos, Support for Families of Children with Disabilities*

**Los Adolescentes y la Ansiedad: Como Entender su Interacción para Facilitar la Comunicación** La adolescencia es parte esencial del desarrollo humano, caracterizada por muchos cambios físicos, emocionales y sociales incluyendo la ansiedad, que, si se comprende, puede mejorar la comunicación entre el adolescente y sus padres. *Ponentes: Hector Rivera-Lopez, PhD y Maggie Velasco, Lic. Ed.*

**\*Estudios Actuales Sobre el Autismo en Kaiser Permanente.**

*Ponente: Dr. Vincent Yau, Científico del Programa de Investigación del Autismo, Kaiser Permanente.*

**Introducción las Evaluaciones Psicológicas y del Habla:** Este taller explicará cómo entender algunos de los tests y conceptos que se encuentran más frecuentemente en las evaluaciones psicológicas y de lenguaje. *Ponente: Irenka Domínguez-Pareto, Psicóloga y Terapeuta del Lenguaje*

**\*Los Diferentes Tratamientos que Existen para el Autismo:** Hay varios tipos de intervenciones y la Dra. Lou explicará cuáles son las bases de estos tratamientos y cómo funcionan. No se enfoca en medicamentos. *Ponente: Dra. Mimi Lou, Psicóloga, Children's Hospital, Oakland*

**Compartiendo Mi Aventura:** Scott es una persona con Autismo que tiene su maestría en Educación Especial. El compartirá su experiencia de niño, adolescente, y adulto. *Ponente: Scott Rich, MA, adulto con autismo*

**Autismo: El Ayer y El Hoy, La Fe Nunca Muere:** Las experiencias como padre viviendo con el autismo.

*Ponente: Franco Pincilotti, autor del libro: Autismo, El Ayer y El Hoy.*

**IHSS:** Obtenga información importante sobre que es el programa de IHSS (Programa de Cuidado en Casa). Aprenda que se necesita para calificar para el programa. Aprenda cómo llenar la solicitud de IHSS y cuál es el proceso de aprobación.

*Ponente: Esperanza Díaz-Álvarez, Coordinadora de Servicios de Asistencia Personal*

**Bullying/Acoso y los Muchachos con Necesidades Especiales:** Nuestros hijos muchas veces son objeto de bullying/acoso. Hablaremos sobre bullying y los padres, bullying y tecnología, participación y derecho de los padres. *Ponente: Claudia Fetzer, PhD*

**Autismo y Cobertura de Aseguranza:** Este taller le ayudará a revisar la nueva ley y el proceso a seguir para conseguir que la aseguranza pague por tratamientos de terapia de conducta de ABA. *Ponente: Maria Contreras-Byrne, MSW, BCBA, Centro Regional Alta*

**Servicios del Centro Regional:** Se explicarán los servicios dirigidos a diferentes edades para clientes de RCEB.

*Ponentes: Eduardo Hernandez, Elvia Osorio Rodriguez, Maria Garcia-Puig, Cristina Ferreira, Regional Center of the East Bay*

**Cómo Obtener Servicios de Educación Especial:** Nuestros hijos tienen derechos a varios servicios, como pedirlos y hacer valer sus derechos. *Ponente: Celeste Palmer, Defensor de los Derechos del Cliente, Disability Rights California*

**Seguridad entre Personas para Prevenir, Manejar o Abandonar Situaciones de Riesgo:** Una oportunidad para que los padres acompañados de sus hijos CON discapacidades aprendan buenas técnicas que ayudan a prevenir la violencia y a mejorar la comunicación en el hogar, la escuela, en la vida real y en entornos virtuales... en todas partes, con todas las personas.

*Ponente: Ellen Frankel Kid Power*

**Transición a la Vida Adulta:** Este taller presentará las partes esenciales de un buen plan de transición para preparar al muchacho a la vida adulta y las responsabilidades de la escuela, el centro regional y otros. *Ponente: Yesenia Roman, Disability Rights California*

**Estampillas de Comida:** Este taller hablará sobre los programas de nutrición disponibles para las familias de la comunidad como CalFresh y comida de emergencia, así como los mitos y barreras que impiden que la gente tome ventaja de los programas de nutrición. *Ponente: Patricia Figueroa*

**Enseñando a Niños Pequeños a ir al Baño:** Esta presentación se enfoca en lo que necesita hacer para enseñar a los niños a ir al baño independientemente. La presentadora dará estrategias para el éxito y como incorporar a todos. *Ponente: Melanie Kilcorse, M.S.W.Terapeuta; Adryon Ketcham, M.A., BCBA, Directora clínica de Goals for Autism*

**Programar Anticipadamente Situaciones de Alto Riesgo:** Rutinas de actividades programadas. *Ponente: Zoila Cartagena, C.O.P.E. Family Support Center*

### Talleres (III) 2:30 PM - 3:45 PM

**Opciones de Vivienda:** Una de las decisiones más importantes que hacer para una persona con discapacidad es encontrar un lugar donde vivir cuando ya no pueden /quieren vivir con la familia. Obtenga información de las diferentes opciones para escoger donde, con quien, quién paga, y más. *Ponente: Sylvia Cabrera, Trabajadora Social, RCEB*

**\*Cómo Introducir Nuevos Alimentos:** *Ponente: Paula Rainey.*

**Inmigración: Cuando hay Hijos con Discapacidades Nacidos en Estados Unidos.** *Ponente: Norma Molinar, abogada*

**ADPE – Entrenamiento en Autismo para Padres. Educación a través de Internet:** Aprenda como tener acceso al entrenamiento de 101 lecciones que ayudan a enseñar habilidades funcionales (incluyendo comportamientos apropiados de sexualidad) a **1**

*(Más información de talleres en la página siguiente)*

muchachos con autismo. *Ponente: Maria Contreras-Byrne, MSW, BCBA, Centro Regional Alta*

**Decisiones Legales Cuando los Hijos se Hacen Adultos:** Este taller contestará preguntas legales relacionadas con jóvenes que cumplen 18 años y se consideran adultos para hacer decisiones y recibir beneficios. *Ponente: Christopher Douglas, abogado, East Bay Community Law Center*

**El Trabajo es Posible para Personas con Discapacidades:** Se presentarán ejemplos de opciones de empleo y se responderá a sus preguntas. *Ponente: Ricardo Barba, Mentor, Coordinador de Trabajos, East Bay Innovations*

**Todo Lo Que Quería Saber Sobre SSI:** ¿Quién lo puede recibir? Como aplicar y mantener el beneficio. *Ponente: Celeste Palmer, Abogada de los Derechos del Cliente, Disability Rights California*

**Bullying/Acoso: Que Opciones Legales y de otros tipos tienen los Padres cuando sus hijos son acosados en la escuela.** *Ponente: Stephen Rosenbaum, Abogado*

**Padres Líderes:** Descubra como desarrollar y usar su liderazgo para abogar por su hijo o hija con necesidades especiales. *Ponente: Jairo Guiza, Parent Leadership Action Network*

**Plan de Comportamiento:** Este taller responderá a sus preguntas sobre planes de comportamiento, su propósito, las partes esenciales, quien necesita un plan de conducta y como asegurarse que funcione. *Ponente: Yesenia Roman, Disability Rights California*

**Integración en la Casa del Tratamiento de Autismo:** La participación de los padres en el tratamiento de sus hijos con autismo es esencial. Aprenda como integrar la cultura del hogar en el tratamiento para beneficio de todos. *Ponente: Pedro Palleres, M.S.*

**Poder de la Paternidad Positiva:** El criar niños con necesidades especiales es un reto, el cual podemos superar cuando tenemos estrategias basadas en la crianza positiva. Exploraremos tópicos como: esperanzas y expectativas apropiadas, cuidarnos a nosotros como padres. *Ponente: Patricia Espinoza, Educadora de Padres, C.O.P.E. Family Support Center*

\* Estos talleres serán traducidos

Para más información [info@congresofamiliar.org](mailto:info@congresofamiliar.org)  
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## **Council Responsibilities**

- Serve as an advocate for individuals with developmental disabilities
- Conduct or support programs, projects and activities that improve the quality of life of individuals with disabilities
- Develop a state plan
- Implement the state plan
- Monitor progress of the state plan and adapt it as necessary and appropriate
- Periodically review the designated state agency
- Report activities to AIDD
- Prepare, approve and implement a budget using the amount provided to it
- Recruit and hire a Director consistent with state law
- Have staff that assists the Council in carrying out its responsibilities
- Annually evaluate the Director
- More Council Responsibilities
- Establish or strengthen a program for the direct funding of a State self-advocacy organization led by individuals with developmental disabilities; support opportunities for individuals with developmental disabilities who are considered leaders to provide leadership training to individuals with developmental disabilities who may become leaders; and support and expand participation of individuals with developmental disabilities in cross-disability and culturally diverse leadership coalitions.

# **Yearly activities required by the DD Act**

## ***Councils on Developmental Disabilities***

### **Annual evaluation of the Executive Director**

The DD Act requires the Council to conduct an annual evaluation of the Director. Evaluation should be conducted in accordance with applicable personnel policies and follow State laws and regulations. The Council will determine date of annual evaluation; most often, this date coincides with the ED's hire date.

### **Council Budget**

The DD Act requires the Council to prepare, approve and implement the budget. Budget approval should be reflected in official meeting minutes. Budget should be approved in a timeframe prior to the beginning of the State or Federal Fiscal year.

### **Examination of Plan Goals**

The DD Act requires the Council to review the progress made toward plan goals annually. This includes a required component of measuring customer satisfaction with Council supported or Council conducted activities. The information is reported on the annual Program Performance Report due January 1 of each year.

### **Consumer Satisfaction**

The DD Act requires Councils to collect and report consumer satisfaction with Council support or conducted projects. The information is a required component of the Annual Program Performance Report due Jan 1 of each year.

### **Review of Designated State Agency\***

The DD Act requires the Council to periodically review the Designated State Agency (DSA) and activities carried out under Title B by the DSA and make recommendations for change to the Governor. The Council will determine date of periodic review.

### **State Plan**

The State Plan is the 'big picture' of how services and programs for individuals with developmental disabilities and their families should be five years from now within a particular State or territory. Additionally, the plan includes long term goals to be accomplished within five years and provides guidance to the Council regarding how it spends its resources. Required components of the State plan are found in PL 106-402, The DD Act, and can be accessed in Subtitle B Section 124. State Plan located at <http://www.acf.hhs.gov/programs/aidd/resource/dd-act>

The Plan is submitted to AIDD through DD Suite, a web based reporting system. Each Executive Director is given a pass code from DD Suite to access the system.

The State Plan Development Guide is a resource provided to assist in the development of your 5 Year Plan. You will find the guide at <http://itacchelp.org/wp-content/uploads/2011/01/State-Plan-Development-Resource-Updated-2-2011.pdf>

**The next 5 year planning cycle will be for FY 2017 through FY 2021**  
**Due date: August 15, 2016**

**State Plan Update**

Each year, Councils are required to review and update or amend their plan if necessary. The State Plan needs to be updated if there are changes in the following areas: Council Identification, Council Membership, Council Staff, Designated State Agency information, Substantial changes or necessary updates in State Service System and Trends, Changes in Goals/Objectives, Budget projections, update on public input and review (remember if there are substantive changes in the State Plan there has to be public review of those changes). State plan updates are due to AIDD no later than August 15 of each year.

**Due date: August 15<sup>th</sup> of each year**

**Program Performance Report**

Developmental Disabilities Councils (DD Councils) are required to submit annual performance reports to the Administration on Intellectual and Developmental Disabilities (AIDD). The purpose of the Program Performance Reports (PPRs) is to document DD Council activities that occurred during the previous fiscal year for government reporting purposes. Reporting on activity-specific outcomes is intended to capture, on an annual basis, the results of initiatives funded by AIDD and administered by DD Councils including those initiatives conducted by grantees, Councils, members and policy and program staff.

**Due date: January 1<sup>st</sup> of each year**

**Financial Reports – AIDD•02B**

This federal financial form was introduced in 2007 and is designed to capture information on obligation and liquidation of federal funds, matching funds and program income. The report captures financial information for three years of federal allotment and require Councils' to report on cumulative federal dollars expended to date; amount of federal fiscal year dollars obligated, but not yet liquidated; and amount of federal fiscal year dollars that have not been obligated.

This report is due within 90 days after the end of the federal fiscal year. (The report is due no later than December 31 of each year).

**Federal Financial Report and Federal Cash Transaction Report**

The Federal Financial Report (FFR or SF 425) replaces the Federal Cash Transaction Report (FCTR or SF-272/SF-272A). This federal-wide report standardizes financial reporting across the government. The due date for submitting expenditure data on the *annual* FFR is 90 days after the end of the calendar quarter in which the budget period ends.

\* The DD Act requires this activity “periodically”. A Council may choose the timeframe (Which may include annual).

Draft  
Executive Committee Meeting Minutes  
April 9, 2013

**Attending Members**

Janelle Lewis  
Jennifer Allen  
Jorge Aguilar  
Molly Kennedy  
Ray Ceragioli  
Olivia Raynor

**Members Absent**

Kecia Weller

**Others Attending**

Mark Polit  
Melissa Corral  
Roberta Newton  
Robin Maitino  
Sarah VanDyke  
Jeff Strully  
Kathy Spaniac

1. **Call to Order**

Jennifer Allen called the meeting to order at 2:10 p.m. and established a quorum present.

2. **Welcome and Introductions**

Members and others introduced themselves.

3. **Approval of February 12, 2013 Minutes**

It was moved/seconded (Ceragioli/Kennedy) and carried to approve the February 12, 2013, Executive Committee meeting minutes as presented.  
(1 abstention)

4. **Public Comments**

There were no public comments.

5. **Regional Center Conflict of Interest Waiver Requests**

***Inland Board member reconsideration*** – Jack J. Padilla is a member of the Inland Regional Center. On February 12, 2013, the Executive Committee unanimously determined that due to the lack of adequate information which created a barrier to thorough analysis and diligent decision making, they were unable to take action.

After receiving delegation authority from the State Council on Developmental Disabilities (SCDD), the Executive Committee of SCDD reconsidered the waiver request submitted by Inland Regional Center on behalf of Mr. Jack Padilla.

It was moved/seconded (Aguilar/Lewis) to approve this waiver request. (3 I's; 2 oppose; 1 abstention) **Motion did not pass.**

**KRC Board member** – Frank Meyer. Mr. Meyer submitted a conflict of interest plan and stated he has **NO CONFLICT**. Therefore, no action is required by the Council other than review.

No action taken.

**KRC Employee** – Duane Law, Chief Executive Officer. Mr. Law submitted a conflict of interest plan and stated he had **NO CONFLICT**. Therefore no action is required by the Council other than review.

No action taken.

**KRC Board member** – Matthew La Grand. Although Mr. La Grand works for BARC in the packaging department (which is a day program vendor) he stated that he has **NO CONFLICT**. Therefore, no action is required by the Council other than review.

No action taken.

**KRC Board member** – Emily Greenwood. Although Ms. Greenwood is a client of KRC and receives POS funded services through KRC, she stated that she has **NO CONFLICT**. Therefore, no action is required by the Council other than review.

No action taken.

**KRC Board member** – Iman Killebrew. Ms. Killebrew is the co-owner of Aimes and As One, Inc. which are both vendored by KRC. These vendors provide SLS and Level IV group homes. They also have a mobile community based

program. Ms. Killebrew's husband is also involved in both of the companies. Ms. Killebrew is the Chairperson of the Vendor Advisory Committee of KRC.

It was moved/second (Kennedy/Lewis) and carried to deny this waiver request.

**KRC Board member** – Ramona Puget. Ms. Puget is the president of the Kern Autism Network. The KAN is vendorized by the KRC for the sole purpose of funding an annual autism conference. Ms. Puget does not receive any financial compensation for her participation with this volunteer organization.

It was moved/second (Kennedy/Ceragioli) and carried to deny this waiver request. (1 oppose; 1 abstention)

**KRC Board President** - Susan Lara. Ms. Lara is a parent of a KRC client who has medical issues. Ms. Lara is vendorized for two services. The first is for reimbursement of medical mileage and the second is for providing personal assistance for her son. As a result, Ms. Lara receives more than 250.00 per month from KRS for providing services for her son.

It was moved/second (Aguilar/Lewis) and carried to approve this waiver request. (1 abstention; 1 oppose)

**KRC Board Vice-President** – Richard Stotler. Mr. Stotler's mother is the owner of a building which is rented to a KRC vendor, Great Advantages SLS. Mr. Stotler is not involved in his mother's business activities.

It was moved/second (Kennedy/Aguilar) and carried to deny this waiver request.

**KRC Board member** – David Marcus. Mr. Marcus is a client of KRC and receives POS funded service through KRC. Mr. Marcus stated he has **NO CONFLICT**. Therefore, no action is required by the Council other than review.

No action taken.

**FNRC Board member** - Margot Madsen. Ms. Madsen is a volunteer peer mentor with Bethesda Lutheran which is a FNRC vendor. Bethesda provides services that include residential care and day services. Ms. Madsen is not

employed with Bethesda Lutheran. Ms. Madsen will not receive any wage or salary in connection with her volunteer work as a mentor. As a mentor, Ms. Madsen will travel to speak at a few out-of-town events during the year and will be reimbursed for her travel and per diem expenses.

It was moved/second (Aguilar/Kennedy) and carried to approve this waiver request.

**FNRC Board Member** – Colleen Ryburg. Ms. Ryburg's daughter-in-law, is an occupational therapist who is also a vendor with FNRC. Daughter-in-law provides OT services to consumers in Trinity County, ages 0-3, averaging fewer than five consumers per month.

It was moved/second (Aguilar/Lewis) and carried to approve this waiver request. (1 oppose)

**FNRC Board Member** – Susan Hess. Ms. Hess is a self-advocate who receives services from FNRC. She is also a receptionist for the Rowell Family Empowerment Center in Butte County. Rowell is a designated California Family Resource Center that provides support, education and advocacy for families of children with disabilities. Ms. Hess works 10 hours per week and her duties are entirely clerical. Ms. Hess' husband, Ted, is also a self-advocate of FNRC and is employed by the ARC of Butte County.

It was moved/second (Kennedy/Lewis) and carried to approve this waiver request for only one year and urge FNRC to expand recruitment. (1 oppose)

## 6. **Bylaw Review**

Jorge Aguilar submitted suggested revisions regarding the combination of changes that were discussed at the last Council meeting as well as additional suggested technical revisions in the intent of form.

It was moved/seconded (Aguilar/Lewis) and carried to accept the changes with specific language to follow from Jorge Aguilar. (1 oppose)

## 7. **Legislative and Public Policy Update**

The following items were acted upon at this meeting:

**AB 1041 (Chesbro) Employment First Policy.** Sponsored by SCDD, AB 1041 would establish an Employment First Policy in statute. It was moved/seconded (Aguilar/Allen) and carried to approve LPPC's recommendation to continue sponsorship of AB 1041.

**SB 126 (Steinberg).** Would extend the sunset of SB 946 to 2019. It was moved/seconded (Aguilar/Lewis) and carried to approve LPPC's recommendation to support SB 126.

**Trailer Bill Language on Regional Center Financial Responsibility for Co-pays and Deductibles.** For services covered by a parent's private insurance AND is included in the IPP/IFSP, the TBL proposed by the Administration would *allow* regional centers to pay co-pays. It would require regional centers to means test the reimbursement of any co-pays. The TBL also forbids regional centers from paying deductibles. It was moved/seconded (Aguilar/Lewis) and carried to approve LPPC's recommendation to amend the proposed trailer bill language to *require* regional centers to pay insurance co-pays, co-insurance, and deductibles without means testing; and where "parents" are mentioned in the TBL, also include guardians, conservators, caregivers, and authorized representatives.

**SB 163 (Hueso).** As an alternative to the TBL above, the bill would clarify regional center financial responsibility for co-pays and deductibles. The bill currently has only spot language, but if we are co-sponsors we have greater control over the language developed. Polit stated that the intent of the legislation was consistent with the TBL recommendations on the same subject. Autism Speaks and the Alliance of California Autism Organizations would also co-sponsor. It was moved/seconded (Aguilar/Lewis) and carried to approve LPPC's recommendation to co-sponsor SB 163.

**SB 468 (Emmerson and Beall).** Last year, the Council supported AB 1244 (Chesbro) on Self-Determination. The Self-Determination legislation this year is SB 468. SB 468 is sponsored by Autism Society of LA and DRC. It would expand the Self-Determination Pilots by establishing a statewide Self-Determination program which will be capped at 2500 participants in the first three years. The program would be cost neutral, represent the ethnic diversity of the state, and increase flexibility in services. The bill is bare bones now and will be filled out. It was moved/seconded (Aguilar/Kennedy) and carried to approve LPPC's recommendation to

support with amendments to allow open enrollment in the program after 3 years, and include the requirement that all regional centers shall offer the program. The Council's staff will also work with the sponsors and authors on developing content of the legislation.

**SB 651 (Pavley and Leno).** Sponsored by DRC, the bill would require that a suspected victim of sexual assault at developmental centers and state hospitals be provided a medical evidentiary exam performed at an appropriate external facility. Failure to report specified assaults, deaths and injuries to external law enforcement would result in a Class B Citation. It was moved/seconded (Kennedy/Aguilar) and carried to approve LPPC's recommendation to support SB 651.

**SB 961 (Levine).** Sponsored by DRC, the bill would require that certain licensing citations at developmental centers and state hospitals be redacted only for name and personal identifying information. The bill would also require, in these facilities, that Department of Public Health complete its investigation of death, serious injury and other incidents within specified times. The bill will be amended to require that misconduct of licensed staff in these facilities be reported to the licensing agency. It was moved/seconded (Kennedy/Aguilar) and carried to approve LPPC's recommendation to support SB 961.

**SB 602 (Yamada).** This bill would require the Commission on Peace Officer Standards and Training (in the Department of Justice) to establish and keep updated a continuing education classroom training on law enforcement intervention with mentally disabled persons. The bill would require that law enforcement personnel with jurisdiction over state hospitals and developmental centers receive this training. These facilities would be required to immediately (instead of as soon as practically possible) report specified incidents, including death and sexual assault to local law enforcement, and to coordinate its investigations with them. It was moved/seconded (Kennedy/Aguilar) and carried to approve LPPC's recommendation to support SB 602.

**AB 1232 (Perez).** This bill would require the Department to consider outcomes based measures on cultural and linguistic competency of services when choosing a quality assessment instrument. It was moved/seconded (Kennedy/Aguilar) and carried to approve LPPC's recommendation to support AB 1232.

**SB 319 (Perez).** This bill would enhance regional center data collection, and their publication, on disparities in service delivery between regional center ethnic populations. It was moved/seconded (Kennedy/Aguilar) and carried to approve LPPC's recommendation to support SB 319, and to recommend amendments to emphasize the "fair and equitable access to services, pursuant to the IPP process.

**SB 321 (Perez).** This bill would direct the Department to address issues of linguist and cultural competency of services and inequitable distribution of services in the regional centers' performance contracts. It was moved/seconded (Kennedy/Aguilar) and carried to approve LPPC's recommendation to support support SB 321.

**SB 555 (Correa).** This bill addresses the linguistic and cultural competency of the IPP process and of services addressed by the IPP. It was moved/seconded (Kennedy/Aguilar) and carried to approve LPPC's recommendation to continue support of SB 555, as amended.

**SB 577 (Pavley), Employment Pilot Project – UPDATED ACTION RECOMMEND CO-SPONSOR.** The bill would pilot two innovations aimed at increasing the availability of employment for people with autism and other developmental disabilities. (1) A service category for employment preparation; and (2) an incentive system to encourage employment support providers to assist people to obtain integrated competitive employment, including jobs with health benefits. At its January 25, 2012 Council meeting, the Council expressed support for a similar incentive system.

Polit reported that the Council has been asked to co-sponsor this legislation that is still being developed. The LPPC expressed concerns that the Employment Preparation service include some quality control element and specify who is qualified to provide the services (such as CARF certified agencies). There was also concern that 75 hours a quarter was not adequate for the service, and that people requiring day programs would not be able to participate. Forderer emphasized that supporting people to find work is essential. The Committee agreed that if we co-sponsor, that the Council could help develop the legislation; and that the Council could withdraw its support, if necessary Aguilar moved and Kennedy seconded to approve the LPPC recommendation to co-sponsor SB 577. Motion adopted unanimously.

**SB 1 (Steinberg) and SB 391 (DeSaulnier).** Darin Lounds, Director of the East Bay Housing Consortium, was invited to speak to LPPS to explain affordable housing funding and both pieces of legislation. It was discussed that both bills are critical for funding affordable housing for many low income populations, including people with developmental disabilities. However, these bills also present an opportunity to increase the availability of affordable AND accessible housing units. It was moved/seconded (Aguilar/Kennedy) and carried to approve LPPC's recommendation to support SB 1 and SB 391, and to work with the DD housing coalition to have these bills amended to include provisions for accessible housing.

**Social Security Chained CPI Proposal –** It was moved/seconded (Kennedy/Allen) and carried to approve LPPC's recommendation to oppose applying a Chained CPI to social security benefits.

**Service Reduction to Federal Medical Programs –** It was moved/seconded (Kennedy/Aguilar) and carried to approve LPPC's recommendation to oppose any cuts to federal medical programs.

#### 8. Jay Nolan Community Services Abuse Incident

Mark Polit invited Jeff Strully, Executive Director of Jay Nolan Community Services and their attorney, Kathy Spaniac to attend the meeting in order to address Committee member concerns about the alleged abuse incident that was publicized on March 18, 2013. Mr. Strully took the time to drive in and Ms. Spaniac joined us by phone.

Jeff Strully assured the Committee that they have taken this issue very seriously and went through all of the hiring/training protocols they are currently following. He also outlined various measures that were being taken to strengthen redundancy of oversight and anonymous reporting of concerns. Mr. Strully concluded his discussion by taking questions from members and allowing them to voice their concerns.

#### 9. Adjournment

The meeting was adjourned at 6:10 p.m.

~~BARCLAYS OFFICIAL~~ CALIFORNIA CODE OF REGULATIONS  
TITLE 17. PUBLIC HEALTH  
DIVISION 2. HEALTH AND WELFARE AGENCY -DEPARTMENT OF  
DEVELOPMENTAL SERVICES  
REGULATIONS  
CHAPTER 3. COMMUNITY SERVICES  
SUBCHAPTER 3. REGIONAL CENTER ADMINISTRATIVE PRACTICES AND  
PROCEDURES  
ARTICLE 1. REGIONAL CENTER CONFLICT OF INTEREST STANDARDS  
AND PROCEDURES

**§ 54500. Authority and Scope.**

These regulations prescribe conflict-of-interest standards and procedures for all members of the regional center governing boards, and employees, and those acting on the regional center's behalf of the regional center to ensure that such persons make decisions relative to the regional center which are in the best interests of the center's consumers clients and families pursuant to authority provided in Section 4627 of the Welfare and Institutions Code. ~~Members serving on the governing board of a regional center on January 1, 1982 are subject to these regulations to the extent not prohibited by Welfare and Institutions Code, Section 4626.~~

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code.  
Reference: Sections 4626, ~~4626.5~~ and 4627, Welfare and Institutions Code.

**§ 54505. Definitions.**

As used in Article 1 of this subchapter, the following words and phrases have the specified meanings:

(a) "Area Board" means the organization of individuals established and constituted according to Welfare and Institutions Code, Section 454670 et seq.

~~(b) "Board Member" or "Member of the Governing Board" means an individual serving on a governing board of a regional center.~~

~~(b)(e)~~ "Business Entity, Entity or Provider" means any individual or business venture from whom or from which the regional center purchases, obtains, or secures goods or services to conduct its operations. These entities or providers include, but are not limited to, residential facilities, intermediate care facilities, skilled nursing facilities, facilities, supported and independent living services, hospitals, medical groups, activity centers, independent living facilities, housing providers, entities formed in support of the regional center, infant programs, clinics, laboratories, pharmacies, drug stores, ambulance services, furniture

stores, equipment and supply stores, physicians, psychologists, nurses, therapists, teachers, social workers, and contract case managers. For purposes of these conflict-of-interest regulations "business entity, entity or provider" does not include a consumer or family member of a consumer who receives vouchers for consumer services.

~~(c)~~(d) "Client" means the individual described in Section 56551(e), Chapter 3, Subchapter 4, Article 1, Title 17, California Administrative Code "Consumer" means an individual who has been determined by a regional center to meet the eligibility criteria of the Welfare and Institutions Code Section 4512, and of Title 17, California Code of Regulations, Sections 54000, 54001 and 54010, or Government Code Section 95014, and Title 17, California Code of Regulations 52020 and 52022, and for whom the regional center has accepted responsibility.

~~(d)~~(e) "Decision or Policy-Making Authority" means the authority an individual possesses whenever the individual:

- (1) makes a final decision exercises discretion or judgment, without significant intervening substantive review, in making, advising or recommending, a decision or in making a final decision; or
- (2) may compel a decision or may prevent a decision either by reason of an exclusive power to initiate the decision or by reason of a veto which may or may not be overridden; or
- (3) makes substantive recommendations which are, and over an extended period of time have been, regularly approved without significant amendment or modification by another person or entity or provider; or
- (4) votes on matters, ~~appoints or hires people,~~ obligates or commits his or her agency entity to any course of action, or enters into, modifies, amends, or renews, any contractual agreement on behalf of his or her agency entity, or has authority to obligate resources; ~~or-~~
- (5) votes to approve, appoint or ratify, or the individual approves, appoints, ratifies, assigns, elects, selects, designates, names, creates, confirms, contracts or hires, any director, trustee, member of the board, member of a board committee, officer, agent, employee, contractor, or consultant, for his or her entity or any other business entity or provider.

Decision or policy-making This authority does not include actions of the individuals which are solely ministerial, secretarial, or clerical.

~~(e)~~(f) "Department" means the Department of Developmental Services.

(f) "Family Member" includes the individual's spouse, domestic partner, parents, stepparents, grandparents, siblings, step-siblings, children, stepchildren, grandchildren, and in-law parents-in-law, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law.

~~(g) "Governing Board" means the board of directors of a private nonprofit corporation which contracts with the State for the purpose of establishing and operating a regional center and which is constituted in accordance with Section 4622 of the Welfare and Institutions Code.~~ "Member of the Board" or "Member" means an individual serving as a member of the governing board, board of directors or board committee of a business entity, entity, or provider as defined herein.

~~(h) "Potential Conflict of Interest" means a situation which, based upon circumstances reasonably expected to occur at a point in the future, may result in a conflict of interest, as specified in Sections 54520 or 54521 of these regulations, at that time.~~

~~(i) "Present Conflict of Interest" means a conflict of interest, as specified in Sections 54520 or 54521 of these regulations, which currently exists.~~

~~(j) "Prospective Client" means any person who has presented himself or herself, at the regional center, as requiring services for the developmentally disabled but who has not yet gone through the initial intake and assessment process.~~

~~(j)(k)~~ "Regional Center" means a diagnostic, counseling, and service coordination center for persons with developmental disabilities and their families which is established and operated pursuant to Chapter 5 of Division 4.5 of the Welfare and Institutions Code and Title 14 of the Government Code, by a private nonprofit corporation acting as a contracting agency.

~~(k)(l)~~ "Regional Center Employee" means any person who performs services for wages, salary or a fee under a contract of employment, express or implied, with the regional center. For purposes of these regulations, a business entity, entity or provider as defined in Section 54505(c) herein, is not a regional center employee.

(l) "Regional Center Governing Board" means the board of directors of a private nonprofit corporation which contracts with the State for the purpose of establishing and operating a regional center and which is constituted in accordance with section 4622 of the Welfare and Institutions Code.

(m) "Regional Center Operations" means those activities or services which regional centers are required by law, regulation, or contract with the State to provide, obtain, or purchase. Such activities include, but are not limited to, case finding, outreach, prevention, intake and assessment, individual program planning, case management, community programs, program development, and consumer client advocacy and protection.

(n) "State Council" means the organization of individuals established and constituted pursuant to Welfare and Institutions Code, Section 4520 et seq.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code. Reference: Sections 4512, 4520, ~~4525~~, 4543, 4546, et seq., 4570 et seq., 4620, 4621, 4622, 4626, ~~4626.5~~, and 4627, 4641, 4642, 4643, 4644, 4646, 4647 and 4648, Welfare and Institutions Code.

**§ 54520. Conflict of Interest Standards for Regional Center Governing Board Members. Positions Creating Conflicts of Interest for Regional Center Governing Board Members and Executive Directors.**

(a) ~~The following constitute conflicts of interest for regional center governing board members:~~(1) A conflict of interest exists when a regional center member of the governing board member, executive director, or a family member of such person is any director, officer, owner, partner, shareholder, trustee or employee of any business entity or provider, holds any position of management in any business entity or provider, or has decision or policy-making authority in such an entity or provider, of the following for a business entity, entity, or provider as defined in section 54505 of these regulations, except to the extent such position is permitted by Welfare and Institutions Code, sSections 4622 and 4626-(a)(3) and (b). These conflict of interest provisions are in addition to those stated in Welfare and Institutions Code, Sections 4622(a)(9) and 4626.

- (1) a governing board member
- (2) a board committee member
- (3) a director
- (4) an officer
- (5) an owner
- (6) a partner
- (7) a shareholder
- (8) a trustee
- (9) an agent
- (10) an employee
- (11) a contractor
- (12) a consultant
- (13) a person who holds any position of management; or
- (14) a person who has decision or policy making authority

(b) An employee or contractor of a state or local government entity, which provides services to regional center consumers, who works in a position having no relation to providing those services to regional center consumers, does not have a conflict of interest as a result of his or her position. This exception does not apply to an employee of the Department of Developmental Services.

(c) There is no conflict-of-interest for purposes of these regulations where a consumer receives employment services through a regional center provider, and

the consumer's family member is a governing board member or executive director of the regional center, or the consumer's family member holds a position described in subsection (a)(1) to (14) with the provider providing the employment services, if the employment service is made equally available to all eligible consumers of the regional center in question.

(d) These conflict of interest provisions are in addition to those conflicts identified in Welfare and Institutions Code sections 4622 and 4626.

~~(2) A conflict of interest exists when the advisory committee board member, appointed pursuant to Welfare and Institutions Code, Section 4622(a)(7), is an employee or member of the governing board of a provider from which the regional center purchases client services and engages in the activities prescribed in Welfare and Institutions Code Section 4622(a)(9). Such member is therefore prohibited from serving as an officer of the regional center governing board and from voting on the matters or issues described in Section 4622(a)(9). Furthermore, the member is subject to disclosure under Section 54522 of these regulations in addition to providing a list of his or her financial interests, as defined in Government Code Section 87103. Fiscal matters, as used in Welfare and Institutions Code Section 4622(a)(9) include, but are not limited to, setting purchase of service priorities, transferring funds to the purchase of service budget, and establishing policies and procedures with respect to payment for services.~~

~~(3) A conflict of interest exists when a governing board member is any individual described in Welfare and Institutions Code Section 4626. A financial interest in regional center operations, as used in Welfare and Institutions Code Section 4626(a)(4), exists if it is reasonably foreseeable that the member's interest, or the member's decision regarding that interest, will have a material financial effect, on the board member's interest in, or relationship with, the business entity or provider pursuant to Government Code, Section 87103. The financial effect is material if the decision will result in a benefit, detriment, gain, loss or profit to the member, entity or provider.~~

~~(b) The regional center governing board shall not enter or authorize the regional center to enter into any contract or any other type of agreement for pecuniary gain with any entity or provider in which a member has a conflict of interest as set forth in subsection (a)(1) and (a)(3) above, nor shall the board or board member allow the regional center to refer a client or prospective client to such an entity or provider.~~

~~(c) No regional center governing board member who has a conflict of interest shall continue to serve as a board member in violation of these provisions unless the board member has eliminated the conflict of interest or obtained a waiver~~

~~pursuant to these regulations. This prohibition does not apply to the extent it is precluded by Welfare and Institutions Code, Sections 4626(a)(3) and (b).~~

Note: Authority cited: ~~Chapter 722, Statutes of 1992, Section 147; Sections 4622, 4626, and 4627 and 4791(i), Welfare and Institutions Code. Reference: Sections 4620.3, 4622, 4626, 4626.5 and 4627 and 4791, Welfare and Institutions Code and Section 87103, Government Code.~~

**§54521. Conflict of Interest Standards for Regional Center Employees. Conflicts of Interest For Regional Center Advisory Committee Board Members.**

(a) A conflict of interest exists when a regional center advisory committee board member, appointed pursuant to Welfare and Institutions Code section 4622(i), is:

(1) in any of the following positions for a business entity, entity, or provider from which the regional center purchases, obtains or secures consumer services:

- (A) member of the governing board
- (B) board committee member
- (C) owner
- (D) partner
- (E) shareholder
- (F) agent
- (G) manager
- (H) employee
- (I) contractor
- (J) consultant

and (2) that person does any of the following:

- (A) Serves as an officer of the regional center board; or
- (B) Votes on any fiscal matter affecting the purchase of services from any regional center provider; or
- (C) Votes on any matters in which the member has a financial interest as that term is defined in section 54522(b).

(b) "Fiscal Matters" as used in this subdivision, includes setting purchase of service priorities, making any fiscal commitments, transferring purchase of service funds to the purchase of service budget, and establishing policies and procedures with respect to payment of services.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code. Reference: Sections 4622, 4626, and 4627, Welfare and Institutions Code.

~~(a) The following constitute conflicts of interest for regional center employees:~~

~~(1) A conflict of interest exists when a regional center employee or a family member of such person is a governing board member, director, officer, owner, partner, shareholder, trustee, or employee of any business entity or provider, holds any position of management in any business entity or provider, or has decision or policy making authority in such an entity or provider, or makes a decision regarding regional center operations involving a business entity or provider in which he or she has a financial interest.~~

~~For the purpose of this section, an employee has a financial interest in regional center operations if it is reasonably foreseeable that the employee's interest or the employee's decision regarding that interest will have a material financial effect, as distinguished from its effect on the regional center's clients and/or their families generally, on:~~

~~(A) Any business entity or provider in which the employee has a direct or indirect investment worth more than one thousand dollars (\$1000).~~

~~(B) Any real property in which the employee has a direct or indirect interest worth more than one thousand dollars (\$1000).~~

~~(C) Any source of income, other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to employee status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the employee within 12 months prior to the time when the decision is made.~~

~~For purposes of this section, "indirect investment" or "interest" means any investment or interest owned by the spouse or dependent child of an employee, by an agent on behalf of an employee, or by a business entity or provider or trust in which the employee, the employee's agent, spouse, or dependent children own directly, indirectly, or beneficially a ten percent interest or greater.~~

~~The financial effect is material if it will result in a benefit, detriment, gain, loss, or profit to the employee, entity, or provider.~~

~~(2) A conflict of interest exists when a regional center employee devotes less than his or her full time attention and effort to his or her regional center employment for that period for which he or she is being reimbursed.~~

~~(3) A conflict of interest exists when a regional center employee provides services for salary, honorarium, or compensation of any kind in such fashion that~~

~~the employee is receiving dual compensation for the same period of time. This subsection does not apply to regional center employees while officially off duty.~~

~~(4) A conflict of interest exists when a regional center employee participates in the evaluation of an application for employment at the regional center when the applicant is a member of the employee's family, or when an employee acts as a supervisor of another regional center employee who is a member of the supervisor's family.~~

~~(A) For the purpose of this subsection, supervisors shall include those individuals who serve as reviewing officer for reports of performance.~~

~~(B) For the purpose of this subsection, family members shall include: spouse, children, stepchildren, parents, stepparents, brothers, sisters, grandchildren, grandparents, or inlaws.~~

~~(b) No regional center employee shall continue employment with the regional center where the employee has a conflict of interest in violation of these provisions, unless the employee eliminates the conflict of interest or obtains a waiver pursuant to these regulations.~~

~~Note: Authority cited: Section 4627, Welfare and Institutions Code. Reference: Section 4627, Welfare and Institutions Code.~~

**§54522. Conflict of Interest Disclosure – Content of Statements, Procedures and Actions Required for Resolution. Financial Interests in Decisions Creating a Conflict of Interest for Regional Center Governing Board Members and Executive Directors.**

(a) A regional center governing board member or regional center executive director shall not make, participate in making or in any way attempt to use his or her position to influence a regional center or board decision, in which he or she knows or has reason to know, that he or she or a family member has a financial interest.

(b) Financial interest, as used in this section, includes any current or contingent ownership, equity, or security interest that could result directly or indirectly, in receiving a pecuniary gain or sustaining a pecuniary loss as a result of the interest in any of the following:

(1) business entity worth two thousand dollars (\$2,000) or more.

(2) real or personal property worth two thousand dollars (\$2,000) or more in fair market value.

(3) stocks or bonds worth two thousand dollars (\$2,000) or more.

(4) intellectual property rights worth five hundred dollars (\$500) or more.

(5) sources of gross income aggregating five hundred dollars (\$500) or more within the prior 12 months.

(6) future interests for compensation of five hundred dollars (\$500) or more.

(7) personal finances of two hundred fifty dollars (\$250) or more.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code. Reference: Sections 4622, 4626, 4626.5 and 4627, Welfare and Institutions Code and Section 87103, Government Code.

~~(a) Within 60 calendar days of the effective date of this Article, each regional center employee who has decision or policy making authority, as defined in Section 54505(e) herein, and each member of the governing board, including the board member designated by the regional center provider advisory committee pursuant to Welfare and Institutions Code, Section 4622(a)(7), shall prepare and file an initial conflict of interest statement pursuant to these regulations. Employees shall file their statements with their respective regional center and governing board members shall file their statements with their regional center governing board. Subsequent statements shall be filed thereafter whenever a change in status would create a present or potential conflict of interest situation as defined in these regulations. Individuals serving in any capacity under a waiver granted pursuant to Section 54523 of these regulations shall be required to file a conflict of interest statement with each waiver renewal as required pursuant to Section 54524(b)(3) of these regulations. The regional center and governing board shall designate the individual who is responsible for receiving, processing, and maintaining the initial and subsequent annual statements for their own respective agency. Such individual, however, may not review his or her own filed statement. The initial conflict of interest statement and all subsequent annual statements shall be dated, signed, and contain a declaration, under penalty of perjury, that the governing board member or employee has:~~

~~(1) No present or potential conflict of interest;~~

~~(2) A present conflict of interest; or~~

~~(3) A potential conflict of interest pursuant to these regulations.~~

~~The individual shall specify the factual basis for that determination and provide full and complete disclosure relative to any present or potential conflict of interest, including a description of the nature of the conflict of interest. For the board member designated by the regional center provider advisory committee pursuant to Welfare and Institutions Code, Section 4622(a)(7), the disclosure shall~~

include, to the extent not otherwise disclosed, a list of the member's financial interest as required by Welfare and Institutions Code, Section 4622(a)(9)(C).

~~(b) If a present or potential conflict of interest exists, the statements of regional center employees and governing board members, including the board member designated by the regional center provider advisory committee pursuant to Welfare and Institutions Code, Section 4622(a)(7), shall if desired by the governing board member or regional center employee, also contain a request for waiver of the prohibitions of any present or potential conflict of interest, and a suggested plan of action for resolution of the present or potential conflict of interest, including limitations on the governing board member or regional center employee which will enable him or her to avoid actions involving the conflict of interest during the period the waiver request is being reviewed pursuant to Section 54523 of these regulations.~~

~~(c) The regional center or regional center governing board shall review, respectively, the waiver requests of all regional center employees and governing board members, and determine, in its discretion, whether to submit the request pursuant to the regulations, or require the individual to eliminate the conflict of interest or resign his or her position as stated therein.~~

~~(d) If a present or potential conflict of interest exists and no waiver is requested, or if the regional center or regional center governing board elects not to submit such a request in accordance with these regulations, the regional center employee or governing board member, and the board member designated by the regional center provider advisory committee pursuant to Welfare and Institutions Code, Section 4622(a)(7), shall have thirty (30) calendar days from the date of filing the conflict of interest statement or the date of notification by the regional center or its governing board in which to either take whatever action is necessary to eliminate the conflict of interest, or resign his or her position as a regional center employee or governing board member. During the thirty (30) calendar day period, the employee or board member shall avoid all involvement with or participation in regional center activities involving the conflict of interest in question.~~

~~(e) If no conflict of interest is declared at the time of filing the initial statement or subsequent statements, no further action is required by the governing board member or regional center employee unless or until such time as that individual's status changes, so that he or she is in a present or potential conflict of interest situation. Upon such a change in status, a new statement shall be filed immediately with the member's governing board or the employee's regional center, specifying the factual basis for that determination and providing full and complete disclosure relative to the present or potential conflict of interest in accordance with provisions of subsection (a) above.~~

Note: Authority cited: Chapter 722, Statutes of 1992, Section 147; and Sections 4627 and 4791(i), Welfare and Institutions Code. Reference: Sections 4622, 4626, 4627 and 4791, Welfare and Institutions Code.

**§ 54523. Requests for Waiver. Financial Interests in Contracts Creating a Conflict of Interest For Regional Center Governing Board Members and Executive Directors.**

(a) The purpose of this section is to make certain that regional center governing board members and executive directors are guided solely by the interests of the regional center and its consumers and not by their personal financial interests when participating in the making of contracts in their official capacity.

(b) Regional center governing board members and regional center executive directors shall not be financially interested in any contract in which they participate in making in their official capacity.

(1) Financially interested, for purposes of this section, means any financial interest regardless of the dollar amount, and includes aiming to achieve a financial gain or avoid a financial loss. The financial interest may be direct or indirect and includes any monetary or proprietary benefit, gain of any sort, or the contingent possibility of monetary or proprietary benefits and extends to expectations of economic benefit. Certainty of financial gain is not necessary to create a conflict of interest.

(A) The financial interest is direct when the individual, in his or her official capacity, does business with himself or herself in his or her private capacity.

(B) The financial interest is indirect if a regional center board member or executive director enters into a contract in his or her official capacity with an individual or entity, and because of the relationship between the individual or entity to the board member or executive director, the individual or entity is in a position to render actual or potential pecuniary benefits to the board member or executive director based on that contract.

(2) Participation in the making of a contract includes any act involving preliminary discussions, development, negotiations, compromises, reasoning, planning, drawing of plans and specifications, solicitation for bids, approval and execution.

(c) If a regional center governing board member, executive director, or his or her family member, has a financial interest in a potential contract that creates a present or potential conflict of interest, ~~prior to the first consideration of the potential contract,~~ the regional center board member or executive director shall do all of the following prior to the first consideration of the potential contract:

(1) fully disclose the existence and nature of the conflicting financial interest to the regional center board;

(2) have it noted in the official board records;

(3) recuse himself or herself from making, participating in making, or in any way attempting to use his or her position to influence a decision on the matter;

(4) leave the room during any discussion or deliberations of the matter and shall not return until disposition of the matter is concluded; and

(5) shall not cast his or her vote upon any matter or contract concerning the financial interest or be counted for purposes of a quorum.

(d) Subdivision (c) does not apply if a board member, who is a regional center consumer, has a financial interest in a contract that will provide him or her with a financial benefit, if that benefit will be available to any regional center consumer.

(e) Regional center governing board members and executive directors shall not make any contract which is financially beneficial to a family member of such person, unless the benefits associated with the contract are available to regional center consumers or their families generally. When benefits associated with the contract are available to regional center consumer or their families generally, subdivision (c) does not apply.

(f) The regional center board may not avoid a conflicting financial interest in a contract by delegating its decision-making authority to another individual or body.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code. Reference: Sections 4622, 4626, 4626.5 and 4627, Welfare and Institutions Code and Sections 1090 and 87103, Government Code.

~~(a) If the conflict of interest statement filed by the regional center governing board member or the regional center employee indicates that a present or potential conflict of interest exists and a waiver is being requested, then within thirty (30) calendar days of receipt of such a statement, the governing board or regional center shall, unless it has elected to do otherwise pursuant to Section 54522(c), submit the request for waiver packet in accordance with the procedures set forth in this section.~~

~~(b) All requests for waiver packets must be submitted to the Department. In addition, copies of requests for waiver packets involving governing board members must also be sent to the area board in the area and to the State Council.~~

~~(c) Requests for waiver packets shall include:~~

- ~~(1) A copy of the board member's or employee's conflict of interest statements;~~
- ~~(2) The request for waiver;~~
- ~~(3) The plan of action for resolution of his or her conflict of interest and the time frames for doing so; and~~
- ~~(4) Any limitations proposed by the governing board or regional center to be applied to the board member or employee during the term of the waiver. Limitations may include, but are not limited to:
  - ~~(A) Abstention by the person from voting on the conflict of interest situations;~~
  - ~~(B) Nonparticipation by the person, individually or as part of a group, in the preparation, presentation, formulation or approval of reports, plans, policies, analyses, opinions or recommendations regarding the conflict of interest situation, when the exercise of judgement is required and the purpose is to influence the decision;~~
  - ~~(C) Noninvolvement of the person in the negotiation, obligation, or commitment of the regional center to a course of action involving the conflict of interest situation;~~
  - ~~(D) Reassignment of the person to duties or responsibilities where no conflict of interest exists; and~~
  - ~~(E) Establishment of an independent review and prior approval procedure by supervisors or administrative staff regarding purchase of service and other decisions made by the person with respect to the conflict of interest situation.~~~~
- ~~(5) The individual(s) responsible for ensuring that the above plan of action or limitations are applied and monitored;~~
- ~~(6) Any other information which the employee or board member feels is pertinent to his or her request.~~

~~Note: Authority cited: Section 4627, Welfare and Institutions Code. Reference: Sections 4627 and 4628, Welfare and Institutions Code.~~

**§ 54524. Response to Requests for Waiver.—General Prohibition of Conflicts of Interest for Regional Center Governing Board Members and Executive Directors.**

(a) In addition to the specific conflict-of-interest requirements and restrictions set forth above, regional center governing board members and executive directors are obligated to discharge their responsibilities with integrity and fidelity, and are prohibited from placing themselves in a position where their private, personal interests may conflict with their official duties.

(b) Governing board members and executive directors are impliedly bound to exercise the powers conferred on them with disinterested skill, zeal and diligence and for the benefit of the regional center and the consumers.

(c) If a situation arises that has not been specifically addressed in these regulations, where a governing board member, executive director or his or her family member's personal or pecuniary interest conflicts with the individual's duty to act in the best interest of the regional center or the consumers, the governing board member or executive director is disqualified from taking any part in the discussion, or from making any recommendation or decision regarding the transaction or decision.

(d) In interpreting and applying this section, the common law doctrine against conflict of interest and the authorities interpreting that doctrine shall govern.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code. Reference: Sections 4626 and 4627, Welfare and Institutions Code.

~~(a) Within twenty (20) calendar days after the area board in the area and the State Council receive copies of a request for waiver packet regarding a regional center governing board member, the area board in the area and the State Council, respectively, shall provide to the Department their written approval or disapproval of such request. The Department may not approve the request for waiver of a regional center governing board member without the approval of both the area board in the area and the State Council.~~

~~(b) Within sixty (60) calendar days after the Department receives a request for waiver packet the Department will respond to the request for waiver in writing:~~

~~(1) Explaining the outcome of its review including approval or denial of the request, where appropriate, and the rationale for the decision;~~

~~(2) Specifying the actions, if any, by the governing board or regional center which the Department deems necessary in order to resolve the conflict of interest; and~~

~~(3) Stating the duration of the waiver, if approved, according to the following:~~

~~(A) For the members of the governing boards who are subject to those regulations, the duration of the waiver may not exceed one year;~~

~~(B) For the regional center employee, the duration of the waiver will be determined by the Department.~~

~~(c) If the request for waiver is denied by the Department and/or the State Council or area board in the area pursuant to subsections (a) and (b) herein, the governing board member or regional center employee shall have thirty (30) calendar days from the date of receipt of the denial in which to either take whatever action is necessary to eliminate the conflict of interest or resign his or her position as a governing board member or regional center employee. During this thirty (30) calendar day period, the board member or employee shall avoid all involvement with and participation in the conflict of interest in question.~~

~~Note: Authority cited: Section 4627, Welfare and Institutions Code. Reference: Sections 4627 and 4628, Welfare and Institutions Code.~~

**§ 54525. Sanctions Necessity of Conflict Resolution Plan for Conflicts of Interests For Regional Center Governing Board Members and Executive Directors.**

(a) The regional center governing board or executive director shall not allow the regional center to refer a consumer to any business entity, entity or provider in which a board member or executive director has a conflict of interest as set forth in these regulations, unless the board member or executive director has eliminated the conflict of interest or obtained an approved Conflict Resolution Plan prior to the referral.

(b) No regional center governing board member or executive director who has a conflict of interest, shall continue to serve as a board member or executive director in violation of these provisions, unless the individual has eliminated the conflict of interest or obtained an approved Conflict Resolution Plan. This subdivision does not apply to the extent it is permitted by Welfare and Institutions Code, sections 4622 and 4626.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code. Reference: Sections 4622, 4626 and 4627, Welfare and Institutions Code.

~~(a) If the Department finds a governing board, a board member, a regional center or a center employee, in violation of any of the sections set forth in this Article, the Department shall:~~

~~(1) Immediately inform the party or parties in writing of such violation, including the supporting facts or information upon which determination of violation was made; and~~

~~(2) Require that the party or parties take appropriate action, within thirty (30) calendar days of the notice of violation, to resolve the conflict of interest or otherwise eliminate the violation. The Department may extend this thirty-day period only once and for a period not to exceed thirty (30) calendar days.~~

~~(b) If the violation is not resolved or eliminated within the thirty (30) calendar days as herein provided, and no extension of time has been granted by the Department, the Department may take immediate action to:~~

~~(1) Withhold part of the funding for that regional center; or~~

~~(2) Commence procedures for termination or nonrenewal of the regional center contract pursuant to Welfare and Institutions Code, Section 4635.~~

~~The area board in the area and the State Council shall be notified of the above action.~~

~~Note: Authority cited: Section 4627, Welfare and Institutions Code. Reference: Sections 4627 and 4635, Welfare and Institutions Code.~~

**§ 54526. Purchases—Positions Creating Conflicts of Interests for Employees, Contractors, Agents and Consultants.**

(a) A conflict of interest exists when a regional center employee with decision or policy making authority, or contractor, agent or consultant with authority to act on behalf of the regional center, or family member of such person, is any of the following for a business entity, entity, or provider as defined in these regulations:

- (1) a governing board member
- (2) a board committee member
- (3) a director
- (4) an officer
- (5) an owner
- (6) a partner
- (7) a shareholder
- (8) a trustee
- (9) an employee
- (10) an agent
- (11) a contractor
- (12) a consultant
- (13) holds any position of management
- (14) has decision or policy making authority

(b) An employee or contractor of a state or local government entity, which provides services to regional center consumers, who works in a position having no relation to providing those services to regional center consumers, does not have a conflict of interest as a result of his or her position. This exception does not apply to an employee of the Department of Developmental Services.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code. Reference: Sections 4626, ~~4626.5~~ and 4627, Welfare and Institutions Code and ~~Section 87103, Government Code.~~

**§ 54527. Records. Financial Interests in Decisions Creating a Conflict of Interest for Employees, Contractors, Agents or Consultants.**

(a) A regional center employee, contractor, agent or consultant shall not make, participate in making or in any way attempt to use his or her position to influence a regional center decision, in which he or she knows or has reason to know that he or she, or his or her family member has a financial interest.

(b) Financial interest, as used in this section, includes any current or contingent ownership, equity, or security interest that could result directly or indirectly in receiving a pecuniary gain or sustaining a pecuniary loss as a result of the interest in any of the following:

(1) business entity worth two thousand dollars (\$2,000) or more.

(2) real or personal property worth two thousand dollars (\$2,000) or more in fair market value.

(3) stocks or bonds worth two thousand dollars (\$2,000) or more.

(4) intellectual property rights worth five hundred dollars (\$500) or more.

(5) sources of gross income aggregating five hundred dollars (\$500) or more within prior 12 months.

(6) future interests for compensation of five hundred dollars (\$500) or more.

(7) personal finances of two hundred fifty dollars (\$250) or more.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code. Reference: Sections 4622, 4626, ~~4626.5~~ and 4627, Welfare and Institutions Code and ~~Section 87103, Government Code.~~

**§ 54528. Board Meetings. Financial Interests in Contracts Creating a Conflict of Interest For Regional Center Employees, Contractors, Agents and Consultants.**

(a) The purpose of this section is to make certain that regional center employees, contractors, agents and consultants are guided solely by the interests of the regional center and the consumers and not by their personal interests, when participating in the making of contracts in their official capacity.

(b) Regional center employees, contractors, agents and consultants shall not be financially interested in any contract in which they participate in making in their official capacity.

(1) Financially interested, for purposes of this section, means any financial interest regardless of the dollar amount, and includes aiming to achieve a financial gain or avoid a financial loss. The financial interest may be direct or indirect and includes any monetary or proprietary benefit, gain of any sort, or the contingent possibility of monetary or proprietary benefits and extends to expectations of economic benefit. Certainty of financial gain is not necessary to create a conflict of interest.

(A) The financial interest is direct when the individual, in his or her official capacity, does business with himself or herself in his or her private capacity.

(B) The financial interest is indirect if an employee, contractor, agent or consultant enters into a contract in his or her official capacity with an individual or entity, and because of the relationship between the individual or entity to the employee, contractor, agent or consultant, the individual or entity is in a position to render actual or potential pecuniary benefits to the employee, contractor, agent or consultant based on that contract.

(2) Participation in the making of a contract includes any act involving preliminary discussions, development, negotiations, compromises, reasoning, planning, drawing of plans and specifications, solicitation for bids, approval and execution.

(c) Regional center employees, contractors, agents or consultants shall not make any contract which is financially beneficial to a family member of such person, unless the benefits associated with the contract are available to regional center consumers or their families generally.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code. Reference: Sections 4622, 4626, 4626.5 and 4627, Welfare and Institutions Code and Sections 1000 and 87103, Government Code.

**§ 54529. Sanctions—General Prohibition of Conflicts of Interest for Regional Center Employees, Contractors, Agents and Consultants.**

(a) In addition to the specific conflict-of-interest requirements and restrictions set forth above, regional center employees, contractors, agents and consultants are obligated to discharge their responsibilities with integrity and fidelity, and are prohibited from placing themselves in a position where their private, personal interests may conflict with their official duties.

(b) A regional center employee, contractor, agent or consultant is impliedly bound to exercise the powers conferred on him or her with disinterested skill, zeal and diligence and for the benefit of the regional center and its consumers.

(c) If a situation arises that has not been specifically addressed in these regulations, where a present or potential personal conflict of interest exists as to a particular transaction or decision, the employee, contractor, agent or consultant is disqualified from taking any part in the discussion, or from making any recommendation or decision regarding the particular matter.

(d) In interpreting and applying this section, the common law doctrine against conflict of interest and the authorities interpreting that doctrine shall govern.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code.  
Reference: Sections 4626 and 4627, Welfare and Institutions Code.

**§ 54530. Employees, Contractors, Agents and Consultants Conflicts With Regional Center Duties.**

(a) A conflict of interest exists when a regional center employee, contractor, agent or consultant participates in the evaluation of an application for employment or bid for position or contract at the regional center that is submitted by a family member of such person.

(b) A potential conflict of interest exists when a regional center supervisor who is an employee, contractor, agent or consultant ~~acts as a supervisor of~~ acting on behalf of the regional center supervises his or her family member who is a regional center employee, contractor, agent or consultant.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code.  
Reference: Sections 4626 and 4627, Welfare and Institutions Code.

**§ 54531. Conflict of Interest Reporting Statements for Employees, Contractors, Agents and Consultants, Time for Filing.**

(a) Each regional center employee, contractor, agent, and consultant, who has authority to act on behalf of the regional center, or who has decision or policy-making authority as defined in section 54505 of these regulations, shall complete and file a standard Conflict of Interest Reporting Statement (8/2012), hereby incorporated by reference.

(b) Each regional center employee, contractor, agent, and consultant shall complete and file an annual Conflict of Interest Reporting Statement with his or her respective regional center, whether or not the individual has identified a present or potential conflict of interest, by August 1 of each year.

(c) Each newly appointed regional center employee, contractor, agent, and consultant shall complete and file a Conflict of Interest Reporting Statement with the individual's respective regional center within 30 calendar days of assuming the position.

(d) Each regional center employee, contractor, agent, and consultant shall complete and file a new Conflict of Interest Reporting Statement within 30 calendar days of any change in status that creates a present or potential conflict of interest. For purposes of this subdivision, a change of status includes: reporting a previously unreported activity that should have been reported, change in the circumstance of a previously reported activity, change in a financial interest, familial relationship, or legal commitment(s), change in regional center position or duties, and change to outside position or duties. This requirement is in addition to the annual August 1 submission of a Conflict of Interest Reporting Statement required by this section.

(e) The executive director or the acting executive director of the regional center shall review the completed Conflict of Interest Reporting Statement of each regional center employee, contractor, agent, and consultant required to file a Conflict of Interest Reporting Statement pursuant to subdivision (a) of this section; within 10 working days of receipt of the completed Conflict of Interest Reporting Statement; and shall determine whether the statement identifies a present or potential conflict of interest.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code. Reference: Sections 4622, 4626, ~~4626-5~~ and 4627, Welfare and Institutions Code.

**§ 54532. Conflict of Interest Reporting Statements for Regional Center Governing Board Members and Regional Center Executive Directors, Time for Filing.**

(a) Each regional center governing board member and regional center executive director shall complete and file an annual Conflict of Interest Reporting Statement with his or her respective regional center governing board, whether or not the

individual has identified a present or potential conflict of interest, by August 1 of each year.

(b) Each new candidate for the regional center governing board and each new candidate for regional center executive director shall disclose any present or potential conflicts of interest to the regional center governing board, prior to being appointed, elected, or approved for hire, by the regional center or the regional center governing board.

(c) Each new regional center governing board member and each new regional center executive director shall complete and file a Conflict of Interest Reporting Statement with his or her respective regional center board, within 30 calendar days of being selected, appointed, elected, or approved for the position.

(d) Each regional center governing board member and each regional center executive director shall complete and file a new Conflict of Interest Reporting Statement with his or her respective regional center board, within 30 calendar days of any change in status that creates a present or potential conflict of interest. For purposes of this subdivision, a change of status includes, reporting a previously unreported activity that should have been reported, change in the circumstance of a previously reported activity, change in financial interest, familial relationship, or legal commitment(s), change in regional center or regional center board position or duties, and change to outside position or duties. This requirement is in addition to the annual August 1 submission of a Conflict of Interest Reporting Statement required by this section.

(e) The regional center governing board shall submit a copy of each completed Conflict of Interest Reporting Statement, of the governing board member(s) and the regional center executive director, to the Department within 10 working days of receipt of the completed Conflict of Interest Reporting Statement.

(f) The Department and the regional center governing board shall review the Conflict of Interest Reporting Statement of each regional center governing board member and each regional center executive director and shall determine whether the statement identifies a present or potential conflict of interest.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code. Reference: Sections 4622, 4626, 4626.5 and 4627, Welfare and Institutions Code.

**§ 54533. Present or Potential Conflict of Interest Identified, Proposed Conflict Resolution Plan Content, Timelines for Submission of Proposed Conflict Resolution Plan.**

(a) When a present or potential conflict of interest is identified for a regional center board member, executive director, employee, contractor, agent or consultant, the present or potential conflict shall be either eliminated or mitigated

and managed through a Conflict Resolution Plan, or the individual shall resign his or her position with the regional center or regional center governing board.

(b) When a present or potential conflict of interest has been identified by the regional center executive director for a regional center employee, contractor, agent or consultant, the regional center shall submit a copy of the completed Conflict of Interest Reporting Statement and a proposed Conflict Resolution Plan for eliminating or mitigating and managing the present or potential conflict to the Department, within 30 calendar days of receipt of the completed conflict of interest statement from the employee, contractor, agent or consultant.

(c) When a present or potential conflict of interest has been independently identified by the Department for a regional center employee, contractor, agent or consultant, the Department shall notify the regional center executive director, in writing, of the present or potential conflict. The regional center executive director shall submit a copy of the completed Conflict of Interest Reporting Statement and a proposed Conflict Resolution Plan for eliminating or mitigating and managing the present or potential conflict, to the Department within 30 calendar days of receipt of the Department's notification.

(d) When a present or potential conflict of interest has been identified by the regional center governing board, for a regional center governing board member or regional center executive director, the regional center governing board shall submit a copy of the completed Conflict of Interest Reporting Statement and a proposed Conflict Resolution Plan for eliminating or mitigating and managing the present or potential conflict, to the Department, in addition to the area board in the respective area, and to the State Council, within 30 calendar days of receipt of the completed Conflict of Interest Reporting Statement.

(e) When a present or potential conflict of interest has been independently identified by the Department for a regional center governing board member or regional center executive director, the Department shall notify the regional center governing board, in writing, of the present or potential conflict. The regional center governing board shall submit a copy of the completed Conflict of Interest Reporting Statement and a proposed Conflict Resolution Plan for eliminating or mitigating and managing the present or potential conflict, to the Department, in addition to the area board in the respective area, and to the State Council, within 30 calendar days of receipt of the Department's notification.

(f) To promote transparency, the regional center shall post on its Internet Website each completed Conflict of Interest Reporting Statement that identifies a present or potential conflict of interest that cannot be resolved within 30 calendar days of receipt by the regional center governing board or the regional center executive director, or within 30 calendar days of receipt of the Department's notification that it has independently identified a present or potential conflict of interest.

The completed Conflict of Interest Reporting Statement shall remain on the regional center's Internet Website until the present or potential conflict of interest has been eliminated, or the individual has resigned his or her regional center position.

(g) The proposed Conflict Resolution Plan shall be a written, detailed plan to eliminate, or mitigate and manage, the present or potential conflict of interest, along with any necessary supporting documents.

The proposed Conflict Resolution Plan shall:

- (1) Describe the precise nature of the present or potential conflict of interest or activity and give a detailed description of the conflict:
  - (A) The type of interest creating the present or potential conflict; and
  - (B) The identity and relationship between the individual(s) and/or entity(ies) involved; and
  - (C) The roles and duties of each individual and/or entity, that gives rise to the present or potential conflict of interest.
  
- (2) State the action(s) that the regional center governing board, regional center and/or the individual(s) will take, including the necessary timeframes, to eliminate or mitigate and manage the present or potential conflict of interest. Actions to eliminate, or mitigate and manage, the present or potential conflict of interest, may include, but are not limited to, one or more of the following:
  - (A) Resignation of the individual(s) from the position or activity creating the conflict of interest
  - (B) Refraining from participation, or limiting the individual's ability to act, in a particular matter or category of matters
  - (C) Change of assignment, duties, or position
  - (D) Divestiture of financial interests that give rise to the conflict of interest
  - (E) Terminating or refraining from relationships that give rise to conflicts of interest
  
- (3) Provide a detailed explanation of how each of the proposed actions, will actually eliminate or mitigate and manage the present or potential conflict of interest.

- (4) Provide the name, position and duties of the individual(s) who will be responsible for ensuring that any actions, limitations, or restrictions, included in the Conflict Resolution Plan, if approved by the Department, will be taken, applied, followed, and monitored. Explain any oversight and monitoring mechanism in enough detail to allow the Department to ascertain that the mechanism is sufficient to eliminate, or mitigate and manage, the present or potential conflict of interest.
- (5) A proposed Conflict Resolution Plan shall be signed by the individual(s) subject to the Conflict Resolution Plan, in addition to the person in the designated position or committee responsible for reviewing the Conflict of Interest Reporting Statement, and the person in the designated position or committee responsible for monitoring performance under the proposed Plan, if approved.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code.  
Reference: Sections 4622, 4626, ~~4626.5~~, and 4627, Welfare and Institutions Code.

#### **§ 54534. Conflict Resolution Plan Review, Procedures.**

(a) Not later than 90 calendar days after the area board in the respective area and the State Council receive copies of the completed Conflict of Interest Reporting Statement and the proposed Conflict Resolution Plan for a regional center governing board member or regional center executive director, the area board and the State Council shall each provide to the Department their written approval or disapproval of the proposed Conflict Resolution Plan. If either the area board or the State Council fail to provide the Department with its written approval or disapproval of the proposed Plan within 90 calendar days of receipt of the Conflict of Interest Reporting Statement and the proposed Plan, the Department alone, may make the decision to disapprove the proposed Plan. The Department shall not approve a proposed Conflict Resolution Plan without the approval of both the area board and the State Council.

(b) The Department shall determine whether a proposed Conflict Resolution Plan is sufficient or needs to be modified to adequately eliminate, or mitigate and manage, the present or potential conflict of interest. The Department may impose additional restrictions and additional obligations to the proposed Conflict Resolution Plan and/or make a determination that further information is required.

(c) The Department is responsible for making the final decision as to what conditions, restrictions, obligations, or actions, if any, shall be imposed or taken, by the regional center governing board, regional center, and/or the individual(s), to eliminate, or mitigate and manage, the present or potential conflict of interest.

(d) The submission of a proposed Conflict Resolution Plan does not authorize an individual with a present or potential conflict of interest to engage in any activity that constitutes a present or potential conflict of interest. The proposed Conflict Resolution Plan shall be approved, in writing, by the Department, and the Conflict Resolution Plan fully implemented, prior to the individual engaging in otherwise prohibited conduct. Department approval is not granted until the regional center receives such determination in writing. Individuals shall not engage in activities in which there is a present or potential conflict of interest except in accordance with the terms of an approved Conflict Resolution Plan.

(e) Department approval of a proposed Conflict Resolution Plan is not valid unless it is based upon full disclosure of all relevant information by the regional center governing board, regional center, and/or the individual(s), with the present or potential conflict of interest. Nondisclosure or misrepresentation, of present or potential conflicts of interest or of material information bearing on the proposed Conflict Resolution Plan decision, shall result in the Department's rescission of its approval and/or immediate denial of the proposed Conflict Resolution Plan, in addition to any civil penalties imposed pursuant to Welfare and Institutions Code section 4626.

(f) The Department shall issue its modification, approval, or denial of the proposed Conflict Resolution Plan, in writing, to the regional center governing board or the regional center's designated party, within 30 calendar days of receiving the written approval or disapproval of the proposed Conflict Resolution Plan from the area board and the State Council, for regional center governing board members or executive directors, and within 30 calendar days of receipt of the proposed Conflict Resolution Plan, for employees, contractors, agents and consultants, unless the Department determines there is good cause for extending the time to respond.

(g) If the proposed Conflict Resolution Plan of an employee, contractor, agent or consultant is denied by the Department, the individual shall have 30 calendar days, from the date of receipt of the Department's written denial, in which to take the necessary action to eliminate the conflict of interest or resign his or her position as an employee, contractor, agent, or consultant. The Department may, in exercise of its discretion, grant the individual and/or the regional center an extension in which to complete any actions necessary to eliminate the conflict of interest.

(h) If the proposed Conflict Resolution Plan of a regional center governing board member or executive director is denied by the Department and/or the State Council or area board in the respective area, the governing board member or executive director shall have 30 calendar days, from the date of receipt of the Department's written denial, in which to take the necessary action to eliminate the conflict of interest or resign his or her position as a regional center governing board member or executive director. The Department may, in exercise of its discretion, grant the regional center governing board, governing board member,

executive director or regional center, an extension in which to complete any actions necessary to eliminate the conflict of interest.

(i) If the proposed Conflict Resolution Plan is approved by the Department, the approved Conflict Resolution Plan shall be implemented not later than 30 calendar days after written notification is mailed by the Department, unless the Department grants the regional center governing board, the regional center and/or the individual(s) an extension in which to complete any actions necessary to implement the approved Conflict Resolution Plan.

(j) The regional center governing board, the regional center, and/or the covered individual(s) shall fully comply with all elements set forth in the approved Conflict Resolution Plan. When required by the terms of the approved Plan, the regional center governing board, the regional center, and the individual(s) shall provide documentation demonstrating compliance with the approved Plan to the Department.

(k) A new proposed Conflict Resolution Plan shall be submitted to the Department on an annual basis and upon any change of status that creates a present or potential conflict of interest.

(l) The regional center governing board and/or the regional center shall retain a copy of each Conflict of Interest Reporting Statement and any approved Conflict Resolution Plan for the period of time consistent with the record retention requirements in its State contract.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code.  
Reference: Sections 4622, 4626 and 4627, Welfare and Institutions Code.

### **§ 54535. Sanctions.**

(a) If the Department finds a regional center governing board, board member, executive director, employee, contractor, agent, or consultant, in violation of any of the provisions of this Article, the Department shall:

(1) Immediately inform the party or parties in writing of such violation, including the supporting facts or information upon which determination of violation was made; and

(2) Require that the party or parties take appropriate action, within 30 calendar days of the notice of violation, to resolve the conflict of interest or otherwise eliminate the violation. The Department may extend this 30-day period only once and for a period not to exceed 30 calendar days.

(b) If the violation is not resolved or eliminated within the 30 calendar days as herein provided, and no extension of time has been granted by the Department, the Department may take immediate action to commence procedures for

termination or nonrenewal of the regional center contract pursuant to Welfare and Institutions Code section 4635. The area board in the respective area and the State Council shall be notified of the above action.

Note: Authority cited: Sections 4626 and 4627, Welfare and Institutions Code.  
Reference: Sections 4626, 4627 and 4635, Welfare and Institutions Code.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF JANUARY 11, 2013 THROUGH FEBRUARY 28, 2013**

Presenting Written Testimony:

Association of Regional Center Agencies (ARCA)  
State Council on Developmental Disabilities (State Council)  
Developmental Disabilities Area Board 10 (Area Board 10)  
Individual (Will)

**1. Comment regarding the use of the term “consumer” submitted by ARCA:  
Summary of Comment:**

We believe the term “consumer” should be replaced with the term “client” throughout these regulations.

**Response:**

After considering this comment, the Department of Developmental Services (Department) has determined that the use of the term “consumer” will remain unchanged. The term is set forth and defined in Welfare & Institutions Code (WIC) Section 4512 and is used throughout the Lanterman Developmental Disabilities Services Act. It is appropriate to keep the statutory and regulatory terms consistent. This will avoid possible confusion by the use of different terms.

**2. Comment regarding the timeline for regional center actions submitted by ARCA:  
Summary of Comment:**

We believe the timelines for regional center actions within these regulations are too short and the timelines allowed the Department, Area Boards, and State Council are too long.

**Response:**

The Department has considered this comment. The timelines will remain unchanged since the timelines for action by the regional center are those required by WIC Section 4626. Additionally, since the Legislature has already deemed 30 days as the appropriate time period to address conflict-of-interest duties, it is appropriate that this time period be used whenever possible.

**3. Comment regarding definition of “Business entity, Entity or Provider”**

**submitted by ARCA:**

**Summary of Comment:**

§ 54505(b) – It is unclear if “Business entity, Entity or Provider” would include a government entity such as a school districts, hospitals, cities, and county. Also, there should be a comma between “skilled nursing” and “supported and independent living”.

**Response:**

The Department has considered the comment as it relates to the definition of “Business entity, Entity or Provider”. The term, as currently defined, is broad enough to include governmental entities. This is confirmed by Title 17 California Code of Regulations Sections 54520 Subdivision (b) and 54526 Subdivision (b). Both of these provisions set forth limited instances where employment or contract with a governmental entity will not constitute a conflict of interest. By specifying those instances when employment or contract with a government will not create a conflict, the regulations provide that employment or contract with a governmental entity is the type of relationship with a business entity that can give rise to a conflict of interest. Furthermore, Question 2 in the Conflict of Interest Reporting Statement form specifies that an entity that is a regional center provider or contactor includes a state or local governmental entity.

With regards to the punctuation comment, the Department will insert a comma.

**4. Comment regarding definition of “Family Member” submitted by ARCA:**

**Summary of Comment:**

§ 54505(f) – In the definition of “Family Member” we believe “in-laws” should be limited to parents in-law, brothers in-law, sisters in-law, sons in-law, and daughters in-law.

**Response:**

The Department has considered and accepts the comment.

**5. Comment regarding definition of “Fiscal Matters” submitted by ARCA:**

**Summary of Comment:**

§ 54521(b) – We believe “transferring funds to the purchase of service budget” should be deleted. Only DDS can cause funds to be transferred to the purchase of service budget.

**Response:**

The Department has considered this comment and will modify the language to read

“(b) “Fiscal Matters” as used in this subdivision, includes setting purchase of service priorities, making any fiscal commitments, transferring purchase of service funds, and establishing policies and procedures with respect to payment of services.”

**6. Comment with suggestion to add “center” submitted by ARCA:**

**Summary of Comment:**

§ 54528(c) – We believe the word “center” should be inserted between “Regional” and “employees”.

**Response:**

The Department has considered and accepts the comment.

**7. Comment with suggestion to use “unbiased” or “conflict free” submitted by ARCA:**

**Summary of Comment:**

§ 54529(b) – We believe “unbiased” or “conflict free” would be better than “disinterested”. We also recommend the term “zeal” should be deleted in that it is too subjective.

**Response:**

After considering this comment, the Department has determined that the use of the term “disinterested” and “zeal” should remain in the regulations. This regulation specifies that the common law doctrine against conflicts of interest also applies. The common law doctrine is defined by the courts as requiring a person “to exercise the powers conferred on him with disinterested skill, zeal, and diligence and primarily for the benefit of the public.”(Noble v. City of Palo Alto (1928) 89 Cal.App. 47.) This high ethical standard is adopted by the Department and the terms in the regulations used are those specifically used by the courts.

**8. Comment with suggestions for deleting “contractor, agent, or consultant” submitted by ARCA:**

**Summary of Comment:**

§ 54530(b) – We believe “contractor, agent, or consultant” should be deleted from this subsection

**Response:**

The Department has considered the comment and will qualify the language to apply to situations wherein a regional center supervisor who is an employee, contractor, agent or consultant acting on behalf of the regional center supervises his or her family member

who is a regional center employee, contractor, agent or consultant. The revised regulations will read as follows:

“(b) A potential conflict of interest exists when a regional center supervisor, who is an employee, contractor, agent or consultant acting on behalf of the regional center, supervises his or her family member who is a regional center employee, contractor, agent or consultant.”

**9. Comments with recommendation to add “that would give rise to a conflict” submitted by ARCA:**

**Summary of Comment:**

§ 54531(d) – We recommend the phrase “that would give rise to a conflict” should be added to the end of the sentence that reads: “For purposes of this subdivision, a change of status includes, reporting a previously unreported activity that should have been reported, change in the circumstances of a previously reported activity, change in a financial interests, familial relationship, or legal commitment(s), change in regional center position or duties, and change to outside position or duties.”

**Response:**

The Department has considered this comment and the language will remain unchanged. The subdivision currently contains the qualifying language that the commenter seeks: “Each regional center employee, contractor, agent, and consultant shall complete and file a new Conflict of Interest Reporting Statement within 30 calendar days of any change in status *that creates a present or potential conflict of interest.*”

**10. Comment with recommendation to redefine “executive director” submitted by ARCA :**

**Summary of Comment:**

§ 54531(e) – We recommend defining “executive director” to include his or her designee when the executive direct is not available to complete the review within the allotted timeframes.

**Response:**

The Department has considered the recommendation. The recommendation is not accepted because WIC Section 4626, subdivision (k), is most properly read as requiring the regional center director to review the statements. The Department will amend the regulation to permit an Acting Executive Director to complete the reviews of the statements:

“(e) The executive director or the acting executive director of the regional center shall review the completed Conflict of Interest Reporting Statement of each regional center employee, contractor, agent, and consultant required to file a Conflict of Interest Reporting Statement pursuant to subdivision (a) of this section, within 10 working days

of receipt of the completed Conflict of Interest Reporting Statement, and shall determine whether the statement identifies a present or potential conflict of interest.”

**11. Comment with recommendation to delete “regional center board position or duties” as a change in status and add “that would give rise to a conflict” as a trigger submitted by ARCA :**

**Summary of Comment:**

§ 54532(d) – We believe the phrase “or regional center board position or duties” in the second sentence should be deleted. Also the phrase “that would give rise to a conflict” should be added to the end of that sentence.

**Response:**

The Department has considered and accepted the comment to delete “or regional center board position or duties” as a change in status in order to avoid over-reporting for changes that would not likely give rise to a conflict of interest situation.

The Department has considered the comment to add language. The language will remain unchanged. The subdivision, currently, contains the qualifying language the commenter seeks, “Each regional center governing board member and each regional center executive director shall complete and file a new Conflict of Interest Reporting Statement with his or her respective regional center board, within 30 calendar days of any change in status *that creates a present or potential conflict of interest.*”

**12. Comment regarding posting conflict of interest situations on the regional center website submitted by ARCA:**

**Summary of Comment:**

§ 54533(f) – We believe this section should be deleted. We have grave concerns about posting confidential information on the regional center’s website. These concerns stem from individuals disclosing they have client family members being served by a regional center. Requiring the form be posted will result in personal, identifying information being placed in a public place that could arguably be viewed as extremely sensitive/private.

**Response:**

The Department has considered this comment and the language will remain unchanged. The requirement of posting specified present or potential conflicts does not require posting of confidential consumer information. The requirement is consistent with legislative intent to promote transparency. The Department considered, for example, the fact that, in the 2011-12 legislative session, the Legislature passed AB 862, which would have required even broader posting of all conflict of interest statements. That bill was vetoed by the Governor because the posting of conflict of interest statements was to be addressed in regulation.

**13. Comment regarding the amount of time for review provided to the area board and SCDD submitted by ARCA:**

**Summary of Comment:**

§ 54534(a) – The 90 calendar days the area board and State Council have to review the Conflict Resolution Plan is too long. This should be no more than 30 calendar days.

**Response:**

The Department has considered this comment and the time frame will remain unchanged. The entities require sufficient time to review, consider, and make determinations about the conflict resolution plans. The entities do not necessarily meet every 30 calendar days so they may not be able to provide the determination within 30 days.

**14. Comments (consolidated) regarding the role of the State Council and area boards' role in the Conflict of Interest Process submitted by ARCA, the State Council and Area Board 10:**

**Summary of Comment:**

ARCA

§ 54534(a) - We recommend the second to last sentence in this section should be changed to read "If either the area board or the State Council fail to provide the Department with its written approval or disapproval of the proposed Plan within 90 calendar days of receipt of the Conflict of Interest Reporting Statement and the proposed Plan. The Department alone may make the decision to approve or disapprove the proposed Plan." And we believe the last sentence deleted in its entirety. (~~The Department shall not approve a proposed Conflict Resolution Plan without the approval of both the area board and State Council.~~)

State Council

The proposed regulations require the State Council on Developmental Disabilities and local area boards to review and approve or disapprove Conflict of Resolution Plans for regional center board members, employees, and others. After a thorough review on February 12, 2013, the State Council Executive Committee believes that the regulations need to be revised to eliminate unintended consequences. We believe the Department, as the contracting agency of regional centers, has the authority for the approval or denial of conflict of interest waiver requests. The regulations, as written today, do not allow the Department to approve waiver requests without the approval from SCDD and the Area Board which could result in unintended consequences. This needs to be remedied as soon as possible to allow the Department to approve or deny regional center board or staff waiver requests with or without input from the State Council and area board.

We appreciate the ability to provide input, but we cannot take responsibility for issues that are not part of our authority. For instance, the State Council or area board may not be able to provide input, either due to timing issues, lack of information provided, or other unforeseen circumstances.

Therefore, we respectfully request the regulations are revised to either: 1) allow the Department to approve or deny waiver requests with or without input from the State Council and area boards or, 2) remove both the State Council and the area boards from reviewing Conflict of Interest Plans so that the State Council does not have any active role that could be inconsistent with our functions or create unintended consequences for regional center board members or staff.

#### Area Board 10

The proposed regulations require the State Council and local area boards to review and approve or disapprove Conflict Resolution Plans for regional center board members, employees, and others. We believe that neither the State Council nor the area boards should have a role in this process for a host of reasons, not the least of which is that such a role is inconsistent with the very function of the Council and area boards (WIC Section 4540 et. seq., Section 4543 et. Seq., and 42 USC Section 15001 et. Seq.) Further, in the absence of a controlling statute, we believe that the Department lacks the purview and authority to require another state department to undertake such a review and reach a subsequent determination.

For these reasons, we respectfully request the regulations be revised so the Council and area boards are not provided the authority to review Conflict Resolution Plans or have any active role inconsistent with our functions.

#### **Response:**

The Department has considered the comments and the role of the State Council and area boards will remain unchanged. The process involving the area board and the State Council is necessary in order to comply with the statutory requirements of WIC Sections 4626, subdivision (l), and 4628.

#### **15. Comment regarding the amount of time for review by the Department submitted by ARCA:**

##### **Summary of Comment:**

§ 54534(f) – The 30 calendar days the Department has to review the Conflict Resolution Plan is too long. We believe that if the Department does not respond within the specified timeline, the Conflict Resolution Plan should be considered automatically approved.

**Response:**

The Department has considered the comment and the time frame will remain unchanged. The Department has determined that 30 calendar days is reasonable, and is consistent with the time periods specified in WIC section 4626. Additionally, WIC section 4626, subdivisions (k) and (l), are most properly read as requiring the Department's affirmative approval of a Conflict Resolution Plan.

**16. Comment recommendation for deleting “procedures for termination or renewal of the regional center contract”:**

**Summary of Comment:**

§ 54535(b) – We believe the phrase “procedures for termination or nonrenewal of the regional center contract pursuant to Welfare and Institutions Code section 4635” should be replaced with “procedures pursuant to Welfare and Institutions Code section 4635”.

**Response:**

The Department has considered the comment and the language will remain unchanged. The current language ensures compliance with reporting requirements.

**17. Comment regarding Conflict of Interest Reporting Statement – Question 6 submitted by ARCA:**

**Summary of Comment:**

Question Number 6 – Since, by law, half of the regional center's board must be either a client of a parent or guardian of a client they might have to answer “yes” to this question. We believe this question is overly broad and could be construed in such a way that almost everyone would have to answer yes.

**Response:**

The Department has considered the comment and will amend the question with qualifying language.

“6. Do any of the decisions you make when performing your job duties with the regional center have the potential to financially benefit you or a family member? [Note: Governing board members do not have to answer “yes” to this question if the financial benefit would be available to regional center consumers or their families generally.]”

**18. Comment regarding Conflict of Interest Reporting Statement – Question 7 submitted by ARCA:**

**Summary of Comment:**

Question Number 7 – Since, by law, the regional center board is responsible for approving all contracts over \$250,000, we believe they would all have to answer yes to this question. This problem could be alleviated by adding “other than approving contracts over \$250,000 in accordance with W&I Code 4625.5” to the end of the question.

**Response:**

The Department has considered this comment and the language will remain unchanged. This form will be completed by regional center board members, regional center executive directors, employees, consultants, agents, and contractors. The language is intended to require regional center board members to identify their role in the negotiation, making, execution or approving of contracts.

**19. Comment regarding Conflict of Interest regulations submitted by Will:**

**Summary of Comment:**

The proposed Section 54526 is a more balanced regulation in that it prohibits regional center employees with decision-making authority from abusing their powers but would not deprive ordinary employees' relatives of their rights to work for people with disabilities. As a professional in the field for about 20 years, I applaud this positive change! Thank you for the hard work on these issues!

**Response:**

The Department has considered this comment and no change is requested.

# State Council on Developmental Disabilities



## BY-LAWS

**REVISED ON: April 9, 2013**  
**CERTIFIED BY SCDD ON: March 20, 2013**

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CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

**BY-LAWS**

(Revised – January 2013)

**ARTICLE I. NAME & DEFINITIONS**

The name of this organization shall be the State Council on Developmental Disabilities.

**ARTICLE II. RESPONSIBILITIES**

The responsibilities of the State Council on Developmental Disabilities are set forth in 42 United States Code Section 51001 et. seq. and Sections 4433.5 and 4520 et. seq. of the California Welfare and Institutions Code.

**ARTICLE III. PRINCIPAL OFFICE**

The principal office of the Council shall be located in the County of Sacramento, California. The Council may change the principal office from one location to another within the county.

**ARTICLE IV. AREA OF SERVICE**

The area of service shall be the State of California.

**ARTICLE V. MEMBERSHIP**

Appointment to the Council requires each member to fully discharge his/her duties consistent with the responsibilities of representing persons with developmental disabilities. The membership of the Council shall consist of the categories of people in accordance with state and federal law.

**SECTION 1. Appointments:**

Pursuant to Division 4.5, Chapter 2, Article 1, Section 4521 (b)(1), (2), and (3) of the Welfare and Institutions Code, there shall be thirty-one (31) voting members on the Council appointed by the Governor, as follows:

- (a) Twenty (20) members of the Council shall be persons with a developmental disability (self-advocates) or parents, siblings, guardians or conservators (family-advocate) of these persons. In these By-laws these persons are referred to as self-advocates and family-advocates. Of the 20 members, thirteen (13) shall each be current members of the 13 Area Boards, one member from each board and representing consumers and families in their local catchment area; and, seven (7) shall be members at large that are comprised as follow: three (3) persons with developmental disabilities; one (1) person who is a parent, immediate relative, guardian, or conservator of a resident in a developmental center; one (1) person who is a parent, immediate relative, guardian, or conservator of a person with a developmental disability living in the community; one (1) person who is a parent, immediate relative, guardian, or conservator of a person with a developmental disability living in the community nominated by the Speaker of the Assembly; and,

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one (1) person with a developmental disabilities nominated by the Senate Committee on Rules.

- (b) Eleven (11) members of the Council shall include: directors or members, as appropriate, of State departments or agencies or of local agencies as prescribed in state and federal laws. These persons are referred to as agency representatives in these By-laws and shall include three (3) members appointed to represent the University Centers for Excellence (UCE) programs funded by the Administration on Developmental Disabilities as the three California UCEs.
- (c) Prior to appointing the thirty-one (31) members, the Governor shall request and consider recommendations from organizations representing or providing services, or both, to persons with developmental disabilities and shall take into account socioeconomic, ethnic, and geographic considerations of the state. The Council may, at the request of the Governor, coordinate Council and public input to the extent feasible to the Governor regarding recommendations for membership.

**SECTION 2. Term of Office:**

The term of office on the State Council shall be in accordance with state law. The term of each self or family advocate member shall be for three years. In no event shall any self or family advocate member serve for more than a total of six years.

**SECTION 3. Conflict of Interest:**

Pursuant to California Welfare and Institution Code Section 4525 the Council's approved Conflict of Interest Policy, is incorporated by reference into these By-laws.

**SECTION 4. Vacancies:**

A vacancy on the Council exists if any of the following events occur before the expiration of the term:

- (a) The death of the member.
- (b) An adjudication pursuant to a legal proceeding declaring that the member is physically or mentally incapacitated due to disease, illness, accident, or other condition and there is reasonable cause to believe that the member will not be able to perform the duties of office for the remainder of his/her term.
- (c) The member's resignation.
- (d) The member's removal from office.
- (e) The member's ceasing to be a legal resident of the state or the area the member was appointed to represent.
- (f) The member's absence from the state without the permission required by law beyond the period allowed by law.
- (g) The member's ceasing to discharge the duties of his/her office for the period of three consecutive meetings, except when prevented by sickness, or when absent from the state with the permission required by law. After three (3) consecutive

unexcused absences, a member shall be considered as having ceased to discharge the duties of Council membership. An unexcused absence is an absence of a member when previous notice of absence has not been given to the Council Chair or Committee Chair and to the Executive Director by telephone, email, or mail.

- (h) The member's conviction of a felony or any offense involving a violation of his/her official duties. A member shall be deemed to have been convicted under this section when trial court judgment is entered.
- (i) The member's refusal or neglect to file his/her required oath, or declaration of conflict of interests within the time prescribed after being provided notice of non-compliance and a reasonable time to comply.
- (j) The decision of a competent tribunal declaring void the member's election or appointment.
- (k) The making of a vacating order or declaration of vacancy.
- (l) The member assumes a position or responsibility that violates the Council's conflict of interest policy.

The Governor shall be notified when a vacancy occurs and shall appoint a person to serve the unexpired term of the member being replaced.

**SECTION 5. Resignations:**

Members shall serve a designated term unless they resign, or are otherwise disqualified to serve, or until successors have been appointed, up to the maximum years allowed by State law. Any member may resign at any time by giving written notice to the Chairperson and to the Executive Director. Such resignation shall take effect on the date of receipt of such notice or any later time specified therein; and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

**SECTION 6. Compensation and Expenses:**

Self-advocate and family advocate members of the State Council shall receive honoraria pursuant to Government Code 11564.5, and Welfare and Institution Code Section 4550 not to exceed fifty (50) days in any fiscal year. All members shall be reimbursed for authorized actual and necessary expenses incurred in connection with the performance of their duties as Council members, in accordance with state regulations in the State Administrative Manual.

**ARTICLE VI. MEETINGS**

**SECTION 1. Parliamentary Authority:**

- (a) All meetings of the Council and its committees are public meetings governed by the Bagley-Keene Open Meeting Act (Government Code Section 11120, et. seq.).
- (b) Robert's Rules of Order shall be utilized as the rules for all Council and committee meetings except in instances of conflict with these By-laws, or provisions of State

or federal law or regulations. The Vice-Chairperson shall serve as Parliamentarian.

- (c) The Council may adopt, from time-to-time, such policies and rules for the conduct of its meetings and affairs as may be required.

**SECTION 2. Meetings:**

- (a) There shall be no less than six (6) and no more than twelve (12) meetings of the Council per year.
- (b) Special meetings of the Council may be called by the Chairperson or, in case of absence or inability to act by the Chairperson, by the Vice-Chairperson. In case of a refusal to act by the Chairperson, a special meeting may be called by written request of nine (9) members of the Council. Only matters specified in the written notice of the meeting shall be considered at such a meeting.
- (c) Regular or special meetings of the Council shall be held at a place, date, and time designated by the Council or selected by the Chairperson.

**SECTION 3. Quorum:**

- (a) A quorum for the Council shall be a simple majority of the statutory required membership.
- (b) A quorum for each Council committee and sub-committee shall be a simple majority of the appointed members of that committee.

**SECTION 4. Voting Rights of Members:**

- (a) Each member shall be entitled to one vote, to be exercised in person. Proxy voting shall not be permitted.
- (b) Except as otherwise specifically provided in State law or these By-laws, all matters submitted for determination shall be decided by a majority vote.

**SECTION 5. Chairperson Pro Tem:**

If neither the Chairperson nor Vice-Chairperson is present to preside at a Council meeting, a chairperson pro tem shall be elected by the majority vote of the Council members present.

**ARTICLE VII. OFFICERS**

**SECTION 1. Officers:**

The officers of the Council shall be a Chairperson and a Vice - Chairperson elected from among the self and family advocate members. These officers shall perform the duties described in these By-laws.

**SECTION 2. Election of Member Officers:**

Election of officers shall occur once every two years. The election shall be held during the last meeting of the appropriate calendar year. Only self and family advocate members shall be eligible to hold office.

**SECTION 3. Voting Procedure:**

Council officers shall be elected by a majority vote. Recommendations for officers shall be in the form of nominations from the Nominating Committee. Nominations may also be received from the floor prior to the election, but subsequent to the report of the Nominating Committee.

**SECTION 4. Term of Office:**

The Chairperson and Vice-Chairperson shall be elected for a term of two years. Individuals may be elected to these positions for no more than two consecutive terms. Their term of office shall begin the first day of the new calendar year.

**SECTION 5. Vacancies:**

If the Chairperson resigns or is permanently unable to serve during the term of office pursuant to Article V Section 4, the Vice-Chairperson shall become the Chairperson for the remainder of such term. Upon the vacancy of the Vice-Chairperson's term of office or if the Vice-Chairperson resigns or is permanently unable to serve during the term of office, the Chairperson shall appoint an interim Vice-Chairperson to serve until an election is conducted. The Chairperson shall also appoint a nominating committee of at least three (3) but not more than five (5) Council members that will provide a slate of nominations for the election of Vice-Chairperson during the next appropriate Council meeting.

The voting procedure established in Article VII, Section 3 shall be used for the election process of the permanent Vice-Chairperson.

**SECTION 6. Duties of the Officers:**

- (a) Chairperson - The responsibilities of the Chairperson are: to preside at all meetings of the Council; to appoint chairpersons and members to all Council committees, except the Nominating Committees, to appoint Council representatives in relation to other agencies and consumer groups; and to represent the Council as needed. The Chairperson shall have full voting rights on all Council actions.
- (b) Vice-Chairperson - The responsibilities of the Vice-Chairperson are to perform all the duties of the Chairperson if the Chairperson is absent or if the Chairperson requests the Vice-Chairperson to do so. When acting in the capacity of the Chairperson, the Vice-Chairperson has the same authority as the Chairperson. The Vice-Chairperson also serves as Chair of the Executive Committee and as Parliamentarian.

**SECTION 7. Removal from Office:**

Action to remove an officer shall be in accordance with the following procedure:

- (a) Written notification must be submitted by registered mail to the Executive Director from Council member(s) describing the specific cause for which removal is sought.
- (b) The Executive Director shall notify the officer charged by registered mail within two (2) working days of receiving the charges. Any member so notified shall have ten (10) days to respond to the group or individual responsible for notification. Following this ten (10) day period, the responsible parties shall notify the Executive Director within ten (10) days as to whether or not they wish to request removal of the officer. If the responsible parties are satisfied by the officer's response that no sufficient cause exists, the matter will be closed with written notice to the Executive Director and to the officer.
- (c) If the group or individual requesting removal is not satisfied by the response of the officer or if the officer fails to respond in ten (10) days, the Executive Director shall put the issue on the agenda at the beginning of the next Council meeting and inform the Council members as to the purpose of the agenda item.
- (d) Written charges shall be distributed and reviewed at the specified meeting of the Council.
- (e) A majority vote shall be required to remove a chairperson or vice-chairperson from office. If removal of the Chairperson is under consideration, the vice-chairperson shall preside.

#### **ARTICLE VIII. EXECUTIVE DIRECTOR**

##### **SECTION 1. Appointment:**

- (a) The Executive Director of the Council shall be appointed by and serve at the will of the Council in a position exempt from all civil service requirements pursuant to the California Constitution, Article 7, section 4(b) and Welfare and Institutions Code Section 4551(a)(2). The appointment of the Executive Director shall occur during a regular or special meeting of the Council.
- (b) A performance review of the Council Executive Director shall be coordinated by the Executive Committee and conducted annually by the full Council.

##### **SECTION 2. Responsibilities and Duties:**

- (a) The Executive Director shall be the chief administrative officer of the Council and shall have all the authority and responsibility assigned to the director of a state agency including budget, personnel, and contractual transactions. These include authority for entering into and execution of agreements on behalf of the Council in order to implement the policies of the Council.

- (b) The Executive Director shall be under the direction and control of the Council and shall do and perform such other duties as may be assigned by the Council.
- (c) The Executive Director shall serve as clerk to the Council.

**SECTION 3. Removal:**

- (a) Action to remove the Executive Director of the Council shall be conducted in accordance with Government Code Section 11120, et. seq.
- (b) The Executive Committee of the Council may recommend removal of the Executive Director during a regular or special meeting. This recommendation shall be taken to the Council during a regular or special meeting for discussion and action.
- (c) A majority vote, during a regular or special Council meeting, shall be required to remove the Executive Director from his or her exempt appointment.

**ARTICLE IX. COMMITTEES**

**SECTION 1. Authority:**

- (a) Subject to the provision of these By-laws, all committees, with the exception of the Executive Committee, shall be advisory and shall not have the power to bind the Council except when specifically authorized by the Council to do so. Recommendations made by advisory committees shall be presented to the Council for adoption in the form of a motion.
- (b) Subject to provision of these By-laws, a vacancy in the membership of a committee, except the Nominating Committee, may be filled by the Council Chairperson.
- (c) A committee may meet upon call of the chairperson of the committee or the Council Chairperson.
- (d) Unless otherwise specified in these By-laws, the Chairperson and the Executive Director of the Council shall serve ex officio, without vote, on all committees, except the Nominating Committee.
- (e) A committee member may be removed from the committee by the Council Chair after three (3) consecutive unexcused absences. An unexcused absence is an absence of a member when previous notice of absence has not been given to the Committee Chair or Executive Director or appropriate Deputy Director by telephone, e-mail or mail.

**SECTION 2. Standing Committees:**

- (a) There shall be six (6) standing committees of the State Council:
  - (1) Executive
  - (2) Administrative
  - (3) Legislative and Public Policy
  - (4) Program Development
  - (5) Self-Advocates Advisory
  - (6) Employment First
  
- (b) The Chairperson and members of each of the standing committees shall be appointed by the Council Chairperson. In the event of a vacancy for any reason in membership or the Chairperson, a successor may be appointed by the Council Chairperson. The Chairpersons and Vice-Chairpersons of the State Council and of its standing committees shall be individuals with a developmental disability, or the parent, sibling, guardian, or conservator of an individual with a developmental disability (WIC 4535(b)). The All committee chairperson appointments shall be announced to the Council at the next available Council meeting.
  
- (c) The membership of all standing committees, except the Executive Committee, shall be open to non-members of the Council. The expenses of non-Council members may be reimbursed on the same basis as a Council member with the exception of the honorarium.
  
- (d) All members of the Council shall be expected to serve on at least one standing committee of the Council.
  
- (e) The charge of each of these committees shall be as follows:
  - (1) Executive Committee  
The Executive Committee shall serve as the coordinating body to the Council. The Committee shall:
    - [a] Consist of the Council Chairperson, Vice-Chairperson, chairperson of the Legislative and Public Policy Committee, chairperson of the Program Development Committee, chairperson of the Strategic Planning Subcommittee, chairperson of the Self-Advocates Advisory Committee, chairperson of the Employment First Committee and two (2) other Council members.
    - [b] Be chaired by the Council Vice-Chairperson.
    - [c] Act on behalf of the Council between meetings, but shall not modify any action taken by the Council unless authorized by the Council to do so. The full Council at the next regular or special meeting shall receive a report of all Executive Committee actions taken between Council meetings.

- [d] Administrative matters shall be a standing agenda item at every meeting and shall include but not be limited to, budget reports, expenditure reports and other major administrative issues.
- [e] Make recommendations to the Council regarding approval of Community Program Development Grants (CPDG) projects to be funded, and allocations.
- [f] Appoint members of CPDG Grant Review team as needed.
- [g] Provide direction to the Executive Director regarding all matters pertaining to Council responsibilities.
- [h] Make recommendations to the Council regarding amendments to the By-laws, changes in committee structure or responsibilities.
- [i] Make recommendations to the Council regarding Council member training.
- [j] Make recommendations to the Council regarding the presentation of awards on behalf of the Council.
- [k] Make recommendations to the Council regarding matters assigned by the Council or the Council Chairperson.
- [l] Make recommendations to the Council regarding the appointment, evaluation, or removal of the Executive Director.
- [m] Monitor and evaluate California State Strategic Plan on Developmental Disabilities implementation and submit findings to the Council.
- [n] Review and make recommendations to the Council regarding area boards' requests to initiate litigation per Welfare and Institution Code Section 4548(g)(4) and (6).
- [o] Coordinate the Council's litigation activities, as needed, and make recommendations to the full Council.
- [p] Make appointments to and receive recommendations from the Strategic Planning Sub-Committee.
- [q] Present a slate of nominees to be elected to the Nominating Committee. Election to the Nominating Committee shall occur at the

September Council meeting during election years.

~~[r] 1. Strategic Planning Sub-Committee Form and provide oversight for a State Plan Sub-Committee. This Sub-Committee will be formed periodically to review the existing State Plan and make progress toward an update.~~

~~The Subcommittee shall: This Sub-Committee shall:~~

~~(a)(1) Advise the Executive Committee on the collection and reporting of information on needs, including unmet needs, priorities and emerging issues~~

~~(b)(2) Make recommendations to the Executive Committee regarding policy priorities, goals and objectives for the California State ~~Strategic~~ Plan on Developmental Disabilities~~

~~(c)(3) ~~Assist~~ Advise the ~~Council Executive Committee~~ in the planning of the implementation and reporting of the goals and objectives of the Council's California State ~~Strategic~~ Plan on Developmental Disabilities.~~

~~(d) ~~Coordinate planning implementation with the other~~ Committees of the Council.~~

(2) Administrative Committee

The Administrative Committee shall assist with monitoring the administrative and budgetary activities of the Council. The Committee shall:

[a] Be composed of at least three (3) Council Members

[b] Make recommendations to the Council regarding allocation of discretionary fiscal resources and other budgetary issues.

[c] Make recommendations to the Council regarding budgeting for anticipated fiscal resources among Council operations and specific service priorities for inclusion in the California State Strategic Plan and the Governor's budget.

[d] Make recommendations to the Council regarding monitoring and evaluating administrative contracts and agreements.

- [e] Make recommendations to Council regarding all contracts and agreements.
- [f] Monitor and evaluate administrative contracts and agreements; and take actions authorized in all Council contracts and agreements.
- [g] Make recommendations to the Council regarding administrative matters and policies including organizational charts and structure.

(3) Legislative and Public Policy Committee

The Legislative and Public Policy Committee shall implement the California State Strategic Plan on Developmental Disabilities objectives as assigned by the Council. The Committee shall:

- [a] Be composed of at least seven (7) members.
- [b] Review, comment and recommend positions on significant proposed legislation and/or proposed regulations.
- [c] Recommend legislation consistent with Council's responsibilities and objectives.
- [d] Recommend initiatives and policies consistent with Council responsibilities and objectives.
- [e] Provide testimony and recommendations to the Legislature with regard to matters pertaining to people with developmental disabilities.
- [f] Respond to other responsibilities as assigned by the Council or Council Chairperson.

(4) Program Development Committee

The Program Development Committee shall advise the Council in the development of services and projects designed to improve the quality of life for individuals with developmental disabilities and their families

The Committee shall:

- [a] Be composed of at least seven (7) members.
- [b] Make recommendations to the Council regarding the Community Program Development Grant (CPDG) application process and suggested priorities/criteria for proposals.

- [c] Develop methods to market and implement successful CPDG projects throughout the State.
- [d] Carry out other responsibilities as assigned by the Council or the Council Chairperson.

(5) Self-Advocates Advisory Committee

The Self-Advocates Advisory Committee shall advise the Council as a voice for all Californians with disabilities, by promoting State Council participation and peer advocacy that advances independence and inclusion. The Committee shall:

- [a] Be composed of all self-advocate members of the Council.
- [b] Advise the Council regarding self-advocate needs related to serving the Council including manners in which to ensure participation and inclusion in all meetings.
- [c] Advise the Council regarding policies, programs and any other area affecting self advocates in California.
- [d] Review materials and other Council produced information to evaluate and make recommendations regarding plain language approaches.
- [e] To have a standing representative to the Statewide Self-Advocacy Network (SSAN.)

(6) Employment First Committee

The Employment First Committee is responsible for ensuring the development of an Employment First Policy which has the intended outcome of significantly increasing the number of individuals with developmental disabilities who engage in integrated, competitive employment. The Committee shall:

- [a] Be composed of a representative from each of the following:
  - (1) The Department of Developmental Services
  - (2) The Department of Rehabilitation
  - (3) The California Department of Education
  - (4) One from each of the three University Centers of Excellence in California
  - (5) Disability Rights California
  - (6) Employment Development Department
  - (7) Family Resource Center Network

- (8) Association of Regional Center Agencies
  - (9) Service Employees International Union
  - (10) The ARC
  - (11) Four self-advocates
  - (12) Four family advocates
  - (13) Such others as deemed needed to implement the responsibilities of the Council.
- 
- [b] Identify the respective roles and responsibilities of state and local agencies in enhancing integrated, competitive employment for people with developmental disabilities.
  - [c] Identify strategies, best practices, and incentives for increasing integrated, competitive employment opportunities for people with developmental disabilities, including, but not limited to, ways to improve the transitional 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.
  - [d] Identify existing sources of employment data and recommend goals for, and approaches to measuring progress in, increasing integrated, competitive employment for persons with developmental disabilities.
  - [e] Recommend legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in integrated, competitive employment, self-employment, and microenterprises and who earn wages at or above minimum wage.
  - [f] Provide an annual report to the Governor and Legislature by July 1 of each year that describes the work and recommendations of the Committee.

**SECTION 3. Nominating Committee:**

The Nominating Committee shall provide advice to the Council relative to the bi-annual election of Council officers. The Committee shall:

- (a) Be composed of at least three (3) and not more than five (5) Council members.
- (b) Be elected by the Council at the September Council meeting from a slate of nominations presented by the Executive Committee.
- (c) Serve for one year. Be elected at least forty-five (45) days prior to the annual election.

**SECTION 4. Committees, Sub-Committees and Ad-Hoc Committees and Task Forces:**

- (a) Committees, Sub-committees, Ad-Hoc committees and Task Forces may be established by the Council to carry out specified California State Strategic Plan on Developmental Disabilities objectives and purposes of the Council.
- (b) The term of office and, qualifications of these groups' chairpersons and members shall be established by the Council. The membership of Sub-Committees and Ad-Hoc committees shall be open to non-members of the Council and shall be appointed by the Chairperson of the Council. The expenses of non-Council members may be reimbursed on the same basis as a Council member with the exception of the honorarium.

**ARTICLE X. COUNCIL GENERAL PROVISIONS**

**SECTION 1. Certification and Inspection:**

The original or a copy of the By-laws, as amended or otherwise altered to date, certified by the Council shall be recorded and kept in a book that shall be kept in a location in the principal office of the Council, and such book shall be open to public inspection at all times during office hours.

**SECTION 2. Records, Reports and Inspection:**

- (a) The Council shall maintain adequate and correct accounts, books and records of all its business and properties.
- (b) Such records shall be kept at its principal place of business. All books and records shall be open to inspection by the Council and the general public, except those records or data regarding an employee, if such disclosure would constitute an unwarranted invasion of personal privacy, or records of the Council relating to its participation in a judicial proceeding.
- (c) An annual financial report and budgets shall be available for inspection at the Council's principal place of business.

**ARTICLE XI. AMENDMENTS OF BY-LAWS**

Subject to the limitations of federal and state law, these By-laws shall be reviewed at least annually. The Executive Committee shall be responsible for the annual review of the By-laws, submitting recommendations for adoption of new By-laws and amendments or repeal of existing By-laws to the Council. These By-laws may be amended, repealed or adopted by a two – thirds majority during any regular or special meeting of the Council so long as a the intent draft of the proposed action was submitted in writing to the Council at least ten (10) days prior to the meeting.

**ARTICLE XII. INDEMNIFICATION**

**SECTION 1. Definitions:**

For the purposes of this Article XII, "agent" means any person who is or was a director or member as appropriate, officer, employee, or other agent of the Council. Proceeding means any threatened, pending, or completed action or proceeding, whether civil, criminal, administrative, or investigative; and expenses include without limitation attorney's fees and any expenses of establishing a right to indemnification under Section 4 or 5(b) of this Article XII.

**SECTION 2. Indemnification in Actions by Third Parties:**

The Council shall have power to indemnify any person who was or is a party or is threatened to be made a party to any proceeding (other than an action by or in the right of the Council to procure a judgment in its favor, by reason of the fact that such person is or was an agent of the Council, against expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred in connection with such proceeding if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Council and, in the case of a criminal proceeding, has no reasonable cause to believe the conduct of such person was unlawful. The termination of any proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in the best interests of the Council or that the person had reasonable cause to believe that the person's conduct was unlawful.

**SECTION 3. Indemnification in Actions by or in the Right of the Council:**

The Council shall have the power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action by or in the right of the Council, to procure a judgment in its favor by reason of the fact that such person is or was an agent of the Council, against expenses actually and reasonably incurred by such person in connection with the defense or settlement of such action if such person acted in good faith, in a manner such person believed to be in the best interests of the Council, and with such care, including reasonable inquiry as an ordinarily prudent person in a like position would use under similar circumstances. No indemnification shall be made under this Section 3:

- (a) In respect of any claim, issue, or matter as to which such person shall have been adjudged to be liable to the Council in the performance of such person's duty to the Council, unless and only to the extent that the court in which such proceeding is or was pending shall determine upon application that, in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for the expenses which such court shall determine;
- (b) Of amounts paid in settling or otherwise disposing of a threatened or pending action, with or without court approval; or
- (c) Of expenses incurred in defending a threatened or pending action, which is settled

or otherwise disposed of without court approval, unless it is settled with the approval of the Attorney General.

**SECTION 4. Indemnification Against Expenses:**

To the extent that an agent of the Council has been successful on the merits in defense of any proceeding referred to in Section 2 or 3 of this Article XII or in defense of any claim, issue, or matter therein, the agent shall be indemnified against expenses actually and reasonably incurred by the agent in connection therewith.

**SECTION 5. Required Determinations:**

Except as provided in Section 4 of this Article XII any indemnification under this Article XII shall be made by the Council only if authorized in the specific case, upon a determination that indemnification of the agent is proper in the circumstances because the agent has met the applicable standard of conduct set forth in Section 2 or 3 of this Article XII, by:

- (a) A majority vote of a quorum consisting of directors or members as appropriate, who are not parties to such proceeding; or
- (b) The court in which such proceeding is or was pending upon application made by the Council or the agent or the attorney or other person rendering services in connection with the defense, whether or not such application by the agent, attorney, or other person is opposed by the Council.

**SECTION 6. Advance of Expenses:**

Expenses incurred in defending any proceeding may be advanced by the Council prior to the final disposition of such proceeding upon receipt of an undertaking by or on behalf of the agent to repay such amount unless it shall be determined ultimately that the agent is entitled to be indemnified as authorized in this Article XII.

**SECTION 7. Other Indemnification:**

No provision made by the Council to indemnify its or its subsidiary's directors or members as appropriate, or officers for the defense of any proceeding, whether contained in the Articles, Bylaws, a resolution directors or members as appropriate, or an agreement, or otherwise, shall be valid unless consistent with this Article XII. Nothing contained in this Article XII shall affect any right to indemnification to which persons other than such directors or members as appropriate, and officers may be entitled by contract or otherwise.

**SECTION 8. Forms of Indemnification Not Permitted:**

No indemnification or advance shall be made under this Article XII, except as provided in Section 4 or 5(b), in any circumstances where it appears:

- (a) That it would be inconsistent with a provision of the Articles, these By-laws, or an agreement in effect at the time of the accrual of the alleged cause of action asserted in the proceeding in which the expenses were incurred or other amounts were paid, which prohibits or otherwise limits indemnification; or

- (b) That it would be inconsistent with any condition expressly imposed by a court in approving a settlement.

STATE OF CALIFORNIA  
**STANDARD AGREEMENT**  
 STD 213 (Rev 06/03)

AGREEMENT NUMBER <b>CPSHR1314</b>
REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME  
 California State Council on Developmental Disabilities

CONTRACTOR'S NAME  
 Cooperative Personnel Services (CPS HR Consulting)

2. The term of this Agreement is: May 1, 2013 through June 30, 2014

3. The maximum amount of this Agreement is: \$ 23,500.00  
 TWENTY-THREE THOUSAND AND FIVE HUNDRED DOLLARS AND ZERO CENTS

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	1 page(s)
Exhibit B – Budget Detail and Payment Provisions	2 page(s)
Exhibit C* – General Terms and Conditions	GTC 307
Check mark one item below as Exhibit D:	
<input checked="" type="checkbox"/> Exhibit - D Special Terms and Conditions (Attached hereto as part of this agreement)	2 page(s)
<input type="checkbox"/> Exhibit - D* Special Terms and Conditions	
Exhibit E – Additional Provisions	page(s)

Items shown with an Asterisk (\*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at [www.ols.dgs.ca.gov/Standard+Language](http://www.ols.dgs.ca.gov/Standard+Language)

**IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.**

<b>CONTRACTOR</b>		California Department of General Services Use Only
CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.) Cooperative Personnel Services (CPS HR CONSULTING)		
BY (Authorized Signature) 	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING Roger Ganse, Director		
ADDRESS 241 Lathrop Way Sacramento, California 95815		
<b>STATE OF CALIFORNIA</b>		
AGENCY NAME California State Council on Developmental Disabilities		<input type="checkbox"/> Exempt per:
BY (Authorized Signature) 	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING Roberta Newton, Acting Executive Director		
ADDRESS 1507 - 21 <sup>st</sup> Street, Suite 210, Sacramento, CA 95811		

**EXHIBIT A**

Scope of Work

**A. Introduction:**

The State Council on Developmental Disabilities is seeking Executive Recruiting assistance to fill the position of the Executive Director. Cooperative Personnel Services (CPS) will assist the State Council on Developmental Disabilities in the recruitment of an Executive Director.

**B. Background:**

CPS will customize their services based on individual needs and requirements. Outlined below are the services that will be provided. CPS will work with the State Council on Developmental Disabilities and the Executive and Ad-Hoc Committees and any other key stakeholders to accomplish this important undertaking.

The process starts with Phase I, where the CPS consultant will meet with the State Council's Executive Committee, Ad-Hoc Committee and any other designated key stakeholders, to ascertain the State Council's needs, community needs, and ideal candidate attributes to target our search efforts and maximize candidate fit with the State Council.

Phase II outlines the recruiting process, which is tailored to fit the State Council's specific wants and needs, with targeted advertising, combined with personal contact to qualified individuals from our database.

Phase III, the selection process is also customized for the State Council. CPS will work with the Executive Committee to determine the process best suited to the State Council.

**Task 1 - Review and Finalize Executive Search Process and Schedule**

A critical first step in this engagement is a thorough review of the search process and schedule with the Executive and Ad Hoc Committees as directed by the State Council. This will ensure that the State Council's needs are met in the most complete manner possible.

**Task 2 - Receive Input from Others**

As desired by the State Council, CPS HR will meet with any other stakeholders to obtain additional input in developing the ideal candidate profile and helping CPS HR understand key issues and challenges that will face a new Executive Director in the State Council. The specific nature of the involvement process would be developed in consultation with the Committees. This will include, but not be limited to consultation with the Area Board Executive Directors. In addition, any person who may have an interest in applying for the position and is also a targeted stakeholder, should recuse themselves from this process. The results of the above activities will be summarized by CPS HR and provided to the State Council as an additional source of information for developing the candidate profile and selection criteria.

**Task 3 - Development of Candidate Profile and Recruitment Strategy**

In developing the candidate profile and recruitment strategy, CPS HR will meet with the Executive and Ad Hoc Committees and other key stakeholders as desired. These meeting(s) will result in the identification of the personal and professional attributes required of the new Executive Director, and include the following activities:

- Priorities for the new Executive Director will be identified.
- CPS HR will assist in identifying the conditions and challenges likely to be encountered in achieving the priorities identified above.
- The Executive Committee and Ad Hoc Committees will describe the type of working relationship they wish to establish with the Executive Director.
- CPS HR will assist in generating a list of specific competencies, experiences, and personal attributes needed by the new Executive Director in light of the analyses conducted above.
- CPS HR will present several recruitment and selection strategies for the Executive and Ad Hoc Committee's consideration. The Committees will choose the recruitment and selection process most likely to produce the intended results after a discussion of the outcome of the strategies presented.

**Task 4 - Prepare Recruitment Brochure**

Following the completion of the workshop session, CPS HR will work with a professional graphic artist to design a recruitment brochure and present it to the Committees for review prior to printing. In addition, advertisements will be prepared and placed for publication in appropriate magazines, journals, newsletters, job bulletins, and on web sites to attract candidates on a nationwide or targeted basis, depending on the preference of the Committees.

CPS HR will be expected to focus on reaching a diverse candidate pool and will utilize publications/websites that are targeted to minority and female candidates. CPS HR will specifically research other jurisdictions whose demographics mirror those of the Sacramento

area, and target outreach to those individuals. In addition to placing ads on websites aimed at minority candidates, CPS HR will contact leaders within those associations to gain their perspective and referrals of possible candidates.

Before placing ads in publications and websites, CPS HR will have the final brochure developed and available on their website, so that interested potential candidates can access the brochure (a link to the brochure is listed in the advertising). Additionally, CPS HR will prepare an e-mail distribution list that is sent to prospective candidates and referral sources. The e-mail will have a direct link to the brochure embedded in the e-mail message. CPS will also send letters and brochures directly to prospective candidates and referral sources soliciting interest in the position.

### Phase II - Recruitment

#### **Task 1 - Identify and Contact Potential Candidates**

This very crucial task will include a variety of activities designed to attract the best available candidates. In addition to the placement of advertisements in appropriate professional journals, CPS HR will:

- Contact respected and experienced human services executives to identify outstanding potential candidates on a referral basis. CPS HR will need to gain an understanding of the specific skills desired for the Executive Director in order to develop the appropriate outreach strategy. CPS HR will maintain a comprehensive, up to date database of such professionals; however, they will not rely solely upon their current database. CPS HR will also conduct specific research to target individuals relevant to the State Council's specific needs and expectations to ensure that they are thorough in their efforts to market this position to the appropriate audience to garner a diverse and quality pool of candidates. These individuals, as well as potential candidates, will be contacted very soon after they have received a recruitment brochure to maximize the impact of the multiple contacts.
- Select top quality candidates for consideration from past recruitments.
- Provide each potential candidate with a copy of the recruitment brochure transmitted with a personal letter.
- Contact potential candidates by telephone to explain the career opportunity, answer questions, and encourage them to submit a resume. This component necessitates multiple conversations with the same person to pique their interest and to answer their questions.
- Communicate to candidates, through advertising materials and verbally, with a strong sense of the purpose and strategy of the State Council.
- Provide guidance and resources to candidates regarding the area's cost of living, mean and median housing prices, higher education opportunities, K-12 education information, and other aspects of interest to those who are considering a move to the area. Actively seek individuals who are highly visible in the field – widely published, frequent presenters and/or

thought leaders – who are seemingly ready for the challenge. These highly qualified candidates may be attracted by the prospect of collaboration with other State Council collaborators departments, maintaining mutually beneficial relations with the colleagues of the State Council on Developmental Disabilities, and continuing to ensure the public confidence in the integrity of the position of Executive Director and the agency.

**Task 2 – Resume Review and Personal Interviews**

All resumes will be submitted directly to CPS HR for initial screening. This screening process is specifically designed to assess the personal and professional attributes the State Council is seeking, as well as:

- A thorough review of each candidate's resume and other supporting materials and subsequent contact with the most qualified candidates to arrange personal interviews, working in conjunction with the Committees, throughout the process.
- Personal interviews with the candidates who appear to best meet the State Council's needs will typically include approximately 10-15 candidates. CPS HR will spend quality time ascertaining each candidate's long term career goals and reason(s) why the candidate is seeking this opportunity, as well as gaining a solid understanding of the candidate's technical competence and management philosophy. CPS HR will also gather data on any other unique aspects specific to this recruitment based upon the candidate profile.
- CPS HR will conduct internet research on each candidate interviewed, to include newspaper articles and blog checks.

**Task 3 – State Council Selects Finalists**

At the conclusion of the previous tasks, CPS HR will prepare a written report on the recruitment that summarizes the results of the process and recommends approximately 5 – 8 candidates for further consideration by the Committees. This report will include the candidate resumes and a profile on each candidate's background. The candidate profile includes a summary of current responsibilities and an assessment of each candidate's potential fit. CPS HR will meet with the Executive and Ad-Hoc Committees to review the report and to assist in selecting a group of finalists for further evaluation.

The meeting will include CPS HR assessment of each candidate based on the preliminary screening interview conducted with each of the candidates. The report will have candidates categorized into two groups – a top tier (group 1) of those candidates that CPS HR assesses as the most qualified candidates based on the needs of the State Council, and a second tier (group 2) that includes candidates who, based on the CPS HR assessment, do not possess the requisite qualifications to be a strong candidate for the position/organization. Based on this assessment and discussion, the Committees will then decide which of the candidates they wish to invite to a finalist assessment process.

### Phase III - Selection

#### **Task 1 - Design Selection Process**

Based on the results of the meeting conducted in Phase I, CPS HR will design a selection process to be utilized by the Committees and the State Council in assessing the most qualified final candidates. This process will include an in-depth interview with each candidate, but may also include other selection tools such as oral presentation, preparation of written materials, and problem-solving exercises. CPS HR will meet with the Committees and the State Council to review this process and discuss the best approach to meet the State Council's needs.

#### **Task 2 - Administer Selection Process**

CPS HR will coordinate all aspects of the selection process for the Committees with input from the Committee Members. This includes contacting both the successful and unsuccessful candidates, preparing appropriate materials such as interview questions and evaluation manuals, facilitating the interviews, and assisting the Committees with deliberation of the results of the assessment process. There will be a minimum of two interviews of the prospective candidates by Council Members, the first by the Committee(s) and the second by the Full Council. The last interview by the Council will complete the selection of the new State Council Executive Director.

#### **Task 3 – Arrange Follow-up Interviews, Final Assessment Process, In-Depth Reference and Background Checks)**

Following the completion of the selection process, CPS HR will be available to complete the following components:

- *Reference Checks:* the in-depth reference checks are a comprehensive 360 evaluation process whereby CPS HR will speak with elected officials as well as current and previous supervisors, peers and subordinates. The candidates are requested to provide a minimum of ten reference sources. CPS HR is able to ascertain significant, detailed information from reference sources due to their assurance and commitment to them that their comments remain confidential, which leads to a willingness to have an open

#### **Two Year Guarantee**

If the candidate selected and appointed by the State Council, as a result of a full executive recruitment, terminates employment for any reason before the completion of the first two years of service, CPS HR will provide the State Council with whatever professional services are required to appoint a replacement. Professional consulting services will be provided at no cost. The State Council would be responsible for reimbursable expenses only.

and candid discussion with CPS HR. A written summary of the reference checks is provided to the State Council on Developmental Disabilities.

- *Background Checks:* CPS HR will arrange for a background records check of an applicant's driving record, court and credit history, education verification, newspaper article research and other sensitive items.

**Value-Added Customer Service**

Throughout the executive search process, CPS HR will keep the State Council fully informed of their progress. CPS HR will collaborate with the State Council to provide updates on the status of the recruitment via their preferred method of communication (phone conference, email, etc.). The State Council and CPS HR will designate a primary contact person for ongoing communication. In addition, during each phase in the process, CPS will send personal letters or make phone calls to candidates advising them of their status.

In addition, CPS HR will follow-up once the State Council has selected a new Executive Director. CPS HR will contact both the State Council and the newly appointed Executive Director within six months of appointment to ascertain if effective transitions have occurred.

CPS HR Consulting is prepared to begin work upon receipt of a fully executed contractual agreement. CPS can complete all outreach and screening activities, as described in the preceding pages, in approximately 14 to 16 weeks. The precise schedule will depend on the placement of advertising in the appropriate venues, and the ability to schedule the initial meeting with the State Council. A proposed schedule is presented below. Please note that individual conversations with Committee Members and stakeholders would all be conducted prior to May 14-15 and gathered information presented at that meeting.

Step	Month 1				Month 2				Month 3				Month 4			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Initial Meeting/Candidate Profile	➤ (5/14-15)															
Draft Brochure	➤ (5/14)															
Brochure Approved/Printed	➤ (5/20)															
Place Ads																
Aggressive Recruiting					➤ (5/20-6/28)											
Final Filing Date					➤ (6/28)											
Preliminary Screening									➤ (7/12)							
Present Leading Candidates / Committees Select Finalists									➤ (7/16)							
Committees Interview													➤ (8/6)			
Background / Reference Checks															➤	
Committees Interview top Finalists														➤ (8/13)		
State Council conducts Interview makes Appointment																➤ (9/18)

**Professional Fees**

The base professional fee for this executive recruitment service as outlined will not exceed **\$23,500**. This professional fee covers all CPS HR professional services and project expenses associated with **Phases I, II and III** of the recruitment process, including the necessary field visits to develop the candidate profile and recruitment strategy, assist the Executive and Ad Hoc Committees in finalist selection, and facilitate candidate interviews with the Executive and Ad Hoc Committees and State Council.

The project representatives during the term of the agreement will be:

**State Council on Developmental Disabilities**

1507 – 21<sup>st</sup> Street, Suite 210  
Sacramento, CA 95811  
ATTN: Szandra Keszthelyi  
(916) 322-5521

**Cooperative Personnel Service**

241 Lathrop Way  
Sacramento, CA 95815  
ATTN: Pam Derby  
(916) 471-3126

**EXHIBIT B**  
Budget Detail and Payment Provisions

**1. INVOICING AND PAYMENT**

The maximum amount payable under this agreement shall not exceed \$23,500.00 in the Fiscal Year 2013-2014.

- A. For services satisfactorily rendered according to the Scope of Work and the terms, conditions and exhibits of this agreement, and upon receipt and approval of invoices, the California State Council on Developmental Disabilities (SCDD) agrees to compensate Cooperative Personnel Services (CPS HR) for actual expenditures incurred in accordance with the rates specified in Exhibit B, Attachment 1. SCDD Contract Manager will not accept an invoice for which work has not been approved and will return the invoice as a disputed invoice to the Contractor.
- B. Invoices shall be submitted not more frequently than monthly in arrears after receiving notice of satisfactory completion or acceptance of work by State Council Contract Manager. Contractor shall submit one (1) copy of the invoice bearing Agreement number and dates of service to:

**State Council on Developmental Disabilities**  
**1507 – 21st Street, Suite 210**  
**Sacramento, CA 95811**  
**Attn: Contract Manager**

- C. Monthly invoices shall be submitted for payment within 30 days following the end of each calendar month in which work was performed and costs incurred in the performance of the agreement, unless the contract has reached the expiration or termination date. Timely Submission of Final Invoice or alternate deadline is agreed to in writing by the Program Contract Manager. Undisputed invoices shall be paid within 45 days of the date received by the State Council's Fiscal Services, Accounting. Costs and/or expenses deemed unallowable are subject to recovery by the State Council. (See item number 6 in this exhibit entitled, "Recovery of Overpayments
- D. Invoices should be printed on Contractor's letterhead and signed by an authorized official, employee or agent certifying that the expenditures claimed represent actual expenses for the service performed under this contract. Invoices must also include at a minimum the following information:
- Agreement number
  - Invoice number
  - Invoice date
  - Identify the billing and/or performance period covered by the invoice
  - Description of the work performed
  - Itemized cost breakdown in the same or greater level of detail as indicated in this agreement.

- Original receipts of actual out-of-pocket expenses must be pre-approved by the State Council Contract Manager or designee.
- Total dollar amount being billed for the statement period.

E. It shall be the contractor's responsibility to ensure that all charges invoiced are on the allowable list at the time the expenses were incurred.

The contractor shall also be responsible for ensuring that copies of all past and current allowable lists(s) are kept on file.

## **2. STATE BUDGET CONTINGENCY CLAUSE**

- A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State Council will have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.
- B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State Council will have the option to either: cancel this Agreement with no liability occurring to the State Council or offer an Agreement Amendment to Contractor to reflect the reduced amount.

## **3. FOR CONTRACTS WITH FEDERAL FUNDS**

- A. All contracts, except for state construction projects, that are funded in whole or in part by the federal government must contain a 30-day cancellation clause and the following provisions:
1. It is mutually understood between the parties that this Agreement may have been written for the mutual benefit of both parties before ascertaining the availability of Congressional appropriation of funds, to avoid program and fiscal delays that would occur if the Agreement were executed after that determination was made.
  2. This Agreement is valid and enforceable only if sufficient funds are made available to the state by the United States Government for the fiscal year for the purpose of this program. In addition, this Agreement is subject to any additional restrictions, limitations, or conditions enacted by the Congress or to any statute enacted by the Congress that may affect the provisions, terms, or funding of this contract in any manner.
  3. The parties mutually agree that if the Congress does not appropriate sufficient funds for the program, this Agreement shall be amended to reflect any reduction in funds.
  4. The department has the option to void the Agreement under the 30-day cancellation clause or to amend the Agreement to reflect any reduction in funds.

#### **4. PROMPT PAYMENT CLAUSE**

Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927. An incomplete/disputed invoice will be returned to Contractor per Government Code, Chapter 4.5, Section 927.6. Time specified for prompt payment in Government Code, Chapter 4.5, Section 927.4 commences upon submittal of a completed/undisputed invoice.

#### **5. CONTRACTOR PAYMENT**

A. Contractor will be paid in accordance with Exhibit B, Attachment 1, upon successful completion of work and final approval from the State Council Contract Manager, not to exceed the total dollar amount of the Agreement. Such work will be at the direction of the State Council on Developmental Disabilities' Contract Manager or designee.

#### **6. TIMELY SUBMISSION OF FINAL INVOICE**

A. A final undisputed invoice shall be submitted for payment no more than ninety (90) calendar days following the expiration or termination date of this agreement, Unless a later or alternate deadline is agreed to in writing by the State Council Contract Manager. Said invoice should be clearly marked "FINAL INVOICE", thus indicating that all payment obligations of the State under this agreement have ceased and that no further payments are due or outstanding.

B. The State may, at its discretion, choose not to honor any delinquent final invoice, if the Contractor fails to obtain prior written State approval of an alternate final invoice submission deadline. Written State approval shall be sought from the Program Contract Manager prior to the expiration or termination date of this agreement.

#### **7. RECOVERY OF OVERPAYMENTS**

A. Contractor agrees that claims based upon a contractual agreement or an audit finding and/or audit finding that is appealed and upheld, will be recovered by the State and/or Federal Government by one of the following options:

1. Contractor's remittance to the State of the full amount of the audit exception within 30 days following the State's request for repayment; or

2. A repayment schedule which is agreeable in writing to both the State and the Contractor.

B. The State reserves the right to select which option will be enforced and the will be notified by the State in writing of the claim procedure to be utilized.

C. If the Contractor has filed a valid appeal regarding the report of audit findings, recovery of the overpayments will be deferred until a final administrative decision on the appeal has been reached.

8. **PROJECT REPRESENTATIVE**

The Project Representative during the term of this agreement will be:

**State Council on Developmental Disabilities**

Szandra Keszthelyi, Personnel

(916) 322-5521

[Szandra.keszthelyi@scdd.ca.gov](mailto:Szandra.keszthelyi@scdd.ca.gov)

**Cooperative Personnel Services (CPS HR)**

Pam Derby, Executive Recruiter

(916) 471-3126

[pderby@cps.ca.gov](mailto:pderby@cps.ca.gov)

**EXHIBIT B,  
Attachment 1**

**BUDGET:**

The maximum amount of this Agreement is not to exceed \$23,500.00.

- A. The professional fee for this service will be a flat rate of \$16,500.00
- B. Estimated reimbursable recruitment expenses of \$7,000.00
- C. Total amount for this contract is not to exceed \$23,500.00

**EXHIBIT D**  
**SPECIAL TERMS AND CONDITIONS**

**1. TERMINATION FOR CONVENIENCE**

The State may terminate performance of work under this Agreement for any reason the State determines that such termination is in the best interests of the State. A written notice will be provided to Contractor at least thirty (30) days prior to the termination.

**2. CONTRACTOR OVERPAYMENTS**

If it is determined that an overpayment has been made to the Contractor, the State will seek recovery immediately upon discovery of the overpayment by: (a) requesting in writing that Contractor refund the overpayment amount within thirty (30) days after receipt of notice; or (b) offsetting subsequent Contractor payments by the amount of the overpayment if Contractor repayment is not received within thirty (30) days from the date of notice.

**3. ACCOUNTING REQUIREMENTS**

Contractor shall establish an accounting system using generally accepted accounting principles that will provide information for reports to the State and which will provide documentation for the fiscal activities of the organization related to this Agreement. The accounting system must include adequate cost accounting procedures that will provide accurate costing for contractual amendments, and for any other costs incurred which relate to payment claimed by Contractor.

**4. SERVICE STANDARDS**

Contractor agrees to comply with all state and federal laws and regulations which are applicable to the services to be provided under this Agreement. In the course of providing such services, Contractor agrees to treat all people with developmental disabilities in a manner that assures their safety, health, rights, dignity, and privacy as specified in, Welfare and Institutions Code, Section 4500; California Code of Regulations, Title 17, Subchapters 5 and 8 and Title 22, Code of Regulations, Sections 70707, 72527 and 76525.

**5. AGREEMENT TITLES STATEMENT**

The clause headings appearing in this agreement have been inserted for the purpose of convenience and ready reference. They do not purport to and shall not be deemed to define, limit or extend the scope of intent of the clauses to which they pertain.

**6. LIMITATION OF STATE LIABILITY**

The liability of the State under this Agreement shall not exceed the amount of funds appropriated for this Agreement by the California Legislature.

## **7. RESOLUTION OF AGREEMENT DISPUTES**

- A.** Should any questions or conflicts arise regarding the interpretation or performance of the Agreement, an attempt shall be made by the Contractor and the Project Representative responsible for the agreement to discuss and resolve the matter.
- B.** If resolution is not reached, the Contractor shall notify the Deputy Director of Administration (DDA), in writing of the dispute within fifteen (15) days of the discussion between the Contractor and the Project Representative.
- C.** Any dispute concerning interpretation or performance of this Agreement shall be decided by the Officer who shall state the factual basis for his/her decision in writing and shall serve a copy of the decision on the Contractor. The DDA decision shall be rendered within thirty (30) days of receipt of a dispute submitted by the Contractor.
- D.** In the event the State terminates this Agreement, the State may procure, upon such terms and such manner as the Project Representative may deem appropriate, supplies or services similar to those terminated, the Contractor shall be liable to the State for any excess costs reasonably incurred for such supplies or services similar to those terminated. In the event of a termination for default, Contractor shall be paid at the rate specified in the Agreement for the period of satisfactory performance prior to the effective date of cessation of work as provided in the notice of termination.

## **8. NOTICE OF TERMINATION OF AGREEMENT**

- A.** If the State terminates this Agreement for any reason, it may fix a date for the cessation of Contractor's performance under the terms of this Agreement. The State shall notify Contractor in writing of its decision to terminate the Agreement. The termination notice shall contain the date upon which the Contractor shall cease performance under the terms of this Agreement. During the period between the Notice of Termination and the date fixed for cessation of performance, Contractor agrees to continue to satisfactorily perform all of the terms and provisions of this Agreement. In addition Contractor agrees to cooperate with the State and any successor Contractor during this "transition" period.
- B.** The State may extend the date specified in any notice of termination or any subsequent extension thereof to any date in the future and Contractor agrees to continue to satisfactorily perform the terms and conditions of this Agreement until the new date. Contractor shall be paid at the same rate provided in the Agreement for the extension period for all services which are satisfactorily performed.

## **9. PROCEDURES FOR TERMINATION OF AGREEMENT**

Upon receipt of a notice of termination Contractor shall take such steps as are reasonably necessary to prepare to terminate its operations on the date specified in the notice of termination or any extension thereof.

## **10. WAIVER OF BREACH**

No waiver of any breach of this Agreement shall be held as a waiver of any other or subsequent breach. All remedies afforded in this Agreement shall be taken and construed as cumulative; that is, in addition to every other remedy provided therein or by law. The failure of the State to enforce at any time any of the provisions of this agreement or to require at any time performance by Contractor of any of the provisions thereof, shall in no way be construed to be a waiver of such provisions nor in any way affect the validity of this agreement or any part thereof or the right of the State to thereafter enforce each and every provision.

## **11. CLIENT CONFIDENTIALITY**

All information and records regarding any client obtained in the course of providing services under this Agreement shall be confidential in accordance with Welfare and Institutions Code, Sections 5328 and 4514, et seq.

## **12. PROFESSIONAL RESPONSIBILITY**

In accordance with the California Code of Regulations, Title 22, Division 5, Section 70713, Contractor is hereby notified the facility retains all professional and administrative responsibility for services rendered under this Agreement. In addition, Sections 70713, 76507, and 72511 require that when acting as a consultant. Contractor shall apprise the facility Administrator of recommendations, plans for Implementation and continuing assessment through dated and signed reports which shall be retained by the Administrator for follow-up action and evaluation of performance.

## **13. CONFIDENTIALITY OF DATA**

To the extent permitted by the California Public Records Act (GOVT. CODE §§ 6250 – 6276.48). all financial, statistical, personal, technical, and other data and information relating to the State's operations, that is designated confidential by the State and made available to Contractor in order to carry out this contract, or which become available to Contractor in carrying out this contract, shall be protected by Contractor from unauthorized use and disclosure through the observance of the same or more effective procedural requirements as are applicable to the State. The identification of all such confidential data and information as well as the State's procedural requirements for protection of such data and information from unauthorized use and disclosure shall be provided by the State in writing to the Contractor. If the methods and procedures employed by Contractor for the protection of the Contractor's data and information are deemed by the State to be adequate for the protection of the State's confidential information, such methods and procedures may be used, with the written consent of the State, to carry out the intent of this paragraph. Contractor shall not be required under the provisions of this paragraph to keep confidential data or information which is or becomes publicly available, is already rightfully in Contractor's possession, is independently developed by Contractor outside the scope of this Agreement, or is rightfully obtained from third parties.

## EXHIBIT E

### CONSULTANT SERVICES PROVISIONS

#### 1. Resumes

If this Agreement is for \$5,000 or more, a resume for each participant who will exercise a major role in the project is attached here to and made a part of this Agreement. Prior approval by the SCDD Project Representative is required before any changes in personnel can be made to this project (SCM, Section 3.02.1, and A.1).

#### 2. Financial Disclosure

Contractor understands that a financial disclosure statement may be required to be filed depending on the nature of the Agreement. Title 2, California Code of Regulations, Section 18701(C) (2), defines the term "consultant," and the type of consultant services which make a state consultant either subject to or exempt from, the financial disclosure requirements of the Political Reform Act of 1974, Government Code, Section 87100, et seq. If a financial disclosure statement is required, as determined by the State, you will be obligated to file a statement of economic interest as described in the California Code of Regulations, Section 50300.

#### 3. Final Meeting

If requested, Contractor shall hold a final meeting with the SCDD Project Representative to present the findings, conclusions, and recommendations of Contractor. In addition, Contractor shall submit a written comprehensive final report if requested by the SCDD Project Representative. Both the final meeting and the final report, if required, must be completed on or before the termination date (SCM 3.02.1, 8.5. and 6.).

#### 4. Contractor Evaluation

Contractor is advised that performance under this Agreement is required to be evaluated within sixty (60) days of completion of the services if the Agreement is for \$5,000 or more (Public Contract Code, Section 10369).

DRAFT

**Administrative Committee Meeting Minutes  
April 25, 2013**

**Attending Members**

Brian Gutierrez  
David Forderer  
Kris Kent  
Molly Kennedy  
Ray Ceragioli

**Members Absent**

**Others Attending**

Roberta Newton  
Robin Maitino  
Sarah VanDyke  
Wayne Glusker

1. **Call to Order**

Molly Kennedy called the meeting to order at 2:02 p.m. and established a quorum present.

2. **Welcome and Introductions**

Members and others introduced themselves.

3. **Approval of March 21 and April 2, 2013 Minutes**

It was moved/second (Forderer/Ceragioli) and carried to approve the March 21, 2013 minutes as presented.

It was moved/second (Gutierrez/Ceragioli) and carried to approve the April 2, 2013 minutes as presented.

4. **Public Comments**

There were no public comments.

5. **Introduce Sarah VanDyke**

Roberta introduced Sarah VanDyke to the Administrative Committee members. Sarah is the Council's new retired annuitant. Sarah's primary tasks will include implementation of the work plan that was sent to Council members in the beginning of April. Sarah comes to us with years of administrative, budget, and contract experience. Her work history includes employment with DDS and the Department of Corrections.

6. **Actions on Work Plan**

Roberta Newton went through the work plan on pages 7-11 and provided additional updates where applicable. Overall, what was submitted as part of the packet continues to be the most up-to-date information. Minor updates such as timelines were discussed and will be updated and disseminated in the May 15<sup>th</sup> Council packet to all Council members.

7. **Review of Grants and Contracts**

Roberta referred members to pages 106-111 of their packets. The two grant lists (Cycle 35 Grants and Administrative Grants) showed all SCDD contracts. Roberta also updated members on the two Self-Advocacy RFP's stating that the deadline for submission is May 1<sup>st</sup>.

8. **Update on Training Activities**

SCDD's two contract analysts successfully completed the week long DGS contract training in early April. On April 23<sup>rd</sup> they also successfully completed contract evaluation training. The Interim Executive Director and Staff Counsel also successfully completed the week long DGS contract training the week of April 15<sup>th</sup> and found that overall, the resources and information provided was very informative. The two contract analysts will be attending additional trainings next fiscal year.

Roberta informed members that NACDD Technical Assistance Manager Sheryl Matney will be providing board training on May 14<sup>th</sup> from 2-5 p.m. at the Hilton Arden West hotel. All Council and Executive Directors are encouraged to attend.

9. **Update on Sequestration**

There is nothing new to report. Roberta has been directed to prepare 2013-14 fiscal year's budget as though SCDD will receive full funding but to also have a proposed reduction version ready in the event of sequestration. A proposal 2013-14 FY budget will be distributed at the July Council meeting.

10. **Schedule Next Meeting**

The next meeting is scheduled for June 20, 2013 from 2-4 p.m.

11. **Adjournment**

The meeting was adjourned at 2:55 p.m.

**Work Plan to Address November 2012 Audit Recommendations**

**April 2, 2013**

<b>Recommendations</b>	<b>Tasks</b>	<b>Next Steps/Timeline</b>
<p>1a. SCDD and staff should review COL and codes of conduct under state and federal regulations.</p> <p>2a. Establish strong financial personnel</p> <p>2b. Establish internal control procedures for processing and approval of contracts and invoices.</p> <p>2c. Develop a written policy concerning travel of contractors</p>	<p>a. SCDD members and staff shall receive copies of 42 USC Section 15024(c)(5)(D), 45 CFR Section 74.42, GC Sections 87100, 19130, 19990 and the SCDD Incompatible Activities Statement and shall indicate in writing that they have read and understand its provisions.</p> <p>2a. Recruit for and train Budget Officer. Ensure that contract and procurement analysts receive appropriate training. Ensure that managerial staff receive appropriate training. Recruit for highly qualified Deputy for Administration. Ensure that the Procurement and Contracts Manual includes section with federal and state regulations regarding all applicable billing requirements.</p> <p>2b. RA/Deputy to establish chain of command and process for documenting progressive review of submissions. Also to develop Policy for required backup documentation when submitting invoices.</p> <p>2c. Develop policy on acceptable travel for contractors, including documentation required (receipts) for reimbursement and an authorization process for out-of-state</p>	<p>By May 15, 2013</p> <p>2a. Awaiting resolution on SSM I employee, expected April 1, 2013. Recruitment for Budget Officer April 1, 2013 – May 15, 2013. Analyst training initiated in March 2013, ongoing through December 31, 2013. Managerial training initiates April 2013. GO appointment of Deputy for Administration tentatively early 2014. Currently awaiting approval of CalHR to fill Retired Annuitant (RA) appointment to act as Deputy, to start April 8, 2013.</p> <p>RA Sarah VanDyke hired as of April 9, 2013 Contract staff will be attending 4 additional classes: "Evaluation Criteria"; "Documentation"; "Services Contracting"; "Statement of Work"</p> <p>2b. 90 days following hire of an RA/Deputy.</p>

<p>3a. Develop regular expenditure reports to reconcile budget by actual expenses incurred by contracts.</p> <p>3b. Recommend pairing a SCDD member with fiscal expertise to work with staff.</p>	<p>travel.</p> <p>3a. Budget Officer to submit expenditure reports to Administrative Committee no less than quarterly. Reports to include budgeted/expenditures by Contracts, HQ and regional offices.</p> <p>3b. Newly reconstituted Administrative Committee to serve this function. Committee is composed of a current department deputy, an attorney, and an MPA.</p>	<p>2c. 90 days following hire of an RA/Deputy</p> <p>3a. Began March 2013, though hampered by lack of a Budget Officer.</p> <p>3b. Began January 2013.</p>
<p>4a. Contracts must comply with DGS guidelines.</p> <p>4b. A Procurement and Contract Handbook should be developed.</p> <p>4c. Develop a procedure for contract approval verification.</p>	<p>4a. Have Administrative Committee receive an overview of the DGS State Contracting Guidelines. Contract staff are attending DGS Contract Training class.</p> <p>4b. RA/Deputy to query other small commissions for examples of Procurement and Contract Handbooks. Contract analysts to ask for samples from DGS staff.</p> <p>4c. See 2b.</p>	<p>4a. At April 25, 2013 Administrative Committee meeting. Completed – DGS Contract Manual Summary, DSS Purchasing Policies and Procedures Handbook, DSS Contract Process Handbook obtained and disseminated to Admin Committee and contract staff. Said handbooks to be reviewed and revised as needed by RA/Deputy.</p> <p>4b. 90 days following hire of an RA/Deputy.</p> <p>4c. 90 days following hire of an RA/Deputy.</p>
<p>5a. DGS Training should be required for contract analysts, managers and their supervisors</p>	<p>5a. Ensure that all relevant staff register for and attend all pertinent classes. Interim E.D. will approve all appropriate training opportunities.</p>	<p>5a. Contract analysts have attended 40 hour DGS Contract Training class in March 2013. Staff Counsel and Interim E.D. completed the same class in April. Additional training that is offered by DGS will be registered for throughout 2013.</p>
<p>6a. Staff needs to use detailed and specific</p>	<p>6a. Staff will be trained in best practices</p>	<p>6a. Contract analysts have attended first</p>

<p>contract language including measurable goals.</p> <p>6b. Staff Legal Counsel should review all proposed new contracts.</p> <p>6c. Contracts should include provision for audits.</p>	<p>for contract language and provisions.</p> <p>6b. Staff Legal Counsel to review all new contracts resulting from a bid prior to SCDD approval.</p> <p>6d. SCDD to revise its contract format to include provision for auditing.</p>	<p>basic contract class and will be registering for additional classes.</p> <p>Staff now have resources (Bid Sync) to find examples of contract language. Staff will also be attending a DGS class entitled "Statement of Work" that focuses on contract language.</p> <p>6b. Effective immediately, all newly drafted contracts that were the result of a bid will be reviewed by both Staff Legal Counsel and Interim Executive Director, the latter in lieu of the hiring of a RA/Deputy.</p> <p>6c. Effective immediately, all newly developed contracts will include a provision for auditing. Contracts will include a link to STD 213 Exhibit C #37 Examination and Audit</p> <p>7a. Effective currently, contract/fiscal compliance is assigned to contract analyst. Programmatic performance review for grants initiated by the Area Boards are assigned to Area Board staff who currently signify approval/disapproval before contract analyst approves invoices for payment. Programmatic review of statewide grants would be assigned to Planning Specialist, a vacant position. In lieu of the Planning Specialist, existing program staff (CPS II) will take on that function effective May 1, 2013, overseen</p>
<p>7a. Assign staff to perform duties of contract manager to include monitoring compliance and performance.</p> <p>7b. SCDD should receive progress reports including final report that details goals achieved or not.</p>	<p>7a. Identify staff to monitor contract/fiscal compliance, programmatic performance and a final approver. Assign substitute staff to cover said functions while staff vacancies exist.</p> <p>Identify source to provide training to staff on elements of grant oversight.</p> <p>7b. SCDD PDC to receive progress reports at a minimum of semi-annually. PDC to include progress report at next SCDD meeting.</p>	

<p>8a. Contracts need to be reviewed for justification that work cannot be performed by state employees (GC 19130).</p>	<p>8a. Procurement and Contract Handbook (see Recommendation 4) to include provision for review of prospective contracts by Planning Specialist for compliance with GC 19130. Before awarding personal services contract, specialist shall identify any current state staff that may perform duties within the scope of requested services and advise SCDD of contract appropriateness.</p>	<p>by the Deputy for Policy and Planning. Final approver would be assigned to Deputy for Administration. While vacant, that duty falls to the Executive Director. UCEDDs will be queried by May 16, 2013 for any recommended sources for grant administration training 7b. PDC will receive first quarterly report of grants/contracts at April 23, 2013 meeting. 90 days following hire of an RA/Deputy. While position is vacant, duty falls to Executive Director.</p>
<p>9a. There need to be written policies and procedures that inform members and staff of their responsibilities. 9b. There need to be signed authorization forms that document approval steps for contracts.</p>	<p>9a. Council members need to be educated as to their fiscal oversight responsibilities. Staff need to review and revise, as necessary, their duty statements and sign a statement that they understand its provisions. 9a and b. Procurement and Contract Handbook needs to include progressive steps and assigned staff for each step of contracting and procuring. Appropriate forms need to be included as Appendices. An approval document should be created that includes the Administrative</p>	<p>9a. Interim E.D. and Chair are attempting to arrange governance and fiscal oversight training for SCDD members by November 2013. Scheduled for May 2013. The Personnel Officer will oversee process of review and revision of duty statements of fiscal and contract staff, to be completed by July 1, 2013. 9b. 120 days following hire of RA/Deputy</p>

	<p>Committee and full Council regarding all contracts and procurements exceeding \$5,000.00. Contracts under \$5,000 will be reviewed by the Administrative Committee and approved by the Executive Committee.</p>	
<p>10a. Ensure that fiscal intermediaries are not be used without DOF approval.</p>	<p>10a. All relevant staff shall be educated on this regulation.</p>	<p>10a. The Interim Executive Director shall put this regulation into a written memorandum to be disseminated to all relevant staff by April 30, 2013. Completed Contract staff have completed basic Contract training with DGS effective March 28, 2013.</p>

**DETAIL SHEET**  
**AGENDA ITEM**  
**Employment First Committee**  
**Data Request**

**ISSUE:** Employment data

**SUMMARY:** Request to DDS and Employment Development Department (EDD) to expand their MOU for data sharing.

**COUNCIL STRATEGIC PLAN GOALS:** 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. Goal #9: Working age adults with developmental disabilities have the necessary information, tools, and supports to succeed in inclusive, gainful work.

**BACKGROUND:** Based on EDD and DDS data, only 14% of working age adults with developmental disabilities receives wages, compared with 24% nationally. Their average earnings are less than \$500 per month. Based on the National Core Indicators Adult Consumer Survey in California, only 8% work in integrated or competitive employment.

**PRIOR COUNCIL ACTIVITY:** The Council sponsored legislation to establish the Employment First Committee (EFC). The EFC has been meeting for three years. The Council is sponsoring AB 1041 (Chesbro) to establish an employment first policy in statute. The Council is a partner agency in the California Employment Consortium for Youth (CECY), a project of national significance funded by the AIDD. Statute requires the EFC, and therefore the Council, to make recommendations on the use and development of data to track the state's progress in promoting integrated competitive employment.

**ANALYSIS/DISCUSSION:** It is critical for the state to track its progress on employment outcomes, and be able to do analysis of data to understand which strategies work and do not work; and who is being adequately served and who is not. The EFC and other groups have been trying to address this issue for some time. The Council, through its participation in CECY, has focused its work on data through the CECY data workgroup (affectionately called the "Data Nerds"). The workgroup has identified existing sources of data that are adequate to create a "data dashboard" for the state to track its progress. However, some additional coordination between agencies is required.

Under a current MOU between DDS and EDD, DDS pulls SSN's of all working age regional center clients. These are provided to EDD who then pulls income information associated with the SSN's and returns the data to DDS in aggregated form. This MOU took a couple years to establish, and has resulted in very valuable, high quality data describing the numbers of people making wages and their average earnings (cited above under "Background").

The CECY data workgroup and the EFC believe that the MOU could be expanded slightly to allow for a deeper analysis, without impacting consumer confidentiality issues, and with a relatively small investment of staff time. This would result in a better understanding of the distribution of earnings; It would also provide data on employment outcomes associated with various service types, age groups, and ethnic backgrounds.

**EFC RECOMMENDATION:** The EFC recommends that the Council request the Department of Developmental Services and the Employment Development Department expand their current data sharing MOU to include: (1) The distribution of annual average earnings, such as in 20 percentile ranges; (2) Average hourly wages and their distribution, such as in 20 percentile ranges; (3) DDS providing SSNs for subgroups to receive the analysis for the percentage of people receiving wages and their earnings, as discussed above. Gaining this data for subgroups would help us better understand the employment outcomes associated with various service types, age groups, and ethnic backgrounds.

**ATTACHMENT:** CECY Data Nerds Current Thinking, its report to the Council's Employment First Committee.

**PREPARED:** Mark Polit, May 1, 2013

# CECY Data Nerds

## Current Thinking

### Late April 2013

**Goal:** Develop mechanism to measure California's progress in supporting people with I/DD to achieve quality employment outcomes.

#### **Employment Data Dashboard (Beta Version) for Working Age Regional Center Clients**

1. Numbers and percentage with earnings;
2. Average earnings and distribution, such as 20 percentile ranges.
3. Annual earnings presented in relation to the federal poverty level;
4. Numbers and percentage in integrated competitive employment (ICE);
5. Average hourly wages and distribution, such as 20 percentile ranges;
6. Number and percentage who worked at least 10 of last 12 months;
7. Numbers and percentage receiving vacation or sick time;
8. Numbers and percentage receiving health benefits through their job;
9. Numbers and percentage without a job who want one;
10. Numbers and percentage receiving support in their employment.

Use the beta dashboard while developing (revising/expanding) MOU's with DDS, EDD and DOR (and ultimately CDE, too). Identify someone in each agency who works with and has good familiarity with the relevant data sets.

## **Employment Data Dashboard (AlphaVersion)**

Expand data analysis to all working age individuals with I/DD. Involve DOR and CDE clients in analysis. Current thinking is to receive individual income data from EDD for the departments (see below for possible legislation) to do analysis for the dashboard, and additional background information.

Once we can get the needed data on a regular basis for analysis, we will be able to move on to dashboard alpha which will be more complete and more sophisticated. Dashboard alpha will exist on the web, possibly the SCDD site, where it will be accessible by any interested party. Other web locations may emerge as we move forward.

Once we have made the alpha dashboard functional then the Data Nerds can work on figuring out how to humanize and personalize the data. We believe that behind each element of the dashboard should be a plain language description of what that element tells us **and** one or more consumer's points of view of each element and what it means for their lives.

## **POSSIBLE ACTIONS EFC AND SCDD**

### **Data Request to DDS and EDD**

Under the current MOU between DDS and EDD, DDS pulls SSN's of all working age regional center clients. These are provided to EDD who pulls income information associated with the SSN's and returns the data in aggregated form.

We can request that EDD and DDS expand their current MOU to achieve certain dashboard measures not currently available:

1. Numbers and percentage with earnings (currently available);
2. Average earnings (currently available) and distribution, such as 20 percentile ranges.
3. Annual earnings presented in relation to the federal poverty level (currently available);
5. Average hourly wages and distribution, such as 20 percentile ranges;

Additionally, DDS can provide SSNs for subgroups to receive the same analysis for all or part of the above data. Gaining this data for subgroups would help us better understand the employment outcomes associated with various service types, age groups, and ethnic backgrounds.

## **Need for Legislation?**

We are contemplating eventually asking DDS, DOR, and CDE to pull SSN's of their clients who are RC clients (ultimately all with ID/DD). These files will be provided to EDD who will be asked to pull income information associated with the SSN's and return it to the respective agencies who can then do analysis and contribute information for the dashboard.

Once we have talked through issues with the individuals who know the respective data systems, we will most likely ask the State Council on Developmental Disabilities to sponsor legislation to make data sharing with EDD possible for the dashboard. Obviously, if we can determine that the sharing can be done without enabling legislation, we will follow that path. However, legislation will likely be required so that everyone can remain compliant with HIPPA.

**DETAIL SHEET  
AGENDA ITEM  
Employment First Committee  
Federal Policy Proposal**

**ISSUE:** Pilot project for reform of federal work incentives related to SSI.

**SUMMARY:** The World Institute on Disability (WID) and the National Council on Independent Living (NCIL) have prepared a detailed proposal to Congress for a pilot project which would encourage and support the employment of people with disabilities on SSI. The EFC is recommending the Council support key concepts embodied in that proposal.

**COUNCIL STRATEGIC PLAN GOALS:** 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. Goal #9: Working age adults with developmental disabilities have the necessary information, tools, and supports to succeed in inclusive, gainful work.

**BACKGROUND:** SSI provides a ground of income for 4.6 million working age people with disabilities across the country. In order to qualify for SSI, an individual must have low assets, low income, have significant impairments in functioning (disability), and prove that they are not capable of working. Nearly 15 years ago, the federal Ticket to Work legislation created improved incentives for people with disabilities to enter the workforce. However, the movement off of SSI is minimal.

Coming out of the disability community, this proposal seeks to change the presumption within SSI from "not able to work" to "can and will work." This proposal seeks to break the trap of enforced poverty and dependency of SSI recipients.

**PRIOR COUNCIL ACTIVITY:** The Council sponsored legislation to establish the Employment First Committee (EFC). The EFC has been meeting for three years. The Council is sponsoring AB 1041 (Chesbro) to establish an employment first policy in statute. The Council is a partner agency in the California Employment Consortium for Youth (CECY), a project of national significance funded by the AIDD. Statute requires the EFC, and therefore the Council, to make recommendations on policy that promotes integrated competitive employment.

**ANALYSIS/DISCUSSION:** In their February planning meeting for the coming year, the EFC adopted as their leading area of focus the relationship between work and public benefits. This was based in part on the interviews of self-advocates by self-advocates on the committee which showed that people were afraid to work because they may lose their benefits. This fear of losing benefits has taken many people out of the workforce. At the April 30 meeting of the EFC, the committee had a presentation by Bryon MacDonald from WID and Eric Glunt from the San Diego State Interwork Project on federal work incentives and the NCIL/WID proposal.

At 18 years, young people with disabilities apply for SSI benefits, and they must prove that they are incapable of working. This is the wrong message to send to a young person. The pilot seeks to remove that test, and instead require a young person to develop a plan to develop a career. That plan would utilize existing resources within the pilot states to support their career development. The pilot would also allow participants to keep receiving the federal portion of their SSI check, This is an additional incentive for earnings, and it helps offset the high cost of being disabled.

**EFC RECOMMENDATION:** The EFC recommends the Council support piloting the major concepts embodied in the WID/NCIL SSI reform proposal:

(1) On eligibility, retain means testing and qualifying for the program through the current SSA Listing of Impairments. However, the SSI test for "incapacity to work" would be eliminated.

(2) Program participants must develop and comply with an Individual Career Plan. The plan would be developed from a list of available vocational or employment support services. Non-compliance with the plan would cause the participant to exit the pilot to current SSI benefit rules.

(3) Participants would receive "life coaching" services on resources for implementing the Individual Career Plan.

(4) The federal SSI benefit rate of \$710/month would remain whole for participants, no matter what wages are earned, as long as they are in the pilot.

(5) Online reporting, tracking, and consumer information services in the test states.

**ATTACHMENTS:** WID PowerPoint, April 30, 2013, Employment First Committee meeting. WID Discussion Draft, "Let Me Work, A Policy Framework for Americans with Disabilities on Employment, Economic Equity, Social Insurance, and Public Benefits".

**PREPARED:** Mark Polit, May 1, 2013

# SSI YOUTH

## PUBLIC POLICY'S VOCATIONAL FAILURES

**Presentation to:**

CA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES  
EMPLOYMENT FIRST COMMITTEE

**APRIL 30, 2013**

CURRENT PRACTICE AND POLICY OPTIONS TO IMPROVE EMPLOYMENT  
OUTCOMES FOR TRANSITION AGE YOUTH WITH DISABILITIES

Presenter

Bryon MacDonald, World Institute on Disability

### Youth Setting the Goal

2

*"The best form of  
disability advocacy  
is your career."*

Hamza Jaka, UC Berkeley Class of 2014

## Objectives to Serve SSI Youth

3

### *"Make Work a Part of the Plan"*

- ▣ Educators, VR agencies, families and family groups:
  - ▣ Set expectations that young people with disabilities will work

**Allow** VR to begin working with SSI youth at age 16

**Encourage and increase technical assistance** so that:

- ▣ More SSI youth use SSI PASS plans to build a career
  - ▣ Plan for **Achieving Self-Support**
- ▣ More SSI youth take advantage of Individual Development Accounts (IDAs) which are excluded as an SSI resource

## Objectives to Serve SSI Youth

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### **SSA and Federal programs:**

Provide more support for online **employment and benefits planning**

**Tools** such as Disability Benefits 101 (DB101), WorkWORLD, Pathways to Employment, and other *free, state centric tools* in:

- ▣ AZ, CA, HI, MI, MN, MO, NJ, VA, and the State of Washington (20% of U.S. states is a trend!)
  - ▣ "just in time" counseling tools assist SSI youth, families, and their service providers in assessing how paid work will affect SSI benefits
  - ▣ Online tools elevate the script and can reduce counselor bias

## Objectives to Serve SSI Youth

Increase support for internships, school and work experience, and peer mentoring programs, priorities in the recent Youth Transition Demonstration projects, and the emerging PROMISE initiative at the Department of Education and SSA.

## SSI YOUTH BUILDING CAREERS

Outline of State Pilot Projects to Test alternatives to the most egregious Procedures Social Security puts SSI youth and their families through

## Understand the SSI Application Rules

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Youth with disabilities at age 18 and older, in their prime career building years, undergo rigorous testing for award of SSI based on providing evidence from their medical history, and documented functioning levels, to prove the youth cannot work.

## Understand the SSI Application Rules

8

SSI applications for 18 year olds and above is the wrong and unforgettable test at the wrong time, affecting the youth, her peers, and the family for long periods of time after the application process.

*Consider SSI youth at age 18 applying for SSI disability under current rules, and at the same time struggling to achieve success within a school and work program funded by I.D.E.A. The mixed federal messaging does not serve any one of these youth with career plans.*

## 3 to 4 State Pilot Projects to Address SSI's Worst Policy Puzzles

**Goal:** transform SSI carefully, and incrementally over a 12 year period

**Use state boundaries** to design and develop pilot projects that blend existing funds from programs that work with families and young people with disabilities with new pilot project funds

**Be Bold and Be Balanced**

## Pilot Project Reform Strategy

- ✓ A major, national reform is unlikely, and unwise given the complexities of current systems and the objectives sought.
- ✓ Random sample social science demonstrations can take decades historically. SSI youth don't have decades to wait for changes.
- ✓ **Viable Option: Career Building "Let Me Work" Pilot Projects**  
 Test new treatments in 3 to 4 statewide pilot projects with a sunset date and a limited set of new interventions  
 Use existing resources and a cross section of diverse states, as to current SSI employment rates, etc.

## The 3 Key Pilot Project Elements

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- **Award enrollment** at or by age 18 into a default, alternate benefit program based on the high costs of impairments (Fremstad 2009) for youth who meet or equal the current SSA Listing of Impairments but without a test for work incapacity.
  - *Means tested low income eligibility criteria would not be linked to medical evidence or tests of work incapacity*
- **Require compliance** with an SSA approved **Individual's Career Plan (ICP)** to remain eligible for the benefit program
  - ICP is developed for SSA approval from a list of available vocational and employment support services
  - Non compliance: exit to current SSI benefit rules
- **Provide Life Coaching** services to enrollees providing guidance on current and available resources to support the ICP

## Pilot Project Elements for SSI Youth

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- **Test major simplification of** enrollee paid work rules
  - Test the SSI federal benefit rate (\$710 per month) remaining whole during enrollment in the pilot project no matter what the wages earned.
- **Integrated deployment** of online reporting, tracking, and consumer information services in the test states
  - Move away from monthly wage reporting

## Pilot Project Elements for SSI Youth

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**Evaluative Reports** for Congressional scrutiny every 3 years

**Sunset** the program on *or before* 12 years depending on milestones

**Sunset Model Precedent:** Current SSI 1619(a) and (b) work incentives enacted in 1980; sunset clause was removed years later making the new policy permanent

**Federal Agency partners** to implement the pilot projects:

- Centers for Medicare and Medicaid Services (CMS)
- Department of Education
- Department of Labor (DOL)
- Internal Revenue Service (IRS)
- Social Security Administration (SSA)

## Presentation Background

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### Pilot Project Highlights from:

~ DISCUSSION DRAFT MARCH 4, 2013 ~

#### Let Me Work

A Policy Framework of Americans with Disabilities on Employment, Economic Equity,  
Social Insurance, and Public Benefits

#### Policy Option One

Test Replacing the SSI Program with the Career Building ACCESS Program for  
Youth 18 to 30

By Thomas Foley, Bryon R. MacDonald, With Contributions From  
Anita S. Aaron, Neil Jacobson

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**DISCUSSION DRAFT**

Center on Economic Growth  
**WORLD INSTITUTE on DISABILITY**  
In partnership with  
**National Council on Independent Living**

**Let Me Work**

A Policy Framework of Americans with Disabilities  
On  
Employment, Economic Equity,  
Social Insurance, and Public Benefits

**Policy Option One**

Test Replacing the SSI Program with the Career Building ACCESS Program for  
Youth 18 to 30, with SSA as a Required Partner

By

Thomas Foley, Bryon R. MacDonald  
With Contributions From  
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**DISCUSSION DRAFT**

March 4, 2013

## Policy Framework Sections

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### ABSTRACT

#### SSA DISABILITY PROGRAMS: POST ENTITLEMENT REFORM DIRECTIONS

**Policy Option One:** Test Replacing the SSI Program with the ACCESS Program for Youth 18 to 30

**Policy Option Two:** (to follow) Discussion Elements for an SSDI Let Me Work Program

### CONTRIBUTORS

#### SSA DISABILITY PROGRAMS: PRE-ENTITLEMENT REFORM DIRECTIONS

### NEXT STEPS

### RESOURCES AND BIBLIOGRAPHY

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["The best form of disability advocacy is your career."](#)

[Hamza Jaka, UC Berkeley Class of 2014](#)

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## **ABSTRACT**

Policy thought leaders across the country agree that the Social Security disability programs remain the single, most pervasive deterrent to the productivity and economic well being of Americans with disabilities.

The cultural and public policy challenge of our time is that mainstream America, individuals and families, understand the following statement all too well, and present as powerless to address it in sustainable ways that improve quality of life:

*"I am going out on disability."*

The prevailing culture and U.S. federal policy endures that disability separates, from the workforce and other key aspects of life. The 2013 goal is to address and effect legislation that changes federal public policy and the stagnant unemployment rates of Americans with disabilities it supports.

These policy directions arise from experts in the field who are Americans living with the high costs of disability and long term health conditions. After decades of research, discussion, and false starts at structural reform, a focus has emerged to replace federal disability policy on disability benefits with new programs commensurate with our expectations that we be productive, and engaged in self-managing careers backed by consistent and more efficiently run disability services.

The Policy Option One in this paper, a 12 year pilot project for SSI youth 18 to 30, is first in a series being published to set directions for redesigning and replacing the current disability benefit programs administered by the Social Security Administration (SSA), namely:

The Social Security Disability Insurance (SSDI) program and related Title II benefits of the Social Security Act, and,

The Supplemental Security Income (SSI) program and related provisions in Title XVI and Title XIX (Medicaid) of the Social Security Act.

Taken together, forthcoming papers will integrate and comment on directions for pre-entitlement reform, that is, for working and non working Americans living with disability who are not on Social Security disability benefits, and post-entitlement reform, for those individuals

and families who access benefits based on disability from Title II, Title XVI, and Title XIX of the Social Security Act.<sup>1</sup>

## **SSA DISABILITY PROGRAMS: POST ENTITLEMENT REFORM DIRECTIONS**

### **Policy Option One**

Test Replacing the SSI Program with the career building ACCESS program for youth 18 to 30, with SSA as a required partner. Execute and evaluate an ACCESS program pilot project: **ACCESS, Adult Coaching, Counseling, and Employment Support Services**

### **Hypothesis**

If earnings thresholds are raised, fear of losing eligibility to cash benefits and healthcare are addressed, and job supports are available, the rate of unemployment and under-employment of the pilot group, youth with disabilities between the ages of 18 and 30, will be significantly lower than current rates, and the rates of those who fit the program profile who choose to remain in the SSI program.

A successful pilot project test period would show how to restructure existing, silo-ed, federal disability programs.<sup>2</sup>

### **The Application Rules for the ACCESS Pilot Project for 18 to 28 Year Olds**

The ACCESS program uses the current SSI medical rules for eligibility and enrollment into the program. The current SSA procedures seeking evidence that medical conditions of the applicant meet or equal a set of symptomatic, evidence based criteria related to their physical or mental health condition would be deployed in the ACCESS program.<sup>3</sup>

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<sup>1</sup> In 1974, the federal government established the Supplemental Security Income (SSI) program to provide cash assistance to people who are disabled, aged, or both and who have low income and few assets. SSI replaced several state-run support programs that had been partially financed by the federal government. In fiscal year 2013, the program will make payments to more than 8 million people at a cost to the federal government of about \$53 billion, the Congressional Budget Office (CBO) estimates. Currently, about 60 percent of SSI recipients are disabled adults (ages 18 to 64), about 15 percent are disabled children (under age 18), and about 25 percent are aged adults (age 65 or over) with or without disabilities. Congressional Budget Office (CBO), December 2012.

In 2011, SSA's Social Security Disability Insurance program paid benefits to 9,803,581 insured Americans, 8,575,544 were insured workers, 251,011 were widows or widowers of insured workers, and 977,026 were childhood disability beneficiaries of insured workers. SSA Annual Statistical Report on the Social Security Disability Insurance Program, 2011, released July 2012.

<sup>2</sup> Congress would authorize, find, and realign funding for the ACCESS pilot project. Federal partners needed to implement the pilot project include the Centers for Medicare and Medicaid Services (CMS), the Department of Education, the Department of Labor (DOL), the Internal Revenue Service (IRS), and the Social Security Administration (SSA).

<sup>3</sup> By way of illustration, the current medical rules and procedures used to award enrollment in a state Medicaid Buy-In (MBI) for workers with a disability could be adapted or improved on, and applied to ACCESS program applicants.

The ACCESS program is a means tested program with initial eligibility restrictions on annual earnings, assets, and resources.<sup>4</sup>

In a 12 year test period, youth who turn 18 and are on SSI at the time, youth 18 to 28 and not on SSI, and SSI recipients up to age 28, could apply for the ACCESS program. The applicant must show recent evidence of severe impairment(s) that meet or equal the SSA Listing of Impairments, also called the Blue Book.<sup>5</sup> Residual Functioning Capacity (RFC) assessments, as in current rules, will help to assess whether the applicant meets or equals the Listing of Impairments. However, analysis on improving functional assessment, and separating assessment of function from employability, as part of the ACCESS pilot eligibility process, is part of program design.<sup>6</sup>

In 2010, about 1.2 million youth below age 18 were receiving SSI benefits, 15.7% of all SSI recipients. About 4.6 million recipients were between the ages of 18 and 64 in 2010, 58.5% of all SSI recipients.<sup>7</sup>

### Earnings

Social Security's disability programs have a standard way of defining work. The term Substantial Gainful Activity (SGA) is used to describe a level of work activity or earnings. In 2013, if the applicant has gross earnings over \$1,040 per month (or \$1,740 if blind), Social Security considers these earnings Substantial Gainful Activity. In an application for SSI, SSA states the person does not have a disability if there are earnings above SGA in the month of application.

The ACCESS program does not use or apply SSA Substantial Gainful Activity (SGA) rules to become eligible for it, between the ages of 18 and 28.<sup>8 9</sup> The ACCESS program does have

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<sup>4</sup> SSI defines the terms assets and resources differently. In the SSI program not all "assets" are countable (or excluded) "resources." Resources are generally assets that are either liquid, or that can be converted to cash to purchase food and shelter. For instance, your home may be an asset, but is considered an excluded resource for SSI purposes. Or you may have an ownership interest in a house that you don't live in, but own with your 3 brothers. That is considered an asset, but is not a resource to you because you can't liquidate it to get cash to buy food and shelter, so it becomes a non-countable resource.

<sup>5</sup>The SSA Listing of Impairments is at: <http://www.ssa.gov/disability/professionals/bluebook/AdultListings.htm>.

<sup>6</sup> Current SSI law issue area: In current law, the youth who turns 18 who is on SSI, and the 18 year old, or older not on SSI with a comparable disability and *applying* for SSI, is treated with different sets of SSI eligibility rules. ACCESS seeks to reconcile this policy puzzle. The youth who turns 18 years of age and is already on SSI, and undergoes the SSI Age 18 Medical Redetermination process, may be continued and allowed ongoing SSI eligibility largely based on whether the youth's impairments meet or equal the medical rules related to the SSA Listing of Impairments. The 18 year old and above, who is not on SSI now and applying for SSI, must *first* show whether he or she is earning wages under Substantial Gainful Activity (SGA) amounts, \$1040 gross earnings per month for non blind applicants for 2013, and \$1,740 gross earnings per month in 2013 for applicants who meet the medical rules for blindness. SGA dollar amounts are adjusted every January with a process called *indexing*.

<sup>7</sup>SSI Annual Statistical Report, 2010, page 21, Social Security Administration, 2011.

<sup>8</sup> For the current SSA process for SSI Disability Redeterminations at age 18, see; <https://secure.ssa.gov/apps10/poms.nsf/lnx/0411070030>.

annual earnings restrictions. The annual limit on earnings when applying for the program will be the same as the annual earned income thresholds or limits in the SSI Sections 1619(a) and (b) rules.

We view 28 as the cutoff age to apply for ACCESS, so there is at least a two year window to take advantage of its services before reaching age 30.

In the SSI 1619(a) and (b) rules each state has its own annual earnings threshold or upper limit for those who are already on SSI.

**1619(a)**

Rules that allow SSI recipients to keep their SSI benefit at a lower level when they return to work.

**1619(b)**

A rule that allows people on SSI to keep Medicaid coverage when their combined monthly income is too high to get any SSI cash benefit. In Arizona for example, SSI recipients can keep their Medicaid services and SSI eligibility while earning up to \$36,921/year.<sup>10</sup>

**Issue area:** SGA is Social Security's *monthly* test of gross earnings. The pilot project will implement a standard 1619-like *annual* earned income threshold for applicants.

**Assets and Resources**

Current SSI rules on assets and resources will apply for initial eligibility. Resources are limited to \$2,000 in available cash for individuals and \$3,000 for a couple applying for the program. The applicants' house they live in and the car they drive are exempt resources.

**Note: Current SSI Age 18 Redetermination Trends**

At age 18, an SSI youth undergoes an Age 18 Medical Redetermination process for continued SSI eligibility based on Social Security medical rules used for adults. A percentage of SSI youth who undergo the SSI "redetermination" process are ceased SSI benefit eligibility during the

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<sup>9</sup> DI 22001.035 The Five Steps in Sequential Evaluation that SSA now uses to determine SSI eligibility - Chart at: <https://secure.ssa.gov/apps10/poms.nsf/lnx/0422001035>, The chart summarizes the steps described for determining disability in initial claims and reconsiderations and reopenings of initial claims for Title II (SSDI) workers, childhood disability applicants, or disabled widow(er)s and surviving divorced spouses disability for monthly benefits, and Title XVI (SSI) applicants age 18 or older. As the baseline, ACCESS program application Steps would focus on Step 2 and Step 3 of the current SSA Sequential Evaluation Process.

<sup>10</sup> Understanding Supplemental Security Income SSI Spotlight on Continued Medicaid Eligibility for People Who Work: Section 1619(b) -- 2013 Edition; <http://www.socialsecurity.gov/ssi/spotlights/spot-medicaid.htm>, Social Security Administration.

redetermination process; many who are ceased eligibility for benefits come back onto SSI during the years proposed for the ACCESS pilot project.

## **ACCESS Program Enrollees**

### **Earned Income**

The ACCESS program enrollee keeps all of the monthly benefit check after work begins up to new, annual earnings limits.

Once the applicant is found eligible for ACCESS, all of the federal benefit monthly check (called a Federal Benefit Rate, or FBR) would be available to the ACCESS program enrollee each month until age 30, up to new, annual earnings limits. The ACCESS program monthly cash check, called a stipend, helps pay for the costs of disability (Fremstad 2009), and becomes part of the resources available in the enrollee's Plan, as outlined below.<sup>11</sup>

**Issue area:** the annual earnings limit after enrollment. Cost of living and the costs for Medicaid vary geographically, policy that federal SSI 1619 rules recognize. The ACCESS pilot lists design options for the earnings limit for stakeholders to consider:

#### **Options**

1. **Preferred Option to Date:** Current SSI 1619 annual earnings threshold limit for each test state. **Note:** the 1619 earnings limit rules now have a provision for SSI recipients to apply for an Individual Earnings Threshold above the SSI earnings limit for the state the person lives in.
2. Medicaid Buy-In earnings limit in the test state.
3. Living Wage projections for test states.<sup>12</sup>
4. Other.

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<sup>11</sup> A core rationale for retention of the SSI federal benefit rate stipend is the known, high cost of managing disability. For this reason, and for simpler, easier to understand and administer rules, the current rules for SSI Impairment Related Work Expenses, Blind Work Expenses, and Plan for Achieving Self-Support would not be needed, or apply until after the enrollee's earnings exceed the ACCESS program's earnings limit. This is similar to current 1619(b) rules when SSI recipients exceed 1619 annual earnings thresholds.

<sup>12</sup> General information from Wikipedia: [http://en.wikipedia.org/wiki/Living\\_wage](http://en.wikipedia.org/wiki/Living_wage) - "Living wage is defined by the wage that can meet the basic needs to maintain a safe, decent standard of living within the community and have the ability to save for future needs and goals.<sup>[1]</sup> The particular amount that must be earned per hour to meet these needs varies depending on location and family circumstances. Currently the minimum wage across the US is \$7.25, which in most areas is well below living wage due to high [rent](#) or [house prices](#) in cities and [automobile dependent](#) arrangements of grocery stores, jobs, housing, and services in suburbs and outlying areas, causing combined housing and transportation cost to be high both in the city and in the outlying areas. In 1990 the first living wage campaigns were launched by community initiatives in the US addressing increasing poverty faced by workers and their families. They argued that employee, employer, and the community win with a living wage. Employees would be more willing to work, helping the employer reduce worker turnover ratio and it would help the community when the citizens have enough to have a decent life.<sup>[2]</sup> [Poverty threshold](#) is the income necessary for a household to be able to consume a low cost, nutritious diet and purchase non-food necessities in a given country. Poverty lines and living wages are measured differently. Poverty lines are measured by [household units](#) and living wage is based on individual workers. A related concept is that of a [family wage](#) – one sufficient to not only support oneself, but also to raise a family."

### **Assets and Resources**

There are no asset or resource caps or limits once enrolled in the ACCESS program.<sup>13</sup> These resources are available for the required career planning in the program. Savings, assets and resources acquired in the ACCESS pilot project are held and protected resources after the program ends.

**Discussion:** The ACCESS enrollee must have an Individual's Career Plan (ICP); earnings, assets and resources acquired in the program can go into and be part of the Individual's Career Plan. Assets and resources acquired in the program support the routine ups and down of career building, such as being laid off, retrained, etc. As noted below, a "cash and counseling" approach similar to models used in Medicaid applies to the pilot design.

#### **Resource considerations once enrolled in ACCESS:<sup>14</sup>**

- Individuals can save earnings in a separately identifiable account with no limit. The savings in this separate bank account will not count against the resource limits of \$2000 for an individual and \$3000 for a couple if the individual transfers to other aged, blind or disabled Medicaid or SSI programs.
- Earnings and other income deposited into an IRS-approved retirement account will not count towards the program's resource limits. Savings in these retirement accounts will continue to be exempt if the individual transfers to other aged, blind or disabled Medicaid or SSI programs.
- Resources gained in the ACCESS program remain exempt at age 30, in a continued version of the ACCESS program, with a return to the SSI program, and when applying for other means tested programs.

### **ACCESS Services**

The key ACCESS program design is that it is an attractive program to get into. Without major, secondary program eligibility rules or procedures, the ACCESS program provides the enrollee time and services to further plan for education, independent living and employment.

Attractiveness of the program raises the inevitable "woodwork effect" and induced entry concerns, in other words, new individuals will want to enroll in ACCESS and receive government services that they do not receive today. The authors want induced entry effects to take place in the ACCESS pilot project. We want youth and families to think it is in their self-interest to apply for ACCESS services.

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<sup>13</sup> Current SSI resource limits: \$2,000 in liquid cash assets, and current exemptions of the home you live in and the car you drive. SSA uses the term "resources" to refer to liquid and non liquid assets.

<sup>14</sup> These three resource rules are adapted from current provisions in the California Medi-Cal Working Disabled Program.

Pilot objectives include realigned, predictable and seamless sets of services not available today. We recognize the woodwork effect as a primary design issue; experienced researchers are discussing this design issue with the authors. The pilot project in a fixed number of states can limit enrollment in the ACCESS services in ways that control for the woodwork effect, for example, limiting enrollment to existing SSI recipients as of a certain, fixed date. At this writing, we are refining best approaches to address woodwork effects.

Each enrollee must develop the Individual's Career Plan (ICP), with available assistance from an SSA approved list of agencies and organizations. ACCESS has compliance rules with regular reviews for continued eligibility and enrollment.

ACCESS is a one-door-in program providing individual coaching and counseling, family benefits and financial planning, vocational rehabilitation (VR) and job placement services,<sup>15</sup> supported employment, to include counseling and access to seamless, appropriate, affordable health coverage and community supports.

To remain eligible, the ACCESS program enrollee builds and works on a career plan to self-manage and modify for up to 12 years, with case coordination and coaching help available, when needed and requested, from an assigned counselor for the individual, and the family, as appropriate.

Training, education, and paid work are included as viable and required activities in the ACCESS program, per the design of the ICP.

### **The Individual's Career Plan (ICP)**

The ICP has the goal of maximizing an individual's productivity potential. The enrollee designs, works on, changes and agrees to comply with their Individual's Plan until their 30th birthday, and earlier if they choose to leave ACCESS before age 30 because they no longer need its services. Plan activities and outcomes would include and are not limited to:

- being employed
- attending school
- attending training programs
- internships
- volunteering
- attending rehabilitation programs
- attending day programs
- pursuing personal enrichment goals
- understanding what supports and accommodations are available

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<sup>15</sup> As appropriate to youth with learning disabilities, intellectual/developmental disabilities and those with complex medical issues.

The enrollee chooses to select help with the Plan from an SSA approved list of service agencies. The ICP must be agreed to by the ACCESS enrollee and an SSA approved agency within 60 to 90 days after ACCESS program eligibility is determined. Life Coach, Counselor and funded services for the ICP are available as requested by the enrollee to develop and implement the Plan. Approved sources for services and help with the Plan will include the state's vocational rehabilitation department, scholastic and vocational services funded by IDEA, supported employment programs, county mental health employment services, etc.

Life Coaching services would be provided by the ACCESS program itself. Life Coaching services are seen as providing the youth with information and navigating guidance on an array of available services and procedures, and the methods for obtaining them. For example, a Life Coach would include providing traditional benefits, health coverage, and work planning services similar to counseling that SSA has funded.<sup>16</sup> In effect, these services set up a form of “cash and counseling” services in the ACCESS program. The New York Employment Services System characterizes the quality of these types of services as “just in time counseling.”<sup>17</sup>

Advocacy and more paralegal, trouble shooting services would also be available via programs similar to the recently closed SSA Protection and Advocacy for Beneficiaries of Social Security.

The ACCESS program funds, and provides Life Coaching services during the pilot project, and makes them available after enrollment in the program. The same would be the case for the advocacy and paralegal trouble shooting services, as these services have been warranted due to the complexity of current benefit systems.

The Individual's Career Plan must be reviewed, updated, agreed on, and approved annually by the enrollee and one of the SSA approved agencies. Individuals who fail to comply or choose not to comply with their Plan will be subject to penalty procedures, including termination from

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<sup>16</sup> Work Incentives Planning and Assistance (WIPA) grants that SSA funded until 2012 to provide local, one on one counseling services by trained staff.

<sup>17</sup> <http://www.nyess.ny.gov/> : “Operating under a whole-person philosophy, New York State (NYS) has successfully brought together its employment services systems to create a single approach to linking and coordinating employment supports, using the Medicaid Infrastructure Grant as the catalyst. NYS has seized upon this opportunity, focusing a large component of Medicaid Infrastructure Grant dollars on efforts to merge the segregated disability-related employment systems into the mainstream resource that most people in NYS (and elsewhere) turn to for assistance in finding job opportunities and supports – the Department of Labor. This comprehensive employment system called the New York Employment Services System (NYESS) provides all New Yorkers – regardless of their (dis)ability – with a single point to access all employment-related services and supports, including job matching with the approximately 90,000 jobs currently posted by employers in the NYS Job Bank.”

the program. Terminated enrollees may reapply to ACCESS by submitting a new ICP under certain conditions.<sup>18</sup>

As noted, Life Coaching services provide information on a broad range of employment support services. ACCESS enrollees can leave the formal program at any age when they decide they no longer need direct ACCESS services.

### **ACCESS Program Youth Reaches Age 30**

Enrollees, who are complying with their ICP on their 30th birthday when the program ends for them, or if they leave the program earlier because they no longer need services, should move on “without harm” -- able to retain assets and resources, access Medicaid, personal assistance services (PAS), supported employment, and other dedicated, potentially high cost supports.

The ACCESS cash stipend ends at age 30 in the pilot project design. Paid work in the ACCESS program never triggers policy that harms enrollees later on down the road.

Even when earnings exceed 1619 annual threshold amounts at age 30, the high cost needs of various impairments warrant that there be continued eligibility for non-cash benefit services such as Medicaid, PAS, supported employment, etc.

Considering interoperability with recent designs from the White House and SSA’s Work Incentives Simplification Project (WISP) for the SSDI populations, could an ACCESS enrollee, in compliance with their ICP, move indefinitely into a second program at age 30 as long as there is evidence that the medical impairment continues?<sup>19</sup>

### **Discussion**

*After 8 years of evaluating a successful ACCESS pilot project, would Congress change/modify the SSI program and adapt successful ACCESS features into the existing SSI program?*

- Some enrollees would work themselves off the ACCESS Program by age 30.

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<sup>18</sup>Discussion -- the SSA **Ticket to Work Program (TTW)**: ACCESS program enrollees may not be eligible for the SSA Ticket to Work Program, unless demonstration design rules allow ACCESS program individuals to negotiate for services in the Ticket to Work Program, and pay for them in part or whole with their ACCESS stipend, earnings and saved resources. The ACCESS program enrollee is receiving a full federal benefit check. Under current TTW rules, reduced SSI checks because of paid work in the Ticket Program are the funds used to pay TTW Employment Networks, when SSI recipients earn specific amounts of money per month. Were the ACCESS program to interact with the Ticket Program, it could increase and enhance the marketplace-driven aspects first designed into TTW. The ICP would still be self-managed by the ACCESS program enrollee; an Employment Network could be an SSA approved agency developing a Plan.

<sup>19</sup> The Work Incentives Simplification Project (WISP), reform to SSDI post entitlement work rules, has been in discussion and design phases at SSA and the White House Office of Management and Budget (OMB) since 2008.

- Affordable Care Act (ACA) implementation, in conjunction with better ACCESS career outcomes, could be elements that support and continue success when the ACCESS pilot project ends, or is used to transform SSI, or both.
- Some enrollees could be eligible for the existing SSI program when they reach 30 and may apply for it under its current rules.
- Some will need ongoing access to traditional Medicaid and PAS, some will need supported employment services, and some will benefit from episodic employment support services.
- Some, before and/or by age 30, when earnings fall below current, monthly SGA rules, could become SSDI eligible from their improving work history in the ACCESS program.
- The ACCESS program full federal benefit rate cash stipend that ends at age 30 will be available after 30 as a standard tax deduction for those working.
- Consider ACCESS program interaction with the IRS Earned Income Tax Credit (EITC).

#### **Pilot Project Test Sites and Design Research**

- All SSI recipients in the test states who turn 18 apply for that state's ACCESS program as the default. The SSI program remains available to apply for by an active choice.
- Pilot project rules reduce administrative costs, by designing them to be as straightforward and uncomplicated as possible, and by using electronic reporting, internet based technologies, and moving away from impossible to manage month to month reporting procedures.
- Test the ACCESS program in at least three states; one urban, one urban rural, one rural; use three other states as control groups. Other state selection criteria could include states with very different SSI recipient earned income data, as examples, California and Minnesota.
- Conduct a cost/benefits analysis that includes actuarial projections across federal agencies. If ACCESS spends SSA dollars, will CMS and Medicaid save money when ACCESS enrollees have improving career paths?
- Recent demonstrations and research can assist with the ACCESS program design: SSA SPI projects, Medicaid Buy-In research, SSI PROMISE literature, etc.<sup>20</sup>
- What practice in current SSI law can be adapted, included, or considered designing the pilot project?
  - Example: Current Section 301 protections for those on SSI now who are under the age of 18?<sup>21</sup>

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<sup>20</sup> <http://www.ssa.gov/policy/docs/ssb/v69n4/v69n4p1.html> - The Age-18 Redetermination and Postredetermination Participation in SSI, a thorough and recent analysis of these procedures, by Jeffrey Hemmeter and Elaine Gilby, Social Security Bulletin, Vol. 69 No. 4, 2009.

### **Pilot Project Resources, Partners and Congressional Authority**

- Realign resources from agencies doing this work in silos to pay for the pilot project. Congress could extend a 12 year pilot project after scrutiny of its progress reports. Congress can authorize a multi agency pilot project such as ACCESS, via multiple Committees of jurisdiction, and require multiagency participation in its implementation.<sup>22</sup>

### **Evaluation**

- Submit evaluation reports every three years for Congressional scrutiny starting after test states begin the ACCESS program implementation.
- Evaluation teams include significant numbers of qualified researchers with long term disabling conditions.
- Evaluation methodology will test the ACCESS program federal treatments and rules that are new and different from current SSI rules. State flexibility in designing their test program has a bearing on how the pilot project is evaluated for Congressional scrutiny. ACCESS is testing a new set of federal policies, in contrast to testing how state governments could administer independently separate sets of policies for Social Security disability benefits.

Forthcoming papers in the series will include a design process for a new SSDI framework that can integrate with the ACCESS program design. A successful ACCESS pilot project period could replace or change SSI over time. SSI and ACCESS are means tested programs at their core. SSDI is monthly, FICA-taxed paid social insurance, culturally and in reality, an earned benefit funded by a dedicated tax from employers, employees, and the self-employed.

### **Reform Design Caution**

WID and NCIL caution against employment-focused disability program reform that does not account for the long-term interoperability between the SSI and SSDI programs. Reforms that do not account for these FICA tax-based, employment-based program interactions, affecting the same disability beneficiary, could repeat and replace the program complexities and mistakes we have in place today, with a new set of complex programs that do not meet stated objectives.

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<sup>21</sup> In current SSA law, a disability beneficiary can be ceased eligibility for SSA disability programs due to medical improvement, including SSI recipients who are under the age of 18. If an SSI youth reaches age 18 in an ACCESS test pilot state, and is already enrolled in an SSA approved vocational plan or program, and found medically ineligible for SSI at age 18, the SSI benefits and eligibility continue under "Section 301 protections" until the vocational plan or program is completed, and formally ends.

<sup>22</sup> As noted in the beginning of the paper, Congress would authorize, fund, and realign funding for the ACCESS pilot project. Federal partners needed to implement the pilot project include the Centers for Medicare and Medicaid Services (CMS), the Department of Education, the Department of Labor (DOL), the Internal Revenue Service (IRS), and the Social Security Administration (SSA).

## **SSA DISABILITY PROGRAMS: PRE-ENTITLEMENT REFORM DIRECTIONS**

Topical areas for forthcoming papers.

### **POSITION PAPER CONTRIBUTORS**

WID and NCIL are partnering to develop this series of papers.

#### **WORLD INSTITUTE on DISABILITY (WID)**

The mission of the World Institute on Disability (WID) in communities and nations worldwide is to eliminate barriers to full social integration and increase employment, economic security and health care for persons with disabilities. WID creates innovative programs and tools; conducts research, training, public education and advocacy campaigns; and provides technical assistance.

An internationally recognized public policy center founded in 1983 by leaders of the Independent Living Movement, WID's program work focuses on issues and problems that directly affect people's ability to live full and independent lives. A majority of the Board and staff are persons with disabilities.

#### **National Council on Independent Living (NCIL)**

An outcome of the national Disability Rights and Independent Living Movements, NCIL was founded to embody the values of disability culture and Independent Living philosophy, which creates a new social paradigm and emphasizes that people with disabilities are the best experts on their own needs, that they have crucial and valuable perspective to contribute to society, and are deserving of equal opportunity to decide how to live, work, and take part in their communities.

**Mission:** As a membership organization, NCIL advances independent living and the rights of people with disabilities through consumer-driven advocacy.

**Vision:** NCIL envisions a world in which people with disabilities are valued equally and participate fully.

The National Council on Independent Living is the longest-running national cross-disability, grassroots organization run by and for people with disabilities. Founded in 1982, NCIL represents thousands of organizations and individuals including: Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), individuals with disabilities, and other organizations that advocate for the human and civil rights of people with disabilities throughout the United States.

### **NEXT STEPS**

## RESOURCES and BIBLIOGRAPHY

Relevant studies for this series of papers. We welcome related citations; we list them according to topical areas.

### ***Cost of Living with Disability***

*Half in Ten, Why Taking Disability into Account Is Essential to Reducing Income Poverty and Expanding Economic Inclusion*, Shawn Fremstad, Center for Economic and Policy Research, Washington, D.C.: September 2009.  
<http://www.cepr.net/documents/publications/poverty-disability-2009-09.pdf>

### ***Medicaid Buy-In***

*Evaluation of the Kansas Medicaid Buy-In 2002-2007*, Working Health Data Chartbook, 2008, Kuth, Fall, and Hall, University of Kansas, Center for Research on Learning

*Working Healthy Participants: Earning More and Costing Less*, Hall, Jean P., Kurth, N. K., March 2009, Working Healthy Policy Brief Number 12. Lawrence: University of Kansas  
<http://kuscholarworks.ku.edu/dspace/handle/1808/6912>

*Review of studies regarding the Medicaid Buy In Program*, Conducted by McCoy-Roth Strategies, Brigitte Gavin and Marci McCoy-Roth Under contract to The Center for Psychiatric Rehabilitation, with support from the National Institute on Disability and Rehabilitation Research  
[http://www.bu.edu/drrk/research-syntheses/psychiatric-disabilities/medicaid-buy-in/#plain language summary](http://www.bu.edu/drrk/research-syntheses/psychiatric-disabilities/medicaid-buy-in/#plain_language_summary)

### ***Selected Social Security Reform Proposals***

*From Disability Rolls to Payrolls: A Proposal for Social Security Program Reform*, 1995, Andrew I. Batavia and Susan B. Parker, *Journal of Disability Policy Studies*, Published by: Hammill Institute on Disabilities and Sage Publications.  
<http://dps.sagepub.com/content/6/1/73>

*A Disability System for the 21<sup>st</sup> Century*, 2006, Social Security Advisory Board,  
<http://www.ssab.gov/documents/disability-system-21st.pdf>

*Building on the Ticket: A New Paradigm for Investing in Economic Self-Sufficiency for People with Significant Disabilities*, Final Report to the President and Congress, Social Security Ticket to Work and Work Incentives Advisory Panel, Washington, DC.  
<http://cwd.aphsa.org/home/docs/TicketPanelFinalReport121707.pdf>

*A Dialogue on Reforming Disability Insurance: Supporting Economic Freedom for People with Disabilities*, Julia Day and Jamie Streeter Wilson, 2011, WORLD INSTITUTE on DISABILITY, [www.wid.org](http://www.wid.org).

### **Social Security Retirement Policy**

*The Social Security Earnings Test Removal: Money Saved or Money Spent by the Trust Fund?*, 2006, Giovanni Mastrobuoni, CEPS Working Paper; <http://www.princeton.edu/~ceps/workingpapers/133mastrobuoni.pdf>, Princeton University

*Evaluating the Initial Impact of Eliminating the Retirement Earnings Test*, Jae G. Song, Social Security Bulletin, Vol. 65 No. 1, 2003/2004  
<http://www.ssa.gov/policy/docs/ssb/v65n1/v65n1p1.html>

### **Social Security and Centers for Medicare and Medicaid Services (CMS) Employment Demonstrations**

*Back to Work: Recent SSA Employment Demonstrations for People with Disabilities*, June 2012, David R. Mann and David Wittenburg, Mathematica Policy Research, [http://www.mathematica-mpr.com/publications/pdfs/disability/backtowork\\_ib.pdf](http://www.mathematica-mpr.com/publications/pdfs/disability/backtowork_ib.pdf)

*Minnesota Demonstration to Maintain Independence and Employment: Evaluation Report, Executive Summary*, Karen W. Linkins, Ph.D., The Lewin Group, Inc., Jennifer J. Brya, MA, MPP, DMA Health Strategies, February 2010, for the State of Minnesota.  
<http://www.staywellstayworking.com/pdf/MN%20DMIE%20Final%20Evaluation%20Report%20Executive%20Summary.pdf>  
Minnesota's Demonstration to Maintain Independence and Employment project:  
<http://www.staywellstayworking.com/>

### **US Workforce Systems**

*EMPLOYMENT FOR PEOPLE WITH DISABILITIES, Little Is Known about the Effectiveness of Fragmented and Overlapping Programs*, June 2012, GAO-12-677; <http://www.gao.gov/assets/600/592074.pdf>

*Family Security Insurance: A New Foundation for Economic Security, Workplace Flexibility 2010*, Georgetown University Law Center and the Berkeley Center on Health, Economic & Family Security, UC Berkeley School of Law: December 2010.  
[http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1002&context=pub\\_rep](http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1002&context=pub_rep)

**DRAFT**  
**Legislative & Public Policy Committee (LPPC) Minutes**  
**April 4, 2013**

**Members Present**

Ray Ceragioli, Chair  
Jennifer Allen  
Tho Vinh Banh  
Connie Lapin  
April Lopez  
David Forderer

**Members Absent**

David Mulvaney  
Barbara Wheeler  
Lisa Davidson  
Dan Boomer

**Others Present**

Karim Alipourfard  
Mark Polit  
Bob Phillips  
Roberta Newton  
Darin Lounds

**1. CALL TO ORDER**

Ray Ceragioli, Chairperson, called the meeting to order at 10:37 AM.

**2. ESTABLISHMENT OF A QUORUM**

A quorum was established.

**3. INTRODUCTIONS AND ANNOUNCEMENTS**

Members introduced themselves and announcements were made.

**4. APPROVAL OF MARCH 12, 2013 MINUTES**

It was moved, seconded (Lopez/Allen), and carried unanimously to approve the LPPC minutes, with the following changes: Add attendees Roberta Newton and Mary Agnes Nolan. as written. Indicate that Lapin and Lopez moved and seconded for support of SB 126 and Lopez and Banh moved and seconded for support of SB 555. Correct bill number of SB 555 from SB 155.

**5. PUBLIC COMMENTS**

Connie Lapin discussed that April is Autism Awareness Month. However, the Autism Self-Advocacy Network has asked that people call it Autism

Acceptance Month. This is in response to the emphasis on cure in the autism community. The self-advocates are saying they don't need to be changed, they need to be accepted.

## **6. LEGISLATIVE ISSUES**

### **A. State Legislative Issues**

**i. Equity and Diversity Legislation** was discussed at length. It was discussed that the state's goals for equity should not be achieved by decreasing services to people who have adequate service, so that everyone is inadequately served. Instead equity should be achieved by increasing access to services for those who are underserved. The IPP process should be administered fairly and equitably for all people. The committee further discussed the importance of taking advantage of this opportunity to address long standing inequities in services.

AB 1232 (Perez) would require the Department to consider outcomes based measures on cultural and linguistic competency of services when choosing a quality assessment instrument. Lapin moved Forderer seconded to support AB 1232. Motion adopted unanimously

SB 319 (Perez) would enhance regional center data collection, and their publication, on disparities in service delivery between regional center ethnic populations. Lapin moved and Forderer seconded to support SB 319, and to recommend amendments to emphasize the "fair and equitable access to services, pursuant to the IPP process." Motion adopted 5 yes, 0 no, 1 abstain.

SB 321 (Perez) would direct the Department to address issues of linguist and cultural competency of services and inequitable distribution of services in the regional centers' performance contracts. Lapin moved and Forderer seconded to support SB 321 and to recommend an amendment, if necessary, to require that regional center performance contracts be posted on the Department's website. The motion was adopted 5 yes, 0 no, 1 abstain.

SB 555 (Correa) addresses the linguistic and cultural competency of the IPP process and of services addressed by the IPP. The LPPC previously voted to recommend Council support. Tho Vinh Banh reviewed recent amendments to the bill. Lopez moved and Allen seconded to continue support of SB 555, as amended. Motion adopted unanimously.

**ii. Accessible housing legislation** SB 1 (Steinberg) and SB 391 (DeSaulnier) was explained by Darin Lounds, director of the East Bay Housing Consortium. It was discussed that both bills are critical for funding affordable housing for many low income populations, including people with developmental disabilities. However, these bills also present an opportunity to increase the availability of affordable AND accessible housing units. Forderer moved and Lapin seconded to support SB 1 and SB 391, and to work with the DD housing coalition to have these bills amended to include provisions for accessible housing. The motion was adopted 5 yes, 0 no, 1 abstain.

**iii. Community Imperative Declaration** was discussed at length. Lapin clarified that the Lanterman Coalition wishes to have members re-assert their support of the Community Imperative, to re-affirm their common values with respect to the right to community living. Chairman Ceragioli discussing the benefits of developmental centers and the continued need for some people, and the benefits of Fairview for his son. He emphasized that endorsement of the Declaration would mean that nobody should be served in developmental centers. Newton stated that the Declaration is consistent with the Lanterman Act. Banh emphasized that the Community Imperative is a statement of the fundamental right of all people with developmental disabilities to community living. Banh moved and Lapin seconded to endorse the Community Imperative Declaration. Motion was adopted 4 yes, 1 no, 1 abstain.

**iv. Developmental Center Closure Plan** - The Lanterman coalition is asking its members if they can support requiring the Department to create a plan for the closure of all developmental centers, with the exception of the forensic unit at Porterville, by a certain date. Chairman Ceragioli emphasized that more legislation is not needed to close DCs because statute already sets requirements for closure process, the IPP used in transition, and other factors. Also, statute has been recently amended with the moratorium on DC placements and evaluation of DC residents for community placement. The combination of new law and the increasing per person cost as DCs downsize will lead to the eventual closure of the facilities. It was discussed that there are benefits to an orderly plan for closure, since all agreed that closure of developmental centers are inevitable, except for the forensic unit at Porterville. The committee discussed that it is not enough to discuss closure, there needs to be development of appropriate community resources for people leaving developmental centers and that a deadline for closure was not appropriate

given the uncertainty and delays in developing community resources for people with complex needs. Lapin moved and Allen seconded to support the concept of the Department developing a plan, with stakeholder input, for the gradual and steady closure of all developmental centers in as timely a manner as possible, while at the same time developing an array of quality community services. The plan should include working with local communities so they will be welcoming to former developmental center residents and not hostile. The motion was adopted 4 yes, 1 no, 1 abstain.

**v. Update on Bills LPPC Acted On.** This agenda item was not discussed.

**vi. SB 577 (Pavley) Employment.** Polit reported that the Council has been asked to co-sponsor this legislation that is still being developed. The Committee expressed concerns that the Employment Preparation service include some quality control element and specify who is qualified to provide the services (such as CARF certified agencies). There was also concern that 75 hours a quarter was not adequate for the service, and that people requiring day programs would not be able to participate. Forderer emphasized that supporting people to find work is essential. The Committee agreed that if we co-sponsor, that the Council be in a position to help develop the legislation. Forderer moved and Allen seconded to co-sponsor SB 577. Motion adopted unanimously.

**vii. Other Legislation** This agenda item was not discussed.

## **B. State Budget Update**

**i. Pending Hearings.** This agenda item was not discussed.

**ii. IHSS - Settlement of Oster Lawsuit.** This agenda item was not discussed.

**C. SCDD Legislative Platform Review.** This agenda item was not discussed.

## **7. FEDERAL BUDGET/LEGISLATIVE REPORT**

**A. Fair Labor Standards Act.** This agenda item was not discussed.

**B. Federal Budget Update.** Ceragioli moved and Lopez seconded to oppose applying a Chained CPI to social security benefits. Motion adopted

unanimously. The committee briefly discussed proposals for per capita caps to Medicaid. Ceragioli moved and Forderer seconded to oppose any cuts to federal medical programs. The motion was adopted unanimously.

## **8. MEETING SCHEDULE**

Due to potential conflicts with Council calendar, the next meeting will be not be held on May 16. The next meeting will be held on Monday, May 13, from 10:00 AM to 3:00 PM. Future meetings will start at 10AM to give the committee more time. The June meeting is tentatively scheduled for June 13.

## **9. ADJOURNMENT**

The meeting was adjourned at 3:07 PM.

**DETAIL SHEET**  
**AGENDA ITEM**  
**Legislative and Public Policy Committee**  
**Developmental Centers (1)**

**BILL NUMBER/ISSUE:** Community Imperative Declaration

**SUMMARY:** Participation in the Lanterman Coalition is limited to organizations that support the Community Imperative Declaration. The Coalition on March 22, asked its member organizations to re-affirm their endorsement of the Community Imperative. Will the Council endorse the Community Imperative Declaration?

**BACKGROUND:** The Community Imperative Declaration was crafted in 1979 by the Center on Human Policy at Syracuse University. At the time many leading academics and leaders signed on to it in an attempt to clarify the rights of people with disabilities to community living. The community Imperative is copied below:

**THE COMMUNITY IMPERATIVE**

A Refutation of All Arguments  
in Support of Institutionalizing Anybody  
because of Mental Retardation

Center on Human Policy - Syracuse University

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In the domain of Human Rights:

- All people have fundamental moral and constitutional rights.
- These rights must not be abrogated *merely* because a person has a mental or physical disability.
- Among these fundamental rights is the right to community living.

In the domain of Educational Programming and Human Services:

- All people, as human beings, are inherently valuable.
- All people can grow and develop.
- All people are entitled to conditions which foster their development.
- Such conditions are optimally provided in community settings.

*Therefore:*

- In fulfillment of fundamental human rights and in securing optimum developmental opportunities, all people, regardless of the severity of their disabilities, are entitled to community living.

In California, in 2001 and 2002, an effort was made by advocates to gain broad support for the Community Imperative. This resulted in most of the major stakeholders endorsing the Declaration, including: The Arc, ARCA, Disability Rights California, California Foundation for Independent Living Centers, California Supported Living Network, Service Employees International Union, Disability Rights Education and Defense Fund, Californians for Disability Rights, California People First, Family Resource Center Network of California, California Developmental Services Association, Developmental Services Network, Cal-TASH, Area Boards 5, 10, and 11, and even the old Organization of Area Boards.

The Lanterman Coalition consists of the 14 major stakeholders in California's community based developmental services system: The Arc and United Cerebral Palsy in California, the Association of Regional Center Agencies, Autism Society of California, California Alliance for Inclusive Communities, California Disability Services Association, California State Council on Developmental Disabilities, California Supported Living Network, Disability Rights California, Family Resource Center Network of California, People First of California, and Service Employees International Union, Cal-TASH, and Easter Seals.

When the Council did become a member of the Lanterman Coalition, it is not clear if the Council formally endorsed the Declaration. Now the Council must determine if it supports the Community Imperative.

**COUNCIL STATE PLAN GOAL:** Goal #1: Individuals with developmental disabilities have the information, skills, opportunities and support to advocate for their rights and services and to achieve self-determination, independence, productivity, integration, and inclusion in all facets of community life. Goal #14: Public policy in California promotes the independence, productivity, inclusion, and self-determination of individuals with developmental disabilities and their families.

**ANALYSIS/DISCUSSION:** The Community Imperative is a statement of values which implies that all people with developmental disabilities should eventually be served in community settings and not in institutions. It does not prescribe methods or timelines for that transition. However, it does seek to support a policy framework that would result in the eventual downsizing and closure of state institutions for people with developmental disabilities. That policy framework is largely in place in California with a moratorium on DC placements, the Community Placement Plan process, the Department's consistent efforts to decrease the number of people served by DCs, and developmental center closures.

The LPPC discussed the Community Imperative at length. Lapin clarified that the Lanterman Coalition wishes to have members re-assert their support of the Community Imperative, to re-affirm their common values with respect to the right to community living. Chairman Ceragioli discussed the benefits of developmental centers, the continued need of developmental centers for some people, and the benefits of Fairview DC for his son. He emphasized that endorsement of the Declaration would mean that nobody should be served in developmental centers. Newton stated that the Declaration is consistent with the Lanterman Act. Banh emphasized that the Community Imperative is a statement of the fundamental right of all people with developmental disabilities to community living.

**PRIOR COUNCIL ACTIVITY:** N/A

**RECOMMENDATION(S):** The LPPC recommends that the Council endorse the Community Imperative Declaration. The motion was adopted 4 yes, 1 no, 1 abstain.

**ATTACHMENT(S):** N/A

**PREPARED:** Mark Polit, May 1, 2013

**DETAIL SHEET  
AGENDA ITEM  
Legislative and Public Policy Committee  
Developmental Centers (2)**

**BILL NUMBER/ISSUE:** Developmental Center Closure Plan

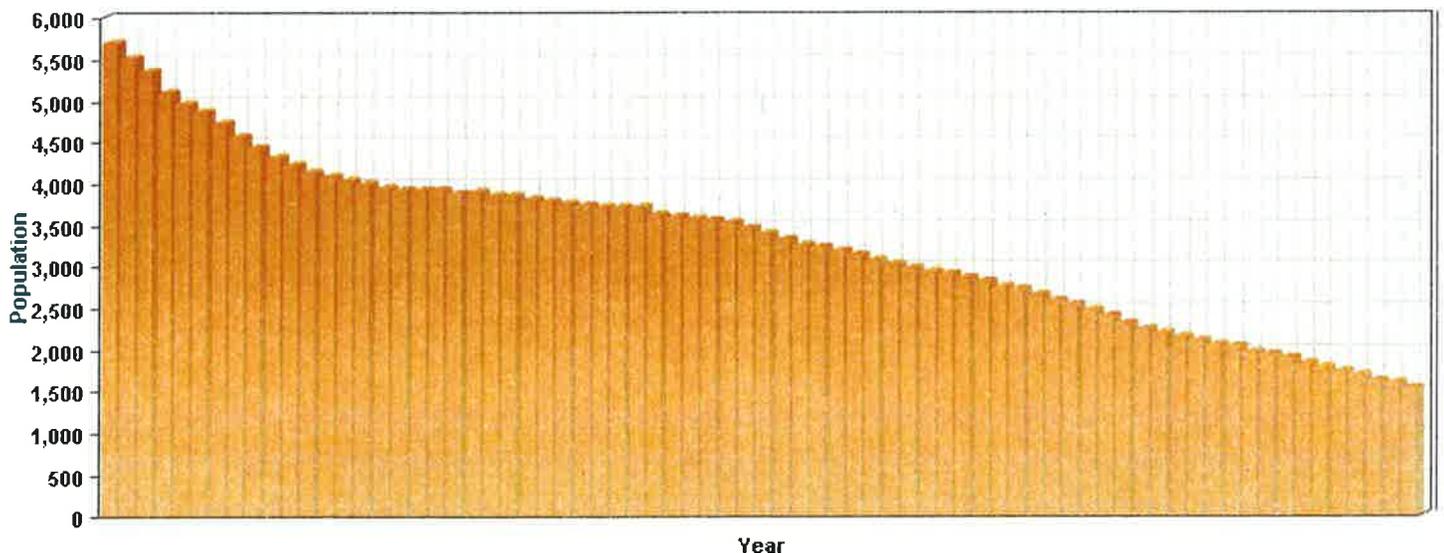
**SUMMARY:** Should the Council support, in concept, that a DDS develop a plan to close all developmental centers (except the forensic unit at Porterville) by a specified date?

**BACKGROUND:** The Lanterman Coalition has asked its members if they can support that concept. Several members of the Coalition are working on ideas for legislation for 2014 that would require the Department to develop a plan for closure of developmental centers by a specified date, perhaps five years after adoption of the plan.

The Lanterman Coalition consists of: The Arc and United Cerebral Palsy in California, the Association of Regional Center Agencies, Autism Society of California, California Disability Services Association, California SCDD, California Supported Living Network, Disability Rights California, Family Resource Center Network of California, People First of California, and SEIU, Cal-TASH, and Easter Seals.

The remaining residents of developmental centers generally have complex and significant needs. Their transition to community settings must be done carefully, involving family and others who know them, be adequately funded, involve staff who know them, and have oversight.

The developmental center population totals by year are given below, from the DDS website:



The population of the five remaining facilities on April 24, 2013:

<b>Developmental Center</b>	<b>Population</b>
Fairview	347
Lanterman	182
Porterville	439
Sonoma	499
Canyon Springs	54
<b>Total</b>	<b>1521</b>

**COUNCIL STATE PLAN GOAL:** Goal #1: Individuals with developmental disabilities have the information, skills, opportunities and support to advocate for their rights and services and to achieve self-determination, independence, productivity, integration, and inclusion in all facets of community life. Goal #14: Public policy in California promotes the independence, productivity, inclusion, and self-determination of individuals with developmental disabilities and their families.

**ANALYSIS/DISCUSSION:** The LPPC discussed if this would be a useful policy for furthering the goals of the State Plan and furthering the rights and wellbeing of developmental center residents.

Chairman Ceragioli emphasized that more legislation is not needed to close DCs because statute already sets requirements for closure process, the IPP used in transition, and other factors. Also, statute has been recently amended with the moratorium on DC placements and evaluation of DC residents for community placement. The combination of new law and the increasing per person cost as DCs downsize will lead to the eventual closure of the facilities. It was discussed that there are benefits to an orderly plan for closure, since all agreed that closure of developmental centers are inevitable, except for the forensic unit at Porterville. The committee discussed that it is not enough to discuss closure, there needs to be development of appropriate community resources for people leaving developmental centers and that a deadline for closure was not appropriate given the uncertainty and delays in developing community resources for people with complex needs.

**PRIOR COUNCIL ACTIVITY:** N/A

**RECOMMENDATION(S):** The LPPC recommends that the Council support the concept of the Department developing a plan, with stakeholder input, for the gradual and steady closure of all developmental centers in as timely a manner as possible, while at the same time developing an array of quality community services. The plan should include working with local communities so they will be welcoming to former developmental center residents and not hostile. The motion was adopted 4 yes, 1 no, 1 abstain.

**ATTACHMENT(S):** N/A

**PREPARED:** Mark Polit, May 1, 2013



**Program Development Committee Meeting Minutes  
April 23, 2013**

**Members Present**

Janelle Lewis  
Molly Kennedy  
Carmela Garnica  
Jennifer Allen  
Jonathan Clarkson  
Robin Hansen

**Members Absent**

**Others Attending**

Roberta Newton  
Thomas Johnson  
Melissa Corral  
Mark Polit  
Sarah VanDyke

**1. CALL TO ORDER/ESTABLISHMENT OF QUORUM**

Janelle Lewis, Chairperson, called the meeting to order at 01:03 p.m. and a quorum was established.

**2. WELCOME AND INTRODUCTIONS**

Council members and others attending introduced themselves.

**3. PUBLIC COMMENTS**

There were no public comments.

**4. STATUS AND REVIEW OF AREA BOARD MINI GRANTS FOR CYCLE 35**

Janelle Lewis, Chairperson, reviewed the detail sheet for the Cycle 35 Mini Grants. There was a brief discussion on the quarterly reports submitted by the Area Boards and what members would want included in future reports. It was highlighted that the language of the contracts was somewhat ambiguous, especially as to whether or not Area Board grantees are mandated to submit a quarterly report.

In regards to future improvements, discussion hinged on making progress report language more specific and providing details of how the contracts are tied to the outcomes and progress of program services. It was also suggested that comparing the language of a sample contract

with current report summaries would benefit the process by establishing a contiguous expectation for language formatting.

It was recommended that Area Board staff amend their report summaries to match the contract language by May 23<sup>rd</sup>.

## **5. RECCOMENDATIONS FOR AREA BOARD MINI GRANTS FOR CYCLE 36**

Janelle Lewis reviewed the detail sheet for the Cycle 36 Mini Grants.

Roberta Newton, Interim Executive Director, informed members that in regards to the implementation of the State Plan, Area Boards are currently on the right path and are executing their goals. Community service, transition, transportation, education, and other areas of the State Plan are being met. More importantly, it appears that the new Mini Grants are being instituted to address issues of the State Plan not already met. This is a good sign for progress.

There was discussion on the current budget of the Council and how much money there is available for projects and services. Rough estimates were worked out among the members. The chief question among members was whether to continue allocating funding for Mini Grants. Members discussed the pros and cons of Mini Grants and the services and supports they provide to communities and Area Boards. There was also discussion on whether Area Boards should have flexibility in their grant proposals. Lastly, it was emphasized that the language for Cycle 36 Mini Grants also be clearer.

Ultimately, it was moved/seconded and carried (Garnica/Hansen) to recommend that the Council continue funding Mini Grants in the amount of \$10,000 per Area Board.

## **6. CYCLE 36 STATEWIDE GRANT AND JNCS GRANT EXTENSION**

Janelle Lewis reviewed the summary sheet pertaining to the extension of the JNCS transition grant. There was a brief discussion on the amount of funding available for this grant, its pros and cons, and other issues.

It was moved/seconded and carried (Hansen/Allen) to accept the Staff recommendation that the Council hold \$360,000 for potential funding of the second year of the JNCS grant proposal. Funding for a second year would be contingent on a recommendation by the PDC at the November Council meeting.

**7. REVIEW OF SCDD GRANT PROCEDURES**

Janelle Lewis reviewed the detail sheet pertaining to the grant making procedures.

Members agreed that the Contracts, RFPs, and Area Board quarterly reports all maintain consistent language into the future.

More importantly, committee members decided that staff would score the RFPs. The PDC would then review their scoring and either amend or accept their recommendations.

**8. NEXT MEETINGS**

Members discussed the scheduling for the work of the PDC. The estimated schedule is as follows:

May 15 <sup>th</sup>	Council reviews PDC recommendations
June 3 <sup>rd</sup>	PDC approves standard RFP. The PDC will also recommend Self-Advocacy Support grantees
June 10 <sup>th</sup>	Public announcement Area Board RFPs
July 17 <sup>th</sup>	PDC Report to Council on Self-Advocacy Support Grants recommendation
September 5 <sup>th</sup>	PDC reviews grant recommendations from the Area Board
September 18 <sup>th</sup>	PDC reports to Council (for approval)
September 19 <sup>th</sup> – 29 <sup>th</sup>	Protest Period
September 30 <sup>th</sup>	Award Notification
September 30 <sup>th</sup> – October 31 <sup>st</sup>	Grant Processing
November 1 <sup>st</sup>	Anticipated Start Date of Area Board grants
November 5 <sup>th</sup>	PDC Review JNCS grant for year two recommendation to SCDD
November 14 <sup>th</sup>	PDC reports to Council on JNCS grant

**9. ADJOURNMENT**

Meeting was adjourned at 3:07 p.m.

**DETAIL SHEET**  
**AGENDA ITEM**  
**Program Development Committee**  
**Jay Nolan Community Services Grant**

**ISSUE:** Recommendation to Council on holding funds for possible year two extension of Jay Nolan Community Services (JNCS) transition grant.

**SUMMARY:** The Council awarded the first year of a two year grant proposal from JNCS (with the participation of Easter Seals of Southern California) for a demonstration project on the employment of transition age youth. The Council expressed an interest in potentially funding the second year, if first year outcomes warranted the extension. The PDC recommends holding funds for a possible extension to year two.

**COUNCIL STRATEGIC PLAN GOALS/OBJECTIVES:** **Goal #6:** Young adults with developmental disabilities and their families get the information and support to be prepared for and experience a successful transition to adult life. **Goal #9:** Working age adults with developmental disabilities have the necessary information, tools and supports to succeed in inclusive and gainful work opportunities.

**PRIOR COUNCIL ACTIVITY:** On September 12, 2013, the PDC recommended to the Council that they fund the JNCS grant proposal for two years, at \$359,782/year. The Council deferred action on the recommendation and, instead, created the Program Development Ad Hoc Review Committee to go through the JNCS proposal to see if there are recommendations for strengthening the deliverables and evaluation components of the proposal. The Ad Hoc Committee completed their review and recommended to the Council that the first year of the two year JNCS grant be funded; but that the second year of the grant should only be funded pending a review of grant outcomes once the first year of the grant was well under way. The Council accepted the recommendation of the Ad Hoc Committee.

**BACKGROUND:** The JNCS contract was approved by the Department of General Services on February 8, 2013. JNCS is working with families and youth in the LA area; Easter Seals of Southern California is working in the San Diego area. Committee staff paid a site visit to JNCS to meet with the project team after 5 weeks of implementation. Staff reported to Council on March 20 that the work of the grant was well underway.

**ANALYSIS/DISCUSSION:** PDC does not recommend initiating a new state grant process for Cycle 36, as the Council and PDC are reviewing the process for identifying priorities for funding and establishing procedures for grant making. Thus funding will be available should the Council decide to fund the second year of the JNCS grant.

The JNCS/Easter Seals project uses state of the art methods of customized employment and discovery, involves families, school staff, regional center service providers, regional centers, and Department of Rehabilitation. The initial response from families in the LA and San Diego areas has been enthusiastic, as the project shows them possibilities for their children that they had never imagined. The team has been successful so far in reaching out to diverse communities. In San Diego, Easter Seals has found a hunger among school transition staff for new methods to serve their students. Department of Rehabilitation in Southern California has expressed an interest in these new methods, as they are concerned with the wave of autism children who are now reaching transition age, and requiring different approaches.

The Ad Hoc PDC Review Committee also emphasized the importance of statewide grants leading to replication and systems change. This grant is positioned well to achieve those objectives through their teamwork with the two largest school districts in the state, the quality of the methods used, and the quality of the project team. The major systems change work would take place in the second year of the grant.

Recent news reports highlighted a case of abuse of a former JNCS client. Staff has been in regular contact with and has been gathering information from the agency. The Executive Director of the agency met with the Executive Committee of the Council to give background on the measures they take to train staff, prevent abuse, how they respond to situations that arise, and how they have called in outside expertise to review their internal controls and procedures. The Executive Committee took no further action.

**PDC RECOMMENDATION:** The PDC recommends that the Council hold \$360,000 for potential funding of the second year of the JNCS grant proposal. Funding for a second year would be contingent on a recommendation by the PDC to the November Council meeting.

**ATTACHMENT(S):** JNCS deliverables years one and two. JNCS progress report for the period February 8 to March 31, 2013.

**PREPARED:** Mark Polit, April 30, 2013

**An outcome-orientated evaluation plan for Year 1 (Deliverables) that is consistent with the goals and objectives of the project**

We will evaluate the success of our project by the accomplishment of the following deliverables:

1. Provide Customized Employment ACRE boot camp training for 25 staff and interested others.
2. Build relationships with advocacy and parent groups and high schools. Provide introduction immersion training on transition and customized employment to a minimum 300 families in Southern California.
3. Recruit 60 participants who we will help develop employment teams to support the development of customized employment outcomes and targeted secondary education.
4. Develop "Family Directed Discovery" strategies and "Parent to Parent" groups to maximize social capital, also focused on maintaining these relationships to promote sustainability long after the grant is over.
5. Train 60 teams on the customized employment strategies
6. Develop a "Fast Launch Fund" for \$20,000 to develop paid industry specific internships for students/jobseekers, and to fund communication devices, resource ownership/equipment, and business startup costs. The "Fast Launch Fund" will be funded by the partnering organizations.
7. Develop 55 employment plans for participants that are based on what we have learned during the discovery process.
8. Implement employment plans and develop 5 internships, 15 typical wage positions, 10 carved jobs, 5 examples of resource ownership positions, 3 small businesses, 5 individuals receiving training and support on targeted post-secondary education.
9. Develop follow along support services for all employed participants with the adult service system.
10. Develop at least two Plans for Achieving Self Support (PASS)
11. Develop social media to highlight the project

**Outcome-orientated evaluation plan for Year 2 (Deliverables) that is consistent with the goals and objectives of the project**

If we are funded for a second year of this comprehensive project, we will evaluate the success of the project by accomplishing the following deliverables:

1. Work with an additional 40 students and recent graduates and their teams on the discovery process.
2. Work with participants to develop 20 additional typical wage jobs
3. Assist in the development of 15 additional carved jobs and 4 additional examples of resource ownership.
4. Continue to work with families and teams from year one for those individuals who still are in school and /or require support in attaining employment.
5. Continue to provide support for those individuals who are in the process of developing a business.
6. Now that the project has gained traction we will develop Community Action Teams for

and with both partnering organizations. The Community Action Teams will be made up of supportive business owners, community leaders, board members, vocational rehabilitation DOR staff, grant staff and employment specialists.
7. Develop relationships with six additional high schools for the project.
8. Provide training on transition and customized employment for an additional 200 parents highlighting the successes from year one.
9. Develop one additional revolving loan fund to support the development of self-employment options.
10. Develop sustainability plans with families and school districts where the high schools are providing customized employment services before graduation (through contracts with adult providers or other means).
11. Develop 3-5 additional funding sources to help sustain the efforts attained during the first two years of the grant.
12. Present findings from the grant at 3 state or national employment conferences.
13. Work with schools to incorporate this model into their system.

**A data collection and reporting system. Non-confidential individualized data along with overall data regarding the status and outcomes of the project shall be made available to the Council**

We will collect data and report on the project's progress with the following activities:

- Beginning with the Boot Camp, Customized Employment staff training satisfaction surveys will be collected on the value of the training and reported to the council on a quarterly basis. Feedback from these trainings will be used to improve what is being taught and its effectiveness.
- We will also be collecting data on the number of families and teams trained on transition and customized employment along with their feedback.
- The number of people from diverse cultures and with significant challenges to integration served and attaining gainful employment.
- The number of families participating in the "Parent to Parent" groups."
- We will collect quantitative and qualitative data on participants going through the discovery process, attending paid internships, jobs developed, good stories, hours worked, wages earned, business plans written, resource ownership, businesses started.
- Number of high schools and staff participating and roles.
- Number of vocational rehabilitation staff participating and roles.
- Other blended funding sources we are able to use and amounts for employment etc... Along with any other information that people might want to know.

We will provide all required reports for the project including quarterly reports using DD Suite. We will also provide a final report in the required format within 45 days after contract completion. We will include camera ready or master copies of any materials which are created for the project.

## Program Design & Sustainability

This project seeks to demonstrate a radically different way to look at transition particularly between the ages of 17-21. Our school systems spend countless dollars on assessing people's deficits and inventing "simulated" ways to prepare people for jobs that typically do not exist in today's economy.

Our program design is built for sustainability of higher quality employment outcomes to *frequently occur before* graduation. These outcomes will help school districts to improve their scores for indicator 14 and will cause more of the adult system funding to be spent on employment to maintain these positions versus "job readiness." Through **'Family Directed Discovery'** and **"Parent to Parent"** support and communication, future families will begin to expect these type of outcomes for their children. Enlisting the greater community into the employment process will help us to use the "social capital" of families, friends, community leaders, that they did not even know that they had. The agencies involved in this grant have committed to continuing the Parent Support Groups beyond the life of the grant using other sources of funding.

These types of changes have already begun to occur in other communities and states. The state of Maryland has now committed to using vocational rehabilitation funding for community rehabilitation programs to work with students to attain employment outcomes before graduation.

Providing transition and customized employment trainings to families between the ages of "14-17" will increase awareness of the need to start early, the need to advocate for paid employment in integrated community settings before graduation. Based on the expectations of better informed parents will increase the number of young people deem "employable" by the adult system.

Two influential adult service providers are going to be well trained and able to provide this service for other students and young adults in future years. Almost all resources of the grant will be used in the field teaching others how to perform the discovery process, blend funding, and develop employment outcomes. GHA will provide extensive materials in hard copy, alternative formats, and on CD for all trainings and as resource references. We will also post materials on the project social media outlets. Materials include sample business plans, sample PASS Plans, Discovery forms, reading, etc. The grant manager and coordinators will maintain regular phone and email contact with staff, families, and teams regarding employment development issues; assists with SSA Work Incentives applications (e. g. PASS, Subsidy) to bring in additional funding and support options.

Both Jay Nolan Community Services and Easter Seals Southern California have regional center vendored programs that can provide customized employment services to individuals who are eligible for these services. The project will work with the school systems to enlarge their capacity

to provide these services or to contract with adult service providers such as JNCS and Easter Seals to provide the services for them.

We will be focusing on the system change elements that are needed to sustain customized employment as an option in the future. We will be facilitating dialogue between schools systems, Department of Rehabilitation, Regional Centers, and adult service providers to find ways to work together to sustain better outcomes for students exiting high school.

The materials created for the project will be available on Jay Nolan Community Services' website. We will be presenting the outcomes from the project at local and national conferences. We will continue to present informational sessions for families and young people with disabilities on employment options after high school.

Line Item	2013	Other Costs	2014	Other Costs	Total
<b>A. Personnel Services</b>					
Project Manager and Griffin Hammis Consultant/Trainer (1) (on contract)					
130 hr/month project management	\$69,495		\$69,495		\$138,990
12 days of training/year	\$18,000		\$18,000		\$36,000
Project Leads (2)					
Qualifications enhanced to be Asst. Project Manager 40/wk @ \$18/hr	\$33,488	\$3,952	\$33,488	\$3,952	\$74,880
Regular Lead 40/wk @ \$16/hr	\$33,488		\$33,488		\$66,976
Employment Specialists (4)					
40/wk @\$14/hr	\$116,480		\$116,480		\$232,960
Logistics Coordinaor (1)					
25 hr/wk @ \$10.5/hr	\$13,650		\$13,650		\$27,300
Benefits @ 25% of salaries	\$49,277		\$49,277		\$98,553
<b>B. Consultant/Subcontractors</b>					
Co-trainers (people w/disabilities who are working and family members) \$100/session-10 people	\$1,000		\$1,000		
<b>C. Travel Costs</b>					
7 staff/200mi/mo each @ 55.5¢/mile	\$9,324		\$9,324		\$18,648
In state travel expenses for Project Manager (gas, car, lodging, etc.) @ \$465/mo	\$5,580		\$5,580		\$11,160
Out of state Travel costs		\$22,960		\$22,960	\$45,920
<b>D. Operating Costs</b>					
Release time for teachers to attend training (pay for subs, travel costs, etc.)	\$10,000		\$10,000		\$20,000
Materials and supplies (notebooks, training manuals, copying, training supplies, mailings, advertising, etc.)		\$8,000		\$8,000	\$16,000
Quick Start Operating Expenses for Individual Work Plans		\$20,000		\$20,000	\$40,000
Rent, utilities, office equipment, communications (\$2500/mo)		\$30,000		\$30,000	\$60,000
<b>E. Administrative Overhead</b>					
Administrative personnel (Exec. Dir, Area Directors, Accounting, HR, etc.) at Jay Nolan Com Svs. and Easter Seals; overall general operating costs at both agencies at 12% project costs		\$44,550		\$44,550	\$89,099
<b>TOTAL CONTRACT</b>	<b>\$359,782</b>		<b>\$359,782</b>		
<b>Total In Kind Match</b>		<b>\$129,462</b>		<b>\$129,462</b>	
% of InKind Match		36%		36%	

**SCDD Cycle 35 Grants  
Progress Report Form**

**INSTRUCTIONS**

The quarterly report shall be completed using the following format provided in this report. Please submit an original report to Kristie Allensworth, SCDD, 1507 21<sup>st</sup> Street, Suite 210, Sacramento, CA 95811. Any questions on reporting or billing requirements should be directed to [kristie.allensworth@scdd.ca.gov](mailto:kristie.allensworth@scdd.ca.gov) or (916) 322-8777.

Progress reports shall be submitted quarterly and must be submitted with the billing invoice. Reports are due 30 days following completion of the quarter. All reports must be current to have invoices processed.

The final Progress Report should be completed and submitted with the Final Report and any materials must be received within 45 days of the completion date of your contract.

**SECTION A**

**Date:** Quarter #1 (partial): February 8 - March 31, 2013

**Contractor:** **Jay Nolan Community Services**

**Contract Number:** SCDDCY35HQ

**Name of Program:** **Education, Empowerment and Employment for Success**

**Address/Location of Program:** 15501 San Fernando Mission Blvd., Suite 200  
P.O. Box 9604  
Mission Hills, CA 91346-9604

**Contact Person:** Jeffrey Strully, Executive Director

**E-mail Address for Contact Person:** [Jeff@jaynolan.org](mailto:Jeff@jaynolan.org)

**Telephone Number for Contract Person:** (818) 361-6400 x127

**List any in kind/supplementary funds received and/or expended during this reporting period:**

**Total In Kind / Supplementary Funds = \$15,858.64**

Salary Supplements =	\$2,407.74
Mileage Supplements =	\$ 472.85
Travel Costs =	\$2,669.66
Materials and Supplies =	\$ 800.00
Rent, facility use =	\$4,000.00
Admin. Overhead =	\$3,886.44
Consultant Costs =	\$1,621.95

(Vickie Vining provided consultation on grant implementation which was not included in the original proposal but provided by JNCS as an in kind expense.)

**SECTION B**

Please report on the following for this quarter. You may use as much space as needed.

1. Describe activities leading to accomplishment of grant outcomes. Identify staff, consultants and collaborators who contributed during this quarter. Include all services provided and the number of individuals served. If you did not provide any services during this quarter, please state why and when services will begin.

<p>Staff, consultants and collaborators involved this quarter</p>	<p><b>Staff:</b> Corey Smith, Ilka Szaktilla, Debbie Ball, Maureen Carasiti, Susie Camillo, Linda Thompson, Joshua Herrera  <b>Consultants:</b> Vickie Vining  <b>Collaborators:</b> Sue Brown, Dept. of Rehab., Geri Fuchigami, LAUSD Transition Services; Aaron Jeffrey, LAUSD Transition Services; Olivia Raynor, UCLA; Barbara Wheeler, USC; Trena Wade, People First San Diego; Stormy Miller, San Diego Regional Center; Joyce Clark, Down Syndrome Association; Sherry Torak, Exceptional Family Resource Center</p>
<p><b>Goals/Outcomes</b></p>	<p><b>Progress Report</b></p>
<p>Hire and train staff for project</p>	<ul style="list-style-type: none"> <li>• During this quarter the grant manager Corey Smith began working on the project.</li> <li>• For Jay Nolan, the project coordinator Ilka Szaktilla was hired and interviewing began for the two employment specialist positions.</li> <li>• Crystal Nunez was hired as an employment specialist for JNCS.</li> <li>• During this quarter, two days of classroom training for ACRE certification were provided for Jay Nolan staff and other invited guests. (Two days of training were provided before the grant officially started so we could get staff up and running on the grant.)</li> <li>• Also during this quarter, Jay Nolan staff received field based training on conducting Customized Employment home visits and Informational Interviews.</li> <li>• For Work First Easter Seals of Southern California, Maureen Carasiti has taken on the role of lead staff/grant coordinator and Susie Camillo and Joshua Herrera were hired as the two employment specialists</li> <li>• Linda Thompson has been hired as the logistics coordinator for the grant. During this quarter Linda attended three days of classroom training toward her ACRE certification in Customized Employment.</li> <li>• For Work First, two days of classroom training on Customized Employment were provided along with four days of field based training on Customized Employment home visits, community mapping and informational interviews.</li> </ul>

Provide orientation to Customized Employment for 300 participants	<b>Event</b>	<b># people present</b>
	Met with staff from UCLA and USC and provided orientation on the grant	3
	Met with four families and their circles of support in Los Angeles and two families in San Diego and their people and provided orientation to Customized Employment	28
	Provided an orientation to Customized Employment training for the Los Angeles Autism society	40
	Presented information about the grant at San Diego's IEP Day	Approx. 120
Provide CE boot camp for 25 staff and others	<b>Event</b>	<b># people present</b>
	Customized Job Development and Interest Based Negotiation in Los Angeles	18
	Introduction to Customized Self-Employment Los Angeles	18
	Introduction to Customized Employment San Diego	18
	The Discovery Process in San Diego	16
	<p>Of the people attending training</p> <ul style="list-style-type: none"> <li>• 28% Have been educators</li> <li>• 54% Employment Specialists</li> <li>• 10% Case Managers</li> <li>• 7% Parents</li> <li>• 1% Business Owners</li> </ul> <p>The surveys completed by trainees were very positive. Most people attending training reported that major systematic changes are required in California to increase the number of individuals with developmental disabilities to attain paid integrated employment after high school. The two most frequent comments related to the disincentives of the workability program and people counting on regional center funding to just attain services versus needed urgency to actually attain employment.</p>	
Build relationships with advocacy and parent groups	<ul style="list-style-type: none"> <li>• We had a number of meetings with key stakeholders related to this grant. The meetings served as a way to explain the nature and intent of our grant and to understand how our grant fits into other ongoing efforts to increase employment for our target population. We used the meetings to build partnerships and enlist support from various individuals and entities to aid us in implementing the grant.</li> <li>• During this quarter we met with the Center for Excellence staff from both USC (Barbara Wheeler) and UCLA (Olivia Raynor) regarding collaboration on the grant.</li> <li>• We also met with leadership staff from the Los Angeles Autism Society, Caroline Sandberg Wilson and Emily Iland.</li> <li>• We met with administrative staff (Geri Fuchigami and Aaron Jeffrey) from Transition Services at LAUSD.</li> </ul>	

	<ul style="list-style-type: none"> <li>• We met with Stephanie Kovach, a transition coordinator from the Foothill SELPA.</li> <li>• In San Diego we met with Trena Wade from People First and Sherry Torak from the Exceptional Family Resource Center at San Diego State University.</li> <li>• We met with Joyce Clark of the Down Syndrome Association in San Diego.</li> </ul>
Recruit 60 student and unemployment young adults	<ul style="list-style-type: none"> <li>• During this quarter 6 participants were selected for the grant.</li> <li>• All 6 participants are of diverse cultural backgrounds and two are from low income households.</li> <li>• We distributed referral forms at our informational sessions.</li> <li>• We are holding a certain number of referrals for LAUSD since we want to target young people getting ready to graduate.</li> <li>• LAUSD staff have been very enthusiastic about participating in this grant.</li> <li>• SDUSD staff have also been very enthusiastic about participating in the grant as well.</li> </ul>
Create employment teams for the people selected	Each participant is in the process of developing an employment team. The teams are deciding whom to include on the team based on deciding on wage or self-employment options.
Develop parent group for project participants	At this point we have met with a number of advocacy organizations and families and are doing the background on developing parent groups.
Train employment teams on customized employment strategies	Each of the employment teams have begun to receive introduction to customized employment training.
Develop paid internships	Specific paid internships will be developed for individuals as the specific industries are identified through the discovery process.
Create employment plans for people selected	We will begin to develop employment plans for individuals once the Discovery process has been completed. We are collecting information for the employment plans as we go through the Discovery process.
Implement employment plans	Employment Plans are beginning to take shape as job seekers are going through the discovery process.
Develop sustainability plan for each participant	Plans are underway with adult service funders to provide sustainability funding for each of the grant participants. We are building the relationships with the school system that we hope will develop into a process for establishing an ongoing path to customized employment for young people in transition.
Develop social media for project	During this quarter the logistics coordinator has been hired and with the help of Work First staff, the project website <a href="http://www.Work4me.us">www.Work4me.us</a> has been launched along with a Facebook page (Education, Empowerment and Employment for Success).

- Please provide an update on the status of any materials that are being developed, if applicable. Please provide copies if available.

**No materials development was proposed for project. Materials being used were developed and are owned by Griffin Hammis Associates.** We did develop a Referral Form for the grant and revised it based on input from Trena Wade from People First.

- Identify any delays or barriers affecting the project's implementation and the steps you have taken to eliminate the delays or barriers.

Barrier	Steps to Address
The grant was to begin in October and was not able to begin until February 8 <sup>th</sup> .	<ul style="list-style-type: none"> <li>A large amount of preplanning was done by all parties involved to get things moving quickly once the grant was approved and an official start date was set. A great deal of work has been accomplished in seven weeks.</li> <li>One full day of strategic planning with was conducted for the grant involving all the leadership staff before the grant kicked off.</li> <li>Community wide training on Customized Employment (35 people in attendance) and the Discovery Process (32 people in attendance) were provided before the grant officially started to keep things moving.</li> </ul>

- Other comments:

It is highly noteworthy the number of special education personnel that have been attending trainings during the first quarter of the grant and their desire to attain better outcomes for students leaving high school. We have been encouraged by their enthusiasm for this approach and their willingness to participate in the grant with us.

**Stories:** (We like to make sure that the human side of the grant is also reported along with the statistical data so here are some stories from the first partial quarter.)

**Individual from JNCS project:** He is 29 years old, has autism and has a BA in anthropology. He has never worked. He is so excited to be in the grant and have a chance to get a real job. We have been getting to know him through the discovery process. He has been spending time at a historical society talking with them about computerizing their catalog of artifacts. We are looking at resource ownership as a way to get him employment there since they don't have the money for a computer system.

**Individual from San Diego Project:** He is an 18 year old with autism and a visual impairment. He is currently getting ready to walk through graduation and hoping to enter the job market. He is very fit and enjoys physical work. He is very creative and imaginative. Family is very motivated to support work and mom is the President of the SD City USD parent/school liaison committee.

Name of Grantee: Jay Nolan Community Services  
 Contract Number: **SCDDCY35HQ**



**Self-Advocates Advisory Committee Meeting Minutes  
March 19, 2013**

**Members Present**

Jennifer Allen  
Brian Gutierrez  
Molly Kennedy  
Kerstin Williams

**Members Absent**

Thomas Forderer  
Heidi Smyers  
Kecia Weller

**Others Attending**

Jorge Aguilar  
Jennifer Brown  
Dena Hernandez  
Thomas Johnson  
Ross Long  
Roberta Newton  
Mary Agnes Nolan  
Mark Polit  
Leroy Shipp  
Margaret Shipp  
Matthew Shipp

**1. CALL TO ORDER/ESTABLISHMENT OF QUORUM**

Jennifer Allen, Chairperson, called the meeting to order at 12:30 p.m.

A quorum was not established

**2. WELCOME AND INTRODUCTIONS**

Council members and others attending introduced themselves.

**3. PUBLIC COMMENT**

There were no public comments.

**4. APPROVAL OF DECEMBER 2012 and JANUARY 2013 MEETING MINUTES**

There was no established quorum. Approval of December and January meeting minutes could not move forward. Approval of minutes will wait until the May SAAC meeting.

## 5. **SSAN Report**

Jennifer Allen summarized the activities and discussions that took place at the February 28th and March 1st SSAN meeting at the Citizen Hotel in Sacramento, CA.

She emphasized that members discussed what their roles should be as Self-Advocates in their communities; skills that members would like to develop or contribute to the state plan; and ideas for services and supports that should be included within the Request for Proposals.

Jennifer also discussed presentations about the Bagley Keene Open Meeting Act and Robert's Rules of Order. She also summarized a few of the member's reports, regarding what they have recently accomplished within their respective communities.

## 6. **UPDATE ON ISSUES AT SONOMA DEVELOPMENTAL CENTER**

Ross Long, a volunteer services advocate for Area Board 4, provided a summary of ongoing issues at the Sonoma Developmental Center.

Members asked several questions and there was a brief discussion.

Ross Long discussed the certification issues of the developmental center, issues related to personnel, what the living situation is of residents at the developmental center, and steps that are being taken to address problems at the developmental center. He also discussed his role as a services advocate in the community. He also highlighted the need for Direct Care staff at the developmental center in order to provide better services for residents requiring special care.

## 7. **EFC REPORT**

Mark Polit, Deputy Director of Policy and Planning, provided members a summary regarding the work of the Employment First Committee, highlighting the Strategic Planning Process.

Mark also discussed proposed and pending legislation within the state legislature, pertaining to increasing the education and employment opportunities for individuals with developmental disabilities.

**8. RFP UPDATE**

Roberta Newton, Interim Executive Director, provided members summaries of both Requests for Proposals that will be presented to the Council for consideration at tomorrow's meeting. In short, two RFPs will be considered.

One RFP pertains to Leadership Coaching, Meeting Logistics, Training, Plain Language, Technology and Technical Support for Area Boards.

The other RFP pertains to Individualized Facilitation and Attendant Services.

**9. REVIEW COUNCIL PACKET**

Roberta Newton concluded the meeting with a review of the Council packet.

**10. ADJOURNMENT**

Meeting was adjourned at 3:03 p.m.

# Area Board Report to Council

Area Board: 2 Reporting Period: March/April 2013 Date: May 1, 2013

## Highlights

AB2 is pleased to welcome Jan Ross, appointed by Modoc County Board of Supervisors, 2/26/13. On March 22, 2013 Governor Brown announced the new appointments for Verdine Mertens and Rosanna (Rosie) Ryan to continue to serve on AB2. On April 16, 2013, Glenn County Board of Supervisors reappointed Jean Phillips for another 3 year term. AB2 actively working with Tehama County, Plumas County and Lassen County Board of Supervisors on appointments and recruiting for one Governor Appointment vacancy.

## Activities to Implement the State Plan During this Period

State Plan 2012-2016 Activities for March and April, 2013:

**Goal 1 (12.QA.01.1) SELF-ADVOCACY FINANCIAL AND IN-KIND SUPPORT:** AB2 helped publicize to the community the 18<sup>th</sup> Annual Statewide Self -Advocacy Conference – May 3-4, 2013 in Sacramento and 2013 People First Statewide Gathering – June, 28, 29, 30, 2013 in San Jose to 350 people.

**Goal 1 (12.QA.01.5) SELF-ADVOCACY LEADERSHIP TRAINING:** AB2 assisted in planning for 1 (one) self-advocate to attend the 18<sup>th</sup> Annual Statewide Self -Advocacy Conference – May 3-4, 2013 in Sacramento. AB2 helped coordinate the Consumer Abuse Awareness Team (CAAT) to present information to the Butte County Coordinating Council on Developmental Disabilities (BCCC) to 22 people.

AB2 helped coordinate Pathfinder Program information to the Shasta County Coordinating Council (SCCC) to 12 people.

**Goal 2 (12.ED.02.1) INDIVIDUAL EDUCATION ADVOCACY:** AB2 provided advocacy assistance to 12 students and their families during reporting period.

**Goal 2 (12.CS.02.1) INDIVIDUAL COMMUNITY SUPPORTS ADVOCACY:** AB2 referred 41 individuals and families to family resources, Office of Clients' Rights Advocacy, Far Northern Regional Center, and other service related agencies.

**Goal 2 (12.ED.02.2) TRAINING ON EDUCATIONAL RIGHTS:** AB2 provided training and resources to 3 families and 1 SELPA (Shasta)

**Goal 2 (12.CS.02.2) TRAINING ON COMMUNITY SUPPORTS:** AB2 facilitated training and provided training resources to 10 people.

**Goal 2 (12.ED.02.3) CROSS TRAINING, OUTREACH AND COLLABORATION:** AB2 participated in the Chico Walks For Autism Walk on April 7, 2013 and distributed agency brochures to 30 families.

**Goal 3 (12.QA.03.2) PROMOTE SELF-DETERMINATION AND OTHER INNOVATIONS:** AB2 provided advocacy to 2 individuals and their families regarding self-directed services.

**Goal 5 (12.QA.05.1) HELP INDIVIDUALS AND FAMILIES PREPARE FOR EMERGENCIES:** AB2 helped facilitate safety training support services for 1 individual.

**Goal 6 (12.ED.06.1) TRAINING AND ADVOCACY DURING TRANSITION TO ADULTHOOD:** AB2 referred to families to College Plus Program for Butte College post-secondary support services; Participated in 1 Transition related IEP; and provided Transition resources and information on to 4 families. AB2 continues to advocate for the expansion of College Plus Program to Shasta Community College.

**Goal 7 (12.ED.07.2) PARENT TRAINING ON EARLY INTERVENTION RIGHTS AND RESPONSIBILITIES:** AB2 organized training for AB2 Board and public on FNRC' Eligibility and Intake Process for Early Intervention and Lanterman Eligibility on April 11, 2013. 16 people trained.

**Goal 9 ((12.EM.09.1) COLLABORATION TO EXPAND EMPLOYMENT OPPORTUNITIES:** AB2 distributed information on legislative proposal related to Work Ability Program in schools to 350 people. AB2 helping to North Valley Services' Tehama County Visitors Center which is targeted to employ 15 people with DD. AB2's Cycle 35 Grant GCOE's The Rusty Wagon, completed OSHA Back Safety Certification for 4 employees with developmental disabilities.

**State Plan 2012-2016 Activities for March and April, 2013:**

**Goal 9 (12.EM.09.2) COLLABORATION TO EXPAND PSE OPPORTUNITIES:** AB2 participated in the Youth Leadership Forum (YLF) by interviewing 7 students who applied from region 2 area. Of the 7 students interviewed, 3 students were accepted to attend YLF in the summer, 2013 in Sacramento.

**Goal 10 (12.HE.10.1) INFORMATION AND TRAINING ON HEALTH CARE SYSTEM ISSUES:** AB2 participates in local coalition, Diversability Advocacy Network (DAN) that focuses on Coordinated Care Initiative/Medi-Cal transition to Managed Care (Rural Expansion). Organizing a meeting with Health Plans to include/invite all advocacy agencies (SCDD/Area Boards, C4A, ILSC's, Regional Centers, etc.), in the 18 counties that will be impacted by the transition of health care. The meeting will be May 9, 2013 in Sacramento. AB2 participating in RFENC's Rural Children's Special Health Coalition, a grant funded project from the Lucille Packard Foundation to bring together families and professionals from Shasta, Siskiyou and Trinity Counties to develop a plan to best serve families in our communities.

**Goal 10 (12.HE.10.2) MONITOR AND ADVOCATE TO ENSURE ACCESS TO NEEDED HEALTH SERVICES:** AB2 participates in Butte County IHSS Advisory Committee and is monitoring the time sheet processing changes and ensuring effective training to recipients and providers.

**Goal 11 (12.HO.11.2) INFORMATION AND ADVOCACY ON HOUSING OPTIONS:** AB2 provided advocacy for 1(one) consumer to coordinate affordable housing opportunities through ILS services.

**Goal 14 (12.CR.14.1) TRACK, SUBMIT POSITION LETTERS AND DISSEMINATE INFORMATION ON RELEVANT LEGISLATION/REGULATIONS/POLICY:** AB2 provided information and education on AB 1041 Employment First Policy including legislative information to support bill to 350 people.

**Goal 14 (12.CR.14.3) USE OF MEDIA INCLUDING SOCIAL MEDIA TO EDUCATE THE PUBLIC:** AB2's Cycle 35 Grant – FNRC's FOCUS Film Festival showed "...That's Me!" That is a short film featuring six (6) self-advocates from Chico who share thoughts about working, success, achievement, self-advocacy and community inclusion to various community groups reaching 200 people. Also, April 18, 2013 showed Embraceable, an intimate look into the fascinating lives of people with Williams Syndrome at the COVE in Paradise reaching 41 people. Also, FNRC developed a YouTube channel of "...That's Me!"

[www.youtube.com/user/FNRCVideos](http://www.youtube.com/user/FNRCVideos)

**Goal 15 (12.CR.15.1) TRAINING/PRESENTATIONS AND TRANSLATIONS OF MATERIALS IN LANGUAGES OTHER THAN ENGLISH:** AB2 distributed Fact Sheets on CCI to community in developed languages in California to 350 people.

**Issues or Concerns for State Council Consideration**

Click here to enter text.

# Area Board Report to Council

Area Board: 3 Reporting Period: March – April 2013 Date: April 2013

## Highlights

Our lecture series continues with a presentation on Adult Transition Services. The Area Board has invited our local regional center, the Department of Rehabilitation and a local business owner to engage in an open dialogue. The Area Board is continuing to build our website and currently have one of the most comprehensive Links section which has received positive comments from a variety of users. Our Area Board Facebook page has also grown by 20% in the last month.

## Activities to Implement the State Plan During this Period

**Goal#3(a) Individuals with developmental disabilities and their families express the degree to which they are satisfied with their services and the extent to which they feel their needs are being met.** Area Board 3 continues to conduct this year's cycle of the Quality Assessment Project for a Children/Family Survey. A total of 1,242 surveys have been sent out by the Area Board to families in our 10 county catchment area which ask a series of questions related to access and delivery of supports, satisfaction, outcomes as well as other elements of services and supports.

**Goal#1 Individuals with developmental disabilities have information, skills, opportunities and support to advocate for their rights and services and to achieve self-determination, independence, productivity, integration and inclusion in all facets of community life.** In collaboration with the Supported Life Institute, Area Board 3 is co-sponsoring the 18<sup>th</sup> Annual Statewide Self-Advocacy Conference at the Lions Gate Hotel. This year's two day event has attracted more than 350 individuals. The conference will include such topics as Self-Advocacy and Peer Advocacy Education, Legislative information Health and Wellness, Microenterprises and Living Options, Relationships and Sexuality.

**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.** During this reporting period Area Board represented 73 families at IEP meetings and provided 2 training sessions in collaboration with local CACs

## Issues or Concerns for State Council Consideration

The Area Board remains concerned and frustrated with the fact that there is no representation seated on the State Council at this time.

It appears that the issues noted in our last report regarding Welfare & Institutions Code section 4648.55 have not been addressed. Further, it appears after meeting with individuals and families that the local regional center believes that as long as a student remains in school, it is the responsibility of the local school district to address any and all social areas of need. It is suggesting, following an Area Board meeting held April 23, 2013, that the California Department of Education and the Department of Developmental Services should convene a joint meeting with community members to collaboratively develop language clarifying Section 4648.55

## **Area Board 4 Report to Council**

**Reporting Period: February-March 2013**

**Date: \_\_5-1-13\_\_**

### **Highlights**

#### **Activities to Implement the State Plan During Feb-March, 2013**

##### Self Advocacy

1. Supported 2 new self advocacy groups to get started.
2. Provided 3 trainings to self-advocacy groups
3. Provided resource materials for groups and sponsor 3 self advocates to attend a statewide self advocacy conference.
4. Facilitate Statewide Self Advocacy Network representative to participate in SSAN meeting and to provide SSAN report at AB4 meeting.

##### Education

1. Provided 2 parent trainings on special education issues
2. Provided individual IEP advocacy regarding related services, placement, transition, and inclusion.
3. Coordinating an award ceremony to recognize exemplary educators.
4. Conduct outreach and provide rights information to Spanish-speaking families.
5. Participated in Transition resource fair
6. Participate on 3 Community Advisory Committees for special education and CAC subcommittees on transition, training, and inclusion.
7. Discussed/advocated with Sonoma County Assistant Superintendent why SCOE's Adult Education was ceasing as of June 30, 2013 its funding of adult education classes for residents at Sonoma Developmental Center. Also, discussed/advocated on the issue with the Interim Executive Director of Sonoma Developmental Center how SDC would meet the obligations in residents' IPP's given the departure of SCOE's Adult Education service to SDC residents.

##### Health Care

1. Individual advocacy to obtain end-of-life services.
2. Participated on the MHSA grant-funded "Building Bridges Task Force" for Napa County in several meetings, including one with the Napa Chief of Police and DA to discuss what training and resources would enhance the ability of the justice system to serve persons with a mental health and developmental disability dual diagnosis.
3. Participated in planning meeting to strengthen collaboration with partners on the North Bay Autism Regional Taskforce and the Autism Community Team to address issues related to access to services for persons with autism.
4. Participated on the MHSA grant-funded "Building Bridges Task Force" for Solano County which is developing a "guide for service providers on supporting persons with dual diagnosis mental health-developmental disabilities.

#### Work

1. Coordinated a meeting with agencies, individuals and families to promote creation of supported employment and Tailored Day Services (TDS) options.
2. Developed Tailored Day Services (TDS) fact sheet.
3. Provided individual advocacy with individuals who want to start business, obtain job coaching, and have more work.
4. Assisted with multi-agency networks to coordinate transition to adult work options.
5. Participated in two meetings with line staff and manager at NBRC to discuss ways the Area Board and NBRC could collaborate to achieve improved outcomes of integrated paid employment.
6. Met with manager of Community Access Plus to discuss how they achieve employment outcomes in the community for their clients.

#### Cultural/Language Access

1. Translated information on rights, trainings, and event notices into Spanish and distribute to mailing list of Spanish-speaking families.

## Living Arrangements

1. Individual advocacy to obtain services to be discharged from long term health facility, and to improve supported living services.
2. Met with the Interim E.D. @ Sonoma DC to express the Area Board's on-going concern with issues at SDC and had discussion on same.
3. Participated in a videoconference IPP meeting for an individual living in a locked non-federal financial participation facility in S. California.
4. Sonoma Developmental Center

### Volunteer Advocacy Services Program (VAS):

- VAS (served 136 residents at Sonoma Developmental Center, of that number 110 of those residents have volunteer advocates. The remaining residents are served by the VAS Coordinator.
- Advocates and the VAS Coordinator attended Transition Support and Conformation Meetings.
- Advocates toured community homes to assess services and supports provided by the residential service provider.
- Two residents in the VAS project moved to community living situations.
- Part of the advocacy services is to advocate for medical services for residents such as: requesting Occupational Therapy evaluation for a new wheelchair for one of the residents, pain management assessment for another resident, and attending a nutritional support meeting for a resident.
- Assisted residents at writ hearings.
- Participated in proposal reviews and interviews for development of community homes for two regional centers.
- Assisted with the planning, scheduling, mailing information regarding the Opportunity Fair sponsored by AB4 and SDC. The Opportunity Fair will occur on June 6th at SDC and gives residents and staff a chance to see what services are available in the community.

### Clients' Rights Advocate (CRA):

- Participated in regular meetings such as daily reviews of Incident Reports with the Quality Assurance, Office of Protective Services and Area Coordinator of Nursing Services staffs, Bioethics, the Whole Person Review, and the Human Rights Committees.

- With the VAS Coordinator and AB 4 E.D., met with the (interim) executive director and the (acting) clinical director of Sonoma Developmental Center.
- Involved in several meeting that resulted in Denial of Rights for possession for several individuals with life threatening PICA.
- Provided the facility with updated rights forms to inform individuals of their rights and to communicate that the CRA's office moved to a new location on campus.
- Met with the clinical director regarding a possible violation of privacy for an article published in a local newspaper about a current resident.
- Participated in a client protection meeting for several individuals on an un-locked residence in the Intermediate care side of the facility.
- Visited with a client on a behavioral residence during a time in which she was experiencing a crisis and was on suicide watch with PICA protocols enacted, and initiated a special meeting on her behalf involving her regional center, her volunteer advocate and her treatment team.
- Attended several transition support meetings for several individuals on the skilled nursing side of the facility and some on the intermediate care side.
- Made many visits to the folks who have filled WRITs, especially on the ICF side of the facility and talked with them regarding the Writ process and community options.
- Attended many meetings concerning a medical transfer of a long time resident of SDC and NF client.
- Attended court dates and supported clients by communicating to the PD, Judge, DA and Court manager/investigator any missing information. Spoke with the PD regarding several cases and helped him with his investigation.
- Advised several family members on authorized representation the process for obtaining conservatorship of their family members at SDC.
- Met with the VAS coordinator, regional center representatives and Sonoma Regional Project staff to plan for an up-coming opportunity fair we hold in conjunction with SDC every year.
- Worked with several units on extending the access offered on the residences to incrementally un-lock previously locked environments. During one of my normal visits to the behavioral units I encountered a female client and talked to her at length. As we spoke she told me that staff had been abusive towards her, so after we talked I initiated a Generated Event Review, or Incident Report to the proper staff and an investigation was almost immediately launched into her allegations of

abuse. Made follow up visits and communicated with the team and program management regarding the incident.

- Advised the behavioral teams of the decertified units on the Denial of Rights Process and Rights of individuals with Highly Restrictive Behavioral Interventions'.

# Area Board Report to Council

Area Board: 5 Reporting Period: March-April 2013 Date: 04/30/2013

## Highlights

Area Board staff and Board members participated on the conference planning committee and as an exhibitor at the 12<sup>th</sup> annual Update for Health Professionals at the UCSF Medical Center in San Francisco March 7-8. Over 250 health professionals, including physicians, nurses and social workers received practical updates on the complex health care needs of children, youth and adults with developmental disabilities. Senate President Darrell Steinberg presented on legislative advocacy and received the Eunice Kennedy Shriver Award.

Area Board staff collaborated with the Alameda County DD Council, regional center and local school districts to sponsor a Transition Fair, which was held March 16 at the College of Alameda. About 600 people attended, including about 450 students and their families. (It was the biggest one ever.)

## Activities to Implement the State Plan During this Period

Area Board 5 provided individual advocacy services for 18 individuals/family members during this period. Staff participated in the RFP selection committees for both GGRC's and RCEB's Community Placement Plans. A groundbreaking ceremony was held March 13 at Jack Capon Villa, a 19-unit affordable housing development for people with developmental disabilities in Alameda. Staff attended board and committee meetings for both GGRC and RCEB, and continued planning for the annual Golden Gate Self-Advocacy Conference, to be held this year on September 25 in San Francisco, with the theme of Person Centered Thinking. We continue to support local chapters of Bay Area People First as well as a representative to People First of California and the Statewide Self-Advocacy Network. Staff maintain liaison with the Developmental Disabilities Councils in Alameda and Contra Costa counties, and we have recently conducted outreach to the San Mateo County Commission on Disabilities. We participate as a founding member of the East Bay Legislative Coalition. We have begun collaborating with the Alameda County Dept. of Public Health, Behavioral Health Services and Regional Center of the East Bay to plan for the development of a mental health clinic specializing in serving persons with developmental disabilities. It is based on a model that was successfully developed in San Mateo County as the Puente Clinic. The new clinic will be in Alameda County and will be named in honor of Mary Lu Schreiber. We are monitoring the progress of the small grant awarded to the Calico project, whose goal is to provide support and specialized services to 75 children, adolescents and adults with developmental disabilities and their caregivers. The project is also providing training to first responders and other members of the criminal justice system, which will culminate in a conference to be held in the fall. Under the NCI project, we have received 742 completed written surveys, including 366 for GGRC and 376 for RCEB. Most of the data have already been entered into the system. The movers' surveys will be conducted by staff and are expected to be completed within the next two months.

## Issues or Concerns for State Council Consideration

# Area Board Report to Council

Area Board: 6 Reporting Period: Mar/Apr 2013 Date: 4/30/13

## Highlights

- Goal 1 a) - Area Board 6 board member assisted and participated at the Statewide Self Advocacy Network.
- Goal 1 c) - 570 people attended the Annual CHOICES Conference- theme-*Roads to Independence*
- Goal 2 a) - Area Board 6 is a member of the Valley Mountain Regional Center Strategic Planning committee. This committee meets monthly until task is completed.
- Goal 14 b) - Legislative Panel held at CHOICES conference- 8 legislator's representatives were educated on issues that impact lives of people with developmental disabilities. Approximately 125 self-advocates participated. Material provided to each representative.

## Activities to Implement the State Plan During this Period

- Goal 2 a) - 24 individuals and families received information regarding IEP issues. 4 of those families were Spanish speaking.
- Goal 2 a) - Provided representations to 1 family regarding a van conversion lift, and 1 mediation for a parent requesting assistance with co-payment of insurance related autism services.
- Goal 2 b) - In collaboration with Family Resource Network- two Special Education Rights and How to Write an Effective IEP trainings occurred in Tuolumne and San Joaquin Counties. There were 18 parents that participated in Tuolumne and 16 parents participated in San Joaquin.
- Goal 2 c) - Self Advocacy Scholarship funds were awarded to 25 transition students and 5 teachers from Amador, Calaveras and San Joaquin Counties to attend the CHOICES conference.
- Goal 3 a) - March 2013- CVRC AB6 completed our mailing of 2000 children/family surveys for Central Valley Regional Center. April 2013- CVRC 320 completed surveys received back by mail and 146 have been entered onto the data base. March 2013- VMRC AB6 completed our mailing of 2000 children/family surveys for Valley Mountain Regional Center. April 2013- VMRC 330 completed surveys received back by mail for VMRC and 145 have been entered onto the data base.
- Goal 6 a) - Participated at the Supported Employment/Living Interagency Team (SELIT) quarterly meeting. There were 20 in attendance which included teachers, school district representatives, VMRC rep, SELPA reps, and day program staff.
- Goal 6 a) - Participated at the San Joaquin and Stanislaus Transition Task Force meetings- over 40 in attendance- SELPA, Family Resource Network, Regional Center, Dept. of Rehabilitation, Self-Advocacy Council 6 and Day Program staff.
- Goal 8 a) - Provided information and materials from SCDD on the Employment First legislation at the CHOICES Conference. Over 300 copies disseminated.
- Goal 9 a) - Participated on the Micro Business Committee in scheduling upcoming Fairs. 8 people in attendance- VMRC staff, Micro Business owner, parent, and Biz Works (past grant recipient of AB6).
- Goal 11 a) - Facilitated and participated on the monthly Residential Task Force along with parents, DRC, VMRC Resource Development staff, Residential Service Providers and Family Resource Network
- Goal 11 b) - Provided advocacy information and IPP support to 3 individuals concerning their housing options.
- Goal 13 a) - Participated on the IHSS Public Authority Advisory Meeting. 14 members attended and 2 public members. Topics included dual eligibility health insurance changes, and IHSS recipient medical certification process.

## Issues or Concerns for State Council Consideration

- A word of appreciation- Parents from our area did call in for the SB 948 Panel discussion at the March SCDD meeting and thought it was organized and informative. They were happy to have the call in option. Kudos to Area Board 9 and Area Board 13 for facilitating and organizing!
- It appears that Department of Developmental Services and Regional Centers do not have clear and defined policy in regard to assistance with co-payments for insurance funded autism treatment.

## Area Board Report to Council

Area Board: **8**  
Date: **April 25, 2013**

Reporting Period: **March - April 2013**

### **Highlights**

Conducted Monthly IEP Clinic with Family Resource Center in Kern County  
Attended Adult Transition Community Partnership Meeting in Fresno County  
Attended Annual Autism Awareness and Bullying Conference in Kern County  
Participation in Residential RFP Selection with Kern Regional Center  
Presentation to Area VIII Board by Heartland Opportunity Center as an update on the progress of their Garden Project partially funded by Area VIII Board during Grant Cycle 34  
Presentation to Area VIII Board by Wayfinder's of Fresno State University, a post-secondary educational opportunity for client's ages 18 to 29 in the Central Valley  
Presentation to Area VIII Board by Education Perspective for the Central Valley to discuss efforts through advocacy , research, information, conflict resolution and reform to improve access to quality education programs.  
Panel discussion with families concerned about services delivered by regional centers.

### Board Recruiting

#### **Governor's Office**

One seat open

Call with Governor's Appointment Office to coordinate and streamline applications and appointment process

#### **Fresno**

One seat open

Ongoing dialog with Board of Supervisor's Office to expedite the appointment of one applicant

#### **Kern**

One seat open

Ongoing recruitment of applicants

#### **Madera**

Two seats open

Lead to three potential applicants

Ongoing recruitment of applicants

#### **Mariposa**

One seat open

Ongoing recruitment of applicants

#### **Merced**

Two seats open

Ongoing recruitment of applicants

#### **Tulare**

One seat open

Lead to one potential applicant

Ongoing recruitment of applicants

#### **Kings**

One seat open

Ongoing recruitment of applicants

**Board Development**

Created informational packets for current and potential Board Members

**Individual Advocacy**

63 Individual/Families received Advocacy Support

Of the 63 approximately 55 were for Special Education support including:

Least Restrictive Environment - Placement

Behavioral Supports

Assistive Technology

Communication

IEP Compliance Issues

Transition

Of the 63 approximately 6 were Regional Center individual/family's need including:

Eligibility

Appeal Process/Fair Hearing

ABA Services

In Home Respite Hours

Attended 42 IEP meetings to support individual/families

**Activities to Implement the State Plan During this Period**

Goal 1:

Continued support of our local SSAN Advocate

Goal 2:

63 Individual /Family Advocacy

Rights Training – 4 presentations to 26 participants

Goal 6:

Adult Community Partnership Meeting

Individual support preparing students transitioning from school to employment

Goal 7:

Presentation to local family agency to help young families needing information to navigate the service system

**Issues or Concerns for State Council Consideration**

School districts expenditures fighting parents on Fair Hearings

Programs for young adults with autism

## Area Board Report to Council

Area Board: 9 Reporting Period: March to May Date: 05/01/2013

### Highlights

***Coming soon-First Annual Tri-Counties Self Advocacy Conference:***

Area Board 9 officially launched its collaboration with local People First chapters and other self advocate groups to plan a self advocacy conference for adults with developmental disabilities living in San Luis Obispo County, Santa Barbara County and Ventura County. The "save-the-date" flyers should go out later this month once the location is confirmed.

***Collaboration with Federal DD Partners:*** Area Board 9 has an ongoing collaboration with USC's UCEDD related changes in behavioral treatments services for children and adults with autism.

Area Board 9 has an ongoing collaboration with the local OCRA/DRC offices related to community outreach trainings to the Tri-Counties community. For this reporting period, Area Board 9 and OCRA are collaborating on an outreach about Medi-Cal services.

### Activities to Implement the State Plan During this Period

***Goal 1/Objective 1b & 1c: Strengthen existing self-advocacy groups-***

Area Board 9 attended meetings and provided support to existing (and wonderful!!) self advocate groups in the Tri-Counties area: People First San Luis Obispo, People First of Santa Barbara County, and People First, Santa Maria Chapter.

***Goal 2/Objective 2a: Provide advocacy assistance to individuals and families regarding education, early intervention, regional center services, and other services and supports-*** Area Board 9 opened 75 new cases for advocacy assistance during this review period, which does not include the 45 advocacy assistance cases previously opened. Assistance areas of these new cases were split evenly between regional center and special education.

***Goal 2/Objective 2c: Participate in resource fairs with SELPAs, CACs, and FRCs for youth and adults with disabilities-*** Area Board 9 attended and participated in many resource fairs focused on transition for youth and young adults: Oxnard Unified School District/SELPA Transition Fair; Conejo Valley Unified School District/SELPA Transition Fair; Ventura Unified School District/SELPA Transition Fair; Simi Valley Unified School District/SELPA

**Goal 14/Objective 14a: Review and take positions on proposed state and federal legislation-** Area Board 9 continued its legislative and public policy work connected with Senate Bill 946; Area Boards 9 and 13 continued its work in putting together the panel discussion for the State Council meeting on March 20;

**Goal 15/Objective 15a: Provide access to information and resources in ways that reflect language and cultural preferences for people with developmental disabilities-** Area Board 9 has begun the planning process for the first ever self advocacy conference in the Tri-Counties area. The conference itself will be put together by self advocates, for self advocates. Area Board 9 is partnering with all of the People First chapters and independent self advocate groups. The conference anticipates about 150-200 participants and will include workshops on topics such as sexuality, dating, microenterprise and how to manage your staff.

### **Issues or Concerns for State Council Consideration**

Area Board 9 would like a training and/or resources on how the Affordable Care Act will impact children and adults with developmental disabilities currently eligible for full scope Medi-Cal and emergency Medi-Cal.

# Area Board Report to Council

Area Board: 10 Reporting Period: March-April 2013

Date: 5/1/13

## Highlights

We promoted, coordinated, and sponsored a seminar about health care and the transition to managed care which had 31 attendees and excellent evaluations. We have begun promoting and accepting RSVPs for our June seminar about sexuality.

We held a successful Volunteer Driver Program training at a local regional center with 26 attendees who were in a position to create or authorize such programs and received excellent evaluations. A few programs indicated an interest in piloting a program and Access Services, our county paratransit agency, offered to write a preliminary issues paper to adapt such programs to serve individuals with developmental disabilities.

We distributed our March and April newsletters to over 1000 people each month, a 50% increase in readership from the previous reporting period.

We began implementation of the Quality Assurance Project, mailing out 14,000 surveys to date. We have received 2,400 surveys and are entering them into a web based data collection program (ODESSA). Additionally, we have completed over 100 face to face interviews for those who have transitioned to the community from developmental centers.

## Activities to Implement the State Plan During this Period

On behalf of the State Council, we provided testimony to the Assembly Budget Committee's Subcommittee #1 on Health and Human Services to inform them of the Council's positions regarding the Governor's proposed budget.

We provided individual advocacy and technical assistance to 51 people regarding access to needed community supports, three of whom were Spanish speaking and two of whom we represented for their fair hearings. We also assisted 31 families regarding the provision of appropriate educational services for their child with special needs, 6 of whom were Spanish speaking.

We provided two presentations in Spanish to 70 individuals with developmental disabilities and parents on IEP meetings and strategy, one presentation in Spanish to 35 parents on understanding educational evaluations, and one presentation on employment to a parent group with 28 attendees. Additionally, we participated in a resource panel at the 2013 Rett Syndrome Conference at Children's Hospital Los Angeles and discussed the role of AB 10 and IEP strategy to over 75 parents and professionals.

We participated in Lanterman Developmental Center's Quality Management Advisory Group which is concerned with the quality of transitions from the developmental center into the community. We highlighted our concern over an emerging trend where residents are being transferred to sub-acute facilities and then into the community without experiencing the full transition process nor follow up from Lanterman Regional Project.

We participated in a meeting with a newly formed group composed of local and statewide community organizations and advocates regarding abuse and neglect to develop an action plan to improve the health and safety of individuals with developmental disabilities. The group will meet regularly.

We continued to support local self-advocacy efforts by facilitating the Self-Advocacy Board of L.A. County's (SABLAC) monthly meetings, co-sponsoring a workshop for SABLAC on relationships (26 attendees), and participating in the Statewide Self-Advocacy Network's meetings.

We promoted and distributed our Parent Support Group and Self-Advocacy Group Directories to all seven L.A. County regional centers and every family resource center.

Our two new board members and one new at-large Council member received an extensive orientation from area board staff.

We participated in the development of the strategic plan and adoption of regional goals for the System Change Network of the California Foundation for Independent Living Centers.

## Issues or Concerns for State Council Consideration

## Area Board Report to Council

Area Board: 12

Reporting Period: 3/01/2013-4/30/2013

Date: 4/30/2013

### Highlights

Provide Dental Training and New Resource to Inyo and Mono Counties (no Denti-Cal provider)- Collaborative Partner Kern Regional Center, IMAH and Rene' Zambel, RDHAP - 33 Self-Advocates, 8 Family Advocates, 7 professionals (April)

Provide IEP Training for 200 School Age Case Management Staff at Inland Regional Center (March)

### Activities to Implement the State Plan During this Period

Ongoing Monthly Collaboration with Inland Empire Disability Collaborative representing Riverside and San Bernardino county area agencies which serve people with disabilities. (March & April) 50 professionals/20 self-advocates

Ongoing monthly support to both new self-advocacy groups which began in 2012 (Eastern Sierra Self Advocacy Network and Canyon Springs Self-Advocacy Network) Partners DRC at Canyon Springs in March – 20 self-advocates.

Ongoing Monthly Collaboration with San Bernardino County District Attorney's MDT on Elder and Dependent Adult Abuse team. 20 professionals and Ongoing Monthly Collaboration with Riverside County "CA.R.E." Team Curtailing Abuse Related to the Elderly & Dependent Adults.(March & April) 30 professionals

Ongoing Quarterly meeting with IHSS Advisory Committee. (March) 10 professionals/5 self-advocates

Ongoing Quarterly Collaboration of Inland Empire Department of Rehabilitation staff, job developers, ROP, & Transition school teachers (March) 70 agency professionals

Collaboration with Mental Health Services Oversight & Accountability Commission Inland Empire Community Forum (March) self and family advocates in attendance as well as agency professionals

Collaboration at Autism Empowerment Conference in Riverside County (March) self and family advocates and agency professionals in attendance

Participation with Lanterman Quality Management Advisory Meeting (April) 1 self-advocate, 10 family advocates, 40 Agency professionals

Developed and delivered presentation on "Seeing the Ability within Disability" for Riverside County Special Education Local Plan Area (SELPA) Community Advisory Committee (CAC) (March) – 8 Family Advocates and 19 professionals

Developed and disseminated media press release for self and family advocates on upcoming Home Ownership trainings. Provided Home Ownership Training for 7 Self and Family Advocates Mammoth, CA through Get Safe Cycle 35 Grant (March)

Advocacy Referrals via telephone: Education (26), Employment (11), Regional Center/Eligibility (29)

Advocacy Referrals via email. Education (0), Employment (0), Regional Center/Eligibility (29)

Direct Telephone Advocacy: 26 cases

Direct Face-to-Face Advocacy (i.e, attending fair hearing, IEP, etc): 12 cases

Provided Clients Rights Advocacy at Canyon Springs Community Facility: 54 self-advocates

Provided Volunteer Advocacy Services at Canyon Springs Community Facility: 26 self-advocates

Provide on-going support to the Statewide Self-Advocacy Network (SSAN) (March)

Provide IEP Training for 200 School Age Case Management Staff at Inland Regional Center (March)

Collaborate with San Bernardino County Children's Legislative Committee (March) 10 professionals

Met with Elementary School Principal to develop Plan of Action for Employee/Teacher training on developmental disabilities Seeing Ability in Disability for remediation of consumer complaint (March)

Provide Training with Mono County SELPA on SSI and Wages for 6 family advocates (March)

Provide Dental Training and New Resource to Inyo and Mono Counties which don't have a single Denti-Cal provider / Collaborative Partner – Rene' Zambel, RDHAP - 33 Self-Advocates, 8 Family Advocates, 7 professionals

## Issues or Concerns for State Council Consideration

None