COUNCIL MEETING NOTICE/AGENDA

Posted on www.scdd.ca.gov

DATE: Thursday, May 29, 2014

TIME: 10 a.m. – 5 p.m.

LOCATION: **Doubletree by Hilton**
2001 Point West Way
Sacramento, CA 95815
(916) 924-4900

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. Requests must be received by 5:00 pm, May 21, 2014.

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1.	**CALL TO ORDER**	J. Aguilar	
2.	**ESTABLISHMENT OF QUORUM**	J. Aguilar	
3.	**WELCOME/INTRODUCTIONS**	J. Aguilar	
4.	**PUBLIC COMMENTS** *This item is for members of the public only to provide comments and/or present information to the Council on matters **not** on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first. The Council will provide a public comment period, not to exceed a total of three minutes, for public comment prior to action on each agenda item.*		
5.	**APPROVAL OF MARCH 2014 MEETING MINUTES**	J. Aguilar	3
6.	**MTARS UPDATE**	J. Aguilar	8
7.	**CLOSED SESSION – PERSONNEL** *Pursuant to Government Code 11126 (a)(1) the Council will have a closed session to consider the appointment and/or employment of a public employee.*		

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

8. **RECONVENE OPEN SESSION**
Pursuant to Government Code Section 11126.3 (f) there will be an announcement of any action(s) taken during closed session.

9. **COMMITTEE REPORTS**

A. **Executive Committee**	M. Kennedy	34
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iv. April and May 2014 LPPC meetings		181
D. **Program Development Committee**	J. Lewis	
E. **Self-Advocates Advisory Committee**	N. Yang	
i. Appointment of Council SSAN Representative		
F. **Employment First Committee**	K. Weller	

10. **FAR NORTHERN REGIONAL CENTER CONFLICT OF INTEREST WAIVER REQUESTS** — N. Bocanegra — 189

11. **STAFF REPORTS**

A. Acting Executive Director	M. Polit	
B. Area Board Executive Directors	All	225

12. **COUNCIL MEMBER REPORTS AND COMMENTS** — All

13. **NEXT MEETING DATE & ADJOURNMENT** — J. Aguilar

MARCH

2014

COUNCIL

MEETING

MINUTES

DRAFT

Council Meeting Minutes
March 20, 2014

Members Present
Bill Moore
Brian Gutierrez
Catherine Blakemore
Chisorom Okwuosa
Dan Boomer
Janelle Lewis
Jonathan Clarkson
Jorge Aguilar
Kecia Weller
Kerstin Williams
Kris Kent
Molly Kennedy
Ning Yang
Olivia Raynor
Ray Ceragioli
Rebecca Donabed
Robin Hansen
Sandra Smith
Santi Rogers

Members Absent
April Lopez
Carmela Garnica
David Forderer
Feda Almaliti
Max Duley
Nancy Clyde
Patty O'Brien-Peterson
Robert Jacobs

Others Attending
Aaron Carruthers
Angela Lewis
Bob Phillips
Carolyn Meshack
Christine Lannon
David Grady
Dawn Morley

Others Attending (cont.)
E. Lewis
Eric Gelber
Gabriel Rogin
Gina Gualneri
Jacob Atteberry
Jennifer Allen
Mark Polit
Mary Agnes Nolan
Mary Ellen Stives
Roberta Newton
Robin Maitino
Sam Seaton
Sarah Greenseid
Sarah May
Sherry Beamer
Sonya Bingaman
Stephen Canale
Willie West

1. CALL TO ORDER/ESTABLISHMENT OF QUORUM

Jorge Aguilar, Chairperson called the meeting to order at 10:05 a.m. and a quorum was established.

2. WELCOME AND INTRODUCTIONS

Members and others attending both in person and on the phone introduced themselves.

3. PUBLIC COMMENT

There were no public comments.

4. APROVAL OF JANUARY 2014 MEETING MINUTES

It was moved/seconded (Kennedy/Williams) and carried to approve the January 15, 2014, Council meeting minutes as amended. (1 abstention)

Amendment

- Page 4, seventh paragraph, under Legislative and Public Policy, remove the notation that reads "check with Mark – I don't think this is right."
-

5. CLOSED SESSION – PERSONNEL

The Council went into closed session.

6. RECONVENE OPEN SESSION

The following actions were reported in open session:

Action 1
To extend a job offer to candidate #1 contingent upon resolving conflict of interest and incompatible activity issues to the satisfaction of the Executive Committee in consultation with legal counsel.

Action 2
In the event that the offer to candidate #1 is either withdrawn or declined, an offer of employment will be made to candidate #2.

7. COMMITTEE REPORTS

a. Executive Committee – Molly Kennedy provided a brief summary of the February 11, 2014 meeting and tabled the Bylaw review due to loss of quorum.

b. Administrative Committee – Molly Kennedy provided a summary of the February 27, 2014 Committee meeting including the mid-year expenditure reports and a proposed budget update. Due to loss of quorum, the Cycle 37 Grant recommendations were referred to the Executive Committee.

c. Legislative and Public Policy Committee – Janelle Lewis provided a summary of recommendations from the February 5th and March 5th meetings. Recommendations requiring action were referred to the Executive Committee due to lack of quorum.

d. MTARS Ad-Hoc Committee – Jorge Aguilar and Roberta Newton provided members with a progress update on implementing the corrective action plan. Before losing the quorum, the Council moved to change the order of the day and acted on the following item:

   It was moved/seconded (Blakemore/Weller) and carried to approve the Legislative Concepts that will form the basis for Assembly Bill (AB) 1595, Lanterman Developmental Disabilities Services Act and Related Laws. The motion was approved unanimously.

   The Committee is scheduled to meet again on April 3, 2014.

e. Program Development Committee (PDC) – Janelle Lewis provided a brief summary of the March 6th PDC meeting. Items that required action from the Council were referred to the Executive Committee due to loss of quorum.

f. Self-Advocates Advisory Committee (SAAC) – SAAC met on March 19th. A quorum was not present so the Committee only reviewed Council packet materials.

g. Employment First Committee (EFC) – A brief summary of the March 11th meeting was given.

8. **REGIONAL CENTER CONFLICT OF INTEREST WAIVER REQUEST**

Due to loss of quorum, this item was tabled.

9. SPONSORSHIP REQUEST

Due to loss of quorum, this item was tabled.

10. STAFF REPORTS

Roberta Newton and Mark Polit provided reports of their activities since the last Council meeting. Area Board Executive Directors that were present also provided reports on their activities.

11. COUNCIL MEMBER REPORTS AND COMMENTS

Council member reports were given.

12. NEXT MEETING AND ADJOURNMENT

The next meeting is scheduled for May 29th. Meeting was adjourned at 4:50 p.m.

MTARS

UPDATE

II. ORGANIZATIONAL ADMINISTRATION	
II.1 Staff	***2013 MTARS Finding (1)***
The Director shall hire, supervise, and annually evaluate the staff of the Council. Sec. 125(c)(9)	The Council Director (not the Governor) should hire Council staff and supervise and annually evaluate them. Instead the: • Council Director submits hiring recommendations to the Governor and the Governor has the final authority to hire two deputy level staff. • The Council has the final approval for the hiring of other staff.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (1): The Council agrees with this finding.

CORRECTIVE ACTION (1): The Council proposes amending state law, the Lanterman Act, to provide that the Executive Director of the Council is the hiring authority for all Council staff. It is the Council's intent to propose substantive revisions to the Lanterman Act to address this and other MTARS findings of noncompliance. The Governor's office has indicated its support for relinquishing hiring authority in order to come into compliance with the DD Act.
STAFF ASSIGNED: Mark Polit, Deputy Director for Policy and Planning; Council's MTARS Committee to oversee process.
TIMELINES: Effective January 17, 2014, Assembly Member Wesley Chesbro agreed to sponsor a bill with intent language: "it is the intent of the Legislature to make statutory changes to Division 4.5 of the Welfare & Institutions Code as it pertains to the operations, structure and responsibilities of the Council. These changes will bring state law into full compliance with federal law, in order to provide for the continued operation of the Council." Assembly Bill 1595 (AB 1595) was introduced on February 3, 2014. Please refer to **Attachment B** for an anticipated legislative timeline and outline of legislative concepts. **Attachment C** is AB 1595. The Council anticipates that the bill will be signed by the Governor in September 2014 and take effect January 1, 2015.
MAY 1st Status Update (1): AB 1595 (Chesbro) was introduced on February 3, 2014. It was amended on March 28, 2014 and again on April 21, 2014. The bill in its current form is attached to this report. AB 1595 had its first hearing on April 29, 2014 before the Assembly Human Services Committee. The bill passed from committee by consent, indicating strong support for the bill due to the significant efforts of the Council and staff to garner public and legislative support.

The legislation must be passed by Assembly Appropriations committee by May 23, and pass the full Assembly by May 30. On the Senate side, the bill must first pass Senate Human Services Committee by June 27 and then pass Senate Appropriations Committee by August 15. All bills must be sent to the Governor by August 31, and signed or vetoed by the Governor by September 30. Bills signed by the Governor take effect January 1, 2015.

The Council initiated several activities to keep our community educated about the provisions contained in AB 1595 and to win support for its passage. The Council sponsored two public listening sessions, on February 10, 2014 and March 12, 2014 which collectively attracted over 120 participants. Council members and staff have visited several regions around the state to give presentations on the reasons for and importance of AB 1595. Informational materials have

been developed and distributed by the regional offices, including information in plain language (samples attached).

Specifically relating to the findings in this section: AB 1595, deletes Section 4551(a)(1), which gives the Governor authority to appoint deputy directors; a new Section 4551(a) is added which gives the Council executive director the authority to appoint ALL state council employees. AB 1595 deletes Section 4553(c) which give the Board of the Area Board the authority to select the area board's executive director (subject to Council and Council ED approval), and prevents removal of the area board executive director without the consent of the Board of the Area Board.

III. MEMBERSHIP

III.1 Membership policies	***2013 MTARS Finding (2)***
Membership recommendations solicited by Governor from a broad range of organizational sources including non-state agency members of the Council. Sec125(b)(1)(B)	The Council's membership nomination and appointment process has been historically inhibited by state bureaucracy. It is unclear if and how membership recommendations are solicited from a broad range of DD/ID organizational sources and non-state agency members of the Council.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (2): The Council agrees that it is in limited compliance with this finding. In this instance, California state law is consistent with the DD Act. The Lanterman Act, Welfare and Institutions Code (WIC) Section 4521 includes the following provision:
4521(c) Prior to appointing the 31 members pursuant to this section, the Governor shall request and consider recommendations from organizations representing, or providing services to, or both, persons with developmental disabilities, and shall take into account socioeconomic, ethnic, and geographic considerations of the state.

However, the Council has historically been somewhat passive in its involvement in the recruitment of new Council members. Currently, individual Council members may informally recommend that a colleague or acquaintance apply for appointment, but there is no organized process for soliciting their recommendations and submitting them to the Governor's Appointment office as required in Section 125(b)(1)(B). The Governor does proactively seek input from a variety of ID/DD organizations, but that effort is conducted independent of the Council's involvement.

CORRECTIVE ACTION (2): The Council will amend its bylaws to establish a Membership Committee to recruit, solicit and advise the Governor on appointments to the Council. Its membership will consist exclusively of self-advocates and family advocates who are community leaders and who may or may not be Council members. Part of the rationale for selecting non-Council members in addition to Council members to sit on this Committee is to permit the Council to strategically reach out to influential individuals in the I/DD field who have extensive contacts. In many cases, these individuals are not eligible to themselves sit on the Council because they wear multiple hats as both self/family advocate and disability professional. The Committee will consist of at least three members, a majority of whom are Council members.

Consistent with Council Bylaws, the Chair shall be a Council member. The Committee will meet quarterly at minimum and more frequently as needed. The bylaws will define its membership and responsibilities and will include language in Section 125(b)(1)(B) that the Membership Committee will "coordinate Council and public input to the Governor regarding all recommendations." Among its duties will be to develop recruitment materials and publicity strategy. The Membership Committee will, at least quarterly, solicit recommendations for candidates via social media, and email/web alerts from among the regional advisory committees, self-advocacy groups, family support groups, the Federal Partners and service providers. The Chair of the Membership Committee will be charged with submitting the Committee's recommendations to the Governor's Appointment Office.

STAFF ASSIGNED: Roberta Newton, Interim Executive Director; Chair to make appointments to Committee, consistent with existing bylaws; MTARS Committee to oversee implementation.

TIMELINES: Council to amend Bylaws to create Membership Committee at its March 20, 2014 meeting. Chair to complete appointments to the Committee by May 9, 2014. Membership Committee to hold first meeting in June 2014. Please refer to **Attachment D** for Council's February 2014 draft updated Bylaws. **Attachment E** consists of the MTARS Committee Roster and Agendas

MAY 1ST Status Update (2): The Bylaws have been duly revised to establish a Membership Committee. However, at its March 20, 2014 meeting, the Council lost its quorum before the Bylaws were slated to be taken up. There is, therefore, a slight delay in constituting the Membership Committee. The Council will act on the draft amended Bylaws at its May 29, 2014 meeting. The Council Chair has already selected the Membership Committee Chair and membership of the Committee so, once the Bylaws are approved, the membership Committee will be able to hold its first meeting in June as originally anticipated. (See attached Committee roster)

III.1 Membership policies (continued)	***2013 MTARS Finding (3)***
Members reflect the state's diverse geographic locations, race, and ethnicity. Sec.125(b)(1)(C)	The appointment process for obtaining new Council members has hindered compliance with the DD Act. Currently, SCDD's membership composition does not meet the requirements for geographic, racial, and ethnic diversity.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (3): The Council has historically had several vacancies and currently has four vacancies for positions recommended by the Area Boards. However for the current 15 non-agency members of the Council, the ethnic and racial representation is as follows: 21% Latino, 7% black, 7% Asian. The membership is currently geographically diverse as well.

By design, the Council has historically enjoyed geographic diversity, since 13 seats are filled by members from the 13 regions covering the entire state.

CORRECTIVE ACTION (3): The newly constituted Membership Committee will formally take the lead in conducting outreach to unrepresented regions of the state and underserved communities. The Chair of the Membership Committee will solicit from among non-agency Council members, the regional advisory committees, self-advocacy leaders and family support groups, especially those whose membership is composed of individuals from traditionally underserved ethnic or racial minority communities.

Based on the many findings relating to membership policies, the Council has begun to develop legislative language to amend the Lanterman Act. This will result in an appointment process that continues to promote geographic, racial and ethnic diversity. Currently, geographic diversity is established by having a seat assigned to each of the 13 regional advisory committees. It is anticipated that revisions to the Lanterman Act will preserve the geographic diversity by assuring that there will be at least one Council member from the geographic area encompassing each of the Council's regional offices. The local regional advisory committees will be encouraged to recommend potential candidates, but the Governor retains authority to select the Council membership.

STAFF ASSIGNED: Roberta Newton, Interim Executive Director; MTARS Committee to oversee

TIMELINES: As cited above with Membership Committee holding first meeting by June 30, 2014. Based on conversations with the Governor's Appointment staff, we are optimistic that all vacancies will be filled by July 2014. Please see **Attachment F** for Council roster effective February 6, 2014.

MAY 1st Status Update (3): Since the submission of this MTARS response in February, an additional family advocate Council member has been seated, leaving the Council with four remaining vacancies. Additionally, AB 1595 (which passed policy committee on April 29), ADDS Section 4521(b)(1)(C), requiring one Council member from each regional office area, retaining provisions for geographic diversity. Section 4521(b)(1), also requires Council membership to reflect the geographic, racial and ethnic diversity fo the state.

Please refer to Status Updates (1) for more information on AB 1595 and (2) for additional detail on the membership committee

III.1 Membership policies (continued)	*2013 MTARS Finding(4)*
The Council has provisions to rotate membership. Sec.125(b)(2)	Each regional office (i.e. Area Board) representative has to be nominated by the governor. Membership rotation has been historically inhibited by the state's bureaucratic appointment process. For example, one regional office has not had representation on the Council for two years.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (4): There have historically been challenges in filling Council vacancies. The requirement that these seats be filled by Governor-appointed representatives of each regional office's board has complicated the appointment process.

CORRECTIVE ACTION (4): The anticipated revisions to the Lanterman Act which are being proposed, will streamline the appointment process significantly. The Council intends to also request that statutory language be revised so that a member's term begins on the date of their appointment. Additional statutory language will be crafted so that members can continue to serve while awaiting replacement.

STAFF ASSIGNED: Roberta Newton for activities of the Membership Committee; Mark Polit to oversee the legislative process; both overseen by MTARS Committee

TIMELINES: As cited above, by June 30 2014 for first meeting of Membership Committee. Anticipated revisions to state law will go into effect January 1, 2015. Beginning no later than June 30 2014, via the Membership Committee as its vehicle, it is anticipated that the Council will enjoy a collaborative and

shared mission with the Governor's office in constituting the Council.

MAY 1st Status Update (4): AB 1595, streamlines the appointment process in several ways and takes other actions to reduce the occurrence of vacancies on the Council. Section 4521(b)(1) requires the Governor to appoint 20 Council members pursuant to the criteria of geographic racial and ethnic diversity of the state who are self-advocates of family members, consistent with the DD Act criteria for Council membership. Furthermore, Section 4521(b)(1) deletes the requirement that the Governor appoint representatives of the 13 area boards, nominated by the area boards. Further removing restrictions on the Governor's appointment authority, AB 1595 deletes Section 4521(b)(2)(D and E) which gives the Senate Rules Committee and the Speaker of the Assembly the authority to nominate one Councilmember each.

Section 4521(b) also adds language giving the Governor authority to appoint any resident from the geographic areas of the regional offices, without indicating how many offices there are. This gives the Governor the appointment authority required by the DD Act, without interfering with the Council's ability to determine the number and locations of its regional offices.

AB 1595, Section 4521(d) adds language that members' terms begin on the date of their appointment; and Section 4521(d) deletes language that a Council member cannot serve more than 6 years. Section 4521(e) has language that allows members to serve until the Governor appoints their successor.

III.1 Membership policies	***2013 MTARS Finding(5)***
The Council has provisions that allow continuation of membership until a new member is appointed. Sec.125(b)(2)	The Council did not provide evidence of a policy for allowing the continuation of Council membership until a replacement member could be appointed.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (5): The Council agrees with this finding, as there are conflicting provisions of state law.

In compliance with the DD Act, the Lanterman Act currently states:
4521(g) A member may continue to serve following the expiration of his or her term until the Governor appoints that member's successor.

However, the Lanterman Act also contains a provision which contradicts both the DD Act and Section 4521(g), quoted above:

4521(d) ... In no event shall any member described in paragraph (1) of, subparagraphs (E) and (H) of paragraph (2) of, and paragraph (3) of, subdivision (b) serve for more than a total of six years of service.

CORRECTIVE ACTION (5): The Council is proposing an amendment to the Lanterman Act to clarify that Council member may continue serving until a new member is appointed.

STAFF ASSIGNED: Mark Polit, Deputy Director for Policy and Planning with oversight by MTARS Committee

TIMELINES: As previously cited, legislation has been introduced with the assumption that it will be signed by the Governor in September and go into effect January 1, 2015.

MAY 1ST Status Update (5): AB 1595, Section 4521(d) deletes language that a Council member cannot serve more than 6 years. Section 4521(e) has language that allows members to serve until the Governor appoints their successor

III.1 Membership policies (continued)	***2013 MTARS Finding(6)***
The Council has a process to notify Governor re: membership and vacancies. Sec. 125(b)(2)	The Council did not provide evidence of a transparent and effective process to notify Governor regarding membership vacancies.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (6): Although a process exists in state law to address vacancies, in practice there have indeed been long-standing vacancies. The Lanterman Act states:

4521(g) .... The state council shall notify the Governor regarding membership requirements of the council and shall notify the Governor at least 60 days before a member's term expires, and when a vacancy on the council remains unfilled for more than 60 days.

CORRECTIVE ACTION (6): The Membership Committee shall propose to the Council a formalized process for documenting these provisions and the Council will adopt revisions to its bylaws accordingly. This will include: 1) Notifying the Governor six months in advance when feasible; 2) Submitting multiple recommendations to the Governor for consideration; 3) Soliciting support from the DSA when vacancies remain for more than four months; 4) Reporting persistent vacancies to AIDD through the PPR process; 5) Soliciting technical assistance from AIDD when persistent vacancies exist.

STAFF ASSIGNED: Roberta Newton, with MTARS Committee overseeing process

TIMELINE: Membership Committee to propose revisions to bylaws by December 31, 2014.

MAY 1st Status Update (6): Although the corrective action, above, proposed addressing this finding administratively, the Council has decided to also codify the six month notification requirement. Therefore, AB 1595, Section 4251(e) ADDS a requirement to notify the Governor six month before a scheduled vacancy, replacing the language requiring notification 60 days before. The Membership Committee has not yet met. There are no further actions to report on this finding.

III.2 Membership requirements	***2013 MTARS Finding(7)***
60% of membership represent individuals with DD in the following categories: Sec.125(b)(3); Sec.125(b)(5) • 1/3 individuals with DD • 1/3 parents and guardians of children with developmental disabilities or	Historically the Council has had long term vacancies. Several membership rosters have been submitted since last year and four membership vacancies were filled just prior to the on-site monitoring visit. An updated membership roster is requested as part of the FY14 State Plan Amendment to AIDD to ensure compliance.

immediate relatives of guardians of adults with developmental disabilities • 1/3 combination • At least one is immediate relative or guardian of an individual with developmental disabilities who resides or previously resided in an institution or an individual with developmental disabilities who currently/previously resided in an institution in the State. Sec.125(b)(6)	

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (7): The Council has historically had several vacancies.

CORRECTIVE ACTION (7): With the creation of the Membership Committee, we foresee a more engaged Council, wherein the Council will actively involve itself in seeking out and promoting candidates for the Governor's consideration. The Chair of the Membership Committee and the staff assigned to support that Committee will be working with the Governor's Office to rapidly fill existing vacancies. An updated membership roster was submitted as part of the FY14 State Plan Amendment. (**Attachment F** contains the current Council roster as of February 3, 2014.) It should also be noted that the Governor's Assistant Appointment Secretary, Sarah Greenseid, sits on the MTARS Committee with the commitment of the Governor's office to ensure the state's compliance with the DD Act.

STAFF ASSIGNED: Roberta Newton, with oversight by MTARS Committee

TIMELINES: Immediate and ongoing, calls to Governor's office bi-monthly, at minimum. A follow-up email will be sent to document the contact. Council members, staff and regional advisory members will be informed of an aggressive campaign to recruit new members via an email to be disseminated by February 28, 2014.

MAY 1st Status Update (7): An email and flyer were disseminated to the Council members and regional offices on February 28, 2014. (Please see attached). While we are aware that the flyer has been widely distributed at workshops and other events, we do not know how many potential Council members have been reached as a result of these outreach efforts. However, the campaign has had the added effect of publicizing the work of the Council throughout the state.

IV. PROGRAM ADMINISTRATION

IV.1. Five Year State Plan	***2013 MTARS Finding(8)***
The plan shall focus on Council efforts to bring about the purpose of this subtitle, by specifying 5-year goals, as developed through data driven strategic planning, for advocacy, capacity building, and systemic change related to the areas of emphasis, to be undertaken by the Council. Sec.124(c)(4)(A)	There was inadequate evidence that the: • Council engages in data-driven strategic planning to develop the State Plan and takes the primary role in the planning process. • State Plan is the Council's Plan and that activities are undertaken by the Council versus the State Plan being one that is configured by and for the Area Boards.

	• Council is free from state interference in the development of the State Plan. The state's DD agency awarded the Council two contracts: (1) Client Rights Advocacy and (2) Volunteer Advocacy Services. This state supported work is documented in the Goal 2 in the Council's State Plan which states: "local offices provide assistance that include systems navigation, technical assistance, attendance to Individualized Education Plan meetings and assistance with due process". The review team heard more about these two projects during interviews and public forum testimony than any other Council supported activity. While AIDD does not question the merit of the projects and the quality of the work being done by Council staff, it raises serious questions about whether the state is directing the Council's State Plan or whether the Council is developing the State Plan.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (8): In developing the California State Council State Plan, the Council is very unique and fortunate in having 13 local offices placed throughout the State. Compared to other states, California is an exceptionally large and diverse State with the 8th largest economy in the world. Further, because of the vast size and complexity of the State, the California State Council developed a unique, comprehensive, data-driven strategy to gather information in developing the State Plan. In past Plan development cycles, the Council relied on organizing public meetings which drew sparse audiences to a few central locations. Notwithstanding the richness of that material, it was limiting and did not utilize the networks and contacts of each of our regional offices.

The regional offices of the Council developed local needs assessments, utilizing the skills and insights of their advisory board members, local officials, school district personnel, and service providers.

The **Area Board Implementation Guide** assisted each of our local offices in focusing their energy and identifying the needs of their community. The process included a number of locally based public forums, which provided additional input to the work of the staff and volunteers who assisted the local offices in carrying out the identified local needs. At least one Council member attended each regional forum. It was this process repeated across each region that contributed to the development of the Council's State Plan. This was the first time that such a large number of local citizens had the opportunity to directly provide significant input into the development of the State Plan.

The work of the **Strategic Planning Sub-Committee** was to take this extensive data, quantify it, organize it into focus areas, and ultimately establish measurable goals and outcomes. The draft State Plan was presented to the Council which recommended revisions that were made by the Strategic Planning Sub-Committee. The State Plan that was ultimately submitted by the Council reflected data and stakeholder input that was collected throughout the state.

Please see **ATTACHMENT G** for documentation of the State Plan development process, including agendas/minutes of Strategic Planning Subcommittee

CORRECTIVE ACTION (8): As described in greater detail in the subsequent Section on Program

Performance Report, the Council previously had a Strategic Planning Sub-Committee which oversaw the development of the 5 Year State Plan. That committee went dormant when the Planning Specialist position became vacant in 2011. As described in the later section, the Council intends to reconstitute as a Standing Committee, the State Plan Committee to both oversee implementation of the current State Plan, draft and submit to the Council the annual PPR, recommend State Plan Amendments as necessary, and begin planning for each subsequent 5 Year State Plan. It will be the job of the State Plan Committee to present to the Council at each Council meeting a document that demonstrates the Council's progress toward the specific goals and objectives.

STAFF ASSIGNED: Mark Polit, Deputy Director for Policy and Planning; Chair to appoint State Plan Committee members; State Plan Committee reports to Council; MTARS Committee to ensure timely actions taken.

TIMELINES: Chair to appoint members of State Plan Committee by April 1, 2014. The Committee will meet quarterly with its first meeting to occur no later than June 30, 2014

MAY 1st Status Update (8): The Executive Committee of the Council has revised the Bylaws to establish a State Plan Committee. The Bylaws will be voted on at the May 29, 2014 Council meeting. The Council Chair has already selected the Chair and membership of the State Plan Committee (see attached roster).

COUNCIL RESPONSE (8) REGARDING THE COUNCIL'S TWO CONTRACTS (BULLET 3)

Council staff evidently gave confusing information when discussing the two state contracts (actually, Interagency Agreements) held by SCDD as the AIDD team's understanding of the nature of the two contracts is inaccurate. To clarify, the Council has two contracts with DDS: one contract is to provide both Client Rights Advocacy and Volunteer Advocacy Services (CRA/VAS), solely to the 1383 residents of California's state developmental centers. The second contract is to administer the National Core Indicators surveys statewide, known in California as the Quality Assurance Program.

The references made in the Finding regarding the outpouring of support for Goal 2 activities, are actually references to the advocacy, collaboration, training, and outreach that is conducted in the community by the staff that are housed in our local area offices. These activities are quantified in the State Plan as Objectives 2a), 2b), and 2c). The CRA/VAS contract is referenced in Objective 2d) of Goal 2: "The Council will collaborate with federal developmental disability partners and other key stakeholders to protect the rights of residents in Developmental Centers and other large facilities. The Council will be involved in the planning and implementation of any closure process of a Developmental Center."

The CRA/VAS contract is limited in scope to providing advocacy and training to the residents, families and staff of California's five state-operated facilities, including self-advocacy assistance. There are only twelve Council employees throughout the state who work on the CRA/VAS contract and they are solely assigned to that contract and solely paid via that contract. These funds are identified in the Budget Section of the PPR as non-federal funds.

It should be noted that the Council entered into this contract voluntarily as it was seen as a means for having a voice in the state's policies and long term service planning especially as it relates to the planned closure of California's remaining institutions. As with any contract, either party, DDS or SCDD, may terminate the contract.

In 1997 legislation was passed to address a persistent conflict of interest in the provision of client's rights advocacy services for individuals served in the community by the network of regional centers and the

individuals who lived in state-run institutions. The contract requires the Council to:

(1) Provide clients' rights advocacy services to persons with developmental disabilities who are consumers of regional centers and to individuals who reside in the state developmental centers and hospitals, including ensuring the rights of persons with developmental disabilities, and assisting persons with developmental disabilities in pursuing administrative and legal remedies.
(2) Investigate and take action as appropriate and necessary to resolve complaints from, or concerning persons with, developmental disabilities residing in licensed health and community care facilities regarding abuse, and unreasonable denial, or punitive withholding, of rights guaranteed under this division.
(3) Provide consultation, technical assistance, supervision and training, and support services for clients' rights advocates that were previously the responsibility of the Office of Human Rights.
(4) Coordinate the provision of clients' rights advocacy services in consultation with the department, stakeholder organizations, and persons with developmental disabilities and their families representing California's multicultural diversity.
(5) Provide at least two self-advocacy trainings for consumers and family members. (our emphasis)

As a result of our role in the developmental centers, the State Council has been a key participant in the closure of three state institutions and the movement of former residents into an array of innovative new community living models.

For a clearer understanding of the scope of work and duties of staff assigned to this contract, please refer to **ATTACHMENT H** which consists of the CRA/VAS Interagency Agreement. Additionally, **ATTACHMENT I** contains the staff roster for the project. **ATTACHMENT J** contains the 2013 CRA and VAS Annual Reports.
CORRECTIVE ACTION (8): The Council welcomes AIDD's guidance on the appropriateness of our work on this contract. It should be noted that the existence of this state contract has in no way deterred the Council from taking a variety of policy positions, even when critical of the administration and including criticism of the state's continued reliance on institutional settings. Most recently, the Council was an invited participant on the 2013 Task Force on the Future of California's State Developmental Centers.
STAFF ASSIGNED: Roberta Newton; MTARS committee to oversee

MAY 1st Status Update (8): No action expected regarding this finding

IV.1. Five Year State Plan	***2013 MTARS Finding(9)***
Plan must include assurances related to: ➢ (B) USE OF FUNDS - *At the request of any State, a portion of such funds provided to such State under this subtitle for any fiscal year shall be available to pay up to 1 /2 (or the entire amount if the Council is the designated State agency) of the expenditures found to be necessary by the Secretary for the proper and efficient exercise of the functions of the designated State agency, except that not more than 5*	The Council did not provide adequate evidence that the plan is supported by the assurances in Section 125(c)(5)(B - D) and (K - L). Regarding (B) *Use of Funds*, the review team could not draw any conclusions about the Council based on the information provided about the expenditures for the DSA. It was stated during interviews that: • The DSA charges the Council an indirect rate for the services it provides.

percent of such funds provided to such State for any fiscal year, or $50,000, whichever is less, shall be made available for total expenditures for such purpose by the designated State agency ➢ (C) STATE FINANCIAL PARTICIPATION.—*The plan shall provide assurances that there will be reasonable State financial participation in the cost of carrying out the plan.* ➢ (D) CONFLICT OF INTEREST.—*The plan shall provide an assurance that no member of such Council will cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest.* ➢ (K) STAFF ASSIGNMENTS.—*The plan shall provide assurances that the staff and other personnel of the Council, while working for the Council, will be responsible solely for assisting the Council in carrying out the duties of the Council under this subtitle and will not be assigned duties by the designated State agency, or any other agency, office, or entity of the State.* ➢ (L) NONINTERFERENCE.—*The plan shall provide assurances that the designated State agency, and any other agency, office, or entity of the State, will not interfere with the advocacy, capacity building, and systemic change activities, budget, personnel, State Plan development, or plan implementation of the Council, except that the designated State agency shall have the authority necessary to carry out the responsibilities described in section 125(d)(3).* Sec.124(c)(5)	• The rate stated by Council staff was in excess of the 5% or $50,000 limit. • Staff did not know the DSA's indirect policy and no written policy was provided. • The Council is required to pay the indirect rate. The Council staff stated it does so from two contracts the state awards to the Council. In regards to (C) *State Financial Participation*, when the review team inquired about how the state provides match, there were comments about state contract funds being factored in but there was a tremendous lack of clarity on this matter. In regards to (D) *Conflict of Interest*, the majority of the Council is comprised of non-agency representatives who are Area Board representatives. There are 13 Areas Board representatives on the Council and 7 "at large" members. The Area Board representatives sit on the State Council and on the Advisory Committee to the Area Boards. This dual role presents a conflict of interest and gives the appearance of a conflict of interest. The Council does not have a policy or procedure to address this. In regards to (K) *Staff Assignments*, it appears that Council staff is carrying out work directed by the state and not necessarily the Council through the state funded Client Rights Advocacy and Volunteer Advocacy Services projects. Through these contracts, Council staff conducts assessments and monitoring in the State's developmental centers. Providing direct services is outside the purview of the Council's responsibilities. Furthermore, this work is in support of the two state contracts and therefore directs the work carried out by Council staff located in the regional office. Since it is work created by and for the state, it raises questions as to whether the Council staff is assisting the Council or the state. In regards to (L) *Noninterference*, it is very difficult to conclude whether the Council is free of interference: • To avoid duplication, issues related to interference with the budget process are described under *VI.1 Fiscal Requirements* • To avoid duplication, issues related to

	interference with personnel are described under *II.1 Staff* • To avoid duplication, issues related to interference with State Plan development are described in the Section above *IV.1. Five Year State Plan.*

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (9 B and C): The Council agrees that there has been a lack of clarity on the two issues of (B) Use of Funds; and (C) State Financial Participation. With the staff turnover experienced in recent years, there is a lack of institutional knowledge. This is an area in which the Council would appreciate technical assistance.

To clarify our current practice, the Council has an Interagency Agreement (IA) in the amount of $390,000 with the California Department of Social Services (CDSS) to provide administrative support services in the areas of accounting; some IT support; some human resources services; procurement; and contracting. We have assigned $50,000 of these costs to the DSA functions. However, the scope of administrative work performed by the Department of Social Services far exceeds the required duties of the DSA. For example, the Council does not have state-approved delegated purchasing authority. Its purchasing authority is held by DSS and therefore, all contracts are encumbered by DSS on behalf of SCDD. We believe it is appropriate for the Council to assign some of the cost of our CDSS Interagency Agreement as General Management costs. If not for this Interagency Agreement, the Council would have to bring these functions in-house, at substantially greater cost. The $390,000 CDSS IA is broken down as follows:

$50,000.....DSA Functions

$136,960..... Council General Management costs

$92,040.....Funds from State CRA/VAS contract

$111,000.....Funds from State QA (NCI) contract

The CDSS states that the cost of providing the support services as outlined in the IA, far exceeds the $390,000 paid by SCDD. According to the CDSS, the services more accurately cost $620,000. Therefore, the difference between the $620,000 worth of support services provided to the Council versus the $390,000 paid for these services, represents California's State Financial Participation.

Please see **ATTACHMENT K** for a copy of the CDSS Interagency Agreement as well as supplemental information from CDSS on this matter.

Additionally, it should be noted that, to a very large degree, the California Council implements its State Plan through staff activities which requires no match. In Fiscal Year 2013, the Council awarded $580,414 in grants, which represents 9% of our allotment. The grantees did provide matching/in-kind funds for a total match of $284,276 or nearly 50% of the funds awarded. Please see **ATTACHMENT L** for (FY 2013) Cycle 35 Grants and the current (FY 2014) Cycle 36 Grants.

CORRECTIVE ACTION (9 B and C): We provide this added documentation in order to assure sufficient clarity. The Council welcomes input from AIDD if further evidence is required to ensure that we are

properly addressing assurances.

STAFF ASSIGNED: Roberta Newton, Interim Executive Director; Administrative Committee to oversee and report to MTARS Committee

MAY 1ST Status Update (9B, 9C): No action planned regarding this finding

Response(9) Regarding (D), Conflict of Interest
The California State Council on Developmental Disabilities (Council) is comprised of 31 members; 11 members are agency representatives, 7 members are statewide, or "at-large" and 13 members are from the local area advisory boards.

The regional advisory board members are appointed first by the Governor to the area advisory board and secondly by the Governor to the Council.

For California, the Legislature expressly determined that the planning activities of the Council depend on the direct involvement of Council members familiar with the structure and operation of services and programs for persons with developmental disabilities in areas throughout the state. The Legislature found this necessary due to the expansive geographical size of the state of California and its complexity and diversity. To this end, WIC 4525 expressly exempts Council members from the local area advisory boards from the conflict of interest criteria.

CORRECTIVE ACTION (9 D): Based on the many findings relating to membership policies, as previously reported, the Council has begun to develop legislative language to amend the Lanterman Act. This is intended to result in an appointment process that eliminates the perceived conflict of interest. Currently, geographic diversity is established by having a seat assigned to each of the 13 regional advisory committees. It is anticipated that revisions to the Lanterman Act will preserve the geographic diversity by assuring that there is at least one Council member from each of the geographic areas that encompasses each regional office. The local regional advisory committees will be encouraged to recommend potential candidates to the Council's Membership Committee and directly to the Governor's Appointment Office, but the Governor retains authority to select the Council membership.

STAFF ASSIGNED: Mark Polit, Deputy Director for Policy and Planning for legislative action; Staff Counsel to confer on Conflict of Interest provisions; MTARS Committee to oversee.

TIMELINES: As previously noted, legislation is expected to be effective January 1, 2015.

MAY 1st Status Update (9D): AB 1595, Section 4521(b)(1) eliminates the perceived conflict of interest by deleting the requirement that the Governor appoint representatives of the 13 area boards, nominated by the area boards, Section 4521(b)(1) preserves the geographic diversity by adding language giving the Governor authority to appoint any resident from the geographic areas of the regional offices, without indicating how many offices there are.

RESPONSE TO K (Staff Assignments): Our response is addressed under **Response 8**, previously cited. It should again be noted that the Council's activities with respect to serving the residents of state developmental centers is documented in the State Plan under Objective 2d; thus staff who implement the CRA/VAS contract are carrying out work that is consistent with the Council's role and mission, with

leveraged state funds.	
IV.2 State Plan Implementation	***2013 MTARS Finding(10)***
The Council shall implement the State Plan by conducting and supporting advocacy, capacity building, and systemic change activities Sec.125(c)(5)	The Council's 5-year plan implementation does not promote advocacy, capacity building, and systemic change at the state level. As discussed above, the review team heard more about the two state funded projects implemented by the Area Boards. Since so much attention was paid to the two state funded projects, the review team did not hear about a coherent set of activities implemented by the Council at the state level. The Council is providing direct services through the two state contracts. This type of activity is outside the purview of the Council's responsibilities and appears to overlap with P&A functions.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (10): The Council believes it is in compliance with this provision of Sec.125(c)(5).

The review team focused a great deal on the relationship between the Council's local offices and the Council. As such, we did not fully explore our state level work on advocacy, capacity building, and systemic change. Apparently, the Council and its staff did not adequately communicate the state level work the Council performs. We will discuss some of this information below and add information on activities since the review team has visited.

In 2013, the Council sponsored AB 1041, Employment First Policy, and played a major role in SB 468, Self-Determination, a bill sponsored by Disability Rights California and Autism Society of Los Angeles. On October 10, 2013, Governor Brown signed both bills into law, creating a turning point in how California delivers services and supports to people with IDD. Combined, these bills may be the most significant change in California law affecting people with IDD since the passage of the Lanterman Act in 1969. These bills are fundamental to the purpose of the DD Act in promoting self-determination, independence, productivity, and integration and inclusion in all facets of community life. Also, as the DD Act envisioned, the Council worked very closely on both bills with some of our federal partners (DRC on SB 468 and the Tarjan Center, UCLA, on AB 1041).

With respect to state-level capacity building, for example, the Council worked with self-advocacy leaders to establish the Statewide Self-Advocacy Network (SSAN). The SSAN is supported by the Council, but will eventually be an independent 501(c)(3) organization. It is comprised of representatives from each of the 13 regions, the Council's Self-Advocacy Advisory Committee, each of the four federal DD partners, the California Foundation for Independent Living Centers, and People First of California. This is a dynamic group of self-advocacy leaders from around the state that is focused on influencing state level policy and

building self-advocacy capacity and leadership at the local level.

Other examples of state level capacity building would include our sponsorships of major statewide conferences, an annual major contribution to the Youth Leadership Forum, which trains self-advocacy leaders of the future, and the Council's Program Development Grants.

With respect to state level advocacy, the PPRs submitted annually contain significant information on the extent of state level advocacy. Since the review team visited in January, the Council wrote 308 letters (including 240 to state legislators, 10 to the Governor, and 57 to the California Congressional Delegation and US Senators). In addition, the Council had over 145 legislative, Congressional and administration meetings.

Besides AB 1041, Employment First Policy, the Council sponsored two other bills: (1) The Council worked closely with Autism Speaks to co-sponsor SB 163, which sought to protect the rights of families to be reimbursed for insurance co-pays and deductibles for autism therapies approved by the state. That bill was defeated. The Council will continue to work with autism advocates to seek protection for those rights. (2) The Council also co-sponsored SB 577 which would create a new service category for job exploration and discovery. This bill is an important part of the strategy to remove barriers to the employment of people with developmental disabilities in integrated competitive employment. This was a two-year bill, passed out of the Senate in January 2014, and is now being considered by the Assembly.

At the federal level, the Council opposed the proposed sequestration cuts to health and human services and wrote the entire California Congressional delegation, informing them of the potential impact on individuals with developmental disabilities and their families. The Council also opposed proposed federal cuts to federal health programs, such as Medicaid. Council staff visited and spoke with staff and members in 15 congressional offices.

With respect to systems change, the Council has been a leading advocate for the last six years for making integrated competitive employment an option for people with developmental disabilities in the state. For example, during this time, the Council sponsored six pieces of employment related legislation. Three of these were signed into law: (1) SB 1270 (2006) authorized the Council to conduct extensive public meetings with stakeholders, consumers, and family members to recommend to the Legislature and Governor steps to increase integrated employment options and more individualized day services. (2) In 2009, at the Council's request, AB 287 established the Employment First Committee within the Council that serves as a forum for all relevant departments and stakeholders to meet and develop strategies to improve employment outcomes. (3) In October of 2013, the Governor signed AB 1041, the Employment First Policy. In part because of the Council's work over the years, this Employment First Policy was not just an executive order or a statement by the department, but represents a consensus view of the DD stakeholder community.

Also with respect to systems change, the Council has played a key role, since 1998, in development of the Self-Determination option in California. The area boards have been partners with the regional centers in implementation of the five Self-Determination pilots. They staffed the pilot advisory committees at the local and state level. The Council contributed significantly to the first Self-Determination bill in 2011 and

to the legislation that was signed into law this year.

Beside these highlights, the Council is active in most of the key state level policy forums affecting people with IDD. The Council is a lead agency in California Employment Consortium for Youth (CECY), a project of national significance funded by AIDD. The Council convenes the Employment First Committee which complements the work of CECY in providing a forum for key stakeholders and departments to address barriers to employment of people with IDD. The Council was recently represented on the Secretary's "Future of the DCs Task Force", which made recommendations supported by the Administration for the downsizing and closure of the DCs and the development of a new generation of community services for people with high behavioral needs. We are represented on the ODEP Vision Quest state team comprised of key department, academic and advocacy representatives. We participate in a cross-disability collaboration between leaders of the Tarjan Center and Councils and Committees with statutory responsibilities for the employment of people with disabilities. We participate in stakeholder workgroups convened by the department on state budget and, currently, Self-Determination. We have participated for the last 12 years in broad stakeholder collaborations within the I/DD advocacy and stakeholder communities (The Community Imperative Strategy Group and the Lanterman Coalition). And finally, the Council has a strong internal policy structure with a Deputy Director of Policy and planning, policy support staff, and a Legislative and Public Policy Committee that usually meets 8 or 9 times per year and makes recommendations to the Council on legislation, policy, regulation and state budget issues.

While there is already a great deal of activity, we strive to have a much larger influence and more effectively drive state level policy on a broader scale. We are also increasing the exchange of information between headquarters and regional offices. We appreciated the MTARS' team suggestions for improved work with the regional offices.

Our state level policy work is inextricably linked to and benefits enormously from the Council's regional presence. The Legislative and Public Policy Committee (LPPC) and the Council benefit from the regional offices and regional advisory committees' close connection to their communities. What is happening locally informs our decision making at the state level.

The Council also benefits from our reach into local communities when advancing policy change. For example, the information alerts distributed by the Council are typically forwarded on through our local office databases to what is ultimately a broad statewide network of local/regional/minority organizations and their contact lists. This multiplier effect would indicate that a Council information alert on a topic of high interest would reach at least 30,000 individuals. In 2013, the Council's work on both Employment First Policy and Self-Determination legislation helped contribute to a huge outpouring of support for these bills, and ultimately, their being signed into law.

Finally, once new policy is adopted, it is necessary to ensure implementation of that policy through information dissemination; training people with developmental disabilities, families, professionals and local regional centers; monitoring the implementation in local communities, where the polices are being implemented; and advocating for corrective actions when implementation lags.

Please refer to **Attachments M** and **N** for further information on the Council's self-advocacy activities and

its most recent Employment First Report, which is disseminated to the Legislature and the Governor.

CORRECTIVE ACTION (10): The newly reconstituted State Plan Committee, which will hold its first meeting by June 30, 2014, will develop a template that captures data on state plan implementation at both the local and statewide level. It will be distributed on at least a quarterly basis to the full Council and utilized to complete the PPR.

STAFF ASSIGNED: Mark Polit, Deputy Director for Policy and Planning; State Plan Committee

TIMELINES: Starting no later than June 30, 2014 and quarterly thereafter.

MAY 1st Status Update (10): As previously noted, the State Plan Committee has been constituted but has not yet met. It should be noted that for the past year, each Council meeting includes a report of the activities of each regional office to implement the State Plan. Additionally, each Council meeting includes a report of the Council's legislative and public policy activity and self-advocacy activities.

V. EVALUATION AND REPORTS	
Program Performance Report	***2013 MTARS Finding(11)***
The Council annually prepares and transmits to the Secretary a report containing information about the progress made in achieving the goals. The report includes: • Extent to which each goal of Council was achieved. Sec.125(c)(7)(A) • Description of strategies that contributed to achieving goals. Sec.125(c)(7)(B) • Extent to which each goal was not achieved, describes factors that impeded goal achievement. Sec.125(c)(7)(C) • Separate information on self-advocacy goal. Sec.125(c)(7)(D)	Overall the Council's Program Performance Report does not specifically describe how each Area Board is contributing to State Plan implementation. Because there are 13 regional offices implementing different parts of the Council State Plan, it is difficult to determine how State Plan achievement is being measured and evaluated. Some Area Boards referenced using "mini-plans" to document which parts of the Council State Plan they were implementing. Other Area Boards did not provide evidence of having "mini-plans". Without consistent use of Area Board "mini-plans" or some other tool it is unclear how the Council can assess progress made in achieving goals.
California State Council on Developmental Disabilities Response	
COUNCIL RESPONSE (11): The State Council funds 13 regional offices throughout the state. Each office has program staff that offer ongoing outreach, education, training and technical assistance to their local community. These activities are aligned with the Developmental Disabilities Act and are vital in furthering the objectives of the State Plan. The Council provides ongoing monitoring of the regional offices to ensure their activities correlate to the implementation of the State Plan. The Council is cognizant that it is the Council's State Plan, not the Area Boards'. With a broad ambitious	

State Plan and many staff throughout the state implementing it, the compiling of data for the Program Performance Report is challenging. We have been further hampered in that the position of Planning Specialist that would assist in coordination of this effort has been vacant for two years.

For the 2012 PPR, California used DD Suite for the first time. All program staff were given access to DD Suite and each staff entered activity narratives directly; however, staff were not held to a specific schedule for reporting activities and outcomes. As a result, the PPR data lacked continuity and cohesion. This year the Council developed an Activity Form, which is a tool to achieve consistency in reporting progress on State Plan-related activities. All program staff now use the Activity form for reporting on each distinct activity. The Activity Reports are turned in to the Deputy Director for Policy and Planning on a bimonthly basis (per the timeline structure of DD Suite) and data is entered into DD Suite by one individual. This approach has resulted in a far more cohesive PPR. It has also resulted in a far more accurate document, demonstrating even better outcomes.

While the PPR is a comprehensive report of the Council's overall performance in implementing the State Plan, the individual Activity Forms provide the more specific data and document the details on how each objective is being implemented. The Activity Forms tell the Council what each regional office is doing to implement the State Plan. The State Plan Committee will be able to use the Activity Forms to better assess the performance of each regional office and the Council overall in implementing the State Plan. This in turn will also permit the Council to do more accurate budget planning and grant planning to fill the gaps in achieving outcomes. Please see **ATTACHMENT O** for a sample of several Activity Forms and **ATTACHMENT P** for the 2013 PPR.

CORRECTIVE ACTION (11): The Council had a Strategic Planning Committee to oversee the development of the State Plan and the ongoing progress in implementing the State Plan. When the Planning Specialist position became vacant two years ago, however, the Strategic Planning Committee became inactive. In 2013, the Council took steps to reinstate a re-named State Plan Subcommittee; however, at this point it has not yet convened. The Council Executive Director is in the process of filling the Planning Specialist position, having identified a qualified candidate to fill the position of Planning Specialist on January 23, 2014. It is anticipated that the individual will begin her position on or around April 1, 2014. The Planning Specialist will be responsible for training program staff in reporting obligations and ensuring that the Council is kept abreast of progress made in implementing the State Plan. The State Plan Committee will be charged with reviewing the individual Activity forms and based on that data, developing a matrix that illustrates the Council's progress in implementing the State Plan. The chart will be provided to the Council at least quarterly. The information will be used by the Program Development Committee (PDC) to assist in determining priorities for grants. It will be used by the Administrative Committee to help guide fiscal priorities.

STAFF ASSIGNED: Mark Polit, Deputy Director for Policy and Planning who will supervise the Planning Specialist; MTARS Committee to oversee.

TIMELINES: The State Plan Committee will meet beginning no later than June 30 2014 and will convene at a minimum, quarterly. The Chair will appoint the members of this Committee no later than April 1, 2014.

MAY 1st Status Update (11): As previously noted, the Council Chair has appointed the membership of the

State Plan Committee but the Committee has not yet met. The candidate for Planning Specialist has not yet initiated employment with the Council.	
An accounting of the manner in which funds paid to the State for a fiscal year were expended. Sec.125(c)(7)(G)	The Council presented several documents that detailed different aspects of how the federal allotment is being spent, but overall the review team could not determine how the budget is developed and executed and how expenditure data is calculated.
VI. FISCAL	
VI.1 Fiscal Requirements	***2013 MTARS Finding(12)***
Council has authority to prepare, approve, and implement a budget to fund programs, projects, and activities. Sec125(c)(8)	The Council did not provide adequate evidence on how it developed or implemented its budget to fund programs, projects, and activities. Council members expressed a strong need for more fiscal transparency and training on state versus federal fiscal policy and the Council's budget development/implementation process. In addition, the Lanterman continues to include language that is inconsistent with the DD Act, posing challenges for the Council to be in compliance with the federal law: • The Lanterman Act requires the Council to provide funding to Area Boards. • The Lanterman Act provisions require the Council to hire staff at the deputy director level thereby interjecting a line item in the Council's budget and limiting its authority to develop a budget.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (12): In this section we address both Sec 125(c)(7)(G): The PPR includes an accounting of the manner in which funds paid to the State for a fiscal year were expended; and Sec 125(c)(8) Fiscal Requirements since both specifically address the Council's role in developing, implementing and tracking its budget.

As the MTARS report later states, at the time of the site visit the Council lacked a Budget Officer (Administrative Service Manager) and unfortunately, the previous Executive Director had provided little budgetary information to the Council. The Administrative Committee was re-established in January 2013 and has met ten (10) times in 2013, nearly monthly. The Administrative Committee's first undertaking was to develop a 2013 Administrative Work Plan, based on the recommendations of the November 2012 Audit Report from the Department of Health Care Services. Additionally, the Committee ensured that the Council received quarterly expenditure reports in 2013 and approved the Council's budget for FY 2014.

In May 2013, Council members received governance training, which included their obligations to approve and monitor the budget, from NACDD technical assistance staff.

At its July 2013 Council meeting, members received training from our Department of Finance (DOF) Analyst on the state budgeting process. Because the California Council implements its State Plan largely through staff activities and because it also retains a network of 13 regional offices, a large proportion of the federal grant is assigned to personnel and facility costs. Since these are largely predictable costs, much though not all, of the budget is necessarily based on historical expenditures. The budget approved by the Council breaks out costs in two categories: Personal Services and Operating Expenses and Equipment. However, the Administrative Committee reviewed a more detailed line item budget. It was the Administrative Committee that examined the Council's allocation of funds to determine how we would absorb the sequestration cut in FY 13 and into the future. The Administrative Committee recommended and the Council agreed that staff vacancies at the local area offices would not be filled.

Additionally, the re-established Administrative Committee receives programmatic and grant information from the Program Development Committee (PDC) that is used to guide fiscal decisions. The Chair of the Administrative Committee also sits on the PDC.

In 2000, California Department of Finance staff devised a cost allocation methodology that would enable the Council to assign costs by state plan goal. That methodology has been reviewed and revised periodically, most recently with the development of the current state plan. The formula is utilized by the state's primary accounting system, known as **Calstars.** As a result, Calstars provides monthly expenditure data, broken out several different ways, including by state plan goal.

For further insight into the Council's efforts to correct identified fiscal weaknesses and inadequacies, please also refer to the attached Fiscal Integrity and State Manager's Accountability Act report (FISMA Report). The FISMA report is a required biannual report of California state departments to examine the adequacy of the agency's system of internal controls.

As previously stated, the Council is pursuing legislation that will bring state law into compliance with the federal DD Act. This will include revised language that removes any provision that interferes with the Council's autonomy in establishing its budget.

ATTACHMENT Q: Administrative Committee Roster; **ATTACHMENT R:** Administrative Committee packets of January 2013, February 2013, March 2013, April 2013, June 2013, July 2013, August 2013, October 2013, November 2013, January 8, 2014, January 22,2014. Quarterly budget reports and Council's approved 2014 budget (two versions, with and without sequestration cut) are included. **ATTACHMENT S:** November Calstars report; **ATTACHMENT T**: FISMA Report

CORRECTIVE ACTION (12): The Council has made steady progress in establishing the necessary oversight and ensuring that the Council members are well informed about fiscal and budget processes. The Council now receives quarterly expenditure reports, develops and approves the annual budget. Further, the Council recognizes and welcomes that AIDD staff will be providing close supervision of our progress in this area. The Administrative Committee will continue to meet monthly. The Administrative Committee has set the following priorities for its work in 2014:

1. Ensure that all MTARS noncompliance findings of a fiscal/administrative nature are resolved.
2. Take a more active role in developing the Council's 2015 budget. (Presented at May 2014 Council

meeting)

3. Ensure that the Council has a comprehensive Policies and Procedures Manual. (Completion by December 31, 2014)
4. Oversee the process of establishing an MOU with the DSA and evaluating the functions of the DSA. (Evaluation completed by May 2014. MOU completed by November 30, 2014.)

(Refer to Attachment U: 2014 Administrative Work Plan
STAFF ASSIGNED: Roberta Newton, Interim Executive Director; Administrative Committee to oversee activities
TIMELINES: Ongoing, monthly

MAY 1st Status Update (12): The Administrative Committee has continued to meet monthly. Among its activities, it reviewed mid-year expenditures and has overseen development of a 2014-15 Council budget, which will be reviewed at the May 29, 2014 Council meeting. At its February meeting, the Administrative Committee reviewed the draft Contract and Procurement manual and referred it to the Executive Committee which reviewed it in April and recommended presenting it to the Council at its May 29, 2014 meeting. See attached February, March and April 2014 Administrative Committee agendas.

As discussed under Corrective Action (1), the Council's legislation, AB 1595, passed out of the Assembly Human Services Committee on consent on April 29, 2014. This bill addresses the findings in this section concerning the Lanterman Act:

(1) The Lanterman Act requires the Council to provide funding to Area Boards: AB 1595, Section 4520(b) DELETES the establishment of area boards to perform advocacy, capacity building, and system change activities, and ADDS language allowing the Council to determine the number and location of its regional offices. Section 4553 is ADDED that gives the Council "full authority for how it uses its funds for implementation of the state plan, including, establishing, maintaining and operating its regional offices." Section 4540(c) DELETES the requirement that the Council disperse funds to operate the area boards. Section 4540(n) is REPEALED, which requires the Council to use the area boards to the maximum extent feasible to implement Council functions. AB 1595 REPEALS Section 4543(a) which establishes area boards and REPEALS Section 4543(b), which attaches the area boards to the state council. Section 4544 DELETES language establishing the area boards and replaces it with language on regional offices. Section 4546 DELETES language which establishes the appointed membership of the area boards and REPLACES IT with regional advisory committees, with only advisory functions, and with a membership within the Council's control. AB 1595 REPEALS Section 4548, encompassing ALL of pages 27-30, which describes the functions of the area boards, and replaces it with defining the limited advisory nature of the regional advisory committees. Section 4553 is REPEALED, which among other things requires the Council to staff the area boards. This is replaced with a new Section 4553 which states, *"The state council shall have full authority on how it uses its funds for implementation of the state plan, including establishing, maintaining, and operating its regional offices."* Finally, the word "area board" is replaced throughout the Lanterman Act with either "State Council" or "regional office", as applicable.

(2) The Lanterman Act provisions require the Council to hire staff at the deputy director level thereby interjecting a line item in the Council's budget and limiting its authority to develop a

budget: AB 1595, REPEALS Section 4551(a) which establishes deputy director positions and the Governor's appointment authority for those positions. The legislation ADDS new Section 4551(a) which gives the Council executive director the authority to appoint ALL state council employees. The bill also REPEALS Section 4553(c) which gives the Board of the Area Board the authority to select the area board's executive director (subject to Council and Council ED approval), and prevents removal of the area board executive director without the consent of the Board of the Area Board.

VI.2 Fiscal Policies	***2013 MTARS Finding(13)***
Council has policies to carry out appropriate subcontracting activities. Sec.125(c)(8)(A) Council directs expenditures of funds for grants, contracts, interagency agreements that are binding contracts and other activities authorized by State Plan approval. Sec.125(c)(8)(C) Grantee shall keep records that disclose: • Amount and disposition of assistance by recipient • Total cost of project or undertaking in connection with assistance given • Amount of project costs supplied by other sources • Such other records that will facilitate an effective audit Sec.103	The Council did not provide adequate evidence of that is has accurate financial accounting and record keeping: • At the time of the on-site visit, the Administrative Services Manager position was vacant and the Council did not have a staff person dedicated to managing the Council's finances. • The Council could only provide limited information on the Council's fiscal policies during the on-site visit pertinent to the requirements in the DD Act. • The Council experienced fiscal impropriety under the previous Executive Director (Board Resource contract) • The state auditor's findings substantiate the immediate need for financial management systems. (Reference: *California Department of Finance Management Letter dated August 17, 2012*)

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (13): The Council agrees that these findings accurately describe the Council in January 2013, but has since taken a number of strong steps to rectify that situation. We believe that the Council is now on a far stronger fiscal footing and that our policies and practices are transparent to the members, the public, and our business associates.

In July 2013 the Council was able to hire a new Budget Officer (the delay was due to legal procedures associated with the previous budget officer) She has been working closely with Department of Finance staff and our accounting colleagues at the CDSS.

Immediately following her appointment as Acting (now Interim) Executive Director, Ms. Newton sought and received approval from the Council to enter into an Interagency Agreement for the California Department of Health Care Services Financial Audits Branch (FAB) to expand upon the Department of Finance Management Letter's findings, issued August 17, 2012. (Note: Department of Finance (DOF) staff were unavailable to conduct the follow-up.) The DSA was instrumental in securing the services of the FAB audit staff. Specifically, the request was for the audit team to examine all of the Council's practices around contracting and procurement and to provide recommendations. Those recommendations became the basis for an **Administrative Work Plan** which staff has been implementing throughout 2013 and Council has been overseeing, through the Administrative Committee. The Administrative Committee regularly reports

to the Council on our progress.

In December 2013, staff completed a draft **Contract and Purchasing Manual** that to a large degree is based upon the manual utilized by the Department of Social Services. The Manual focuses on the Council's procedures for contracting and procurement. The draft Manual was reviewed by the Administrative Committee in January 2014. A second draft will be presented at the February 27, 2014 Administrative Committee meeting. It is anticipated that the Contract and Purchasing Manual will be one element of a more comprehensive Policies and Procedures Manual to be developed throughout 2014. Target completion date: December 31, 2014. The Council does continue to be hampered by staff management vacancies, especially that of the Chief Deputy for Administration. We have been assured that the Governor's Appointment Office will cooperate with the Council's Interim Executive Director in filling these positions expeditiously during this transitional period while legislation is pending to remove the Governor's hiring authority.

Please see **ATTACHMENT V:** Department of Health Care Services Audit Report and **ATTACHMENT W**: 2013 and 20014 SCDD Work Plans and **ATTACHMENT X**: SCDD Draft Contract Manual

CORRECTIVE ACTION (13): The Council is advertising for a Chief Deputy for Administration (advertisements have been placed in Monster, Idealist, Opportunity Knocks, Exec Searches, and Capitol Weekly) and a Deputy for Area Board Operations. The Administrative Committee will review a second draft of the Contract and Purchasing Manual in February 2014 and it will go to the Council for review and approval thereafter. As opportunities arise, administrative staff are attending contract development and oversight classes. For example, the contract analyst is registered for a two day class titled "Monitoring Grants and Cooperative Agreements for Federal Personnel" in April 2014.

STAFF ASSIGNED: Roberta Newton, Interim Executive Director and Administrative Committee

TIMELINES: Refer to Corrective Action above

MAY 1st Status Update (13): Please refer to status update (12) for the recent activities of the Administrative Committee. Staff interviewed a candidate for Chief Deputy for Administration in April. Reference checks are pending. Contract and procurement staff have continued to upgrade their skills through pertinent classes sponsored by the state Department of General Services.

VII. DESIGNATED STATE AGENCY	
VII.2 Responsibilities of DSA	***2013 MTARS Finding(14)***
• Receives, accounts for, and disburses funds under subtitle based on State Plan. Sec125(d)(3)(C)(i) • Provides the appropriate fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, funds paid to the state. Sec125(d)(3)(C)(ii)	As mentioned above the Council's recent experience with fiscal impropriety under the previous Executive Director (Board Resource contract) and the state auditor's findings substantiates the DSA's need to establish processes, policies, and procedures that promote: • Accurate receipt, accounting, and disbursement of funds • Provision of appropriate fiscal control and fund

• Keeps and provides access to records as Secretary and Council may determine necessary and timely financial reports regarding status of expenditures, obligations, and liquidation by agency or Council, and use of Federal and non-Federal shares. Sec125(d)(3)(D) • Provides required non-Federal share. Sec125(d)(3)(E) • Assists in obtaining appropriate State Plan assurances and consistency with state law. Sec125(d)(3)(F) • Enters into MOU at request of Council. Sec125(d)(3)(G)	accounting procedures necessary to assure proper disbursement of, and accounting for, funds paid • Access to records as the Secretary and Council may determine necessary • Timely development and dissemination of financial reports regarding status of expenditures, obligations, and liquidation by agency or Council, and use of Federal and non-Federal shares The Council does not have a Memorandum of Understanding with the DSA. There was no evidence that the Council has conducted a formal evaluation of the DSA at any point and time. Several Council staff position and DSA functions appear duplicative. Several DSA functions are performed by Council staff at the central office, specifically in the areas of: contracting, budget, fiscal, and personnel.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (14): The Council Interim Executive Director has met on multiple occasions with the DSA throughout 2013, specifically to discuss DSA functions.

Currently, the DSA is in the process of obtaining final approval from the California Department of General Services on their revised fiscal control and purchasing authority policies and procedures. Based on these policies and procedures, the Council's legal Counsel has adapted it and developed a Contract and Purchasing Manual policy handbook that establishes procedures to ensure accurate and appropriate fiscal controls. As previously noted, that manual is currently under review by the Administrative Committee. Once approved by the Committee, the Full Council will review and approve, anticipated at the May 2014 Council meeting. (Please refer to **ATTACHMENT X**)

Council staff members have already attended several trainings regarding their fiduciary obligations as well as proper and standard accounting procedures that will ensure accuracy and dependability in accounting and disbursement of funds.

All policies and procedures ensure that while staff is responsible for the daily work, the full Council retains control over authorizing expenditure of funds in accordance with federal laws, rules, and State Plan goals and objectives.

Neither the Council nor the DSA perceive duplication of Council staff duties with DSA functions. The Department of Social Services' Interagency Agreement (Attachment K) identifies DSA functions in considerable detail. We have attached the Duty Statements for our Contract Analyst, Contract/Procurement Analyst, Personnel Specialist, Budget Officer, and Information Systems Specialist. While it is certainly true that those positions correspond to DSA functions, Council staff coordinate duties with DSA (DSS) staff. They are complementary, not duplicative. For example, the Council's Personnel Specialist is the first line contact with our 65 (federally funded) employees. She handles duties associated with changes in benefits, salary,

work hours, promotion or adverse actions. DSA staff have access to the state government mainframe and State Controller's Office and therefore are charged with inputting the transactional changes. Additionally, there are no Council staff who carry out accounting functions. Without direct access to Calstars, the state's multimillion dollar accounting system, we depend on DSS to handle these functions in a more cost effective manner than we could.

ATTACHMENT K: DSS Interagency Agreement; **ATTACHMENT Y**: FIVE (5) DUTY STATEMENTS

CORRECTIVE ACTION (14): The Council agrees that it will develop and enter into a Memorandum of Understanding (MOU) with the DSA during calendar year 2014. This effort will be coordinated by the Administrative Committee. The DSA is represented on the Administrative Committee by Kristopher Kent, Assistant Secretary, Health and Human Services Agency. The Council itself will approve the MOU and it will be signed by the Chairperson.

The Council agrees that it will conduct a formal evaluation of the DSA during calendar year 2014 again through the Administrative Committee. It should be noted, however, that Council management has met periodically with DSA staff to address deliverables, timelines, best practices in IT support and communication, among other issues.

STAFF ASSIGNED: Roberta Newton, Interim Executive Director, and the Administrative Committee

TIMELINES: Review current DSA functions; review sample MOUs from other states by April 2014 Administrative Committee. Draft MOU and meet with DSA to discuss review by July 2014 Administrative Committee. Meet with DSA and discuss/revise as needed draft MOU by September 2014. Execute and sign MOU at November 2014 Council meeting

MAY 1st Status Update (14): The Interim Executive Director and the Assistant Secretary of the DSA did conduct an evaluation of the DSA in April and presented its findings at the April 23, 2014 Administrative Committee. That review will be presented to the Council on May 29, 2014. Please see attached review. The Administrative Committee has received sample MOU's from other state councils, courtesy of our technical assistance colleagues at NACDD. These will be utilized to develop the California Council's MOU with its DSA.

EXECUTIVE COMMITTEE REPORT

DRAFT

Executive Committee Meeting Minutes
April 3, 2014

Attending Members	Members Absent	Others Attending
April Lopez	Kecia Weller	Kari Krogseng
Janelle Lewis		Mark Polit
Jorge Aguilar		Nancy Dow
Molly Kennedy		Robin Maitino
Ning Yang		Roberta Newton
Ray Ceragioli		

1. **Call to Order**
   Molly Kennedy called the meeting to order at 12:35 p.m. and established a quorum present.

2. **Welcome and Introductions**
   Members and others introduced themselves.

3. **Approval of April 3, 2014 Minutes**
   It was moved/seconded (Aguilar/Yang) and carried to approve the February 11, 2014 Executive Committee minutes as presented.

4. **Public Comments**
   There were no public comments.

5. **Closed Session – Personnel**
   The Committee went into closed session.

6. **Reconvene Open Session**
   The following three actions were reported out of closed session.

   Action 1
   Based on remaining concerns with Candidate #1, the Committee voted not to extend an employment offer to this individual.

   Action 2
   The Committee voted to extend an employment offer to Candidate #2.

Action 3
Candidate #2 will be offered the starting salary in the current range. The Chair, in conjunction with the recruiter, is charged with conducting salary negotiations, should that become necessary.

7. **MTARS Update**
Roberta Newton went over the corrective action plan timeline and updated the Committee on the status of the high-risk designation stating that she met with AIDD that morning by phone and that November funds were now available. AIDD anticipates December funds will be available shortly.

Mark Polit updated the Committee on the proposed Legislation that will bring the Lanterman Act into compliance with the Federal DD Act.

8. **Bylaw Review**
It was moved/seconded (Ceragioli/Yang) and carried to authorize Jorge Aguilar and staff to revise the Bylaws in order to incorporate changes concerning merger of the State Plan and Program Development Committee and the establishment of the Membership Committee. The Bylaws will then be presented to the full Council for approval at the May Council meeting.

9. **Youth Leadership Forum Sponsorship Request**
The Committee postponed taking any action due to SCDD's current financial situation.

10. **Cycle 37 Grant Recommendations**
It was moved/seconded (Aguilar/Lopez) and carried to approve PDC's recommendations to 1) fund the Cycle 37 Area Board mini-grants at a level of $20,000 per year; 2) set aside $90,000 for possible self-advocacy grants; and 3) approve Cycle 37 Request for Proposal for Area Board Mini-Grants

11. **Legislative and Public Policy**
It was moved/seconded (Aguilar/Ceragioli) and carried to approve LPPC's recommendation to co-sponsor Assembly Bill (AB) 2299, Nazarian, Requiring RC Payment of Co-Pays and Deductibles.

It was moved/seconded (Aguilar/Yang) and carried to approve LPPC's recommendation to support AB 1626, Maienschein, 10% Supported Employment job coach rate increase.

12. **Far Northern Regional Center COI Waiver Request**
It was moved/seconded (Lewis/Ceragioli) and carried to defer all three Far Northern Regional Center Conflicts of Interest Waiver Requests until Area Board 2 responds.

13. **Contract and Purchasing Manual**
It was moved/seconded (Ceragioli/Lopez) and carried to recommend approval of the Contracting and Purchasing Policies and Procedures manual to the full Council.

14. **Conflict of Interest Policy**
It was moved/seconded (Yang/Aguilar) and carried to approve the Community Program Development Grants and Sponsorships Conflict of Interest Policy.

15. **Establish May Council Agenda**
The following items, if applicable, will be included on the May Council agenda:

- Committee Reports
- Possible Closed Session (Personnel)
- Welcome New Executive Director
- Future of the Council (Jorge's last meeting)
- Member Reports

16. **Adjournment**
The next meeting is scheduled for June 10th from 1-4 p.m. Molly Kennedy adjourned the meeting at 3:40 p.m.

DRAFT

Executive Committee Meeting Minutes
May 9, 2014

Attending Members	Members Absent	Others Attending
April Lopez	Kecia Weller	Mark Polit
Janelle Lewis		Nancy Dow
Jorge Aguilar		Natalie Bocanegra
Molly Kennedy		Robin Maitino
Ning Yang		
Ray Ceragioli		

1. **Call to Order**

   Molly Kennedy called the meeting to order at 2:05 p.m. and established a quorum present.

2. **Welcome and Introductions**

   Members and others introduced themselves.

3. **Public Comments**

   There were no public comments.

4. **Closed Session – Personnel**

   The Committee went into closed session.

5. **Reconvene Open Session**

   The following action was reported out of closed session.

   The Committee recommends hiring Michal Clark as the Interim Executive Director on a part-time basis. This item shall go before the full Council for consideration at the May 2014 Council meeting.

6. **Adjournment**

   Molly Kennedy adjourned the meeting at 2:55 p.m.

State Council on Developmental Disabilities

MAY 2014 DRAFT REVISIONS

BY-LAWS

REVISED ON: April 9, 2013
CERTIFIED BY SCDD ON: May 15, 2013

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CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

BY-LAWS

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 ~~51~~5001 et. seq. and Sections 4433.5, ~~and~~ 4520 et. seq., and 4868 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, 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 a representative of a non-governmental agency or group concerned with the provision of services to persons with developmental disabilities, the Executive Director of Disability Rights California, and three (3) members appointed to represent the three California 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.

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)~~seveneight (78) standing committees of the State Council:

(1) Executive
(2) Administrative
(3) Legislative and Public Policy
~~(4) Program Development~~
(45) Self-Advocates Advisory
(56) Employment First
(67) Membership
(78) State Plan Committee

(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, Chairperson of the State Plan Committee, the Chairperson of the Membership Committee, Chairperson of the Administrative Committee and up to two (2) other Council members.

[b] Be chaired by the Council Vice-Chairperson.

[c] Have delegated authority to ~~Act~~ 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] 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.~~

~~This Sub-Committee shall:~~

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

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

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

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(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.~~

(~~4~~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 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~~ nominate a standing representative to the Statewide Self-Advocacy Network (SSAN~~.~~).

(~~5~~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 approached 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.

(~~6~~7) Membership Committee
The Membership Committee shall recruit, solicit and advise the Governor on appointments to and vacancies on the Council and on the Regional Advisory Committees. The Chairperson of the Committee is charged with

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submitting the Council's recommendations to the Governor. The Committee shall:

[a] be comprised of at least three (3) members, two (2) of which shall be Council members.

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[b] be comprised of self advocates and family advocates

[c] meet at least quarterly

[d] coordinate Council and public input regarding appointments to the Governor.

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[e] at least quarterly solicit recommendation for candidates via social media, email/web alerts, from among self-advocacy groups, family support groups, Federal Partners and service providers.

[f] submit all recommendations for appointments to the Governor's Officer for consideration.

[g] make a report of submissions to the Governor's Office to the Council during the next regular meeting.

(~~7~~8) State Plan Committee

The State Plan Committee shall be responsible for reviewing the current State Plan, monitoring its implementation and completion of goals and objectives, recommending areas of focus for grants for achieving its goals and objectives, and developing subsequent plans. The Committee shall:

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[a] Be comprised of at least three (3) members

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[b] Meet at least quarterly.

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[c] Advise the Executive Committee on the collection and reporting of information on needs, including unmet needs, priorities and emerging issues

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[d] Make recommendations to the Council regarding policy priorities, goals and objectives for the California State Plan on Developmental Disabilities

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[e] Advise the Council in the planning of the implementation and reporting on progress towards meeting the goals and objectives of the Council's California State Plan on Developmental Disabilities

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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.

CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

CONTRACTING AND PURCHASING POLICIES AND PROCEDURES

Adapted from the:

Demystifying Contracts Handbook

Produced by the California Department of Social Services Contracts and Financial Analysis Bureau

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TYPES OF CONTRACTUAL AGREEMENTS

A contract is a legally binding agreement between the California Department of Social Services (CDSS) and another entity, public or private, for the provision of goods or services. A contract sets forth the terms, conditions, and the statement of all work to be performed.

Proper classification of contracts is necessary as a first step in determining which solicitation process is appropriate for the contract, and what elements are required to be in the contract. There are several types of contracts and services.

1. **Interagency Agreement (IA)**

   An interagency agreement is an agreement between two or more state agencies.

   Examples include: An IA between SCDD and the Department of Developmental Services (DDS) to provide quality assurance activities.

2. **Consultant Services**

   Defined as a contract for services of an advisory nature, which provides a recommended course of action or personal expertise. The contract calls for a "product of the mind" rather than the rendition of mechanical or physical skills. A "product of the mind" may include anything from answers to specific questions to the design of a system or plan.

   Examples of consultant services contracts include: Legal services, expert witness services, training and technical assistance, strategic planning, etc.

3. **Services Contract (Non-Consulting)**

   A services contract is a contract in which the contractor provides a duty or labor, of a non-consulting nature, and is usually a rendition of mechanical or physical skills.

   For example: janitorial services, moving services, shredding services, and printing services.

4. **Subvention Services**

   To be classified as a subvention services contract, the contract must:

   a) provide assistance to local governments and/or aid to the public; and b) directly or through an intermediary, such as a nonprofit organization. Subvention services contracts are exempt from the competitive bidding requirements.

Examples: A contract with California Youth Connection to provide technical and outreach services to foster youth; a contract with the San Diego State University Foundation to provide training to social workers on child welfare services.

NOTE: The Department of General Services (DGS) has determined that grants provided by the SCDD do not qualify under the subvention agreement contract exception.

5. Public Works

An agreement for the erection, construction, alteration, repair, or improvement of any state-owned structure, building, road, or other state improvement of any kind.

Examples include: Electrical/cabling services and assembling modular furniture in State offices.

6. Information Technology (IT) Services

Services performed directly on or pertaining to electronic technology and telecommunications hardware, firmware, and software including but not limited to computerized and auxiliary automated information handling, system design and analysis, data conversion, computer programming, information storage and retrieval, voice, video, data communications, requisite system controls, simulation, electronic commerce, maintenance and repair, software licensing and support, training, and all related interactions between people and machines. Also included are services of an advisory nature requiring a recommended course of action or personal expertise as it pertains to an information technology project and information technology support functions.

SCDD has competitive purchasing authority to conduct bids for IT Services up to $4,999.99. We also have purchasing authority to utilize the California Multiple Award Schedules (CMAs) and Master Agreements/Master Service Agreements.

7. California Multiple Award Schedule (CMAS) Contracts

The CMAS Program was established in May 1994 to enable State Agencies and local governments to obtain IT (and a limited number of non-IT services) without the need for DGS to issue a specific bid. The objective of the CMAS Program is to streamline purchases of goods and services by removing repetitive, resource intensive, costly and time consuming bid processes. CMAS vendors are approved by DGS, along with a description of the specific services and the maximum rates allowable for the services. Vendors interested in working with the State must apply directly to DGS. In order to obtain services from an authorized CMAS vendor, SCDD issues a request for offer (RFO), which results in a CMAS contract.

8. Memorandum of Understanding (MOU)

The DGS State Contracting Manual defines a memorandum of understanding as "a contract". For SCDD, the MOU usually does not contain dollars or fiscal provisions. The primary purpose of the MOU is to delineate the roles and responsibilities of the parties. Reimbursement for services are from other established sources such as the county administrative claim.

For example, each SCDD local office with a developmental center in its area has an MOU with that developmental center that outlines their individual roles and responsibilities. The fiscal provisions are outlined in the IA between the SCDD and DDS.

VARIOUS COMPONENTS OF THE BIDDING PROCESS

A. Types of Bidding Processes

The most frequently used types of bidding process in SCDD are the Request for Proposals (RFP) Primary and RFP Secondary and Master Agreements. However, other processes may be used as follows:

1. Request for Proposals (RFP)

   The RFP is used to obtain complex services in which professional expertise is needed and bidders may utilize different methods and approaches during performance. Services may be complex, uncommon and/or unique.

   An RFP seeks an answer to the following: "Here is what we wish to accomplish. Here are the qualification requirements, performance specifications, time frames, and other requirements that must be met. Describe how you would accomplish the job for us and for how much."

   There are two types of RFPs:

   RFP Primary and RFP Secondary - The major difference between the two is the way in which the winner is determined. In the RFP Primary, the contract is awarded to the responsible bidder with the lowest costs. In the RFP Secondary, the contract is awarded to the responsible bidder with the highest scored proposal.

   a. RFP Primary

      Bidders responding to the RFP Primary must submit their information in two envelopes. The written proposal describing the services and how they will be delivered will be placed in one envelope and the costs for providing the services must be sealed in a separate envelope. The sealed bids will be publicly opened at a later date.

      Upon receipt of proposals, the Contracts Analyst will conduct an administrative review to determine if the proposals conform with the format and content requirements specified in the RFP, such as a table of contents, the correct number of copies, a signed Statement of Intent to Meet RFP Requirements, etc. The Contracts Analyst will also check that the costs information is sealed in a separate envelope.

Failure to meet administrative requirements will deem the proposal to be nonresponsive to RFP requirements and disqualified for further consideration.

Proposals meeting administrative requirements are given to the Evaluation Committee for scoring. The Program Development Committee or Administrative Committee, as appropriate, shall serve as the Evaluation Committee in accordance with these policies. The Evaluation Committee will compare the proposals and bidders for conformance to RFP requirements such as minimum experience, professional qualifications, organizational structure, staffing and expertise, service methodology, timeframes, etc., and assign a score for each category. As stated in the RFP, proposals must obtain a minimum score, usually 80 percent, from the Evaluation Committee in order to qualify for the bid opening. All proposals with a score of 80 percent or higher will have their sealed bid publicly opened at the time and place specified in the RFP. The responsible bidder with the lowest costs will be awarded the contract, regardless of the score given by the Evaluation Committee on the proposal.

b. RFP Secondary

The RFP Secondary asks Bidders to submit all their information in one package. There is no need for a separate envelope shielding the costs information since there is no public bid opening.

The Contracts Analyst conducts an administrative review of all proposals received for responsiveness to RFP format and content requirements and gives them to the Evaluation Committee. The Evaluation Committee shall be the Program Developmental Committee or the Administrative Committee, as appropriate. The Evaluation Committee will compare the proposals and bidders for conformance to other RFP requirements such as minimum experience, professional qualifications, organizational structure, staffing and expertise, service methodology, timeframes, etc., and assign a score to each category. The costs for services are also scored in accordance with the formula specified in the RFP. Upon completion of the evaluation process, the contract is awarded to the bidder with the highest scored proposal.

2. Solicitation for Offers (SFO)

The SFO is used to obtain services off the California Multiple Award Schedules (CMAS). CMAS vendors have been preapproved by the Procurement Division of the Department of General Services and may be utilized by state agencies without formal bids. For vendor listings, see: www.pd.dgs.ca.gov

SCDD may issue a SFO that specifies the minimum service requirements and what information the CMAS vendor must provide for consideration of contract award. Typically, the CMAS vendor submits a narrative describing their qualifications, what services they will provide, along with the personnel and corresponding hourly rates.

For SFO's, the award is determined by "best value". Depending on the specific service being requested, "best value" can be defined as either lowest price or highest scored offer received. The decision must be clearly identified in the SFO.

3. Invitation for Bids (IFB)

The IFB is typically used to obtain simple, common, or routine services that may require personal or mechanical skills. An IFB seeks an answer to the following: "Here is exactly what we need to have done. Here are the qualification requirements, performance specifications, time frames, and requirements that must be met. How much will you charge us?"

Examples of services utilizing the IFB process are janitorial and moving services.

The bidder specifies the costs for the requested services on the Bid Form, which is included in the IFB. Bidder signs and returns the Bid Form to Contracts Analyst in a sealed envelope by the due date stated in the IFB. Sealed bids are then publicly opened on the due date and a pass or fail determination is made by the Contracts Analyst for responsiveness to IFB requirements. For example, if the IFB specifies a minimum number of years experience providing a particular service, the bidder must have that experience in order to qualify for the bid opening. The award is then made to the responsible bidder with the lowest costs.

4. Master Agreements

Master Agreements (also referred to as Master Service Agreements) are generally Statewide agreements that have been competitively bid and awarded by DGS. Master Agreements may be for IT Services and Non-IT

Services. Each Master Agreement has its own ordering instructions and administrative fee (usually 1 to 2%). Additional information is available on the Department of General Services, Procurement Division website at www.pd.dgs.ca.gov/masters/.

Examples of services available under Master Agreements include unarmed security guards and business and management consulting services such as organization development, strategic planning, and performance measurements and evaluation.

B. *Fundamental Rules for Competitive Bids*

1. A State Agency may not draft any competitive bidding document in a manner that limits bidding directly or indirectly to any one bidder. (Public Contract Code Section 10339)

2. Services may not be split to avoid the need to advertise or obtain competitive bids. In particular, a series of related services that would normally be combined and bid as one job cannot be split into separate tasks, steps, phases, locations, or delivery times to avoid adhering to a state law, policy, or departmental procedure.

3. Sealed bids (and proposals, etc.) must be received by the time stated in the solicitation document. Bids received after the due date and time are not valid regardless of the circumstances causing the late submittal. If you receive a package requested by a solicitation document, please get it to the Contracts Analyst immediately.

C. *Noncompetitively Bid (NCB) Contract*

1. A noncompetitively bid contract is defined as one in which only a single business enterprise is afforded the opportunity to provide the specified services and the typical solicitation processes were not utilized. NCB Transactions of $5,000 or more must be approved by the Executive Director, the full Council and, the Procurement Division of the Department of General Services (DGS). These approvals must be formally obtained and provided in writing before the contract is developed. For services under $5,000, no NCB justification is required if fair and reasonable pricing has been established and documented. An NCB justification is required if fair and reasonable pricing cannot be established and documented or two bids cannot be obtained.

2. Approvals for an NCB contract transaction require the following documents:

   - Noncompetitively Bid Contract Justification (three page document from DGS), and
   - Request for Exemption from Advertising (form STD. 821).

3. At a minimum, the following questions must be addressed in the documents specified in #2 above:

- Why is the requested service restricted to one supplier? Explain why the acquisition was not competitively bid.

- Provide the background of events leading to this acquisition. Describe the uniqueness of the acquisition (why was the good/service/supplier or contractor chosen?)

- What are the consequences of not purchasing the good/service or contracting with the proposed supplier?

- What market research was conducted to substantiate noncompetition, including evaluation of other items considered?

- How was the price offered or costs for services determined to be fair and reasonable? Describe any cost savings realized or costs avoided by acquiring goods/services from this supplier.

- If the NCB request could have been competitively bid but was not due to insufficient time to complete the acquisition process, DGS requires a corrective action plan from the SCDD describing how competitive bids and processing of contracts will be managed.

REQUEST FOR CONTRACT SERVICES

Complete a form 704 - (GEN 704)

A completed form 704 must be submitted to the Deputy Director for Administration.

The GEN 704 consists of three pages.

1. Include the name of the contact person, telephone number, fax number and office number.

2. Indicate the type of request: Is the request for a Procurement/Bid such as a Solicitation for Offer (SFO), Master Service Agreement (MSA), Invitation for Bid (IFB), Request for Proposal (RFP)? Is the request for a contract such as an interagency agreement (IA), standard agreement (SA), CA Multiple Award Schedule (CMAS), memorandum of understanding (MOU), direct pay, or other?

   If the request for the contract is to confirm the result of a bid or solicitation, please check the box after "Contracts" and specify the bid/solicitation number.

   Fill out the name of the proposed contractor in the contractor information box. Always use the legal name of the contractor. If you know whether or not the contractor is a certified small business or disabled veteran business enterprise, please indicate by checking the yes or no box.

3. Is this an amendment or renewal to an existing service or contract?

   If yes, enter the previous contract number and contractor name. If this is an amendment, the contract number to ensures that the right contract file is pulled to verify the contract term and amount prior to writing the amendment.

   If this is a renewal to an existing service or contract, please enter the prior contract number to pull the former contract file to help draft the scope of work (SOW).

4. "Contract Term": Enter the proposed start date and ending date of the service period. You will be contacted and told if the proposed term is not realistic or attainable. For example, if the bidding process requires two months and there is only two weeks between the receipt of GEN 704 and the proposed start date.

If the request is to amend the term, enter the original start date and the revised or proposed end date, not the original end date. If the request is for amendments to revise the funding or scope of work and the term is not affected, enter the original end date.

Amendment effective date: Enter the date for which the change (in scope, increase or decrease in the amount of funding, hourly rate, etc.) is to take place. Provide us with your best estimate. The only rule here is that if you are extending the term, the effective date must be prior to the expiration of the original term, i.e., you want to extend the contract for 12 months, from June 30, 2013 through June 30, 2014. The effective date of amendment can be no later than June 30, 2013. If you have multiple actions like amending the term and increasing the funds, the effective date would be the earliest date in which an action takes place. If the contract ran out of money in March, the amendment date would be March and not June to extend the term.

5. Purpose/necessity of contract/amendment (concise description): Provide a brief and concise description of the contract service, e.g., provide development training and quality improvement services to persons with developmental disabilities. Attach the scope of work and budget detail (more information on SOW and budget after we get through the instructions on how to complete the GEN 704). Check the box on whether the service is mandated or not and provide the authority/legislative act. (More information on justification of services in Page 2). Enter the Index Code, PCA, object code (if known).

   Funding, etc: Identify whether the funds are State, Federal, or both, and the percentage of each. Check Support or Local Assistance; whether the agreement is a payable or receivable contract or N/A (if an MOU); give us the amount of funds available by each state fiscal year and identify the funding source (budget/redirect, etc.)

6. Required Approvals and Signatures: The following signatures are currently required: Deputy Director for Local Area Offices (if applicable), Deputy Director for Administration and Executive Director.

7. Page 2: Required Justification For Contract Services

   Check box on whether the service is mandated or not and provide the authority or legislation.

   #1, Briefly describe the services to be provided.

   #2, Describe why the services are critical or essential to the Department's mission and goals; Describe expected results or benefits to be achieved.

   #3, Describe the consequences if this request for contract is denied.

#4, Describe possible alternatives to contracting.

#5, Describe why services cannot be performed by civil service employees, per Government Code 19130.

The State Constitution generally requires contracting to be limited to those services that cannot be performed by civil service employees except provided for in GC 19130 (a) and (b).

GC 19130(a) allows contracting out of services if the Department can clearly demonstrate that the proposed contract will result in actual overall cost savings to the State.

Standards for use of Personal Service Contracts

A "Personal Service contract" is defined as any contract, requisition, Purchase Order, etc. (except Public Works contracts), under which labor or personal services is a significant, separately identifiable element. The business or person performing these contractual services must be an Independent Contractor and does not have status as an employee of the State. A "cost savings-based Personal Service Contract" is any Personal Service Contract proposed to achieve cost savings and subject to the provisions of Government Code, Section 19130(a).

Before deciding to contract for personal services, as a requestor or initiator of a contract, you must meet one of the following criteria and provide justification to support the selection:

1. 19130(a) Personal services contracting is permissible to achieve cost savings when specific conditions are met. This would require an 11-Point Analysis as required by law for State Personnel Board approval and union review. (This may add an additional 30 - 60 days to the contract process.);

OR

2. 19130(b): Personal services contracting also shall be permissible when any of the following conditions can be met:

   A. The functions contracted are exempted from civil service by Section 4 of Article VII of the California Constitution, which describes exempt appointments.

   B. The contract is for a new state function and the Legislature has specifically mandated or authorized the performance of the work by Independent Contractors.

C. The services contracted are not available within civil service, cannot be performed satisfactory by civil service employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the civil service system.

D. The services are incidental to a contract for the purchase or leases of real or personal property. Contracts under this criterion, known as service agreements," shall include, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented.

E. The legislative, administrative, or legal goals and purposes cannot be accomplished through the utilization of persons selected pursuant to the regular civil service system. Contracts are permissible under this criterion to protect against a conflict of interests or to insure independent and unbiased findings in cases where there is a clear need for a different, outside perspective. These contracts shall include, but not be limited to, obtaining expert witnesses in litigation.

F. The nature of the work is such that the Government Code standards for emergency appointments apply. These contracts shall conform with Article 8 (commending with Section 19888) of Chapter 2.5 or Part 2.6.

G. State agencies need private counsel because a conflict of interest on the part of the Attorney General's office prevents it from representing the agency without compromising its position. These contracts shall require the written consent of the Attorney General, pursuant to Section 11040.

H. The Contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the state in the location where the services are to be performed.

I. The Contractor will conduct training courses for which appropriately qualified civil service instructors are not available, provided that permanent instructor positions in academies or similar settings shall be filled through civil service appointment.

J. The services are of such of an urgent, temporary, or occasional nature that the delay incumbent in their implementation under civil services would frustrate their very purpose.

***Justification Detail Required (Please explain why the above condition applies)

What to Include in a Scope of Work (SOW)

According to the standard contracting format established by DGS, the SOW is specified as Exhibit A in the majority of state contracts. The SOW is a description of the services and work to be performed.

It can be as brief as a paragraph or two, or as lengthy as a book, depending on the type of services and the level of understanding and agreement.

At a minimum and if applicable, the SOW should address the following:

1. Work specifications, requirements
2. Detailed work plan
3. Personnel, staffing
4. Objectives, major task
5. Results, deliverables
6. Timelines, progress reports
7. Evaluation and acceptance criteria

The Scope of Work should contain a clear, precise description of the work to be performed, services to be provided, problem to be solved, or the goals and objectives to be met as follows:

- Describe in realistic terms what the Contractor is to accomplish, including any desired approach to the problem and the specific functions, tasks, or activities that must be performed.
- Identify any practical and policy information, technological requirements or specifications, and legal limitations if any.
- Identify the specific questions to be answered or issues to be addressed.
- Define the manner in which the work is to be done.
- Describe the items to be delivered.
- Specify time schedules, including dates for commencement of performance and submission of progress reports, if any, and date of completion.
- Specify final meeting requirements between Contractor and CDSS when the contractor is to present his/her findings, conclusions, and recommendations (if applicable)
- Specify the format and number of copies to be made of the completed reports or product.
- Describe method of delivery and evaluation criteria for acceptance of service or product.

What to Include in a Budget

The budget format will differ according to the type of contract. The standard budget formats are:

- Lump sum payment upon completion, delivery, and acceptance of service.

- Deliverable-based, i.e., Upon completion of each training session at the contracted rate of $5,000 per session.
- Monthly reimbursement of services, i.e., $600 per month for janitorial services or $50 per month for security alarm maintenance.
- Identification of the consultant(s), classification level and hourly rate of pay, up to the maximum amount of the contract or maximum number of hours within the contract period.
- Detailed line item budget showing personnel detail (names, job titles, monthly rate, percentage of time charged to the contract and employee benefits); operating and equipment expenses (rent, telephone, supplies, etc.) and indirect cost. Detailed line item budgets must include a narrative describing each line item.

***See Attachment 1 for SAMPLE contract agreement

CONTRACT REVIEW PROCESS and TIMEFRAMES

Upon completion of a GEN 704, Request for Contract Services, the following actions take place (10 – 30 working days):

1. Preliminary Review by Deputy of Administration(if statewide or administrative contract) or by Deputy for Local Area Offices (if request has been made by director of a Local Area Office) –
   The appropriate Deputy shall review all proposed solicitation documents and timelines for compliance with State Contracting Manual. Once the review is complete, the Deputy of Admin or LAO signs and forwards the proposed contract to the Deputy Director of Administration for secondary review, if applicable.

2. The Deputy of Administration will review all financial documents and assure compliance with State Administration Manual and Department of Finance protocols. Once the review is complete, the Deputy for Administration signs and includes the completed contract packet for review and approval at the next Administrative Committee or Program Development Committee COMMITTEE STILL MUST DETERMINE THE AMOUNT THAT CAN BE APPROVED BY ED OF COUNCIL. ADMINISTRATIVE COMMITTEE DISCUSSED A POSSIBLE 50,000 CEILING (as appropriate.) The Chairperson of appropriate committee shall sign and certify that a full review and action has been taken to approve the contract.

3. The Deputy for Administration submits the complete solicitation package and approvals to full Council for review and final approval.

4. Once the solicitation package is approved by the full Council, advertising and/or bidding process may commence in accordance with the outlined process below depending on type of contract.

Please note: Contracts Analyst does not start writing the contract until full Council approval is obtained.

5. If the scope of work (SOW) and budget information are provided with the GEN 704, the Contracts Analyst will write the contract (5 to 10 working days)
If the SOW and budget information are insufficient, the Contracts Analyst will contact the submitter for additional information.

6. A draft of the contract is sent to the following for concurrent review. The specific reviews are determined by the type of service and amount of funds. (5 to 20 working days)

   - Budget Officer (only contracts containing more than $20,000 per fiscal year).
   - Budget Officer signs the "Agreement/Summary" (STD215) and attaches funding information on the form
   - Legal Counsel

7. Contract is finalized and sent to Contractor for signature (3 to 10 working days)

8. Contract is signed and returned to SCDD (10 to 20 working days)

9. Once the Contractor's signature has been obtained, the contract is prepared for SCDD Executive Director signature. (3 to 10 working days)

10. If Department of General Services (DGS) review is not required, the contract is fully executed upon CDSS signature. Copies of the executed contract are distributed by the Contracts Analyst.

The following contracts require DGS review and approval: (add 5 to 10 working days)

   - Standard Agreements and Interagency Agreements for $50,000 and above
   - Contracts that limit the contractor's liabilities or require the State to indemnify or to hold the contractor harmless.
   - Contracts that provide for advance payment for services.
   - Any contract containing hazardous activities that may result in substantial risk of serious injury to persons or damage to property, such as transporting of persons by any mode of transportation (also requires automobile and public liability insurance)

11. Upon receipt of the approved contract from DGS, the Contracts Analyst notifies Program and Contractor of execution by sending out copies of the executed contract. (2 to 5 working days)

APPLY APPROPRIATE REGULATIONS AND POLICIES

Disabled Veteran Business Enterprise (DVBE) and Small Business (SB) and Microbusiness (MB) Participation Programs

There are two business enterprise participation programs with which we must interact: Disabled Veteran Business Enterprise (DVBE)

and Small Business (SB) and Microbusiness (MB) Enterprise. State agencies are measured on how well they achieve the mandated goals.

1. DVBE Program

   The State of California established the DVBE Participation Program as one way to acknowledge disabled veterans for their service. The intent of the program is to further DVBE participation in State contracting by establishing a DVBE participation goal of at least 3% to ensure a portion of the state's overall annual contract dollars are awarded to certified DVBEs. For more information on the DVBE Program, visit the Internet site at http://www.pd.dgs.ca.gov/dvbe

   Every year, State agencies are required to submit a report to the Department of General Services on the total dollar amount of purchases and contract awards to businesses and the portion of those awards given to certified DVBEs.

2. Small Business (SB) and Microbusiness (MB) Program

   Through the enactment of the Small Business Procurement and Contract Act, a fair portion of the total State purchases, contracts, and subcontracts for commodities and services must be placed with certified small businesses or microbusinesses.

   State Agencies have a SB/MB participation goal of 25 percent of the total dollar amount expended annually on purchase and contract awards.

   A certified small business or microbusiness or a non-small business who subcontracts with a certified SB/MB firm is entitled to claim a five percent preference in bidding on procurements of goods or services. The five percent preference is used only for computation of the bid amount to determine the winning bidder and does not alter the actual amount of its bid.

PROGRAM RESPONSIBILITIES AFTER CONTRACT EXECUTION

The Contracts Managers shall be as follow: 1) the Budget Officer is the authorized SCDD representative responsible for administering administrative/business services contracts and, 2) the Deputy for Planning and Policy (OR PLANNING SPECIALIST) is the authorized SCDD representative responsible for administering local and statewide grants/contracts. Each contract manager must evaluate the Contractor's performance and has the following responsibilities:

A. ***Typical responsibilities***

1. After contract is executed, notify Contractor to begin work.
2. Monitor progress of work to ensure that services are performed according to the quality, quantity, objectives, timeframes, and manner specified in the contract; e.g., review progress reports and interim products.
3. Ensure that all work is completed and accepted before the c contract expires.
4. Review invoices to substantiate expenditures for work performed prior to approving them. Ensure the invoice contains the contract number, index and PCA codes and is forwarded for payment in a timely manner.
5. Ensure that there are sufficient funds to pay for all services rendered as required by contract. Also ensure that funds are available if there is a change in the funding source specified in the contract.
6. Identify low spending levels and consider partial disencumbrance and reassignment of funds.
7. Notify appropriate SCDD personnel of equipment purchase, if applicable, and ensure property is tagged and inventoried before approving cost reimbursement.
8. Monitor use of Disabled Veteran Business Enterprises (DVBE) subcontractors to ensure attainment of approved contract participation goals.
9. Verify that the Contractor has fulfilled all requirements of the contract before approving the final invoice. The final invoice must include the statement "Final Billing".
10. Invoices must be received by SCDD within 90 days following each state fiscal year, or 90 days following the end of the contract term, whichever comes first.

11. Only for consulting services contracts of $5,000 or more, complete the Contractor Evaluation form (STD.4) within 60 days of expiration of term.

12. Contact the Contracts Analyst for assistance with contract problems.

B. ***Contract Manager "Don'ts"***

The Contract Manager is ***not*** authorized to take the following actions:

1. Do not instruct the Contractor to start work before the contract is executed and approved.

2. Do not informally change the description or scope of work of the contract without an amendment.

3. Do not direct Contractor to do work that is not specifically described in the contract.

4. Do not sign any Contractor's contract form (their version of an agreement).

5. Do not approve payment to Contractor for any work not performed or performed unsatisfactorily.

6. Do not extend the time period of the contract without an amendment.

7. Do not allow Contractor to incur costs over the amount set in the contract.

C. ***Retention of Contract Records***

All contracts involving expenditures of public funds in excess of $10,000 contain a provision that the contract is subject to the examination and audit of the awarding department or its delegate or the State Auditor for a period of three years after final payment under the agreement. Federally funded contracts have a record retention period of up to five years. When a contract audit is in dispute or litigation, the record retention period is extended.

D. ***Record Keeping***

1. Label a file folder for each contract administered and include the following:

   a. A log sheet to record any activities related to the contract. Each time you speak with anyone about the contract, make a note of the date of the discussion, and the subject matter discussed.

b. A file guide labeled "Invoices." Retain a copy of all invoices in this file guide.

c. A copy of the executed contract and other pertinent documentation, such as a copy of the original contract request and any correspondence related to the contract or contractor.

2. Prepare a spreadsheet of expenditures showing the contract amount encumbered and the deduction for each invoice as it is approved for payment.

3. Document the notification to the Contractor of the start date. Work cannot begin before contract execution and the effective date of the contract. Although initial notification to start work may be verbal, it should also be documented in writing and a copy placed in the file. This practice protects the agency and the Contract Manager in the event of legal problems or an audit.

4. Monitor and document the performance and nonperformance of contract services in the contract file. If problems are encountered during the contract term, they should be fully documented. Letters to contractors should outline any problems related to substandard or nonperformance. If applicable, use contract specifications verbatim in the letters so that there is no doubt about the services covered in the contract. All letters about nonperformance should be sent by certified mail with copies to all concerned parties. A copy of the letter should be sent to the appropriate payment unit to eliminate the possibility of erroneous invoice payment.

E. ***Oversee the completion of the contract***

To finalize or complete the contract process, contact Contractor to determine whether all invoices have been received. After the expiration of the contract, disencumber any remaining funds by notifying the appropriate payment unit at CDSS and the Contracts Analyst of the amount to be disencumbered. A copy should be retained in the contract file. Please note that if the term has not expired and the contract is still in force, any reduction of funds must be made by contract amendment.

F. ***Terminate and/or Disencumber a Contract***

1. A contract may be terminated prior to the end (expiration date) of the term by sending a letter to the Contractor at least 30 days in advance of the effective date of termination.

   All contracts contain a provision that permits SCDD to terminate the contract without cause provided adequate notice is given. The termination letter should be signed by the Executive Director and sent to the Contractor by certified mail. Upon release of the termination letter, Contract Manager will send a notice to the requesting program, CDSS Budget Bureau informing them of the termination and to request disencumbrance of funds. No amendment is necessary for terminating contracts.

2. If a contract has already expired, program should send a memo to CDSS Budget Bureau to request the disencumbrance of funds by identifying the contract number and the amount of funds to be disencumbered. The effective date for disencumbrance is the contract expiration date. No amendment is required.

G. Contractor Evaluation

Any consultant services contract of $5,000 or more requires completion of a Contract/Contractor Evaluation (STD.4) within 60 days after completion of a contract. When a negative finding is made, the Contracts will forward a copy to the Department of General Services and the Contractor within five days of completion of the evaluation.

Contract/Contractor Evaluation forms are not public documents and should not be kept in the contract file.

COUNCIL AGENDA ITEM DETAIL SHEET

ISSUE: California Youth Leadership Forum (YLF) request for sponsorship.

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.

ANALYSIS/DISCUSSION: This is an exclusive invitation for California high school juniors and seniors who have all different types of disabilities to apply to the California Youth Leadership Forum for Students with Disabilities (YLF).

This program is provided to accepted students with disabilities at no cost to them.

YLF is an annual five day leadership program that provides information and resources about employment, education, independence and assistive technology. YLF is held in Sacramento, and students will stay in the dorms on campus at California State University, Sacramento.

Students will have the opportunity to live on a college campus and join more than 1,200 alumni from across the state that have been a part of this unique program created specifically for young leaders with disabilities. Students who attend YLF make new, life-long friendships and resource connections to help them reach their personal, academic, and career goals.

COUNCIL STRATEGIC PLAN GOAL/OBJECTIVE: 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 2013-14, the Council has awarded $9,946.00 for sponsorship requests. The Council allocates $25,000 per fiscal year for sponsorships. The fiscal year began July 1, 2013.

Due to loss of quorum, at the March 20, 2014 Council meeting this item was postponed.

The Executive Committee, at the April 3, 2014 meeting, postponed taking any action due to SCDD's current financial situation.

STAFF RECOMMENDATION: Award funding to California Youth Leadership Forum (YLF).

ATTACHMENTS(S): California Youth Leadership Forum for Students with Disabilities (YLF) request for sponsorship request for sponsorship.

PREPARED: Kristie Allensworth May 13, 2014

Youth Leadership Forum for Students with Disabilities (YLF)

This is an exclusive invitation for California high school juniors and seniors who have all different types of disabilities to apply to the California Youth Leadership Forum for Students with Disabilities (YLF).

Student delegate applications are now available for the 2014 YLF, to be held July 21-25, 2014 in Sacramento, CA. **This program is provided to accepted students with disabilities at no cost to them.**

YLF is an annual five day leadership program that provides information and resources about employment, education, independence and assistive technology. YLF is held in Sacramento, and students will stay in the dorms on campus at California State University, Sacramento.

Students will have the opportunity to live on a college campus and join more than 1,200 alumni from across the state that have been a part of this unique program created specifically for young leaders with disabilities. Students who attend YLF make new, life-long friendships and resource connections to help them reach their personal, academic, and career goals.

Alumni of the California Youth Leadership Forum say it has forever changed their lives for the better.

You can go to www.dor.ca.gov/YLF to download the application (in PDF and accessible Word versions), as well as further information on the program and instructions on how to apply.

Deadline to submit applications: February 28th, 2014.

*Please remember to read the instructions carefully, there are key points for applying to this year's YLF. Example, applications must be submitted electronically or may not be accepted. Also, incomplete applications may not be accepted. If you experience any difficulty in filling out this application, we can help you. Please contact us by email at YLF@dor.ca.gov, by phone at (855) 894-3436, or by relay using 711.

ADMINISTRATIVE COMMITTEE REPORT

DRAFT

Administrative Committee Meeting Minutes
April 23, 2014

Attending Members	Members Absent	Others Attending
Kris Kent	Eric Gelber	Lynn Cach
Molly Kennedy	Max Duley	Mark Polit
Ning Yang		Mary Agnes Nolan
Ray Ceragioli		Nancy Dow
		Natalie Bocanegra
		Roberta Newton

1. **Call to Order**
   Molly Kennedy called the meeting to order at 1:14 p.m.

2. **Establishment of Quorum**
   A quorum was established.

3. **Welcome and Introductions**
   Members and others introduced themselves.

4. **Approval of the March 26, 2014 Minutes**
   It was moved/seconded (Ceragioli/Yang) and carried to approve the March 26, 2014 minutes as amended.

   Amendment
   Correct date on page one (1), item three (3) to February 27, 2014 not March 26, 2014.

5. **Public Comments**
   There were no public comments.

6. **Review of the MTARS Work Plan**
   Roberta went over the work plan, emphasizing milestones that had been accomplished and items that have been delayed. She offered to make the first AIDD progress report which is due May 1, 2014 available in the May Admin packet

7. **DSA Review**
Roberta went over the DSA review.

It was moved and passed (Kent/Ceragioli) to bring the review to the May Council meeting for formal approval

8. **Office Leases**
Roberta related that this issue is in follow-up to the previous two months' discussion about the Council's structural deficit. Area Board 3's lease will go soft in August. Their staff of four occupies an office in Sacramento costing $60,000 per year while the headquarters office has sufficient empty space to accommodate them. Discussion ensued. There were comments that the suggestion seemed practical and reasonable. At the same time, Area Board 3 staff have not been involved in this discussion and should be. It was agreed that this should not be a hasty decision in that there is no rush to act. Molly suggested that it was premature to recommend drastic actions; that there should be a thoughtful process including area board staff. She suggested the formation of a financial committee, composed of area board and headquarters staff.

9. **Transition Plan**
Molly gave a brief report of the status of management at present. She reported that Mark Polit will become Acting E.D. as of May 1; that there are negotiations pending around a possible candidate for Chief Deputy Director for Administration; and that there are other negotiations around bringing on a strong management consultant to assist with high level issues, possibly as soon as May 1. She reported that she and Jorge have established a bi-weekly call with AIDD which will also include Mark. We have been instructed that correspondence will be forthcoming from AIDD and that AIDD is considering the possibility of advancing payroll for us. They are still reviewing our January billing. Roberta then briefly reviewed the written Transition Plan and noted that she has spent significant time going over each item with Mark. Molly objected to two items in the Transition Plan and requested they be deleted, relating to possible merger of area boards and reduction in area board staff.

10. **Review of Sample DSA MOU's**
Held for next month.

11. **Development of Facilitation Policy**
Held for next month.

12. **Other Policies and Procedures**
Held for next month. Molly asked if Natalie was prepared to take the lead on these three items next month and Natalie agreed.

13. **Future Agenda Items**
Molly asked for the following items to be included in the May Admin agenda:

- MTARS Update
- Future Fiscal Issues
- Transition Issues
- Review of Sample DSA MOU's
- Development of Facilitation Policy
- Other Policies and Procedures

14. **Adjournment**
Yang motioned to adjourn the meeting at 2:05 p.m.

CALIFORNIA SCDD

REVIEW OF THE DESIGNATED STATE AGENCY (DSA)

a. DESIGNATED STATE AGENCY.—

1. RESPONSIBILITIES.—

A. IN GENERAL.—The designated State agency shall, on behalf of the State, have the responsibilities described in subparagraphs (B) through (G).

B. SUPPORT SERVICES.—The designated State agency shall provide required assurances and support services as requested by and negotiated with the Council.

Comments: Through a delegated agreement with the Department of Social Services (DSS), the DSA provides accounting, business services, administrative support, personnel support, and information technology support

C. FISCAL RESPONSIBILITIES.—The designated State agency shall—

i. receive, account for, and disburse funds under this subtitle based on the State plan required in section 124; and

ii. provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, funds paid to the State under this subtitle.

Comments: DSS Fiscal Systems and Accounting Branch carry out all of the above fiscal responsibilities

D. RECORDS, ACCESS, AND FINANCIAL REPORTS.—The designated State agency shall keep and provide access to such records as the Secretary and the Council may determine to be necessary. The designated State agency, if other than the Council, shall provide timely financial reports at the request of the Council regarding the status of expenditures, obligations, and liquidation by the agency or the Council, and the use of the Federal and non-Federal shares described in section 126, by the agency or the Council.

Comments: DSS provides monthly reports of expenditures, Year-end state and federal financial statements including reports of obligations and liquidation. Additional reports are identified in the DSS/SCDD Interagency Agreement (IA). DSS staff have consistently provided timely reports upon request.

E. NON-FEDERAL SHARE.—The designated State agency, if other than the Council, shall provide the required non-Federal share described in section 126(c).

<u>Comments</u>: The support services provided by the DSA through DSS significantly exceed the cost paid by SCDD, thereby representing in-kind share of cost. Further, the requirement for a non-federal share in California is limited since 91% of the Council's activities are carried out by Council staff which does not require a non-federal share of cost.

F. ASSURANCES.—The designated State agency shall assist the Council in obtaining the appropriate State plan assurances and in ensuring that the plan is consistent with State law.

<u>Comments</u>: The DSA has assisted the Council in obtaining state plan assurances. The DSA has not been involved in assessing whether the state plan is consistent with state law except insofar as one seat on the Council is assigned to a representative of the DSA and thus participated in the review of and approval of the state plan.

G. MEMORANDUM OF UNDERSTANDING.—On the request of the Council, the designated State agency shall enter into a memorandum of understanding with the Council delineating the roles and responsibilities of the designated State agency.

<u>Comments</u>: The Council has not heretofore requested the DSA to enter into a memorandum of understanding but will do so during 2014.

It is recommended that the California Health and Human Services Agency remain as the DSA for the SCDD.

Review conducted April, 2014

Roberta Newton, Interim Executive Director, SCDD

Kristopher Kent, Assistant Secretary, Health and Human Services Agency

2014-2015 FUNDING ALLOCATION REPORT
Federal (BSG) Funds

4100 State Council on Development Disabilities
2014-15 Funding Allocation Report
Projected as of March 26, 2014

	Personal Services Allocation	Operating Expenses & Equipment Allocation	Total 2013-2014 Allocation
Council Operations and Administration	$1,473,000	$695,000	$2,168,000
Community Program Development Grants	$0	$350,000	$350,000
Area Boards	$3,480,864	$1,001,634	$4,482,498
Area Board Operations	$0	$353,000	$353,000
TOTAL PROJECTED EXPENDITURES	$4,953,864	$2,399,634	$7,353,498

State Council On Developmental Disabilities
Projected Headquarters Budget Need
Fiscal Year 2014/15

	PROJECTED BUDGET NEED *
1. Personal Services:	
Net Salaries & Wages	**$ 982,000**
Temporary Help / Honorarium	**$ 67,000**
Staff Benefits (43.13%)	**$ 424,000**
Total Personnel Services	**$ 1,473,000**
2. Operating Expense:	
General Expense	$ 19,000
Printing	$ 28,000
Communications	$ 94,000
Postage	$ 11,000
Travel-in-State :	$ 266,000
Per Diem	$ (40,000)
Commercial Air	$ (195,000)
Private Car	$ (13,000)
Taxi & Shuttle	$ (9,000)
Other	$ (9,000)
Out-of-State Travel	$ 2,000
Training (Tuition and Registration)	$ 3,000
Facilities Operations (Rent)	$ 91,000
Interdepartmental Services:	$ 101,000
External Contract Services	$ 40,000
Data Processing (Software, Supplies & Misc.)	$ 15,000
Central Admin. Services : SWCAP	$ 25,000
Total Operating Expense	**$ 695,000**
3. Total Projected Headquarters Budget Need (1 +2)*	**$ 2,168,000**

*Includes Council Member Honorarium and Travel Costs.

2014 -15 FEDERAL (BSG) BUDGET

Budget Assumptions

Assumptions

Information from AIDD and NACDD strongly suggests that the FFY 2015 allocation will be the same amount as the FFY 2014 post-sequestration allocation of $6,508,782. We have therefore opted to use that 2014 allocation figure as the assumed Council budget.

We have further assumed that staffing for 2014-15 will include:

All current area board office positions will be fully filled, with exception of one currently vacant Community Program Specialist II position that is targeted for abolishment effective July 1, 2014. The Chief Deputy Director, Planning and Program Specialist, and Legislative and Public Information Manager positions will be filled for the entire 12 months. The currently vacant Deputy Director of Communications and Legislation, Office Technician – Typing, and Deputy Director for Area Board Operations positions will not be filled during 2014-15.

All other HQ positions will be fully staffed as currently constituted.

All staff will be receiving a 2% salary increase which totals an increase of $99,000 over current year Personnel costs.

We assume that lease/facility operations costs will increase modestly and can be absorbed by other Operations savings.

Assuming all of the above, and absent any additional savings being identified, the Council would have a $927,165discrepancy between our current Federal funding level of $6,508,782 and projected expenses of $7,435,947 (see attachments for detail).

We assume that the full FFY 2014 award from ACL/AIDD will be released by the end of the current fiscal year and encumbered by the Council for use in the 2014-15 and 2015-16 years.

Based on current and historical expenditures, we assume "carryover" funds from 2013-14 of at least $1,000,000. This figure is arrived at based on having carryover funds of prior year unexpended Federal grant awards that helped offset the Council's expenses for the five month period of October 2013 – February 2014. This $1,000,000 "carryover" could be used to offset the $927,165 funding shortfall identified above.

LEGISLATIVE AND PUBLIC POLICY COMMITTEE REPORT

DETAIL SHEET

State Council Legislative and Public Policy Platform

ISSUE: Review of the draft Council Legislative and Public Policy Platform

SUMMARY: The Legislative and Public Policy Committee (LPPC) presents for Council review and approval a draft of the Council's Legislative and Public Policy Platform. This platform would not be limited to a specific time period, but can be amended overtime by the Council, as necessary.

PRIOR COUNCIL ACTIVITY: Adopted Legislative and Policy Platform for 2011-12.

BACKGROUND: N/A

ANALYSIS/DISCUSSION: Adoption of the platform will serve as a short summary of the Council's position on important public policy issues concerning people with developmental disabilities. This will be an important tool to communicate our beliefs to the legislature and the public. A platform will also allow us to advocate or express positions on these issues as they arise during the legislative process, during public discussions, and at coalition meetings. This would also allow us to sign onto coalition letters, with the consent of the Council Chair, when those letters are clearly in alignment with the Council's platform.

COUNCIL STATE PLAN GOAL: Public policy in California promotes the independence, productivity, inclusion and self-determination of individuals with developmental disabilities and their families

RECOMMENDATION(S): The LPPC recommends review and adoption of the legislative platform.

ATTACHMENT(S): Draft Council Legislative and Public Policy Platform; 2011-2012 SCDD Legislative and Policy Platform.

PREPARED: Mark Polit, March 6, 2014

California
State Council on
Developmental
Disabilities

Draft

2014

LEGISLATIVE

and Public Policy

Platform

About the Council

The State Council on Developmental Disabilities (Council) is established by state and federal law, the Lanterman Act and the federal Developmental Disabilities and Bill of Rights Act.

The Council advocates for the development and implementation of policies and practices that achieve self-determination, independence, productivity, and inclusion in all aspects of community life for Californians with intellectual and developmental disabilities (IDD) and their families. To that end, the Council develops and implements goals, objectives, and strategies designed to improve and enhance the availability and quality of services and supports.

The Council is comprised of 31 members appointed by the Governor, including individuals with disabilities and their families, and representatives from Disability Rights California, the University Centers for Excellence in Developmental Disabilities, and state agencies.

In addition to the Council's Sacramento headquarters, 13 regional offices provide services to individuals with IDD and their families including, but not limited to, advocacy assistance, training, monitoring, and public information. The Council strives to ensure that appropriate laws, regulations, and policies pertaining to the rights of individuals are observed and protected.

This document conveys the Council's position on major policy issues that affect individuals with IDD and their families.

Promise of the Lanterman Act

The Lanterman Act promises to honor the needs and choices of individuals with IDD by establishing an array of quality services throughout the state. Services shall support people to live integrated, productive lives in their home communities, in the least restrictive environment. Access to needed services and supports must not be undermined through categorical service elimination, service caps, means testing, or family cost participation fees and other financial barriers. California must not impose artificial limitations or reductions in community-based services and supports that would compromise the health and safety of persons with IDD.

SELF DETERMINATION

Individuals with IDD and their families must be given the option to control their service dollars and their services through Self-Determination. With the support of those they choose and trust, people with IDD and their families are best suited to understand their own unique needs, develop their own life goals, and construct those services and supports most appropriate to reach their full potential. Self-Determination gives individuals the tools and the basic human right to pursue life, liberty, and happiness in the ways that they choose.

EMPLOYMENT

A regular job with competitive pay gives people an opportunity to contribute and be valued at a work site; it gives them a chance to build relationships with co-workers, be a part of their communities, and contribute to their local economies. It reduces poverty and reliance on state support, and it provides a life of greater dignity.

Integrated competitive employment is the priority outcome for working age individuals with IDD, regardless of the severity of their disability. Policies and practices must set expectations for employment, promote collaboration between state agencies, and remove barriers to integrated competitive employment through access to information, benefits counseling, job training, postsecondary education, and appropriate provider rates that incentivize quality employment outcomes.

HEALTH CARE

Individuals must be reimbursed for insurance co-pays, co-insurance, and deductibles, when their health insurance covers therapies that are on their IPPs.

California has an obligation to assure that individuals with disabilities have continuity of care, a full continuum of health care services and equipment, and access to plain language information and supports to make informed decisions about their health care options.

California has an obligation to support the health care of individuals with IDD. This includes people with multiple health care needs, those who require routine preventative care, mental health treatment, dental care, durable medical equipment, and those with gender specific health issues.

EQUITY

Regional center services and supports must be distributed equitably so that individuals receive culturally and linguistically competent services and supports that meet their needs, regardless of their race, ethnicity, or income. Disparities in services can result in severe health, economic, and quality of life consequences.

EDUCATION

Schools must implement the goals of the Individuals with Disabilities Education Act (IDEA) to provide children with disabilities with free appropriate public education and prepare them for post-secondary education, employment, and independent living. To the maximum extent possible, students with disabilities should be educated alongside their non-disabled peers in the least restrictive environment. School districts and other educational authorities need to be held accountable for implementing the letter and the intent of IDEA, in all aspects, including measureable post-secondary goals.

HOUSING

Community integrated living options for individuals with IDD must be increased and enhanced through access to housing subsidy programs and neighborhood education to reduce discrimination. Permanent, affordable, accessible, and sustained housing options must be continually developed to meet both current and future needs.

TRANSPORTATION

Access to transportation is essential to the education, employment, and inclusion of individuals with disabilities. Individuals with IDD must be a part of transportation planning and policymaking to assure their needs and perspectives are heard and addressed. Mobility training must be a standard program among public transportation providers to increase the use of public transportation and reduce reliance on more costly segregated systems.

SELF-ADVOCACY

Individuals with IDD must be provided the opportunity and support to assume their rightful leadership in the service system and society, including voting and other civic responsibilities. Self-advocates must have access to enhanced training, plain language materials, and policy making opportunities.

TRANSITION TO ADULT LIFE

Education, rehabilitation, and regional center services must support students to transition to integrated competitive employment or post-secondary educational opportunities that will lead to employment. Successful strategies include starting career exploration at age 14, coordination among systems, youth empowerment in their education and service planning, integrated work experiences, family engagement, and a seamless transition to post-secondary work or education.

COMMUNITY PARTICIPATION

Individuals with IDD must have access to and be supported to participate in their communities, with their non-disabled peers, through opportunities such as education, employment, recreation, organizational affiliations, spiritual development, and civic responsibilities.

RATES FOR SERVICES

The state must restore rates to adequately support the availability of quality services for people with all disabilities in all the systems that serve them. A planned and systematic approach to rate adjustments must prioritize and incentivize services and supports that best promotes self-determination, independence, employment, and inclusion in all aspects of community life.

VICTIMS OF CRIME

All people have a right to be safe; however, individuals with IDD experience a much greater rate of victimization, and a far lower rate of prosecution for crimes against them, than does the general public. The same level of due process protections must be provided to all people. Individuals with IDD need to be trained in personal safety, how to protect themselves against becoming victims of crime, and how their participation in identification and prosecution can make a difference. Law enforcement personnel must be trained in how to work with people with IDD who they interact with during the course of their duties, including those who are victims of crimes.

QUALITY OF SERVICES AND SUPPORTS

The State of California must ensure that funding is used to achieve positive outcomes for individuals with IDD and their families. The state must streamline burdensome and duplicative regulations and processes that do not lead to positive outcomes for people with IDD and their families. Quality assessment and oversight must be provided by the state; it must measure what matters, be administered in a culturally competent manner, and the results made public and used to improve the system of services and supports.

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CALIFORNIA
SCDD
State Council on Developmental Disabilities

www.scdd.ca.gov

2011–12 LEGISLATIVE and POLICY PLATFORM

The State Council on Developmental Disabilities (Council) is established by state (Lanterman Act at Welfare and Institutions Code, sections 4520) and federal law (Developmental Disabilities and Bill of Rights Act) to ensure that individuals with developmental disabilities and their families participate in the planning, design and receipt of the services and supports they need which allow increased independence, productivity, inclusion and self-determination. To that end, the Council develops and implements goals, objectives, strategies designed to improve and enhance the availability and quality of services and supports to individuals with developmental disabilities and their families.

The Council is comprised of 31 members appointed by the Governor, including individuals with disabilities, their families, federally funded partners and state agencies.

In addition to headquarters in Sacramento, the Council supports 13 area boards that provide services to individuals with developmental disabilities and their families including, but not limited to, advocacy assistance, training, monitoring and public information. By providing these services, area boards ensure that appropriate laws, regulations and policies pertaining to the rights of individ-uals are observed and protected. Each board participates in the development and implementation of the Council's goals and objectives.

The Council is active in promoting and responding to policy developments and changes that affect people with developmental disabilities. This document conveys the Council's position on major policy issues that impact individuals with developmental disabilities and their families.

CONSUMER/FAMILY DIRECTED OPTIONS

Individuals with developmental disabilities and their families are best suited to identify and understand their unique needs and how best to address those needs. Options for self-determination/individual choice budgeting that provide resources for consumers and families to use in securing the services and supports that best meet their needs and reduce reliance on public social services must be developed and supported.

EMPLOYMENT

Integrated, competitive employment is the priority outcome for working age individuals with developmental disabilities. Strategies must be identified and pursued to assist individuals to achieve this goal.

HOUSING

Increase and enhance community integrated living options for individuals with developmental disabilities through access to housing subsidy programs and neighborhood education to reduced discrimination. Affordable, accessible, and sustained housing options must be continually developed.

HEALTH CARE

California has an obligation to assure that individuals with disabilities being transitioned into MediCal managed care have access to

plain language information and supports to make informed decisions about their health care options.

California must support individuals with developmental disabilities with co-existing health conditions that require routine preventative care, as well as mental health treatment and attention to women's health issues.

EDUCATION

The federal Individuals with Disabilities Education Act (IDEA) requires children with disabilities be provided with free appropriate public education to prepare them for advanced education, employment, and independent living. IDEA states to the "maximum extent possible" students with disabilities should be educated alongside their non-disabled peers. School districts/educational authorities need to be held accountable for implementing the letter and the intent of IDEA.

SELF-ADVOCACY

Individuals with developmental disabilities must be provided the opportunity and support to assume their rightful leadership in the system and society. Enhanced training, the use of plain language materials and inclusion in public-policy making activities must be developed and supported.

INCLUSION

Individuals with developmental disabilities must have access to community opportunities such as recreation, education, and socialization with their peers without disabilities.

TRANSPORTATION

Access to transportation is essential to the education, employment and inclusion of individuals with disabilities. Individuals with developmental disabilities must be a part of transportation planning and policymaking to assure their needs and perspectives are heard and addressed. Mobility training must be a standard program among public transportation providers to increase the use of public transportation and reduce reliance on more costly segregated systems.

VICTIMS OF CRIME

Individuals with developmental disabilities experience a greater rate of victimization and lower rates of prosecution for crimes against them than does the general public. The same level of due process protections must to be provided to all people. Individuals with disabilities need to be trained and supported in how to avoid becoming victims of crime and to understand how their participation in identification and prosecution can impact outcomes.

QUALITY OF SERVICES AND SUPPORTS

The financial commitment from the State of California must come with assurances that public monies are used to achieve desired outcomes for individuals with developmental disabilities and their families. Outcomes and satisfaction must be measured, and that information used to pursue individual and systemic change.

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DETAIL SHEET

Developmental Center Taskforce RECOMMENDATIONS

ISSUE: Endorsing the recommendations of Secretary Dooley's Task Force on the Future of Developmental Centers.

SUMMARY: In June 2013, Secretary Dooley convened a task force representing a broad section of community advocacy organizations, providers, developmental center family organizations, and developmental center unions. The SCDD was represented on the Task Force by Kecia Weller. The stakeholders met for six months and agreed on a consensus position for the development of specialized state operated and privately operated community services. These services would take the place of developmental centers as currently configured.

BACKGROUND: The number of people in developmental centers has been steadily declining over the last 30 years, from about 5,700 residents in 1994 to 1,284 on April 30, 2014. Secretary Dooley estimates that, even without the DC Task Force Recommendations, the downsizing and closure of the developmental centers would be complete in four to five years. The Task Force reviewed the needs of residents of the DCs and developed ideas for the specialty services needed to best meet their needs, and the needs of community residents who could not be adequately served by existing community services. The bulk of the new program types focused on people with very severe behavioral needs and those involved in the criminal justice system.

DISCUSSION/ANALYSIS: The LPPC discussed the task force recommendations and noted that supported living should have been highlighted more in the report as an option for people leaving developmental centers. The Committee noted support for the recommendations for individuals with enduring medical needs, severe behavioral needs, the forensic population, the continued use of DC lands, possible health resource centers, and the formation of task force on the future of community services.

LPPC RECOMMENDATION: Ray Ceragioli moved and Connie Lapin seconded to recommend that the Council support in general the recommendations of the Task Force in principle. The motion carried 5-0-1

There was discussion about the meaning of "in general" and "in principle" as used in the motion. Some thought it meant "support". The committee left it to the Council to further discuss.

ATTACHEMNTS: (1) Kecia Weller's final report to Council on the DC Task Force; (2) DC Task Force Recommendations.

PREPARED: Mark Polit, May 13, 2014

Developmental Centers Task Force

December 13, 2013 Meeting

Report to Council by Kecia Weller

The DC Task Force met for the last time on December 13. It reached consensus on a report on the future of developmental centers. The final report may be issued soon.

Secretary Dooley said that the state will use a stakeholder approach similar to the closure of Agnews DC "to design and implement the fundamental transformation of the remaining DCs."

The Task Force agreed that the DCs will not continue like they are. They agree that there is a future for services operated by the state, but it will be more limited. Some state and some private services may be on DC land.

The Task Force is making 6 recommendations. The first three are very specific and will get the biggest focus:

(1) Services for people with complex and enduring medical needs. This is about 445 people. About 315 of those will need about thirty-five 962 homes that can be developed with Community Placement Plan funds over three years.

(2) Services for people with challenging behavioral needs. This would include serving people in the least restrictive setting with mobile crisis teams, to very restricted settings like Canyon Springs. There must be homes that cannot refuse to serve people with severe behavioral needs. CPP funds would support developing short-term crisis homes, expanded crisis response teams and developing new three-bed behavioral "962-like" homes with wrap around services. Facilities like Fairview crisis center and Canyon Springs would be state operated.

(3) Services for people in the criminal justice system. The Porterville Secure Treatment Program would continue and Canyon Springs would serve as a transition for these people to the community. Since Porterville is full, there are people sitting in jail waiting for something else. For these people, the state could develop community-based locked facilities. There could also be community-based competency training, but this would need a change in law.

The last three recommendations still require a lot of work before they can be implemented. These are recommendations for the use of DC lands, health resource centers, and a task force on strengthening the community system.

Secretary Dooley resisted putting a deadline on completing this work. But she said that people are leaving the DCs at a rate of about 200 per year. So if the state did nothing new, DCs would be empty (except for Porterville and canyon Springs) in another 4 or 5 years.

Therefore, I believe it is urgent that the state implement these changes very quickly. I hope at our next meeting, after the final report is issued, that the Council will support the recommendations of the Task Force.

I want to thank Secretary Dooley, because she provided great leadership. And I want to thank Kris Kent, Terry Delgadillo, Jim Suennen, and other agency staff for all their work.

TASK FORCE RECOMMENDATIONS

Recommendation 1: Individuals with Enduring and Complex Medical Needs

Approximately 445 of the total DC population, or 32.1 percent, are individuals with complex medical needs receiving SNF care, many of whom have multiple medical conditions requiring specialty services.

Various community-based models of care exist to serve and support individuals with complex medical needs, ranging from the family home with add-on or wrap-around nursing services; to the residential model authorized under SB 962 and SB 853 (962 homes); to an array of licensed health facilities, including an ICF/DD-Nursing and an ICF/DD-Continuous Nursing. Based on the closure experiences with Agnews DC and Lanterman DC, 70.9 percent of the SNF residents are expected to require the 962 home level of care, or 315 individuals.

To serve DC residents with enduring and complex medical needs, the Task Force recommended regional centers assess and adjust their community capacity. One of five existing licensing categories should be considered for individuals with complex medical needs moving to the community: a 962 home, a small ICF/DD-Nursing, an ICF/DD-Continuous Nursing, a Residential Care Facility for the Elderly (RCFE), or a Community Care Facility with appropriate medical wrap around services. Each regional center should first explore existing resources (vacant beds), both within its catchment area and any available for statewide use, where appropriate and suitable for the consumer based on his or her comprehensive assessment. The regional center should utilize those existing resources to the extent appropriate and propose new community development through the CPP process to address the unmet residential and support needs of the population.

The Task Force further recommended the development of more homes/facilities using the existing models of care. However, they generally agreed that SNFs in the community should only be used for addressing short-term acute needs, and are not an appropriate long-term environment for consumers with enduring medical needs. With regard to the role of the State, the Task Force recommended:

• The State use CPP funds for regional center development of more 962 homes and other needed residential and support services and day programs to serve DC residents in the community. The development of the additional 962 homes could be supported by annually targeting approximately $8.5 million in CPP funds over the next three years, or $25 million over the three-year period.

• DDS, working with the regional centers, determine the number of existing vacancies in homes/facilities and make this information available.

Recommendation 2: Individuals with Challenging Behaviors and Support Needs

Approximately 227 DC residents, or 16.4 percent, have significantly complex and challenging behaviors. The Task Force considered behaviors or conditions involving elopement, aggression, self-injury, Pica, maladaptive sexual activity, mental illness, substance abuse, and/or significant property destruction to present the greatest service delivery challenges requiring a wide array of options. Existing community services are insufficient to meet the needs of this population.

Greater access to specialty services is needed, especially mental health and medication management services, increased psychiatric care, and enhanced wrap-around supports to maintain individuals in their current community residence. With the increased capacity of short-term crisis homes, acute crisis facilities will be needed. In addition, the group recommended a new "SB 962 like" model with specialty wrap around services to provide a higher level of behavioral supports, crisis response services, and step-down or re-entry programs.

The Task Force also agreed that there must be a "placement of last resort" for individuals with significantly challenging behaviors. Consumers in crisis must always have a place to go when in need.

With regard to the role of the State, the Task Force recommended the State:

• Operate acute crisis facilities (like the program at Fairview DC) at least in the Northern and Southern parts of the State. These two 15-bed (or smaller) facilities may require development funds and would have an estimated annual combined operating cost of $8.8 million.

• Operate some transitional facilities (like the program at Canyon Springs Community Facility, only smaller). For example, a 15-bed (or smaller) facility would have an estimated annual operating cost of $4.4 million.

• Develop new "SB 962 like" model homes with specialty wrap around services to provide a higher level of behavioral supports. These 3-bed facilities could be developed using CPP funding at an estimated cost of $500,000 each, plus ongoing operating costs. Based on the current DC population, approximately 36 such homes would be needed if it were determined that this level of care was appropriate for those remaining in the DCs with challenging behaviors.

• Identify community capacity in existing models of care.

• Support regional center efforts to enhance supports to maintain individuals in their own homes.

• Provide or earmark CPP funding for regional centers to:

o Expand mobile crisis response teams;

o Expand crisis hotlines;

o Expand day programs;

o Create short-term crisis homes; and

o Develop new "SB 962 like" behavioral homes (see above).

• Provide DC staff to assist with the transition of individuals with challenging behaviors.

Recommendation 3: Individuals Involved in the Criminal Justice System

Roughly 14.4 percent of the DC population has had some involvement with the criminal justice system. Although the number of residents is relatively small, the needs of the population are great. The Task Force considered dual diagnosis of mental illness; individuals charged with a felony, particularly a sex offense; and individuals incompetent to stand trial as significant issues associated with their care.

With regard to the role of the State, the Task Force recommended the State:

• Continue to operate Porterville DC-STP since it is preferable for this population over prison, jail, a locked psychiatric facility, or placement out of state. The Porterville DC-STP focuses on restoring competency as a primary function, but also provides rehabilitation programs, vocational education and other services in a secure environment. Secure treatment was viewed as primarily a responsibility of the State. It was recognized that some facilities serving the forensic population are funded using 100 ercent General Fund. Continuing to operate the Porterville DC-STP has an annual cost of $76 million General Fund.

• Continue to operate Canyon Springs Community Facility as a re-entry program for criminal justice system-involved consumers leaving Porterville DC-STP. Continuing to operate Canyon Springs Community Facility has an annual cost of $16.1 million, which is eligible for federal financial participation.

• Consider changing the law to allow a continuum of services for competency restoration training rather than all forensic clients being committed to the Porterville DC-STP.

• Explore the development of alternatives to the Porterville DC-STP. Community options would allow individuals to remain closer to their family and regional center. These forensic facilities would likely be ineligible for federal financial participation.

Recommendation 4: Health Resource Center

The Task Force supported the need for coordinated health care services, including mental health, psychiatry, medication management, and centralized medical records.

The group recognized the importance of the DC specialty services, such as the Sonoma DC shoe and wheelchair molding and the availability of medical professionals with vast experiences and expertise serving individuals with complex developmental and medical needs. In particular, the Task Force reviewed and discussed PACE (Program of All-inclusive Care for the Elderly), a federal program that provides community-based health care and services to people age 55 or

older who otherwise would need a nursing home level of care. PACE is designed for a team of health professionals to provide "one-stop" comprehensive health care within a complex of services and functions like a HMO.

Under the existing PACE model, the care is exclusive, and individuals electing this care give up their other medical coverage. Although serving individuals with intellectual and developmental disabilities would be very different from serving the elderly, the concept of an organized array of needed health services in one "health resource center" was appealing.

The health care services and supports developed and provided during the closure processes for Agnews DC and Lanterman DC were another area of consideration. The Task Force was interested in the care coordination provided by the regional centers, especially for health and dental care. Also considered were the transition of health services to managed care, and the services provided by the DC outpatient clinics to ensure continuity of and accessibility to care.

The Task Force recommended exploring a workable model for a health resource center that would address the health needs of the DC residents after they transition to community homes. Where possible, the State should incorporate appropriate existing DC resources. The health resource center should address any gaps in service that may exist including, but not limited to, care coordination, dental, mental health, durable medical equipment, assistive technology, and DC specialty (such as shoes) services. Care coordination was considered a critical component for the successful transition and

continued support of any resident, regardless of their other support needs. It was recognized, however, that as community services develop, the need for the health resource center services may change.

Since most DC residents are receiving Medi-Cal and the use of a service model focused on developmental disabilities will likely require prior federal CMS approval (a waiver or a State Plan Amendment), further work needs to be done to determine the most advantageous approach to providing the specialized, coordinated care.

Recommendation 5: Use of DC Land and Resources

The Task Force generally agreed unused (current and prospective) state DC land should be leveraged to benefit consumers rather than being declared surplus.

Members understood surplus land disposition is controlled by the State Constitution and sales revenue cannot be diverted to the developmental disabilities system. However, the property should be considered for future State-operated facilities and to develop community services, including the Health Resource Center and mixed use communities similar to Harbor Village in Costa Mesa.

With regard to the role of the State, the Task Force recommended:

• State land should be retained and the State should enter into public/private partnerships to provide community integrated services, where appropriate.

(Note: The four large DCs comprise a total of 2,181 acres of land, of which the core campuses use 878 acres, or about 40 percent of the acreage. Canyon Springs Community Facility has a lease agreement through September 2015, including additional acreage that could be developed. The lease agreement has an option to purchase or exercise a 15 year extension.)

• Existing State buildings on DC property should be used, as appropriate, for developing service models identified in the previous recommendations.

Repurposing existing buildings requires meeting current building and seismic safety codes.

Recommendation 6: Future of the Community System

Although outside the scope of this Task Force's charge, the Task Force expressed a desire for DDS to form another task force to address ways to make the community system stronger. Among the many issues to be considered are: 1) the sufficiency of community rates and the impact new State and federal laws and regulations may have; 2) whether current regulations can be streamlined, particularly affecting the licensing of facilities; and, 3) whether certain benefits received by DC residents as part of a DC closure process should be broadened to others in the community. These areas have a significant and long term impact on services for individuals with intellectual and developmental disabilities.

The make-up of the next task force should be similar to the Task Force on the Future of Developmental Centers, including representatives from the DCs. However, the priority given to the work should be after significant progress has been made on Recommendations 1 through 5.

NEXT STEPS

The recommendations made by the Task Force include some recommendations that can be acted on quickly, while others need further work and development. Implementation of the recommendations with the greatest clarity should begin right away. Concurrently, to move in the direction recommended by the Task Force on the more involved recommendations and to continue the active stakeholder engagement that contributed so significantly to this work, the State will use an approach modeled on the Agnews DC closure stakeholder process to design and implement the fundamental transformation of the remaining DCs.

Report of the LPPC to State Council

4/9/14 &5/7/14 Meetings

AB 1089 (Calderon) as amended 6/17/13 Foster Care

This bill specifies the transfer procedures that would apply when a consumer of regional center services who has an order for foster care, is awaiting foster care placement, or is placed in out-of-home-care transfers between regional centers or local education agencies. The bill requires the county social worker or county probation officer to immediately send a notice of relocation, as defined, to the sending regional center of the consumer and that regional center to immediately send a notice of transfer, as defined, to the receiving regional center. The bill requires that these procedures also apply to local education agencies. Among other things this bill also authorizes the release of information and relevant information to other specified persons and entities.

LPPC recommendation: Support

AB 1687 (Conway) as amended 3/22/14 Developmental Disabilities Bill of Rights

This bill recasts the list of rights granted to people with developmental disabilities in Section 4502 of the Lanterman Act as The Persons with Developmental Disabilities Bill of Rights. In current law persons with developmental disabilities have the right to:

a.) access services and supports best suited to the person throughout his or her lifetime;
b.) prompt medical care and treatment;
c.) be free from harm, including abuse, neglect, restraint and isolation;
d.) privacy and religious freedom;
e.) freedom to make choices in life;
f.) social interaction, etc.

AB 1687 also addresses crimes committed against people with developmental disabilities and adds the right to a prompt review and investigation of any abuse against them.

LPPC recommendation: Support

AB 1806 (Bloom) as introduced 2/18/14 Pupil services: homeless children or youth

If an individual with exceptional needs is a homeless child or youth, as defined, and the local education agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent, this bill requires the designated local education agency liaison for homeless children and youth to be invited to participate in the individual education program team meeting that makes a manifestation determination, as specified. The bill also requires a school district and/or a county office of education to perform additional duties in complying with requirements to accept coursework in certain circumstances.

LPPC recommendation: Support

AB 2041 (Jones) as amended 4/22/14 Developmental services: regional centers: behavioral health treatment

Regulations adopted under the requirements of the Lanterman Act currently require vendors of services who meet certain requirements and provide certain types of services to be classified as a behavior management consultant or behavior management assistant. This bill requires that a regional center classify a vendor as a behavior management consultant or behavior management assistant if the vendor designs or implements behavioral health treatment, has a specified amount of experience in designing or implementing that treatment, and meets other licensure and education requirements. The bill also contains other related provisions to other existing laws.

LPPC recommendation: Support

SB 1046 (Beall) as amended 4/8/14 Insurance: mental illness: developmental disabilities: coverage: penalties

Existing law requires health insurance policies to provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses of a person of any age and of serious emotional disturbances of a child, under the same terms and conditions applied to other medical conditions, as specified. Existing law requires health insurance policies to provide benefits for specified conditions, including coverage for behavioral health treatment, as defined, for pervasive developmental disorder or autism, as specified. This bill gives the Insurance Commissioner the authority to assess administrative penalties for any violations of the above provisions, including any rules or orders adopted or issued based on violations of

these provisions as a separate and distinct violation. The penalties would not exceed $2,500 for each violation, or for an ongoing and continuous violation, the penalty would not exceed $2,500 per day for as long as the violation continues.

LPPC recommendation: Support

SB 1093 (Liu) as amended 4/24/14 Developmental services: regional centers: culturally and linguistically competent services

This bill requires a number of changes from regional centers in their provision of services and supports to consumers and in specifics of their contracting with DDS:

a.) independent living skills services would be available, if needed, to all adult consumers who live in the home of a parent, relative, or other person, or who live independently;
b.) annual performance objectives for regional centers, among other things, are to be designed to develop services and supports identified as necessary to meet consumer needs which include culturally and linguistically appropriate services and supports;
c.) if a regional center is placed on probation, the DDS also provide a copy of the correction plan, timeline and any other action taken by the department to a *specified clients' rights advocacy contractor*;
d.) each regional center is required, in addition to its performance objectives, to develop and implement a plan with specific and measurable objectives that include activities and timelines that will lead to an increase in the utilization of services by consumers impacted by purchase of service disparities;
e.) a regional center will utilize a specified public process and consult with specified stakeholders in developing that plan;
f.) regional centers will be required to post additional data on their Internet Web Sites to include and be categorized by residence type and subcategorized by age, race or ethnicity, and primary language;
g.) the DDS and regional centers are to maintain all preceding years' data on their respective Internet Web Sites;
h.) regional centers are to hold annual stakeholder meetings regarding the data separately from any meetings of its board of directors, and to schedule the meetings at times and locations designed to result in a high turnout by the public and underserved communities, and in holding the meetings they need to consider the language needs of the community;

i.) regional centers are to provide participants in these meetings with the data and associated information and to conduct the discussion of the data and associated information in a manner that is culturally and linguistically appropriate for that community, as specified.

LPPC recommendation: Support

SB 1160 (Beall) as amended 4/24/14 Employment

This bill changes some definitions and ratios concerning supported employment. For group supported employment services this bill requires a job coach to consumer ratio of not less than 1 to 2 nor more than 1 to 8 where services to a minimum of two consumers are funded by the regional center or the Department of Rehabilitation. For individual supported employment the definition of "individualized services" is recast to provide, in part, job coaching and other supported employment services that decrease over time consistent with the consumer's individualized program plan and abilities with the goal of achieving stabilization when possible.

The bill would give a preference to in state contracting to bidders when at least 10% of their personnel are regional center clients.

LPPC recommendation: Support if amended to require payment of at least minimum wage to individuals working on state contracts awarded under this provision.

SB 1176 (Steinberg) as amended 4'30'14 Healthcare coverage: cost sharing: tracking

This bill requires a health care plan or health care insurer to be responsible for monitoring the accrual of out-of-pocket costs, and also to track the accumulation of cost sharing for covered essential health benefits attributed to in-network providers, and prohibit those entities from requiring consumers to track or monitor those costs.

The bill requires a plan or insurer to accept claims from the provider or the consumer with respect to cost sharing for out-of-network providers who are providing cert5ain emergency services or otherwise providing covered benefits.

The bill also requires a plan or insurer to notify each enrollee or insured, within 30 days, when his or her cost sharing has reached the maximum accrual out-of-pocket limit. The bill requires that the insured or enrollee have the opportunity to review the accrual of cost sharing and provide additional information regarding cost sharing that should be credited to the out-of-

pocket limit. Willful violation of the bill's provisions by a health care service plan would be a crime.

LPPC recommendation: Support

SB 1396 (Hancock) as amended 4/23/14 School climate: multi-tiered intervention and support

This bill establishes a multi-tiered intervention and support program for public schools. To the extent that one-time funding is made available in the Budget Act of 2014, the bill requires the State Department of Education to apportion funds to a designated county office of education, selected from applicant county offices of education, that would be the fiduciary agent for the program.

The bill requires the designated county office of education to consult with specified organizations and target the funding towards a statewide professional development effort that would provide training in multi-tiered intervention and support to school personnel. Also, the bill requires the Legislative Analyst's Office to review the impacts of this professional development effort and report to the Legislature by June 30, 2017, on specified aspects of the program.

LPPC recommendation: Support

SB 1428 (Evans) as amended 4/21/14 Sonoma Developmental Center: land use

Current law requires that prior to the closure of any state developmental center, the Department of Developmental Services submit a plan detailing, among other things, a description of the land and buildings affected and any existing lease arrangements at the developmental center. This bill requires that prior to the development of any plan for, or implementation of any sale, lease transfer or major change of the use of the Sonoma Developmental Center, the Department of Developmental Services and the Department of General Services confer and cooperate with public and private entities in the development of an improvement and redevelopment plan for the center. The bill authorizes the plan to contain specified elements:

a.) development of new or improved public or private core resident care facilities on the SDC site

b.) permanent protection, maintenance, operation and potential expansion of the wildlife habitat corridor through the property connecting Sonoma Mountain and the Mayacamas Mountain Range;

c.) creation of public recreational facilities;

d.) potential expansion of water supply facilities consistent with natural resource protection.

LPPC recommendation: Support if amended to clearly reflect the recommendations of the DC Task Force

AMENDED IN SENATE JUNE 17, 2013

AMENDED IN ASSEMBLY APRIL 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL **No. 1089**

Introduced by Assembly Member Ian Calderon
(Coauthors: Assembly Members Brown, *Maienschein,* Ting, and Wilk)

February 22, 2013

An act to add Section 56426.10 to the Education Code, to amend Section 95014 of the Government Code, and to amend Sections 4514 and 4643.5 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1089, as amended, Ian Calderon. Foster care.

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

Existing law also provides that if a consumer is or has been determined to be eligible for services by a regional center, he or she shall also be considered eligible by any other regional center if he or she has moved to another location within the state. In addition, existing law provides that whenever a consumer transfers from one regional center catchment area to another, the level and types of services and supports specified in the consumer's individual program plan shall be authorized and secured, as specified.

Existing law also requires an early education program provided by a local ~~education~~ *educational* agency to include services specially designed to meet the unique needs of children with exceptional needs from birth to 3 years of age and their families.

This bill would specify the transfer procedures that would apply when ~~children~~ *a consumer of regional center services* who ~~have~~ *has* an order for foster care, ~~are~~ *is* awaiting foster care placement, or ~~are~~ *is* placed in out-of-home ~~care, and other consumers of regional center services and supports, transfer~~ *care transfers* between regional centers or local ~~education agencies, or from a local education agency to a catchment area where there are no services, as specified. Among other things, the bill would provide that these consumers shall have the right to receive comparable early intervention services from the new catchment area's regional center, regardless of whether the person has been deemed eligible for provision of and payment for early intervention services through the regional center. The~~ *educational agencies. Among other things, the* bill would require the *county social worker or county probation officer to immediately send a notice of relocation, as defined, to the* sending regional center ~~to notify the receiving regional center~~ of the ~~relocation~~*, and would require the sending regional center to immediately send a notice of transfer, as defined, to the receiving regional center*, as specified. *The bill would specifically provide that these procedures and timelines apply to local educational agencies.* By imposing new duties and a higher

level of service on ~~local entities~~ *county employees*, the bill would impose a state-mandated local program.

Existing law generally provides that information and records obtained in the course of providing intake, assessment, and services to persons with developmental disabilities are confidential. Existing law authorizes the release of the information and records to specified persons and entities.

This bill would provide that a consumer of regional services, or an infant or toddler receiving early intervention services, who meets specified criteria is entitled to a complete copy, *or any requested portion thereof,* at no charge, of his or her regional center records upon presenting to the regional center a written request stating that the records are needed to support an application or appeal regarding eligibility for a public benefit program. The bill would also authorize the release of the information and records to ~~a person appointed as~~ the education rights holder ~~for an infant or toddler who is eligible to receive services~~.

The bill would include a statement of legislative findings and declarations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

P3 1 SECTION 1.

The Legislature finds and declares the following:

2 (a) Children in foster care are at increased risk for serious
3 developmental delays and disabilities as a result of abuse, neglect,
4 and prenatal exposure to drugs.

5 (b) Timely and consistent provision of quality remediation and
6 therapeutic services for children with developmental delays and
7 disabilities, such as those provided by California's regional centers,
8 have been shown to greatly improve outcomes for these children.
9 Unfortunately, children in foster care are at increased risk for a
10 disruption in services due to frequent placement changes. These
11 disruptions cause dramatic setbacks in a child's development and
12 well-being.

13 (c) It is imperative that children in foster care be protected from
14 interruptions in their developmental services, and thus, a clear set
15 of timelines for the transfer process from one regional center's
16 catchment area to another's is needed.

17 SEC. 2.

Section 56426.10 is added to the *Education Code*, to
18 read:

19 56426.10.

~~(a)~~ The transfer procedures and timelines, as
20 provided under subdivision (d) of Section 4643.5 of the Welfare
21 and Institutions Code, shall apply if ~~either of~~ *all of* the following
22 ~~apply to a child:~~ *conditions are met:*

23 ~~(1) If all of the following apply to a child:~~

24 ~~(A)~~

P4 1 *(a)* The child is under three years of age.

2 ~~(B)~~

3 *(b)* The child has solely low-incidence disabilities.

~~(C)~~

(c) The child is receiving services under this part.

~~(D)~~

(d) The child has ~~(i)~~ *(1)* an order for foster care placement, ~~(ii)~~ *(2)* is awaiting foster care placement, or ~~(iii)~~ *(3)* is placed in out-of-home care through voluntary placement as defined in subdivision (o) of Section 11400 of the Welfare and Institutions Code.

~~(E)~~

(e) The child transfers between local ~~education~~ *educational* agencies.

~~(2) If an infant or toddler described in subparagraphs (A) to (D), inclusive, of paragraph (1) transfers from a local education agency to a catchment area where there are no services available for the infant or toddler through the local education agency.~~

~~(b) Pursuant to subdivision (d) of Section 4643.5 of the Welfare and Institutions Code, pending the development of a new individualized family service plan, a child described in paragraph (2) of subdivision (a) shall have the right to receive comparable early intervention services according to his or her current individualized family service plan from the new catchment area's regional center, regardless of whether the child has been deemed eligible for provision of and payment for early intervention services through the regional center.~~

SEC. 3.

Section 95014 of the *Government Code* is amended to read:

95014.

(a) The term "eligible infant or toddler" for the purposes of this title means infants and toddlers from birth through two years of age, for whom a need for early intervention services, as specified in the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.) and applicable regulations, is documented by means of assessment and evaluation as required in Sections 95016 and 95018 and who meet one of the following criteria:

(1) Infants and toddlers with a developmental delay in one or more of the following five areas: cognitive development; physical and motor development, including vision and hearing; communication development; social or emotional development; or adaptive development. Developmentally delayed infants and toddlers are those who are determined to have a significant difference between the expected level of development for their age and their current level of functioning. This determination shall be made by qualified personnel who are recognized by, or part of, a multidisciplinary team, including the parents. A significant difference is defined as a 33-percent delay in one developmental area before 24 months of age, or, at 24 months of age or older, either a delay of 50 percent in one developmental area or a 33-percent delay in two or more developmental areas. The age for use in determination of eligibility for the Early Intervention Program shall be the age of the infant or toddler on the date of the initial referral to the Early Intervention Program.

(2) Infants and toddlers with established risk conditions, who are infants and toddlers with conditions of known etiology or conditions with established harmful developmental consequences.

The conditions shall be diagnosed by ~~a~~ qualified personnel recognized by, or part of, a multidisciplinary team, including the parents. The condition shall be certified as having a high probability of leading to developmental delay if the delay is not evident at the time of diagnosis.

(b) Regional centers and local educational agencies shall be responsible for ensuring that eligible infants and toddlers are served as follows:

(1) The State Department of Developmental Services and regional centers shall be responsible for the provision of appropriate early intervention services that are required for California's participation in Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.) for all infants eligible under Section 95014, except for those infants with solely a visual, hearing, or severe orthopedic impairment, or any combination of those impairments, who meet the criteria in Sections 56026 and 56026.5 of the Education Code, and in Section 3030(a), (b), (d), or (e) of, and Section 3031 of, Title 5 of the California Code of Regulations.

(2) The State Department of Education and local educational agencies shall be responsible for the provision of appropriate early intervention services in accordance with Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.) for infants with solely a visual, hearing, or severe orthopedic impairment, or any combination of those impairments, who meet the criteria in Sections 56026 and 56026.5 of the Education Code, and in Section 3030(a), (b), (d), or (e) of, and Section 3031 of, Title 5 of the California Code of Regulations, and who are not eligible for services under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code).

(3) ~~(A)~~ The transfer procedures and timelines, as provided under subdivision (d) of Section 4643.5 of the Welfare and Institutions Code, shall apply if ~~either of~~ the ~~following~~ circumstances pertaining to an eligible infant or toddler are ~~present:~~

~~(i) The~~ *that the* child ~~(I)~~ *(A)* has an order for foster care placement, is awaiting foster care placement, or is placed in out-of-home care through voluntary placement as defined in subdivision (o) of Section 11400 of the Welfare and Institutions Code, and ~~(II)~~ *(B)* transfers between regional centers or local ~~education~~ *educational* agencies.

~~(ii) The child (I) has an order for foster care placement, is awaiting foster care placement, or is placed in out-of-home care through voluntary placement as defined in subdivision (o) of Section 11400 of the Welfare and Institutions Code, and (II) transfers from a local education agency to a catchment area where there are no services available for the infant or toddler through the new local education agency.~~

~~(B) A child described in clause (ii) of subparagraph (A) shall have the right to receive comparable early intervention services from the new catchment area's regional center, regardless of whether the child has been deemed eligible for provision of and payment for early intervention services through the regional center.~~

(c) For infants and toddlers and their families who are eligible to receive services from both a regional center and a local

34 educational agency, the regional center shall be the agency
35 responsible for providing or purchasing appropriate early
36 intervention services that are beyond the mandated responsibilities
37 of local educational agencies and that are required for California's
38 participation in Part C of the federal Individuals with Disabilities
39 Education Act (20 U.S.C. Sec. 1431 et seq.). The local educational
40 agency shall provide special education services up to its funded
P7 1 program capacity as established annually by the State Department
2 of Education in consultation with the State Department of
3 Developmental Services and the Department of Finance.
4 (d) No agency or multidisciplinary team, including any agency
5 listed in Section 95012, shall presume or determine eligibility,
6 including eligibility for medical services, for any other agency.
7 However, regional centers and local educational agencies shall
8 coordinate intake, evaluation, assessment, and individualized
9 family service plans for infants and toddlers and their families who
10 are served by an agency.
11 (e) Upon termination of the program pursuant to Section 95003,
12 the State Department of Developmental Services shall be
13 responsible for the payment of services pursuant to this title.
14 SEC. 4.
Section 4514 of the *Welfare and Institutions Code* is
15 amended to read:
16 4514.
All information and records obtained in the course of
17 providing intake, assessment, and services under Division 4.1
18 (commencing with Section 4400), Division 4.5 (commencing with
19 Section 4500), Division 6 (commencing with Section 6000), or
20 Division 7 (commencing with Section 7100) to persons with
21 developmental disabilities shall be confidential. Information and
22 records obtained in the course of providing similar services to
23 either voluntary or involuntary recipients prior to 1969 shall also
24 be confidential. Information and records shall be disclosed only
25 in any of the following cases:
26 (a) In communications between qualified professional persons,
27 whether employed by a regional center or state developmental
28 center, or not, in the provision of intake, assessment, and services
29 or appropriate referrals. The consent of the person with a
30 developmental disability, or his or her guardian or conservator,
31 shall be obtained before information or records may be disclosed
32 by regional center or state developmental center personnel to a
33 professional not employed by the regional center or state
34 developmental center, or a program not vendored by a regional
35 center or state developmental center.
36 (b) When the person with a developmental disability, who has
37 the capacity to give informed consent, designates individuals to
38 whom information or records may be released, except that nothing
39 in this chapter shall be construed to compel a physician and
40 surgeon, psychologist, social worker, marriage and family therapist,
P8 1 professional clinical counselor, nurse, attorney, or other
2 professional to reveal information that has been given to him or
3 her in confidence by a family member of the person unless a valid
4 release has been executed by that family member.
5 (c) To the extent necessary for a claim, or for a claim or
6 application to be made on behalf of a person with a developmental
7 disability for aid, insurance, government benefit, or medical
8 assistance to which he or she may be entitled.

(d) If the person with a developmental disability is a minor, dependent ward, or conservatee, and his or her parent, guardian, conservator, limited conservator with access to confidential records, or authorized representative, designates, in writing, persons to whom records or information may be disclosed, except that nothing in this chapter shall be construed to compel a physician and surgeon, psychologist, social worker, marriage and family therapist, professional clinical counselor, nurse, attorney, or other professional to reveal information that has been given to him or her in confidence by a family member of the person unless a valid release has been executed by that family member.

(e) For research, provided that the Director of Developmental Services designates by regulation rules for the conduct of research and requires the research to be first reviewed by the appropriate institutional review board or boards. These rules shall include, but need not be limited to, the requirement that all researchers shall sign an oath of confidentiality as follows:

"

_____

Date

As a condition of doing research concerning persons with developmental disabilities who have received services from _____ (fill in the facility, agency or person), I, _____, agree to obtain the prior informed consent of persons who have received services to the maximum degree possible as determined by the appropriate institutional review board or boards for protection of human subjects reviewing my research, or the person's parent, guardian, or conservator, and I further agree not to divulge any information obtained in the course of the research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services so those persons who received services are identifiable.

I recognize that the unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

_____ "

Signed

(f) To the courts, as necessary to the administration of justice.

(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

(h) To the Senate Committee on Rules or the Assembly Committee on Rules for the purposes of legislative investigation authorized by the committee.

(i) To the courts and designated parties as part of a regional center report or assessment in compliance with a statutory or regulatory requirement, including, but not limited to, Section 1827.5 of the Probate Code, Sections 1001.22 and 1370.1 of the Penal Code, and Section 6502 of the Welfare and Institutions Code.

(j) To the attorney for the person with a developmental disability in any and all proceedings upon presentation of a release of information signed by the person, except that when the person

25 lacks the capacity to give informed consent, the regional center or
26 state developmental center director or designee, upon satisfying
27 himself or herself of the identity of the attorney, and of the fact
28 that the attorney represents the person, shall release all information
29 and records relating to the person except that nothing in this article
30 shall be construed to compel a physician and surgeon, psychologist,
31 social worker, marriage and family therapist, professional clinical
32 counselor, nurse, attorney, or other professional to reveal
33 information that has been given to him or her in confidence by a
34 family member of the person unless a valid release has been
35 executed by that family member.
36 (k) Upon written consent by a person with a developmental
37 disability previously or presently receiving services from a regional
38 center or state developmental center, the director of the regional
39 center or state developmental center, or his or her designee, may
40 release any information, except information that has been given
P10 1 in confidence by members of the family of the person with
2 developmental disabilities, requested by a probation officer charged
3 with the evaluation of the person after his or her conviction of a
4 crime if the regional center or state developmental center director
5 or designee determines that the information is relevant to the
6 evaluation. The consent shall only be operative until sentence is
7 passed on the crime of which the person was convicted. The
8 confidential information released pursuant to this subdivision shall
9 be transmitted to the court separately from the probation report
10 and shall not be placed in the probation report. The confidential
11 information shall remain confidential except for purposes of
12 sentencing. After sentencing, the confidential information shall be
13 sealed.
14 (l) Between persons who are trained and qualified to serve on
15 "multidisciplinary personnel" teams pursuant to subdivision (d)
16 of Section 18951. The information and records sought to be
17 disclosed shall be relevant to the prevention, identification,
18 management, or treatment of an abused child and his or her parents
19 pursuant to Chapter 11 (commencing with Section 18950) of Part
20 6 of Division 9.
21 (m) When a person with a developmental disability dies from
22 any cause, natural or otherwise, while hospitalized in a state
23 developmental center, the State Department of Developmental
24 Services, the physician and surgeon in charge of the client, or the
25 professional in charge of the facility or his or her designee, shall
26 release information and records to the coroner. The State
27 Department of Developmental Services, the physician and surgeon
28 in charge of the client, or the professional in charge of the facility
29 or his or her designee, shall not release any notes, summaries,
30 transcripts, tapes, or records of conversations between the resident
31 and health professional personnel of the hospital relating to the
32 personal life of the resident that is not related to the diagnosis and
33 treatment of the resident's physical condition. Any information
34 released to the coroner pursuant to this section shall remain
35 confidential and shall be sealed and shall not be made part of the
36 public record.
37 (n) To authorized licensing personnel who are employed by, or
38 who are authorized representatives of, the State Department of
39 Public Health, and who are licensed or registered health
40 professionals, and to authorized legal staff or special investigators
P11 1 who are peace officers who are employed by, or who are authorized

2 representatives of, the State Department of Social Services, as
3 necessary to the performance of their duties to inspect, license,
4 and investigate health facilities and community care facilities, and
5 to ensure that the standards of care and services provided in these
6 facilities are adequate and appropriate and to ascertain compliance
7 with the rules and regulations to which the facility is subject. The
8 confidential information shall remain confidential except for
9 purposes of inspection, licensing, or investigation pursuant to
10 Chapter 2 (commencing with Section 1250) and Chapter 3
11 (commencing with Section 1500) of Division 2 of the Health and
12 Safety Code, or a criminal, civil, or administrative proceeding in
13 relation thereto. The confidential information may be used by the
14 State Department of Public Health or the State Department of
15 Social Services in a criminal, civil, or administrative proceeding.
16 The confidential information shall be available only to the judge
17 or hearing officer and to the parties to the case. Names which are
18 confidential shall be listed in attachments separate to the general
19 pleadings. The confidential information shall be sealed after the
20 conclusion of the criminal, civil, or administrative hearings, and
21 shall not subsequently be released except in accordance with this
22 subdivision. If the confidential information does not result in a
23 criminal, civil, or administrative proceeding, it shall be sealed after
24 the State Department of Public Health or the State Department of
25 Social Services decides that no further action will be taken in the
26 matter of suspected licensing violations. Except as otherwise
27 provided in this subdivision, confidential information in the
28 possession of the State Department of Public Health or the State
29 Department of Social Services shall not contain the name of the
30 person with a developmental disability.
31 (o) To any board which licenses and certifies professionals in
32 the fields of mental health and developmental disabilities pursuant
33 to state law, when the Director of Developmental Services has
34 reasonable cause to believe that there has occurred a violation of
35 any provision of law subject to the jurisdiction of a board and the
36 records are relevant to the violation. The information shall be
37 sealed after a decision is reached in the matter of the suspected
38 violation, and shall not subsequently be released except in
39 accordance with this subdivision. Confidential information in the
P12 1 possession of the board shall not contain the name of the person
2 with a developmental disability.
3 (p) To governmental law enforcement agencies by the director
4 of a regional center or state developmental center, or his or her
5 designee, when (1) the person with a developmental disability has
6 been reported lost or missing or (2) there is probable cause to
7 believe that a person with a developmental disability has
8 committed, or has been the victim of, murder, manslaughter,
9 mayhem, aggravated mayhem, kidnapping, robbery, carjacking,
10 assault with the intent to commit a felony, arson, extortion, rape,
11 forcible sodomy, forcible oral copulation, assault or battery, or
12 unlawful possession of a weapon, as provided in any provision
13 listed in Section 16590 of the Penal Code.
14 This subdivision shall be limited solely to information directly
15 relating to the factual circumstances of the commission of the
16 enumerated offenses and shall not include any information relating
17 to the mental state of the patient or the circumstances of his or her
18 treatment unless relevant to the crime involved.
19 This subdivision shall not be construed as an exception to, or in

20 any other way affecting, the provisions of Article 7 (commencing
21 with Section 1010) of Chapter 4 of Division 8 of the Evidence
22 Code, or Chapter 11 (commencing with Section 15600) and
23 Chapter 13 (commencing with Section 15750) of Part 3 of Division
24 9.
25 (q) To the Division of Juvenile Facilities and Department of
26 Corrections and Rehabilitation or any component thereof, as
27 necessary to the administration of justice.
28 (r) To an agency mandated to investigate a report of abuse filed
29 pursuant to either Section 11164 of the Penal Code or Section
30 15630 of the Welfare and Institutions Code for the purposes of
31 either a mandated or voluntary report or when those agencies
32 request information in the course of conducting their investigation.
33 (s) When a person with developmental disabilities, or the parent,
34 guardian, or conservator of a person with developmental disabilities
35 who lacks capacity to consent, fails to grant or deny a request by
36 a regional center or state developmental center to release
37 information or records relating to the person with developmental
38 disabilities within a reasonable period of time, the director of the
39 regional or developmental center, or his or her designee, may
P13 1 release information or records on behalf of that person provided
2 both of the following conditions are met:
3 (1) Release of the information or records is deemed necessary
4 to protect the person's health, safety, or welfare.
5 (2) The person, or the person's parent, guardian, or conservator,
6 has been advised annually in writing of the policy of the regional
7 center or state developmental center for release of confidential
8 client information or records when the person with developmental
9 disabilities, or the person's parent, guardian, or conservator, fails
10 to respond to a request for release of the information or records
11 within a reasonable period of time. A statement of policy contained
12 in the client's individual program plan shall be deemed to comply
13 with the notice requirement of this paragraph.
14 (t) (1) When an employee is served with a notice of adverse
15 action, as defined in Section 19570 of the Government Code, the
16 following information and records may be released:
17 (A) All information and records that the appointing authority
18 relied upon in issuing the notice of adverse action.
19 (B) All other information and records that are relevant to the
20 adverse action, or that would constitute relevant evidence as
21 defined in Section 210 of the Evidence Code.
22 (C) The information described in subparagraphs (A) and (B)
23 may be released only if both of the following conditions are met:
24 (i) The appointing authority has provided written notice to the
25 consumer and the consumer's legal representative or, if the
26 consumer has no legal representative or if the legal representative
27 is a state agency, to the clients' rights advocate, and the consumer,
28 the consumer's legal representative, or the clients' rights advocate
29 has not objected in writing to the appointing authority within five
30 business days of receipt of the notice, or the appointing authority,
31 upon review of the objection has determined that the circumstances
32 on which the adverse action is based are egregious or threaten the
33 health, safety, or life of the consumer or other consumers and
34 without the information the adverse action could not be taken.
35 (ii) The appointing authority, the person against whom the
36 adverse action has been taken, and the person's representative, if

any, have entered into a stipulation that does all of the following:

(I) Prohibits the parties from disclosing or using the information or records for any purpose other than the proceedings for which the information or records were requested or provided.

(II) Requires the employee and the employee's legal representative to return to the appointing authority all records provided to them under this subdivision, including, but not limited to, all records and documents or copies thereof that are no longer in the possession of the employee or the employee's legal representative because they were from any source containing confidential information protected by this section, and all copies of those records and documents, within 10 days of the date that the adverse action becomes final except for the actual records and documents submitted to the administrative tribunal as a component of an appeal from the adverse action.

(III) Requires the parties to submit the stipulation to the administrative tribunal with jurisdiction over the adverse action at the earliest possible opportunity.

(2) For the purposes of this subdivision, the State Personnel Board may, prior to any appeal from adverse action being filed with it, issue a protective order, upon application by the appointing authority, for the limited purpose of prohibiting the parties from disclosing or using information or records for any purpose other than the proceeding for which the information or records were requested or provided, and to require the employee or the employee's legal representative to return to the appointing authority all records provided to them under this subdivision, including, but not limited to, all records and documents from any source containing confidential information protected by this section, and all copies of those records and documents, within 10 days of the date that the adverse action becomes final, except for the actual records and documents that are no longer in the possession of the employee or the employee's legal representatives because they were submitted to the administrative tribunal as a component of an appeal from the adverse action.

(3) Individual identifiers, including, but not limited to, names, social security numbers, and hospital numbers, that are not necessary for the prosecution or defense of the adverse action, shall not be disclosed.

(4) All records, documents, or other materials containing confidential information protected by this section that have been submitted or otherwise disclosed to the administrative agency or other person as a component of an appeal from an adverse action shall, upon proper motion by the appointing authority to the administrative tribunal, be placed under administrative seal and shall not, thereafter, be subject to disclosure to any person or entity except upon the issuance of an order of a court of competent jurisdiction.

(5) For purposes of this subdivision, an adverse action becomes final when the employee fails to answer within the time specified in Section 19575 of the Government Code, or, after filing an answer, withdraws the appeal, or, upon exhaustion of the administrative appeal or of the judicial review remedies as otherwise provided by law.

(u) *(1)* To the ~~person appointed as the~~ education rights holder ~~for an infant or toddler who is eligible to receive services pursuant~~

~~to Title 14 (commencing with Section 95000) of the Government Code,~~ or the developmental services decisionmaker for a minor, dependent, or ward pursuant to Section 319, 361, or 726.

~~(v) Notwithstanding~~

(2) Notwithstanding subdivision (a) of Section 4725 or any other law, any consumer or infant or toddler receiving early intervention services who ~~(1)~~ *(A)* has an order for foster care placement, ~~(2)~~ *(B)* is awaiting foster care placement, or ~~(3)~~ *(C)* is placed in out-of-home care through voluntary placement as defined in subdivision (o) of Section 11400, shall be entitled, directly or through his or her legally authorized representative*, attorney*, education rights holder, or developmental services decisionmaker, to a complete copy, *or any requested portion thereof,* at no charge, of his or her regional center records, as defined in subdivision (b) of Section 4725, upon presenting to the regional center a written request stating that the records are needed to support an application or appeal regarding eligibility for a public benefit program. *This paragraph shall not be construed to allow the release of any records in violation of the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).*

~~(w)~~

(v) To a protection and advocacy agency established pursuant to Section 4901, to the extent that the information is incorporated within any of the following:

(1) An unredacted facility evaluation report form or an unredacted complaint investigation report form of the State Department of Social Services. This information shall remain confidential and subject to the confidentiality requirements of subdivision (f) of Section 4903.

(2) An unredacted citation report, unredacted licensing report, unredacted survey report, unredacted plan of correction, or unredacted statement of deficiency of the State Department of Public Health, prepared by authorized licensing personnel or authorized representatives described in subdivision (n). This information shall remain confidential and subject to the confidentiality requirements of subdivision (f) of Section 4903.

SEC. 5.

Section 4643.5 of the *Welfare and Institutions Code* is amended to read:

4643.5.

(a) If a consumer is or has been determined to be eligible for services by a regional center, he or she shall also be considered eligible by any other regional center if he or she has moved to another location within the state.

(b) An individual who is determined by any regional center to have a developmental disability shall remain eligible for services from regional centers unless a regional center, following a comprehensive reassessment, concludes that the original determination that the individual has a developmental disability is clearly erroneous.

(c) Whenever a consumer transfers from one regional center catchment area to another, the level and types of services and supports specified in the consumer's individual program plan *(IPP)* shall be authorized and secured, if available, pending the

development of a new ~~individual program plan~~ *(IPP)* for the consumer. If these services and supports do not exist, the regional center shall convene a meeting to develop a new ~~individual program plan~~ *(IPP)* within 30 days. Prior to approval of the new ~~individual program plan~~ *(IPP)*, the regional center shall provide alternative services and supports that best meet the ~~individual program plan~~ *(IPP)* objectives in the least restrictive setting. The department shall develop guidelines that describe the responsibilities of regional centers in ensuring a smooth transition of services and supports from one regional center to another, including, but not limited to, pretransferring planning and a dispute resolution process to resolve disagreements between regional centers regarding their responsibilities related to the transfer of case management services.

P17 (d) *(1)* If a consumer is transferring from one regional center's catchment area to ~~that of another~~ *a different* regional center's *catchment area* and ~~(1)~~ *(A)* has an order for foster care placement, ~~(2)~~ *(B)* is awaiting foster care placement, or ~~(3)~~ *(C)* is placed in out-of-home care through voluntary placement as defined in subdivision (o) of Section ~~11400 of the Welfare and Institutions Code, the following shall apply:~~ *11400, paragraph (2) shall apply.*

~~(A) (i) The sending regional center shall prepare and send the physical case file to the receiving regional center no later than two business days following the receipt of notice that the consumer has moved out of the sending regional center's catchment area. For purposes of this subdivision, this notice of relocation shall be immediately provided to the sending regional center by the county social worker or county probation officer. Notice of relocation may also be provided by the caregiver, the consumer's attorney or a court-appointed special advocate, or the court itself. Notice shall be deemed received when the sending regional center is notified either verbally or in writing by any of the above.~~

~~(ii) Upon receiving notice, the sending regional center shall notify the receiving regional center of the consumer's relocation, including the person's name and age, and a list of services currently listed in the individualized family service plan (IFSP) or individual program plan (IPP).~~

(2) (A) The county social worker or county probation officer shall immediately send a notice of relocation regarding a consumer who meets the criteria set forth in paragraph (1). The consumer's court-appointed attorney may also provide written notice of relocation. The notice of relocation shall be deemed received when the sending regional center receives written notice of relocation.

(B) Upon receiving the notice of relocation, the sending regional center shall immediately send a notice of transfer, by priority mail, facsimile, or electronic mail, to the receiving regional center.

(C) The sending regional center shall prepare and send the physical case file to the receiving regional center no later than 10 business days following the receipt of the notice of relocation.

~~(B)~~

(3) The receiving regional center shall accept financial responsibility for the consumer's case and notify the caregiver, *parent, if education rights have not been terminated, educational rights holder or developmental services decisionmaker, as applicable, county social worker or county probation officer, as applicable,* and county placing agency of the assignment of a service coordinator, within two business days of receipt of the

~~physical file~~ *notice of transfer.*

~~(C) Services~~

(4) (A) Notwithstanding subdivision (g) of Section 4646, services and supports, as provided for in the consumer's current ~~IFSP or~~ IPP, shall commence within five business days from the date the sending regional center received the notice of relocation.

~~(D)~~

(B) If identical services to those provided in the existing ~~IFSP or~~IPP are not available, the receiving regional center shall*, within five business days of the notice of relocation,* provide comparable services until a new ~~IFSP or~~ IPP meeting can be held to determine appropriate services. *In all cases, a new IPP meeting shall be held within 30 calendar days after the notice of relocation is sent.*

~~(E) The sending regional center may choose to continue to serve the consumer and not transfer the case to the regional center in the person's new catchment area only if the sending regional center continues to provide all the services as agreed upon in the consumer's IPP or IFSP. The sending regional center shall notify the regional center in the person's new catchment area within two days of the person's move that the sending regional center shall continue to provide services.~~

(C) In preparation for the new IPP meeting, as described in subparagraph (B), the receiving regional center shall, within three business days after receiving the notice of transfer, contact the consumer's county social worker or county probation officer to determine the legal status of the consumer's case. If the parent's, guardian's, or current developmental services decisionmaker's rights have not been limited, the receiving regional center shall immediately attempt to notify the individual of the IPP meeting described in subparagraph (B) and confirm the individual's intent to participate in the IPP meeting. The attempts to notify the individual shall occur daily by telephone or in writing on three consecutive business days after the notice of transfer is received. All attempts to notify the individual of the IPP meeting shall be documented in the consumer's file.

P19

(D) After three failed attempts to notify and obtain confirmation of participation in the IPP meeting described in subparagraph (B), the receiving regional center shall immediately provide written notice to the court of jurisdiction, to the county placing agency, and to the consumer's attorney that the appointment of a new developmental services decisionmaker may be necessary.

(E) Services shall continue to be provided pursuant to subparagraph (A), pending the court's appointment of a developmental services decisionmaker, pursuant to subdivision (g) of Section 319, subdivision (a) of Section 361, or subdivision (b) of Section 726.

(5) In the case of a consumer receiving services under the California Early Intervention Program pursuant to Title 14 (commencing with Section 95000) of the Government Code, the following procedures shall apply:

(A) All services for which additional consent is not necessary shall be initiated by the receiving regional center within five business days of notice of relocation.

(B) If identical services to those provided in the existing individualized family service plan (IFSP) are not available, the receiving regional center shall, within five business days from

receipt of the notice of relocation, provide comparable services until a new IFSP meeting can be held to determine appropriate services. In all cases, a new IFSP meeting shall be held within 30 days of receipt of the notice of relocation.

(C) (i) If additional consent is required before implementing any services upon receiving the notice of transfer, the receiving regional center shall immediately attempt to obtain consent from the parent, guardian, or education rights holder, as applicable. The attempts to obtain consent shall occur daily by telephone or in writing on three consecutive business days after the notice of transfer is received. All attempts to obtain consent shall be documented in the consumer's file.

(ii) After three failed attempts to obtain consent in the consecutive three business days from the receipt of the notice of transfer, the receiving regional center shall immediately do both of the following:

(I) Appoint an interim surrogate parent pursuant to Section 303.422 of Title 34 of the Code of Federal Regulations and Section 52175 of Title 17 of the California Code of Regulations and give preference to a current caregiver, relative, or other adult known to the child over someone who is not known to the child.

(II) Provide written notice to the court of jurisdiction, to the county social worker or county probation officer, as applicable, and to the consumer's attorney that an appointment of a new educational rights holder may be necessary and that the receiving regional center has appointed an interim surrogate parent.

(iii) The receiving regional center's appointment of an interim surrogate parent shall be temporary, and shall be superseded by the court's appointment of an education rights holder, pursuant to subdivision (g) of Section 319, subdivision (a) of Section 361, or subdivision (b) of Section 726, as applicable.

(D) If the receiving regional center has undertaken the procedures described in clauses (i) and (ii) of subparagraph (C), and has documented those efforts in the consumer's case file, the timeline for initiating services shall be eight business days from the receipt of the notice of relocation.

(6) The regional center of origin and the consumer's parent, education rights holder, or developmental services decisionmaker, as applicable, may agree that the regional center of origin will continue to serve the consumer and not transfer the case to the regional center in the consumer's new catchment area only if the regional center of origin continues to provide all of the services in the consumer's IPP or IFSP. The regional center of origin shall notify the regional center in the consumer's new catchment area within two business days of the receipt of the notice of relocation that the regional center of origin will continue to provide services despite the consumer's relocation.

(7) For purposes of this section, initiation of services means the point at which the consumer begins to receive a particular service and may include assessment procedures for services, if necessary, if those services begin immediately following the completion of the assessment.

~~(F)~~

(8) The ~~requirements~~ *procedures and timelines* set forth in ~~subparagraphs (A)~~ *paragraphs (1)* to ~~(E),~~ *(7),* inclusive, *as applicable,* shall apply to local ~~education~~ *educational* agencies,

as set forth in Section 56426.10 of the Education Code.

(e) For purposes of this section, ~~the term "consumer" shall refer~~ *the following definitions shall apply:*

(1) "Consumer" refers to individuals as defined in Section 4512 and any eligible infant or toddler, as defined in Section 95014 of the Government Code.

(2) "Notice of relocation" means a written notice informing a regional center that currently serves a consumer described in subdivision (d) that the consumer has been relocated to a foster home that is located in a catchment area that is not served by that regional center. "Notice of relocation" includes, at a minimum, the consumer's name, date of birth, and current address, and the name of the consumer's caregiver.

(3) "Notice of transfer" means a written notice that a consumer described in paragraph (1) of subdivision (d) is transferring from a regional center located in one catchment area to a regional center located in a different catchment area and includes, at a minimum, the following information:

(A) The consumer's name and date of birth.

(B) The name and contact information of the consumer's parent, or the consumer's education right holder or developmental services decisionmaker, if applicable.

(C) The name and contact information for the consumer's current caregiver.

(D) A copy of the consumer's current IFSP or IPP.

SEC. 6.

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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AMENDED IN ASSEMBLY MARCH 26, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL **No. 1687**

Introduced by Assembly Member Conway

February 13, 2014

An act to amend Section 4502 of, to amend the heading of Chapter 1 (commencing with Section 4500) of Division 4.5 of, to add the heading of Chapter 1.3 (commencing with Section 4502) to, and to add the heading of Chapter 1.6 (commencing with Section 4507) to, Division 4.5 of, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1687, as amended, Conway. Persons with Developmental Disabilities Bill of Rights.

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to ~~provide services and supports to individuals with developmental disabilities~~ *provide fixed points of contact in the community for persons with developmental disabilities and their families, and to ensure that a person with developmental disabilities has access to the services and supports best suited to the person throughout his or her lifetime*. Existing law states the intent of the Legislature that persons with developmental disabilities have certain rights, including a right to prompt medical care and treatment and a right to be free from harm*, including abuse or neglect*. Existing law ~~requires that~~ *grants specified rights to* a person with developmental disabilities who has been admitted or committed to a state hospital, community care facility, or health facility ~~have specified rights~~, including the right to have access to individual storage space for private use and a right to see visitors each day. Existing law requires a developmental center to immediately report resident deaths and certain serious injuries, including a sexual assault, to the local law enforcement agency having jurisdiction over the city or county in which the developmental center is located.

This bill would recast those rights as the Persons with Developmental Disabilities Bill of Rights. The bill would include, as a right *to persons with developmental disabilities*, the right to a prompt investigation of any alleged abuse against ~~a person with developmental disabilities and the results of the investigation to be made available to the person and his or her family, legal guardian, conservator, or authorized representative in a timely fashion. By creating new duties for local officials, this bill would impose a state-mandated local program~~ *them*.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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

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

P2 1 SECTION 1.
The heading of Chapter 1 (commencing with
2 Section 4500) of Division 4.5 of the *Welfare and Institutions Code*
3 is amended to read:
4
5 CHAPTER 1. TITLE AND INTENT
6
7 SEC. 2.
The heading of Chapter 1.3 (commencing with Section
8 4502) is added to Division 4.5 of the *Welfare and Institutions*
9 *Code*, to read:
10
11 CHAPTER 1.3. PERSONS WITH DEVELOPMENTAL DISABILITIES
12 BILL OF RIGHTS
13
P3 1 SEC. 3.
Section 4502 of the *Welfare and Institutions Code* is
2 amended to read:
3 4502.
(a) Persons with developmental disabilities have the
4 same legal rights and responsibilities guaranteed all other
5 individuals by the United States Constitution and laws and the
6 Constitution and laws of the State of California. ~~No~~ *An* otherwise
7 qualified person by reason of having a developmental disability
8 shall *not* be excluded from participation in, be denied the benefits
9 of, or be subjected to discrimination under any program or
10 ~~activity, which~~ *activity that* receives public funds.
11 (b) It is the intent of the Legislature that persons with
12 developmental disabilities shall have rights including, but not
13 limited to, the following:
14 (1) A right to treatment and habilitation services and supports
15 in the least restrictive environment. Treatment and habilitation
16 services and supports should foster the developmental potential
17 of the person and be directed toward the achievement of the most
18 independent, productive, and normal lives possible. Such services
19 shall protect the personal liberty of the individual and shall be
20 provided with the least restrictive conditions necessary to achieve
21 the purposes of the treatment, services, or supports.
22 (2) A right to dignity, privacy, and humane care. To the
23 maximum extent possible, treatment, services, and supports shall
24 be provided in natural community settings.
25 (3) A right to participate in an appropriate program of publicly
26 supported education, regardless of degree of disability.
27 (4) A right to prompt medical care and treatment.
28 (5) A right to religious freedom and practice.
29 (6) A right to social interaction and participation in community
30 activities.
31 (7) A right to physical exercise and recreational opportunities.
32 (8) A right to be free from harm, including unnecessary physical
33 restraint, or isolation, excessive medication, abuse, or neglect.
34 (9) A right to be free from hazardous procedures.
35 (10) A right to make choices in their own lives, including, but
36 not limited to, where and with whom they live, their relationships
37 with people in their community, the way they spend their time,

including education, employment, and leisure, the pursuit of their personal future, and program planning and implementation.

(11) A right to a prompt investigation of any alleged abuse against ~~a person with developmental disabilities. The results of the investigation shall be made available to the person and his or her family, legal guardian, conservator, or authorized representative in a timely fashion~~ *them*.

SEC. 4.

The heading of Chapter 1.6 (commencing with Section 4507) is added to Division 4.5 of the *Welfare and Institutions Code*, to read:

CHAPTER 1.6. GENERAL PROVISIONS

~~SEC. 5.~~

~~If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

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CALIFORNIA LEGISLATURE—2013-14 REGULAR SESSION

ASSEMBLY BILL **No. 1806**

Introduced by Assembly Member Bloom

February 18, 2014

An act to amend Sections 48915.5, 48918.1, 51225.1, and 51225.2 of the Education Code, relating to pupil services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1806, as introduced, Bloom. Pupil services: homeless children or youth.

(1) Existing law, if an individual with exceptional needs is a foster child, as defined, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, requires the attorney for the individual with exceptional needs and an appropriate representative of the county child welfare agency to be invited to participate in the individualized education program team meeting that makes a manifestation determination, as specified.

This bill, if an individual with exceptional needs is a homeless child or youth, as defined, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, would require the designated local educational agency liaison for homeless children and youth to be invited to participate in the individualized education program team meeting that makes a manifestation determination, as specified.

(2) Existing law, if the decision to recommend expulsion is a discretionary act and the pupil is a foster child, as defined, requires the governing board of the school district to provide notice of the expulsion hearing to the pupil's attorney and an appropriate representative of the county child welfare agency, as specified. Existing law, if a recommendation of expulsion is required and the pupil is a foster child, as defined, authorizes the governing board of the school district to provide notice of the expulsion hearing to the pupil's attorney and an appropriate representative of the county child welfare agency, as specified.

This bill, if the decision to recommend expulsion is a discretionary act and the pupil is a homeless child or youth, as defined, would require the governing board of the school district to provide notice of the expulsion hearing to the designated local educational agency liaison for homeless children and youth, as specified. The bill, if a recommendation of expulsion is required and the pupil is a homeless child or youth, as defined, would authorize the governing board of the school district to provide notice of the expulsion hearing to the designated local educational agency liaison for homeless children and youth, as specified.

(3) Existing law requires a school district to exempt a pupil in foster care, as defined, who transfers between schools any time after the completion of the pupil's 2nd year of high school from all coursework and other requirements adopted by the governing board of the school district that are in addition to certain statewide coursework requirements unless the school district makes a finding that the pupil is reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the pupil's 4th year of high school. Existing law requires, among other things, the

school district to take specified actions if it determines that the pupil in foster care is reasonably able to complete the school district's graduation requirements within the pupil's 5th year of high school.

This bill would extend these provisions to a pupil who is a homeless child or youth, as defined. By requiring school districts to perform additional duties in complying with the exemption requirements, the bill would impose a state-mandated local program.

(4) Existing law requires a school district and county office of education to accept coursework satisfactorily completed by a pupil in foster care, as defined, while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency even if the pupil did not complete the entire course and requires the school district and county office of education to issue that pupil full or partial credit for the coursework completed. Existing law prohibits a school district or county office of education from, among other things, requiring a pupil in foster care to retake a course if the pupil has satisfactorily completed the entire course in a public school, a juvenile court school, or a nonpublic, nonsectarian school or agency. Existing law provides that a pupil in foster care shall not be prohibited from retaking or taking a course to meet the eligibility requirements for admission to the California State University or the University of California.

This bill would extend these provisions to a pupil who is a homeless child or youth, as defined. By requiring a school district and county office of education to perform additional duties in complying with the requirements to accept coursework, the bill would impose a state-mandated local program.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

P3 1 SECTION 1.
Section 48915.5 of the *Education Code* is
2 amended to read:
3 48915.5.
(a) An individual with exceptional needs, as defined
4 in Section 56026, may be suspended or expelled from school in
5 accordance with Section 1415(k) of Title 20 of the United States
6 Code, the discipline provisions contained in Sections 300.530 to
7 300.537, inclusive, of Title 34 of the Code of Federal Regulations,
8 and other provisions of this part that do not conflict with federal
9 law and regulations.
10 (b) A free appropriate public education for individuals with
11 exceptional needs suspended or expelled from school shall be in
12 accordance with Section 1412(a)(1) of Title 20 of the United States
13 Code and Section 300.530(d) of Title 34 of the Code of Federal
14 Regulations.
P4 1 (c) If an individual with exceptional needs is excluded from
2 schoolbus transportation, the pupil is entitled to be provided with
3 an alternative form of transportation at no cost to the pupil or parent
4 or guardian provided that transportation is specified in the pupil's
5 individualized education program.
6 (d) If the individual with exceptional needs is a foster child, as
7 defined in Section 48853.5, and the local educational agency has

proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the attorney for the individual with exceptional needs and an appropriate representative of the county child welfare agency shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

(e) If the individual with exceptional needs is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the local educational agency liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

SEC. 2.

Section 48918.1 of the *Education Code* is amended to read:

48918.1.

(a) ~~If~~ *(1) If* the decision to recommend expulsion is a discretionary act and the pupil is a foster child, as defined in Section 48853.5, the governing board of the school district shall provide notice of the expulsion hearing to the pupil's attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

~~(b)~~

(2) If a recommendation of expulsion is required and the pupil is a foster child, as defined in Section 48853.5, the governing board of the school district may provide notice of the expulsion hearing to the pupil's attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

(b) (1) If the decision to recommend expulsion is a discretionary act and the pupil is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code, the governing board of the school district shall provide notice of the expulsion hearing to the local educational agency liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

(2) If a recommendation of expulsion is required and the pupil

is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code, the governing board of the school district may provide notice of the expulsion hearing to the local educational agency liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

SEC. 3.

Section 51225.1 of the *Education Code* is amended to read:

51225.1.

(a) Notwithstanding any other law, a school district shall exempt a pupil in foster care, as defined in Section 51225.2, *or a pupil who is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code,* who transfers between schools any time after the completion of the pupil's second year of high school from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements specified in Section 51225.3, unless the school district makes a finding that the pupil is reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.

(b) If the school district determines that the pupil in foster care*, or the pupil who is a homeless child or youth,* is reasonably able to complete the school district's graduation requirements within the pupil's fifth year of high school, the *school* district shall do all of the following:

(1) Inform the pupil of his or her option to remain in school for a fifth year to complete the school district's graduation requirements.

(2) Inform the pupil, and the person holding the right to make educational decisions for the pupil, about how remaining in school for a fifth year to complete the school district's graduation requirements will affect the pupil's ability to gain admission to a postsecondary educational institution.

(3) Provide information to the pupil about transfer opportunities available through the California Community Colleges.

(4) Permit the pupil to stay in school for a fifth year to complete the school district's graduation requirements upon agreement with the pupil, if the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, upon agreement with the person holding the right to make educational decisions for the pupil.

(c) To determine whether a pupil in foster care*, or a pupil who is a homeless child or youth,* is in the third or fourth year of high school, either the number of credits the pupil has earned to the date of transfer or the length of the pupil's school enrollment may be used, whichever will qualify the pupil for the exemption.

(d) ~~Within~~ *(1) Within* 30 calendar days of the date that a pupil in foster care who may qualify for the exemption from local graduation requirements pursuant to this section transfers into a school, the school district shall notify the pupil, the person holding the right to make educational decisions for the pupil, and the pupil's social worker, of the availability of the exemption and whether

the pupil qualifies for an exemption.

(2) Within 30 calendar days of the date that a pupil who is a homeless child or youth may qualify for the exemption from local graduation requirements pursuant to this section transfers into a school, the school district shall notify the pupil, the person holding the right to make educational decisions for the pupil, and the local educational agency liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, of the availability of the exemption and whether the pupil qualifies for an exemption.

(e) If a pupil in foster care*, or a pupil who is a homeless child or youth,* is exempted from local graduation requirements pursuant to this section and completes the statewide coursework requirements specified in Section 51225.3 before the end of his or her fourth year in high school and that pupil would otherwise be entitled to remain in attendance at the school, a school or school district shall not require or request that the pupil graduate before the end of his or her fourth year of high school.

(f) If a pupil in foster care*, or a pupil who is a homeless child or youth,* is exempted from local graduation requirements pursuant to this section, the school district shall notify the pupil and the person holding the right to make educational decisions for the pupil how any of the requirements that are waived will affect the pupil's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges.

(g) A pupil in foster care*, or a pupil who is a homeless child or youth,* who is eligible for the exemption from local graduation requirements pursuant to this section and would otherwise be entitled to remain in attendance at the school shall not be required to accept the exemption or be denied enrollment in, or the ability to complete, courses for which he or she is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements.

(h) If a pupil in foster care*, or a pupil who is a homeless child or youth,* is not exempted from local graduation requirements or has previously declined the exemption pursuant to this section, a school district shall exempt the pupil at any time if an exemption is requested by the pupil and the pupil qualifies for the exemption.

(i) If a pupil in foster care*, or a pupil who is a homeless child or youth,* is exempted from local graduation requirements pursuant to this section, a school district shall not revoke the exemption.

(j) If a pupil in foster care is exempted from local graduation requirements pursuant to this section, the exemption shall continue to apply after the termination of the court's jurisdiction over the pupil while he or she is enrolled in school or if the pupil transfers to another school or school district.

(k) A school district shall not require or request a pupil in foster care*, or a pupil who is a homeless child or youth,* to transfer schools in order to qualify the pupil for an exemption pursuant to this section.

(l) ~~A~~*(1) A* pupil in foster care, the person holding the right to make educational decisions for the pupil, the pupil's social worker, or the pupil's probation officer shall not request a transfer solely

13 to qualify the pupil for an exemption pursuant to this section.
14 *(2) A pupil who is a homeless child or youth, the person holding*
15 *the right to make educational decisions for the pupil, or the local*
16 *educational agency liaison for homeless children and youth*
17 *designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of*
18 *the United States Code, shall not request a transfer solely to qualify*
19 *the pupil for an exemption pursuant to this section.*
20 SEC. 4.
Section 51225.2 of the *Education Code* is amended to
21 read:
22 51225.2.
(a) ~~For~~ *(1) For* purposes of this section, "pupil in
23 foster care" means ~~any~~ *a* child who has been removed from his or
24 her home pursuant to Section 309 of the Welfare and Institutions
25 Code, is the subject of a petition filed under Section 300 or 602
26 of the Welfare and Institutions Code, or has been removed from
27 his or her home and is the subject of a petition filed under Section
28 300 or 602 of the Welfare and Institutions Code.
29 *(2) For purposes of this section, "pupil who is a homeless child*
30 *or youth" means a pupil who meets the definition of "homeless*
31 *child or youth" in Section 11434a(2) of Title 42 of the United*
32 *States Code.*
33 (b) Notwithstanding any other law, a school district and county
34 office of education shall accept coursework satisfactorily completed
35 by a pupil in foster care *or a pupil who is a homeless child* while
36 attending another public school, a juvenile court school, or a
37 nonpublic, nonsectarian school or agency even if the pupil did not
38 complete the entire course and shall issue that pupil full or partial
39 credit for the coursework completed.
P9 1 (c) The credits accepted pursuant to subdivision (b) shall be
2 applied to the same or equivalent course, if applicable, as the
3 coursework completed in the prior public school, juvenile court
4 school, or nonpublic, nonsectarian school or agency.
5 (d) A school district or county office of education shall not
6 require a pupil in foster care *or a pupil who is a homeless child or*
7 *youth* to retake a course if the pupil has satisfactorily completed
8 the entire course in a public school, a juvenile court school, or a
9 nonpublic, nonsectarian school or agency. If the pupil did not
10 complete the entire course, the school district or county office of
11 education shall not require the pupil to retake the portion of the
12 course the pupil completed unless the school district or county
13 office of education, in consultation with the holder of educational
14 rights for the pupil, finds that the pupil is reasonably able to
15 complete the requirements in time to graduate from high school.
16 When partial credit is awarded in a particular course, the pupil in
17 foster care *or the pupil who is a homeless child or youth* shall be
18 enrolled in the same or equivalent course, if applicable, so that the
19 pupil may continue and complete the entire course.
20 (e) A pupil in foster care *or a pupil who is a homeless child or*
21 *youth* shall not be prevented from retaking or taking a course to
22 meet the eligibility requirements for admission to the California
23 State University or the University of California.
24 SEC. 5.
If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division

28 4 of Title 2 of the Government Code.

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AMENDED IN ASSEMBLY APRIL 22, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL **No. 2041**

Introduced by Assembly Member Jones

February 20, 2014

An act to amend Section 1374.73 of the Health and Safety Code, to amend Section 10144.51 of the Insurance Code, and to add Section 4648.32 to the Welfare and Institutions Code, relating to health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2041, as amended, Jones. Developmental services: regional centers: behavioral health treatment.

The Lanterman Developmental Disabilities Services Act requires the State Department of Developmental Services to enter into contracts with private nonprofit corporations to operate regional centers for the provision of community services and supports for persons with developmental disabilities and their families. Regulations adopted under that act require a regional center to classify a vendor of services provided by the regional center as a behavior management consultant or behavior management assistant if the vendor designs or implements behavior management intervention services, possesses specified experience in designing or implementing those services, and meets other specified licensure and education requirements.

This bill would require that a regional center classify a vendor as a behavior management consultant or behavior management assistant if the vendor designs or implements behavioral health treatment, has a specified amount of experience in designing or implementing that treatment, and meets other licensure and education requirements.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law requires health care service plan contracts and health insurance policies to provide coverage for behavioral health treatment for pervasive developmental disorder or autism until January 1, 2017, and defines behavioral health treatment to mean specified services provided by, among others, a qualified autism service professional supervised and employed by a qualified autism service provider. For purposes of this provision, existing law defines a "qualified autism service professional" to mean a person who, among other requirements, is a behavior service provider approved as a vendor by a California regional center to provide services as an associate behavior analyst, behavior management assistant, behavior management consultant, or behavior management program pursuant to specified regulations adopted under the Lanterman Developmental Disabilities Services Act.

This bill would instead require that the behavior management assistant or behavior management consultant be approved as a California regional center vendor under the provisions described above.

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

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

P2 1 SECTION 1.
Section 1374.73 of the *Health and Safety Code*
2 is amended to read:
3 1374.73.
(a) (1) Every health care service plan contract that
4 provides hospital, medical, or surgical coverage shall also provide
5 coverage for behavioral health treatment for pervasive
6 developmental disorder or autism no later than July 1, 2012. The
7 coverage shall be provided in the same manner and is subject to
8 the same requirements as provided in Section 1374.72.
9 (2) Notwithstanding paragraph (1), as of the date that proposed
10 final rulemaking for essential health benefits is issued, this section
11 does not require any benefits to be provided that exceed the
12 essential health benefits that all health plans will be required by
13 federal regulations to provide under Section 1302(b) of the federal
P3 1 Patient Protection and Affordable Care Act (Public Law 111-148),
2 as amended by the federal Health Care and Education
3 Reconciliation Act of 2010 (Public Law 111-152).
4 (3) This section shall not affect services for which an individual
5 is eligible pursuant to Division 4.5 (commencing with Section
6 4500) of the Welfare and Institutions Code or Title 14
7 (commencing with Section 95000) of the Government Code.
8 (4) This section shall not affect or reduce any obligation to
9 provide services under an individualized education program, as
10 defined in Section 56032 of the Education Code, or an individual
11 service plan, as described in Section 5600.4 of the Welfare and
12 Institutions Code, or under the federal Individuals with Disabilities
13 Education Act (20 U.S.C. Sec. 1400 et seq.) and its implementing
14 regulations.
15 (b) Every health care service plan subject to this section shall
16 maintain an adequate network that includes qualified autism service
17 providers who supervise and employ qualified autism service
18 professionals or paraprofessionals who provide and administer
19 behavioral health treatment. Nothing shall prevent a health care
20 service plan from selectively contracting with providers within
21 these requirements.
22 (c) For the purposes of this section, the following definitions
23 shall apply:
24 (1) "Behavioral health treatment" means professional services
25 and treatment programs, including applied behavior analysis and
26 evidence-based behavior intervention programs, that develop or
27 restore, to the maximum extent practicable, the functioning of an
28 individual with pervasive developmental disorder or autism and
29 that meet all of the following criteria:
30 (A) The treatment is prescribed by a physician and surgeon
31 licensed pursuant to Chapter 5 (commencing with Section 2000)
32 of, or is developed by a psychologist licensed pursuant to Chapter
33 6.6 (commencing with Section 2900) of, Division 2 of the Business
34 and Professions Code.
35 (B) The treatment is provided under a treatment plan prescribed
36 by a qualified autism service provider and is administered by one

37 of the following:
38 (i) A qualified autism service provider.
39 (ii) A qualified autism service professional supervised and
40 employed by the qualified autism service provider.
P4 1 (iii) A qualified autism service paraprofessional supervised and
2 employed by a qualified autism service provider.
3 (C) The treatment plan has measurable goals over a specific
4 timeline that is developed and approved by the qualified autism
5 service provider for the specific patient being treated. The treatment
6 plan shall be reviewed no less than once every six months by the
7 qualified autism service provider and modified whenever
8 appropriate, and shall be consistent with Section 4686.2 of the
9 Welfare and Institutions Code pursuant to which the qualified
10 autism service provider does all of the following:
11 (i) Describes the patient's behavioral health impairments or
12 developmental challenges that are to be treated.
13 (ii) Designs an intervention plan that includes the service type,
14 number of hours, and parent participation needed to achieve the
15 plan's goal and objectives, and the frequency at which the patient's
16 progress is evaluated and reported.
17 (iii) Provides intervention plans that utilize evidence-based
18 practices, with demonstrated clinical efficacy in treating pervasive
19 developmental disorder or autism.
20 (iv) Discontinues intensive behavioral intervention services
21 when the treatment goals and objectives are achieved or no longer
22 appropriate.
23 (D) The treatment plan is not used for purposes of providing or
24 for the reimbursement of respite, day care, or educational services
25 and is not used to reimburse a parent for participating in the
26 treatment program. The treatment plan shall be made available to
27 the health care service plan upon request.
28 (2) "Pervasive developmental disorder or autism" shall have
29 the same meaning and interpretation as used in Section 1374.72.
30 (3) "Qualified autism service provider" means either of the
31 following:
32 (A) A person, entity, or group that is certified by a national
33 entity, such as the Behavior Analyst Certification Board, that is
34 accredited by the National Commission for Certifying Agencies,
35 and who designs, supervises, or provides treatment for pervasive
36 developmental disorder or autism, provided the services are within
37 the experience and competence of the person, entity, or group that
38 is nationally certified.
39 (B) A person licensed as a physician and surgeon, physical
40 therapist, occupational therapist, psychologist, marriage and family
P5 1 therapist, educational psychologist, clinical social worker,
2 professional clinical counselor, speech-language pathologist, or
3 audiologist pursuant to Division 2 (commencing with Section 500)
4 of the Business and Professions Code, who designs, supervises,
5 or provides treatment for pervasive developmental disorder or
6 autism, provided the services are within the experience and
7 competence of the licensee.
8 (4) "Qualified autism service professional" means an individual
9 who meets all of the following criteria:
10 (A) Provides behavioral health treatment.
11 (B) Is employed and supervised by a qualified autism service
12 provider.

13 (C) Provides treatment pursuant to a treatment plan developed
14 and approved by the qualified autism service provider.
15 (D) Is a behavioral service provider approved as a vendor by a
16 California regional center to provide services as an Associate
17 Behavior Analyst, Behavior Analyst, or Behavior Management
18 Program as defined in Section 54342 of Title 17 of the California
19 Code of Regulations or as a Behavior Management Assistant or
20 Behavior Management Consultant pursuant to Section 4648.32 of
21 the Welfare and Institutions Code.
22 (E) Has training and experience in providing services for
23 pervasive developmental disorder or autism pursuant to Division
24 4.5 (commencing with Section 4500) of the Welfare and
25 Institutions Code or Title 14 (commencing with Section 95000)
26 of the Government Code.
27 (5) "Qualified autism service paraprofessional" means an
28 unlicensed and uncertified individual who meets all of the
29 following criteria:
30 (A) Is employed and supervised by a qualified autism service
31 provider.
32 (B) Provides treatment and implements services pursuant to a
33 treatment plan developed and approved by the qualified autism
34 service provider.
35 (C) Meets the criteria set forth in the regulations adopted
36 pursuant to Section 4686.3 of the Welfare and Institutions Code.
37 (D) Has adequate education, training, and experience, as
38 certified by a qualified autism service provider.
39 (d) This section shall not apply to the following:
P6 1 (1) A specialized health care service plan that does not deliver
2 mental health or behavioral health services to enrollees.
3 (2) A health care service plan contract in the Medi-Cal program
4 (Chapter 7 (commencing with Section 14000) of Part 3 of Division
5 9 of the Welfare and Institutions Code).
6 (3) A health care service plan contract in the Healthy Families
7 Program (Part 6.2 (commencing with Section 12693) of Division
8 2 of the Insurance Code).
9 (4) A health care benefit plan or contract entered into with the
10 Board of Administration of the Public Employees' Retirement
11 System pursuant to the Public Employees' Medical and Hospital
12 Care Act (Part 5 (commencing with Section 22750) of Division 5
13 of Title 2 of the Government Code).
14 (e) Nothing in this section shall be construed to limit the
15 obligation to provide services under Section 1374.72.
16 (f) As provided in Section 1374.72 and in paragraph (1) of
17 subdivision (a), in the provision of benefits required by this section,
18 a health care service plan may utilize case management, network
19 providers, utilization review techniques, prior authorization,
20 copayments, or other cost sharing.
21 (g) This section shall remain in effect only until January 1, 2017,
22 and as of that date is repealed, unless a later enacted statute, that
23 is enacted before January 1, 2017, deletes or extends that date.
24 SEC. 2.
Section 10144.51 of the *Insurance Code* is amended
25 to read:
26 10144.51.
(a) (1) Every health insurance policy shall also
27 provide coverage for behavioral health treatment for pervasive

28 developmental disorder or autism no later than July 1, 2012. The
29 coverage shall be provided in the same manner and shall be subject
30 to the same requirements as provided in Section 10144.5.
31 (2) Notwithstanding paragraph (1), as of the date that proposed
32 final rulemaking for essential health benefits is issued, this section
33 does not require any benefits to be provided that exceed the
34 essential health benefits that all health insurers will be required by
35 federal regulations to provide under Section 1302(b) of the federal
36 Patient Protection and Affordable Care Act (Public Law 111-148),
37 as amended by the federal Health Care and Education
38 Reconciliation Act of 2010 (Public Law 111-152).
39 (3) This section shall not affect services for which an individual
40 is eligible pursuant to Division 4.5 (commencing with Section
P7 1 4500) of the Welfare and Institutions Code or Title 14
2 (commencing with Section 95000) of the Government Code.
3 (4) This section shall not affect or reduce any obligation to
4 provide services under an individualized education program, as
5 defined in Section 56032 of the Education Code, or an individual
6 service plan, as described in Section 5600.4 of the Welfare and
7 Institutions Code, or under the federal Individuals with Disabilities
8 Education Act (20 U.S.C. Sec. 1400 et seq.) and its implementing
9 regulations.
10 (b) Pursuant to Article 6 (commencing with Section 2240) of
11 Title 10 of the California Code of Regulations, every health insurer
12 subject to this section shall maintain an adequate network that
13 includes qualified autism service providers who supervise and
14 employ qualified autism service professionals or paraprofessionals
15 who provide and administer behavioral health treatment. Nothing
16 shall prevent a health insurer from selectively contracting with
17 providers within these requirements.
18 (c) For the purposes of this section, the following definitions
19 shall apply:
20 (1) "Behavioral health treatment" means professional services
21 and treatment programs, including applied behavior analysis and
22 evidence-based behavior intervention programs, that develop or
23 restore, to the maximum extent practicable, the functioning of an
24 individual with pervasive developmental disorder or autism, and
25 that meet all of the following criteria:
26 (A) The treatment is prescribed by a physician and surgeon
27 licensed pursuant to Chapter 5 (commencing with Section 2000)
28 of, or is developed by a psychologist licensed pursuant to Chapter
29 6.6 (commencing with Section 2900) of, Division 2 of the Business
30 and Professions Code.
31 (B) The treatment is provided under a treatment plan prescribed
32 by a qualified autism service provider and is administered by one
33 of the following:
34 (i) A qualified autism service provider.
35 (ii) A qualified autism service professional supervised and
36 employed by the qualified autism service provider.
37 (iii) A qualified autism service paraprofessional supervised and
38 employed by a qualified autism service provider.
39 (C) The treatment plan has measurable goals over a specific
40 timeline that is developed and approved by the qualified autism
P8 1 service provider for the specific patient being treated. The treatment
2 plan shall be reviewed no less than once every six months by the
3 qualified autism service provider and modified whenever

4 appropriate, and shall be consistent with Section 4686.2 of the
5 Welfare and Institutions Code pursuant to which the qualified
6 autism service provider does all of the following:
7 (i) Describes the patient's behavioral health impairments or
8 developmental challenges that are to be treated.
9 (ii) Designs an intervention plan that includes the service type,
10 number of hours, and parent participation needed to achieve the
11 plan's goal and objectives, and the frequency at which the patient's
12 progress is evaluated and reported.
13 (iii) Provides intervention plans that utilize evidence-based
14 practices, with demonstrated clinical efficacy in treating pervasive
15 developmental disorder or autism.
16 (iv) Discontinues intensive behavioral intervention services
17 when the treatment goals and objectives are achieved or no longer
18 appropriate.
19 (D) The treatment plan is not used for purposes of providing or
20 for the reimbursement of respite, day care, or educational services
21 and is not used to reimburse a parent for participating in the
22 treatment program. The treatment plan shall be made available to
23 the insurer upon request.
24 (2) "Pervasive developmental disorder or autism" shall have
25 the same meaning and interpretation as used in Section 10144.5.
26 (3) "Qualified autism service provider" means either of the
27 following:
28 (A) A person, entity, or group that is certified by a national
29 entity, such as the Behavior Analyst Certification Board, that is
30 accredited by the National Commission for Certifying Agencies,
31 and who designs, supervises, or provides treatment for pervasive
32 developmental disorder or autism, provided the services are within
33 the experience and competence of the person, entity, or group that
34 is nationally certified.
35 (B) A person licensed as a physician and surgeon, physical
36 therapist, occupational therapist, psychologist, marriage and family
37 therapist, educational psychologist, clinical social worker,
38 professional clinical counselor, speech-language pathologist, or
39 audiologist pursuant to Division 2 (commencing with Section 500)
40 of the Business and Professions Code, who designs, supervises,
P9 1 or provides treatment for pervasive developmental disorder or
2 autism, provided the services are within the experience and
3 competence of the licensee.
4 (4) "Qualified autism service professional" means an individual
5 who meets all of the following criteria:
6 (A) Provides behavioral health treatment.
7 (B) Is employed and supervised by a qualified autism service
8 provider.
9 (C) Provides treatment pursuant to a treatment plan developed
10 and approved by the qualified autism service provider.
11 (D) Is a behavioral service provider approved as a vendor by a
12 California regional center to provide services as an Associate
13 Behavior Analyst, Behavior Analyst, or Behavior Management
14 Program as defined in Section 54342 of Title 17 of the California
15 Code of Regulations or as a Behavior Management Assistant or
16 Behavior Management Consultant pursuant to Section 4648.32 of
17 the Welfare and Institutions Code.
18 (E) Has training and experience in providing services for
19 pervasive developmental disorder or autism pursuant to Division

4.5 (commencing with Section 4500) of the Welfare and Institutions Code or Title 14 (commencing with Section 95000) of the Government Code.

(5) "Qualified autism service paraprofessional" means an unlicensed and uncertified individual who meets all of the following criteria:

(A) Is employed and supervised by a qualified autism service provider.

(B) Provides treatment and implements services pursuant to a treatment plan developed and approved by the qualified autism service provider.

(C) Meets the criteria set forth in the regulations adopted pursuant to Section 4686.3 of the Welfare and Institutions Code.

(D) Has adequate education, training, and experience, as certified by a qualified autism service provider.

(d) This section shall not apply to the following:

(1) A specialized health insurance policy that does not cover mental health or behavioral health services or an accident only, specified disease, hospital indemnity, or Medicare supplement policy.

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(2) A health insurance policy in the Medi-Cal program (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code).

(3) A health insurance policy in the Healthy Families Program (Part 6.2 (commencing with Section 12693)).

(4) A health care benefit plan or policy entered into with the Board of Administration of the Public Employees' Retirement System pursuant to the Public Employees' Medical and Hospital Care Act (Part 5 (commencing with Section 22750) of Division 5 of Title 2 of the Government Code).

(e) Nothing in this section shall be construed to limit the obligation to provide services under Section 10144.5.

(f) As provided in Section 10144.5 and in paragraph (1) of subdivision (a), in the provision of benefits required by this section, a health insurer may utilize case management, network providers, utilization review techniques, prior authorization, copayments, or other cost sharing.

(g) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 3.

Section 4648.32 is added to the *Welfare and Institutions Code*, to read:

4648.32.

(a) *For purposes of this section, "behavioral health treatment" shall have the same meaning as provided in Article 5.6 (commencing with Section 1374.60) of Chapter 2.2 of Division 2 of the Health and Safety Code and Article 2.5 (commencing with Section 10140) of Chapter 1 of Part 2 of Division 2 of the Insurance Code.*

(b) A regional center shall classify a vendor as a Behavior Management Assistant if the vendor does both of the following:

(1) Designs or implements behavioral health treatments under the direct supervision of a Behavior Management Consultant, classified as provided in subdivision ~~(b)~~ *(c)*, or assesses the function of a behavior of a consumer and designs, implements, and evaluates

35 instructional and environmental modifications to produce socially
36 significant improvements in the consumer's behavior through skill
37 acquisition and the reduction of behavior, under direct supervision
38 of a Behavior Analyst, classified as provided in Section 54342 of
39 Title 17 of the California Code of Regulations, or a Behavior
P11 1 Management Consultant, classified as provided in subdivision ~~(b)~~
2 *(c)*.
3 (2) Meets either of the following requirements:
4 (A) Possesses a bachelor of arts or science degree and has either
5 of the following:
6 (i) Twelve semester units of applied behavior analysis or
7 behavioral health *treatment* and one year of experience in designing
8 or implementing behavioral health treatment.
9 (ii) Two years of experience in designing or implementing
10 behavioral health treatment.
11 (B) Is either of the following:
12 (i) A registered psychological assistant or ~~registered~~ *licensed*
13 psychologist pursuant to Chapter 6.6 (commencing with Section
14 2900) of Division 2 of the Business and Professions Code.
15 (ii) An associate ~~licensed~~ clinical social worker registered with
16 the Board of Behavioral Sciences pursuant to Section 4996.18 of
17 the Business and Professions Code.
18 *(3) For purposes of this section, a regional center shall only*
19 *classify as a vendor a Behavior Management Assistant who designs*
20 *or implements behavioral health treatments that are consistent*
21 *with the vendor's experience and education.*
22 ~~(b)~~
23 *(c)* A regional center shall classify a vendor as a Behavior
24 Management Consultant if the vendor designs or implements
25 behavioral health treatments and meets all of the following
26 requirements:
27 (1) Has two years of experience designing and implementing
28 behavioral health treatments.
29 (2) Is licensed as one of the following:
30 (A) A psychologist pursuant to Chapter 6.6 (commencing with
31 Section 2900) of Division 2 of the Business and Professions Code.
32 (B) A licensed clinical social worker pursuant to Chapter 14
33 (commencing with Section 4991) of Division 2 of the Business
34 and Professions Code.
35 (C) A licensed marriage and family therapist pursuant to Chapter
36 13 (commencing with Section 4980) of Division 2 of the Business
37 and Professions Code.
38 (D) Any other licensed professional under the laws of this state
39 whose license permits the design or implementation of behavioral
40 health treatments.
P12 1 (3) For individuals vendored as a behavior management
2 consultant prior to, or as of, December 31, 2006, have completed
3 12 semester units in applied behavior analysis by December 31,
4 2008.
5 (4) For individuals vendored as a behavior management
6 consultant on or after January 1, 2007, completes 12 semester units
7 of applied behavior analysis or behavioral health *treatment*.
8 *(5) For purposes of this section, a regional center shall only*
9 *classify as a vendor a Behavior Management Consultant who*
10 *designs or implements behavioral health treatments that are*
11 *consistent with the vendor's experience and education.*

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AMENDED IN SENATE APRIL 8, 2014

SENATE BILL **No. 1046**

Introduced by Senator Beall

February 18, 2014

An act to add Section 10144.53 to the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1046, as amended, Beall. Insurance: mental illness: developmental disabilities: coverage: penalties.

Existing law requires that health insurance policies provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses of a person of any age and of serious emotional disturbances of a child, under the same terms and conditions applied to other medical conditions, as specified. Existing law requires health insurance policies to provide benefits for specified conditions, including coverage for behavioral health treatment, as defined, for pervasive developmental disorder or autism, as specified.

This bill would give the Insurance Commissioner the authority to assess administrative penalties for any violations of the above provisions, including any rules or orders adopted or issued based on violations of those provisions. *The bill would also give the commissioner authority to assess a penalty for each patient harmed by a violation of the above provisions, including any rules or orders adopted or issued based on violations of those provisions, as a separate and distinct violation.* The penalties would not exceed $2,500 for each violation, or for an ongoing and continuous violation, the penalty would not exceed $2,500 per day for as long as the violation continues.

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

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

P2 1 SECTION 1.

Section 10144.53 is added to the *Insurance Code*,
2 to read:
3 10144.53.

(a) In addition to any other remedy permitted by
4 law, the commissioner shall have the authority to assess
5 administrative penalties as specified in this section against insurers
6 for violations of Sections 10144.5 and 10144.51.
7 (b) Any person who violates Section 10144.5 or 10144.51, or
8 who violates any rules or orders adopted or issued pursuant to this
9 chapter based on a violation of Section 10144.5 or 10144.51, shall
10 be liable for a penalty not to exceed two thousand five hundred
11 dollars ($2,500) for each violation or, for a violation that is ongoing
12 and continuous, not to exceed two thousand five hundred dollars
13 ($2,500) for each day that the violation continues.
14 (c) Each patient harmed by a violation of ~~this chapter~~ *Section*
15 *10144.5 or 10144.51, or any rules or orders adopted or issued*

16 *pursuant to this chapter based upon a violation of Section 10144.5*
17 *or 10144.51,* constitutes a separate and distinct violation subject
18 to the penalties set forth in this section.
19 (d) The remedies provided by this section and by other sections
20 of this code are not exclusive, and may be sought and employed
21 in any combination to enforce this chapter.
22 *(e) A penalty imposed pursuant to this section shall be imposed*
23 *and determined by the commissioner in a proceeding conducted*
24 *in accordance with Chapter 5 (commencing with Section 11500)*
25 *of Part 1 of Division 3 of Title 2 of the Government Code.*

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AMENDED IN SENATE APRIL 24, 2014

AMENDED IN SENATE APRIL 10, 2014

AMENDED IN SENATE MARCH 27, 2014

SENATE BILL **No. 1093**

Introduced by Senator Liu

February 19, 2014

An act to amend Sections 4519.5, 4629, and 4648 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1093, as amended, Liu. Developmental services: regional centers: culturally and linguistically competent services.

(1) The Lanterman Developmental Disabilities Services Act ~~authorizes~~ *requires* the State Department of Developmental Services to contract with regional centers to provide services and ~~support~~ *supports* to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer, which include services and supports that are directed toward the achievement and maintenance of an independent, productive, and normal life for the consumer such as daily living skills training, are contained in an individual program plan or individualized family service plan developed in accordance with prescribed requirements.

This bill would require that independent living skills services be available to all adult consumers who live in the home of a parent, relative, or other person, or who live independently.

(2) Existing law requires that contracts entered into with regional centers include annual performance objectives, including annual performance objectives that are specific, measurable, and, among other things, designed to develop services and supports identified as necessary to meet identified needs. Existing law also requires that each contract with a regional center specify steps to be taken to ensure contract compliance, and, if a regional center is placed on probation pursuant to these steps, requires the department to provide the appropriate area board with a copy of the correction plan, timeline, and any other action taken by the department.

This bill would require that annual performance objectives, among other things, be designed to develop services and supports identified as necessary to meet identified needs, which includes culturally and linguistically appropriate services and supports. The bill would require that, if a regional center is placed on probation, the department also provide a copy of the correction plan, timeline, and any other action taken by the department to ~~the Office of Clients' Rights Advocacy.~~ *a specified clients' rights advocacy contractor.*

This bill would also require each regional center, in addition to those performance objectives, to develop and implement a plan with specific and measurable objectives that include activities and timelines that will lead to an increase in the utilization of services by consumers impacted by purchase of service disparities. The bill would require a regional center to utilize a specified public process and consult with specified stakeholders in developing that plan.

(3) Existing law requires the department and regional centers to annually collaborate to compile specified data relating to purchase of service authorization, utilization, and expenditure by each regional center and requires that data to include the number and percentage of individuals, categorized by age, ~~race,~~ *race* or ethnicity, and disability, who have been determined to be eligible for regional center services, but who are not receiving purchase of service funds. Existing law requires each regional center and the department to annually post this information on their respective Internet Web sites, as prescribed, and requires each regional center to hold annual stakeholder meetings regarding the data.

This bill would additionally require the data to include ~~the number and percentage of individuals who have been determined to be eligible for regional center services, but who are not receiving purchase of service funds, to~~, *and* be categorized by, residence type and subcategorized by age, race or ethnicity, and primary language. The bill would also require the department and each regional center to maintain all preceding years' data on its Internet Web site. The bill would require that regional centers hold the annual stakeholder meetings regarding the data separately from ~~a meeting~~ *any meetings* of its board of directors, schedule the meetings at times and locations designed to result in a high ~~turn out~~ *turnout* by the public and underserved communities, and, in holding the meetings, consider the language needs of the community. *The bill would require the regional centers to provide participants of these meetings with the data and associated information and to conduct a discussion of the data and associated information in a manner that is culturally and linguistically appropriate for that community, as specified.*

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

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

P3 1 SECTION 1.
Section 4519.5 of the *Welfare and Institutions*
2 *Code* is amended to read:
3 4519.5.
(a) The department and the regional centers shall
4 annually collaborate to compile data in a uniform manner relating
5 to purchase of service authorization, utilization, and expenditure
6 by each regional center with respect to all of the following:
7 (1) The age of consumer, categorized by the following:
8 (A) Birth to age two, inclusive.
9 (B) Three to 21, inclusive.
10 (C) Twenty-two and older.
11 (2) Race or ethnicity of the consumer.
12 (3) Primary language spoken by the consumer, and other related
13 details, as feasible.
14 (4) Disability detail, in accordance with the categories
15 established by subdivision (a) of Section 4512, and, if applicable,
16 a category specifying that the disability is unknown.
17 (5) Residence type, subcategorized by age, race or ethnicity,
18 and primary language.
19 (b) The data reported pursuant to subdivision (a) shall also
20 include the number and percentage of individuals, categorized by
21 age, race or ethnicity, and disability, and by residence type, as set
22 forth in paragraph (5) of subdivision (a), who have been determined
23 to be eligible for regional center services but are not receiving
24 purchase of service funds.
P4 1 (c) By March 31, 2013, each regional center shall post the data
2 described in this section that is specific to the regional center on

its Internet Web site. Commencing on December 31, 2013, each regional center shall annually post this data by December 31. Each regional center shall maintain all previous years' data on its Internet Web site.

(d) By March 31, 2013, the department shall post the information described in this section on a statewide basis on its Internet Web site. Commencing December 31, 2013, the department shall annually post this information by December 31. The department shall maintain all previous years' data on its Internet Web site. The department shall also post notice of any regional center stakeholder meetings on its Internet Web site.

(e) Within three months of compiling the data with the department, and annually thereafter, each regional center shall meet with stakeholders in one or more public meetings regarding the data. The meeting or meetings shall be held separately from ~~a meeting~~ *any meetings* held pursuant to Section 4660 ~~and~~. *The regional center* shall provide ~~the report and~~ *participants of these meetings with the data and any associated information, and shall conduct a* discussion of the data and *the associated* information in ~~an understandable form.~~ *a manner that is culturally and linguistically appropriate for that community, including providing alternative communication services, as required by Sections 11135 to 11139.7, inclusive, of the Government Code and implementing regulations.* Regional centers shall inform the department of the scheduling of those public meetings 30 days prior to the meeting. Notice of the meetings shall also be posted on the regional center's Internet Web site 30 days prior to the meeting and shall be sent to individual stakeholders and groups representing underserved communities in a timely manner. Each regional center shall, in holding the meetings required by this subdivision, consider the language needs of the community and shall schedule the meetings at times and locations designed to result in a high turnout by the public and underserved communities.

SEC. 2.

Section 4629 of the *Welfare and Institutions Code* is amended to read:

4629.

(a) The state shall enter into five-year contracts with regional centers, subject to the annual appropriation of funds by the Legislature.

P5 (b) The contracts shall include a provision requiring each regional center to render services in accordance with applicable provision of state laws and regulations.

(c) (1) The contracts shall include annual performance objectives that shall do both of the following:

(A) Be specific, measurable, and designed to do all of the following:

(i) Assist consumers to achieve life quality outcomes.

(ii) Achieve meaningful progress above the current baselines.

(iii) Develop services and supports identified as necessary to meet identified needs, including culturally and linguistically appropriate services and supports.

(B) Be developed through a public process as described in the department's guidelines that includes, but is not limited to, all of the following:

(i) Providing information, in an understandable form, to the

community about regional center services and supports, including budget information and baseline data on services and supports and regional center operations.

(ii) Conducting a public meeting where participants can provide input on performance objectives and using focus groups or surveys to collect information from the community.

(iii) Circulating a draft of the performance objectives to the community for input prior to presentation at a regional center board meeting where additional public input will be taken and considered before adoption of the objectives.

(2) In addition to the performance objectives developed pursuant to this section, the department may specify in the performance contract additional areas of service and support that require development or enhancement by the regional center. In determining those areas, the department shall consider public comments from individuals and organizations within the regional center catchment area, the distribution of services and supports within the regional center catchment area, and review how the availability of services and supports in the regional area catchment area compares with other regional center catchment areas.

(3) In addition to the performance objectives developed pursuant to this section, the department shall require each regional center to develop and implement a plan with specific and measurable objectives that include activities and timelines that will lead to an

P6 increase in the utilization of services by consumers impacted by the purchase of service disparities identified pursuant to Sections 4519.5 and 4519.6. In developing that plan, a regional center shall utilize the public process described in subparagraph (B) of paragraph (1), and shall consider stakeholder input from the State Council on Developmental Disabilities, the ~~Office of Clients' Rights Advocacy,~~ *clients' rights advocacy contractor identified in Section 4433,* and the protection and advocacy agency described in Section 4901, and input gathered from meetings held pursuant to subdivision (e) of Section 4519.5.

(d) Each contract with a regional center shall specify steps to be taken to ensure contract compliance, including, but not limited to, all of the following:

(1) Incentives that encourage regional centers to meet or exceed performance standards.

(2) Levels of probationary status for regional centers that do not meet, or are at risk of not meeting, performance standards. The department shall require that corrective action be taken by any regional center which is placed on probation. Corrective action may include, but is not limited to, mandated consultation with designated representatives of the Association of Regional Center Agencies or a management team designated by the department, or both. The department shall establish the specific timeline for the implementation of corrective action and monitor its implementation. When a regional center is placed on probation, the department shall provide the appropriate area board and the ~~Office of Clients' Rights Advocacy~~ *clients' rights advocacy contractor identified in Section 4433* with a copy of the correction plan, timeline, and any other action taken by the department relating to the probationary status of the regional center.

(e) In order to evaluate the regional center's compliance with its contract performance objectives and legal obligations related

33 to those objectives, the department shall do both of the following:
34 (1) Annually assess each regional center's achievement of its
35 previous year's objectives and make the assessment, including
36 baseline data and performance objectives of the individual regional
37 centers, available to the public. The department may make a special
38 commendation of the regional centers that have best engaged the
39 community in the development of contract performance objectives
P7 1 and have made the most meaningful progress in meeting or
2 exceeding contract performance objectives.
3 (2) Monitor the activities of the regional center to ensure
4 compliance with the provisions of its contracts, including, but not
5 limited to, reviewing all of the following:
6 (A) The regional center's public process for compliance with
7 the procedures ~~sets~~ *set* forth in paragraph (2) of subdivision (c).
8 (B) Each regional center's performance objectives for
9 compliance with the criteria set forth in paragraphs (1) to (3),
10 inclusive, of subdivision (c).
11 (C) Any public comments on regional center performance
12 objectives sent to the department or to the regional centers, and
13 soliciting public input on the public process and final performance
14 standards.
15 (f) The renewal of each contract shall be contingent upon
16 compliance with the contract including, but not limited to, the
17 performance objectives, as determined through the department's
18 evaluation.
19 SEC. 3.
Section 4648 of the *Welfare and Institutions Code* is
20 amended to read:
21 4648.
In order to achieve the stated objectives of a consumer's
22 individual program plan, the regional center shall conduct activities,
23 including, but not limited to, all of the following:
24 (a) Securing needed services and supports.
25 (1) It is the intent of the Legislature that services and supports
26 assist individuals with developmental disabilities in achieving the
27 greatest self-sufficiency possible and in exercising personal
28 choices. The regional center shall secure services and supports
29 that meet the needs of the consumer, as determined in the
30 consumer's individual program plan, and within the context of the
31 individual program plan, the planning team shall give highest
32 preference to those services and supports which would allow
33 minors with developmental disabilities to live with their families,
34 adult persons with developmental disabilities to live as
35 independently as possible in the community, and that allow all
36 consumers to interact with persons without disabilities in positive,
37 meaningful ways.
38 (2) (A) In implementing individual program plans, regional
39 centers, through the planning team, shall first consider services
40 and supports in natural community, home, work, and recreational
P8 1 settings. Services and supports shall be flexible and individually
2 tailored to the consumer and, where appropriate, his or her family.
3 (B) In order to ensure that regional center services are provided
4 in a culturally competent manner and available to consumers from
5 diverse language, ethnic, and racial populations, independent living
6 skills services shall be available to all adult consumers who live
7 in the home of a parent, relative, or other person, or who live

8 independently.
9 (3) A regional center may, pursuant to vendorization or a
10 contract, purchase services or supports for a consumer from any
11 individual or agency which the regional center and consumer or,
12 where appropriate, his or her parents, legal guardian, or
13 conservator, or authorized representatives, determines will best
14 accomplish all or any part of that consumer's program plan.
15 (A) Vendorization or contracting is the process for identification,
16 selection, and utilization of service vendors or contractors, based
17 on the qualifications and other requirements necessary in order to
18 provide the service.
19 (B) A regional center may reimburse an individual or agency
20 for services or supports provided to a regional center consumer if
21 the individual or agency has a rate of payment for vendored or
22 contracted services established by the department, pursuant to this
23 division, and is providing services pursuant to an emergency
24 vendorization or has completed the vendorization procedures or
25 has entered into a contract with the regional center and continues
26 to comply with the vendorization or contracting requirements. The
27 director shall adopt regulations governing the vendorization process
28 to be utilized by the department, regional centers, vendors and the
29 individual or agency requesting vendorization.
30 (C) Regulations shall include, but not be limited to: the vendor
31 application process, and the basis for accepting or denying an
32 application; the qualification and requirements for each category
33 of services that may be provided to a regional center consumer
34 through a vendor; requirements for emergency vendorization;
35 procedures for termination of vendorization; the procedure for an
36 individual or an agency to appeal any vendorization decision made
37 by the department or regional center.
38 (D) A regional center may vendorize a licensed facility for
39 exclusive services to persons with developmental disabilities at a
40 capacity equal to or less than the facility's licensed capacity. A
P9 1 facility already licensed on January 1, 1999, shall continue to be
2 vendorized at their full licensed capacity until the facility agrees
3 to vendorization at a reduced capacity.
4 (E) Effective July 1, 2009, notwithstanding any other law or
5 regulation, a regional center shall not newly vendor a State
6 Department of Social Services licensed 24-hour residential care
7 facility with a licensed capacity of 16 or more beds, unless the
8 facility qualifies for receipt of federal funds under the Medicaid
9 Program.
10 (4) Notwithstanding subparagraph (B) of paragraph (3), a
11 regional center may contract or issue a voucher for services and
12 supports provided to a consumer or family at a cost not to exceed
13 the maximum rate of payment for that service or support
14 established by the department. If a rate has not been established
15 by the department, the regional center may, for an interim period,
16 contract for a specified service or support with, and establish a
17 rate of payment for, any provider of the service or support
18 necessary to implement a consumer's individual program plan.
19 Contracts may be negotiated for a period of up to three years, with
20 annual review and subject to the availability of funds.
21 (5) In order to ensure the maximum flexibility and availability
22 of appropriate services and supports for persons with
23 developmental disabilities, the department shall establish and

24 maintain an equitable system of payment to providers of services
25 and supports identified as necessary to the implementation of a
26 consumers' individual program plan. The system of payment shall
27 include provision for a rate to ensure that the provider can meet
28 the special needs of consumers and provide quality services and
29 supports in the least restrictive setting as required by law.
30 (6) The regional center and the consumer, or where appropriate,
31 his or her parents, legal guardian, conservator, or authorized
32 representative, including those appointed pursuant to subdivision
33 (d) of Section 4548, subdivision (b) of Section 4701.6, or
34 subdivision (e) of Section 4705, shall, pursuant to the individual
35 program plan, consider all of the following when selecting a
36 provider of consumer services and supports:
37 (A) A provider's ability to deliver quality services or supports
38 which can accomplish all or part of the consumer's individual
39 program plan.
P10 1 (B) A provider's success in achieving the objectives set forth
2 in the individual program plan.
3 (C) When appropriate, the existence of licensing, accreditation,
4 or professional certification.
5 (D) The cost of providing services or supports of comparable
6 quality by different providers, if available, shall be reviewed, and
7 the least costly available provider of comparable service, including
8 the cost of transportation, who is able to accomplish all or part of
9 the consumer's individual program plan, consistent with the
10 particular needs of the consumer and family as identified in the
11 individual program plan, shall be selected. In determining the least
12 costly provider, the availability of federal financial participation
13 shall be considered. The consumer shall not be required to use the
14 least costly provider if it will result in the consumer moving from
15 an existing provider of services or supports to more restrictive or
16 less integrated services or supports.
17 (E) The consumer's choice of providers, or, where appropriate,
18 the consumer's parent's, legal guardian's, authorized
19 representative's, or conservator's choice of providers.
20 (7) No service or support provided by any agency or individual
21 shall be continued unless the consumer or, where appropriate, his
22 or her parents, legal guardian, or conservator, or authorized
23 representative, including those appointed pursuant to subdivision
24 (d) of Section 4548, subdivision (b) of Section 4701.6, or
25 subdivision (e) of Section 4705, is satisfied and the regional center
26 and the consumer or, when appropriate, the person's parents or
27 legal guardian or conservator agree that planned services and
28 supports have been provided, and reasonable progress toward
29 objectives have been made.
30 (8) Regional center funds shall not be used to supplant the
31 budget of any agency that has a legal responsibility to serve all
32 members of the general public and is receiving public funds for
33 providing those services.
34 (9) (A) A regional center may, directly or through an agency
35 acting on behalf of the center, provide placement in, purchase of,
36 or follow-along services to persons with developmental disabilities
37 in, appropriate community living arrangements, including, but not
38 limited to, support service for consumers in homes they own or
39 lease, foster family placements, health care facilities, and licensed
40 community care facilities. In considering appropriate placement

P11 alternatives for children with developmental disabilities, approval by the child's parent or guardian shall be obtained before placement is made.

(B) Effective July 1, 2012, notwithstanding any other law or regulation, a regional center shall not purchase residential services from a State Department of Social Services licensed 24-hour residential care facility with a licensed capacity of 16 or more beds. This prohibition on regional center purchase of residential services shall not apply to any of the following:

(i) A residential facility with a licensed capacity of 16 or more beds that has been approved to participate in the department's Home and Community Based Services Waiver or another existing waiver program or certified to participate in the Medi-Cal program.

(ii) A residential facility service provider that has a written agreement and specific plan prior to July 1, 2012, with the vendoring regional center to downsize the existing facility by transitioning its residential services to living arrangements of 15 beds or less or restructure the large facility to meet federal Medicaid eligibility requirements on or before June 30, 2013.

(iii) A residential facility licensed as a mental health rehabilitation center by the State Department of Mental Health or successor agency under any of the following circumstances:

(I) The facility is eligible for Medicaid reimbursement.

(II) The facility has a department-approved plan in place by June 30, 2013, to transition to a program structure eligible for federal Medicaid funding, and this transition will be completed by June 30, 2014. The department may grant an extension for the date by which the transition will be completed if the facility demonstrates that it has made significant progress toward transition, and states with specificity the timeframe by which the transition will be completed and the specified steps that will be taken to accomplish the transition. A regional center may pay for the costs of care and treatment of a consumer residing in the facility on June 30, 2012, until June 30, 2013, inclusive, and, if the facility has a department-approved plan in place by June 30, 2013, may continue to pay the costs under this subparagraph until June 30, 2014, or until the end of any period during which the department has granted an extension.

(III) There is an emergency circumstance in which the regional center determines that it cannot locate alternate federally eligible
P12 services to meet the consumer's needs. Under such an emergency circumstance, an assessment shall be completed by the regional center as soon as possible and within 30 days of admission. An individual program plan meeting shall be convened immediately following the assessment to determine the services and supports needed for stabilization and to develop a plan to transition the consumer from the facility into the community. If transition is not expected within 90 days of admission, an individual program plan meeting shall be held to discuss the status of transition and to determine if the consumer is still in need of placement in the facility. Commencing October 1, 2012, this determination shall be made after also considering resource options identified by the statewide specialized resource service. If it is determined that emergency services continue to be necessary, the regional center shall submit an updated transition plan that can cover a period of up to 90 days. In no event shall placements under these emergency circumstances exceed 180 days.

18 (C) (i) Effective July 1, 2012, notwithstanding any other law
19 or regulation to the contrary, a regional center shall not purchase
20 new residential services from, or place a consumer in, institutions
21 for mental disease, as described in Part 5 (commencing with
22 Section 5900) of Division 5, for which federal Medicaid funding
23 is not available. Effective July 1, 2013, this prohibition applies
24 regardless of the availability of federal funding.
25 (ii) The prohibition described in clause (i) shall not apply to
26 emergencies, as determined by the regional center, when a regional
27 center cannot locate alternate services to meet the consumer's
28 needs. As soon as possible within 30 days of admission due to an
29 emergency, an assessment shall be completed by the regional
30 center. An individual program plan meeting shall be convened
31 immediately following the assessment, to determine the services
32 and supports needed for stabilization and to develop a plan to
33 transition the consumer from the facility to the community. If
34 transition is not expected within 90 days of admission, an
35 emergency program plan meeting shall be held to discuss the status
36 of the transition and to determine if the consumer is still in need
37 of placement in the facility. If emergency services continue to be
38 necessary, the regional center shall submit an updated transition
39 plan to the department for an extension of up to 90 days. Placement
40 shall not exceed 180 days.
P13 1 (iii) To the extent feasible, prior to any admission, the regional
2 center shall consider resource options identified by the statewide
3 specialized resource service established pursuant to subdivision
4 (b) of Section 4418.25.
5 (iv) The clients' rights advocate shall be notified of each
6 admission and individual program planning meeting pursuant to
7 this subparagraph and may participate in all individual program
8 planning meetings unless the consumer objects on his or her own
9 behalf.
10 (v) Regional centers shall complete a comprehensive assessment
11 of any consumer residing in an institution for mental disease as of
12 July 1, 2012, for which federal Medicaid funding is not available,
13 and for any consumer residing in an institution for mental disease
14 as of July 1, 2013, without regard to federal funding. The
15 comprehensive assessment shall be completed prior to the
16 consumer's next scheduled individual program plan meeting and
17 shall include identification of the services and supports needed
18 and the timeline for identifying or developing those services needed
19 to transition the consumer back to the community. Effective
20 October 1, 2012, the regional center shall also consider resource
21 options identified by the statewide specialized resource service.
22 For each individual program plan meeting convened pursuant to
23 this subparagraph, the clients' rights advocate for the regional
24 center shall be notified of the meeting and may participate in the
25 meeting unless the consumer objects on his or her own behalf.
26 (D) Each person with developmental disabilities placed by the
27 regional center in a community living arrangement shall have the
28 rights specified in this division. These rights shall be brought to
29 the person's attention by any means necessary to reasonably
30 communicate these rights to each resident, provided that, at a
31 minimum, the Director of Developmental Services prepare,
32 provide, and require to be clearly posted in all residential facilities
33 and day programs a poster using simplified language and pictures
34 that is designed to be more understandable by persons with

35 cognitive disabilities and that the rights information shall also be
36 available through the regional center to each residential facility
37 and day program in alternative formats, including, but not limited
38 to, other languages, braille, and audio tapes, when necessary to
39 meet the communication needs of consumers.
P14 1 (E) Consumers are eligible to receive supplemental services
2 including, but not limited to, additional staffing, pursuant to the
3 process described in subdivision (d) of Section 4646. Necessary
4 additional staffing that is not specifically included in the rates paid
5 to the service provider may be purchased by the regional center if
6 the additional staff are in excess of the amount required by
7 regulation and the individual's planning team determines the
8 additional services are consistent with the provisions of the
9 individual program plan. Additional staff should be periodically
10 reviewed by the planning team for consistency with the individual
11 program plan objectives in order to determine if continued use of
12 the additional staff is necessary and appropriate and if the service
13 is producing outcomes consistent with the individual program plan.
14 Regional centers shall monitor programs to ensure that the
15 additional staff is being provided and utilized appropriately.
16 (10) Emergency and crisis intervention services including, but
17 not limited to, mental health services and behavior modification
18 services, may be provided, as needed, to maintain persons with
19 developmental disabilities in the living arrangement of their own
20 choice. Crisis services shall first be provided without disrupting a
21 person's living arrangement. If crisis intervention services are
22 unsuccessful, emergency housing shall be available in the person's
23 home community. If dislocation cannot be avoided, every effort
24 shall be made to return the person to his or her living arrangement
25 of choice, with all necessary supports, as soon as possible.
26 (11) Among other service and support options, planning teams
27 shall consider the use of paid roommates or neighbors, personal
28 assistance, technical and financial assistance, and all other service
29 and support options which would result in greater self-sufficiency
30 for the consumer and cost-effectiveness to the state.
31 (12) When facilitation as specified in an individual program
32 plan requires the services of an individual, the facilitator shall be
33 of the consumer's choosing.
34 (13) The community support may be provided to assist
35 individuals with developmental disabilities to fully participate in
36 community and civic life, including, but not limited to, programs,
37 services, work opportunities, business, and activities available to
38 persons without disabilities. This facilitation shall include, but not
39 be limited to, any of the following:
P15 1 (A) Outreach and education to programs and services within
2 the community.
3 (B) Direct support to individuals which would enable them to
4 more fully participate in their community.
5 (C) Developing unpaid natural supports when possible.
6 (14) When feasible and recommended by the individual program
7 planning team, for purposes of facilitating better and cost-effective
8 services for consumers or family members, technology, including
9 telecommunication technology, may be used in conjunction with
10 other services and supports. Technology in lieu of a consumer's
11 in-person appearances at judicial proceedings or administrative
12 due process hearings may be used only if the consumer or, when

13 appropriate, the consumer's parent, legal guardian, conservator,
14 or authorized representative, gives informed consent. Technology
15 may be used in lieu of, or in conjunction with, in-person training
16 for providers, as appropriate.
17 (15) Other services and supports may be provided as set forth
18 in Sections 4685, 4686, 4687, 4688, and 4689, when necessary.
19 (16) Notwithstanding any other law or regulation, effective July
20 1, 2009, regional centers shall not purchase experimental
21 treatments, therapeutic services, or devices that have not been
22 clinically determined or scientifically proven to be effective or
23 safe or for which risks and complications are unknown.
24 Experimental treatments or therapeutic services include
25 experimental medical or nutritional therapy when the use of the
26 product for that purpose is not a general physician practice. For
27 regional center consumers receiving these services as part of their
28 individual program plan (IPP) or individualized family service
29 plan (IFSP) on July 1, 2009, this prohibition shall apply on August
30 1, 2009.
31 (b) (1) Advocacy for, and protection of, the civil, legal, and
32 service rights of persons with developmental disabilities as
33 established in this division.
34 (2) Whenever the advocacy efforts of a regional center to secure
35 or protect the civil, legal, or service rights of any of its consumers
36 prove ineffective, the regional center or the person with
37 developmental disabilities or his or her parents, legal guardian, or
38 other representative may request the area board to initiate action
39 under the provisions defining area board advocacy functions
40 established in this division.
P16 1 (c) The regional center may assist consumers and families
2 directly, or through a provider, in identifying and building circles
3 of support within the community.
4 (d) In order to increase the quality of community services and
5 protect consumers, the regional center shall, when appropriate,
6 take either of the following actions:
7 (1) Identify services and supports that are ineffective or of poor
8 quality and provide or secure consultation, training, or technical
9 assistance services for any agency or individual provider to assist
10 that agency or individual provider in upgrading the quality of
11 services or supports.
12 (2) Identify providers of services or supports that may not be
13 in compliance with local, state, and federal statutes and regulations
14 and notify the appropriate licensing or regulatory authority, or
15 request the area board to investigate the possible noncompliance.
16 (e) When necessary to expand the availability of needed services
17 of good quality, a regional center may take actions that include,
18 but are not limited to, the following:
19 (1) Soliciting an individual or agency by requests for proposals
20 or other means, to provide needed services or supports not presently
21 available.
22 (2) Requesting funds from the Program Development Fund,
23 pursuant to Section 4677, or community placement plan funds
24 designated from that fund, to reimburse the startup costs needed
25 to initiate a new program of services and supports.
26 (3) Using creative and innovative service delivery models,
27 including, but not limited to, natural supports.
28 (f) Except in emergency situations, a regional center shall not

29 provide direct treatment and therapeutic services, but shall utilize
30 appropriate public and private community agencies and service
31 providers to obtain those services for its consumers.
32 (g) When there are identified gaps in the system of services and
33 supports, or when there are identified consumers for whom no
34 provider will provide services and supports contained in his or her
35 individual program plan, the department may provide the services
36 and supports directly.
37 (h) At least annually, regional centers shall provide the
38 consumer, his or her parents, legal guardian, conservator, or
39 authorized representative a statement of services and supports the
40 regional center purchased for the purpose of ensuring that they are
P17 1 delivered. The statement shall include the type, unit, month, and
2 cost of services and supports purchased.

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AMENDED IN SENATE APRIL 24, 2014

AMENDED IN SENATE APRIL 3, 2014

SENATE BILL **No. 1160**

Introduced by Senator Beall

February 20, 2014

An act to amend Section 4851 of, and to add Section 4870 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1160, as amended, Beall. Employment.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide support and services to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan, developed in accordance with prescribed requirements. Under existing law, as part of the individual program plan, the regional center may refer an adult consumer to habilitation services, including group services and individualized services in the context of employment. Existing law defines "group services" for these purposes to mean job coaching in a group supported employment placement at a job coach-to-consumer ratio of not less than 1 to 3 nor more than 1 to 8 where services to a minimum of 3 consumers are funded by the regional center or the Department of Rehabilitation. Existing law defines "individualized services" to mean job coaching and other supported employment services for regional center-funded consumers in a supported employment placement at a job coach-to-consumer ratio of 1 to 1, and that decrease over time until stabilization is achieved.

This bill would require, for group services, a job coach-to-consumer ratio of not less than 1 to 2 nor more than 1 to 8 where services to a minimum of 2 consumers are funded by the regional center or the Department of Rehabilitation. The bill would recast the definition of "individualized ~~services'~~ *services"* to provide, in part, job coaching and other supported employment services that decrease over time consistent with the consumer's individualized program plan and abilities with the goal of achieving stabilization, when possible.

Existing law establishes the "Employment First Policy" which provides that it is the policy of the state that opportunities for integrated, competitive employment shall be given the highest priority for working-age individuals with developmental disabilities, regardless of the severity of their disabilities.

This bill would require, when ~~awarding~~ *a state department awards* a contract for goods or services, ~~that an awarding department of the state give~~ *it to give* a *scoring* preference of 5% ~~in the scoring of~~ *to* a bid by a business ~~that proposes to provide the goods or services to the state when~~ *in which* at least 10% of the personnel ~~of the business involved in doing so are California residents with developmental disabilities receiving~~ *who are providing the goods or services receive* support services under the Lanterman Developmental Disabilities Services Act. The bill would state findings and declarations of the Legislature regarding the employment of persons with developmental disabilities.

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

program: no.

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

P2 1 SECTION 1.
The Legislature finds and declares the following:
2 (a) With broad support, in 2013, the "Employment First Policy"
3 legislation was signed into law in California, declaring that it is
4 the policy of the state that employment for persons with
5 developmental disabilities be given the highest priority. However,
6 due to cuts in the state budget, employment rates for
7 community-based supported employment programs remain 10
8 percent below 2006 levels, and over 70 percent of the population
9 with developmental disabilities that is age-appropriate for
10 employment remains unemployed or underemployed.
P3 1 (b) Persons with developmental disabilities should have
2 employment opportunities with job training, reasonable
3 accommodation, and individual supports that enable them to move
4 towards being economically self-sufficient.
5 (c) Regional center service coordinators, community-based
6 program providers, disability advocates, and family members
7 involved in employment-related services for persons with
8 developmental disabilities have the responsibility to provide
9 information to them regarding the full spectrum of employment
10 options.
11 (d) All relevant federal and state laws and regulations designed
12 to protect persons with significant developmental disabilities from
13 economic manipulation or abuse should be fully enforced. The
14 *State* Department of Developmental Services should provide
15 adequate training, technical assistance, oversight, and other reviews
16 to ensure full compliance with the law.
17 SEC. 2.
Section 4851 of the *Welfare and Institutions Code* is
18 amended to read:
19 4851.
The definitions contained in this chapter shall govern
20 the construction of this chapter, with respect to habilitation services
21 provided through the regional center, and unless the context
22 requires otherwise, the following terms shall have the following
23 meanings:
24 (a) "Habilitation services" means community-based services
25 purchased or provided for adults with developmental disabilities,
26 including services provided under the Work Activity Program and
27 the Supported Employment Program, to prepare and maintain them
28 at their highest level of vocational functioning, or to prepare them
29 for referral to vocational rehabilitation services.
30 (b) "Individual program plan" means the overall plan developed
31 by a regional center pursuant to Section 4646.
32 (c) "Individual habilitation service plan" means the service plan
33 developed by the habilitation service vendor to meet employment
34 goals in the individual program plan.
35 (d) "Department" means the State Department of Developmental
36 Services.
37 (e) "Work activity program" includes, but is not limited to,
38 sheltered workshops or work activity centers, or community-based
39 work activity programs certified pursuant to subdivision (f) or

P4 accredited by CARF, the ~~Rehabilitation Accreditation Commission.~~ *Commission on Accreditation of Rehabilitation Facilities.*

(f) "Certification" means certification procedures developed by the Department of Rehabilitation.

(g) "Work activity program day" means the period of time during which a Work Activity Program provides services to consumers.

(h) "Full day of service" means, for purposes of billing, a day in which the consumer attends a minimum of the declared and approved work activity program day, less 30 minutes, excluding the lunch period.

(i) "Half day of service" means, for purposes of billing, any day in which the consumer's attendance does not meet the criteria for billing for a full day of service as defined in subdivision (g), and the consumer attends the work activity program not less than two hours, excluding the lunch period.

(j) "Supported employment program" means a program that meets the requirements of subdivisions (n) to (s), inclusive.

(k) "Consumer" means any adult who receives services purchased under this chapter.

(*l*) "Accreditation" means a determination of compliance with the set of standards appropriate to the delivery of services by a work activity program or supported employment program, developed by CARF, ~~the Rehabilitation Accreditation Commission,~~ and applied by the commission or the department.

(m) "CARF" means CARF the ~~Rehabilitation Accreditation Commission.~~ *Commission on Accreditation of Rehabilitation Facilities.*

(n) "Supported employment" means paid work that is integrated in the community for individuals with developmental disabilities.

(o) "Integrated work" means the engagement of an employee with a disability in work in a setting typically found in the community in which individuals interact with individuals without disabilities other than those who are providing services to those individuals, to the same extent that individuals without disabilities in comparable positions interact with other persons.

(p) "Supported employment placement" means the employment of an individual with a developmental disability by an employer in the community, directly or through contract with a supported

P5 employment program. This includes provision of ongoing support services necessary for the individual to retain employment.

(q) "Allowable supported employment services" means the services approved in the individual program plan and specified in the individual habilitation service plan for the purpose of achieving supported employment as an outcome, and may include any of the following:

(1) Job development, to the extent authorized by the regional center.

(2) Program staff time for conducting job analysis of supported employment opportunities for a specific consumer.

(3) Program staff time for the direct supervision or training of a consumer or consumers while they engage in integrated work unless other arrangements for consumer supervision, including, but not limited to, employer supervision reimbursed by the supported employment program, are approved by the regional center.

(4) Community-based training in adaptive functional and social skills necessary to ensure job adjustment and retention.

(5) Counseling with a consumer's significant other to ensure support of a consumer in job adjustment.

(6) Advocacy or intervention on behalf of a consumer to resolve problems affecting the consumer's work adjustment or retention.

(7) Ongoing support services needed to ensure the consumer's retention of the job.

(r) "Group services" means job coaching in a group supported employment placement at a job coach-to-consumer ratio of not less than 1 to 2 nor more than 1 to 8 where services to a minimum of two consumers are funded by the regional center or the Department of Rehabilitation. For consumers receiving group services, ongoing support services shall be limited to job coaching and shall be provided at the worksite.

(s) "Individualized services" means job coaching and other supported employment services for regional center-funded consumers in a supported employment placement at a job coach-to-consumer ratio of 1 to 1 and that decrease over time, consistent with the consumer's individualized program plan and abilities with the goal of achieving stabilization, when possible. Individualized services may be provided on or off the jobsite.

P6 SEC. 3.

Section 4870 is added to the *Welfare and Institutions Code*, to read:

4870.

When ~~awarding~~ *a state department awards* a contract for goods or services, ~~an awarding department of the state~~ *it* shall give a *scoring* preference of 5 percent ~~in the scoring of~~ *to* a bid by a business ~~that proposes to provide~~ *in which at least 10 percent of the personnel who are providing* the goods or services ~~to the state when at least 10 percent of the personnel of the business involved in doing so are California residents with developmental disabilities receiving~~ *receive* support services under the Lanterman Developmental Disabilities Services Act.

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97

AMENDED IN SENATE APRIL 30, 2014

AMENDED IN SENATE APRIL 7, 2014

SENATE BILL **No. 1176**

Introduced by Senator Steinberg

February 20, 2014

An act to add Section 1367.0061 to the Health and Safety Code, and to add Section 10112.281 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

SB 1176, as amended, Steinberg. Health care coverage: cost sharing: tracking.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. A willful violation of the act is a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires a plan or insurer to limit annual out-of-pocket expenses for all covered benefits, as specified.

This bill would require a health care service plan or health insurer to be responsible for monitoring the accrual of out-of-pocket costs. The bill would require a health care service plan or health insurer to track the accumulation of cost sharing for covered essential health benefits attributed to in-network providers, and would prohibit those entities from requiring consumers to track or monitor those costs. The bill would require a plan or insurer to accept claims from the provider or the consumer with respect to cost sharing for out-of-network providers who are providing certain emergency services or otherwise providing covered benefits. The bill would also require a plan or insurer to notify each enrollee or insured*, within 30 days,* when his or her cost sharing has reached the maximum annual out-of-pocket limit for covered essential health benefits and to reimburse an enrollee or insured within 30 days of receiving a claim for cost sharing paid in excess of the maximum annual out-of-pocket limit. *The bill would require that the enrollee or insured have the opportunity to review the accrual of cost sharing and provide additional information regarding cost sharing that should be credited to the out-of-pocket limit.* Because a willful violation of the bill's provisions by a health care service plan would be a crime, the bill would impose a state-mandated local program.

This bill would make these provisions applicable to nongrandfathered individual and group health care service plans, specialized health care service plans that provide coverage for essential health benefits, nongrandfathered individual and group health insurers, and specialized health insurers that provide coverage for essential health benefits.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

P2 1 SECTION 1.
Section 1367.0061 is added to the *Health and*
2 *Safety Code*, immediately following Section 1367.006, to read:
3 1367.0061.
(a) ~~The~~ *This section shall apply to*
4 *nongrandfathered individual and group health care service plans*
5 *and to specialized health care service plans that provide coverage*
6 *for essential health benefits, as defined in Section 1367.005, and*
7 *that are issued, amended, or renewed on or after January 1, 2015.*
8 *(b) The* health care service plan shall be responsible for
9 monitoring accrual of out-of-pocket costs as defined in Section
10 1367.006.
11 ~~(b)~~
12 *(c)* The health care service plan shall track the accumulation of
13 cost sharing for covered essential health benefits attributed to
14 in-network providers, including contracted vendors. The plan shall
15 not require consumers to track or monitor the accumulation of cost
P3 1 sharing for covered essential health benefits attributed to
2 in-network providers, including contracted vendors.
3 ~~(c)~~
4 *(d)* For cost sharing attributed to out-of-network providers who
5 are providing emergency services consistent with Section 1371.4
6 or otherwise providing covered benefits, *subject to the annual limit*
7 *on out-of-pocket expenses as specified in Section 1367.006,* the
8 health care service plan shall accept claims from the provider or
9 the consumer with respect to cost sharing.
10 ~~(d)~~
11 *(e)* If the cost sharing for covered essential health benefits
12 attributable to an enrollee exceeds the maximum annual
13 out-of-pocket limits, the health care service plan shall be
14 responsible for reimbursing the individual within 30 days of receipt
15 of claims information.
16 ~~(e) The~~
17 *(f) Within 30 days, the* health care service plan shall notify each
18 enrollee when the enrollee's cost sharing has reached the maximum
19 annual out-of-pocket limit for covered essential health benefits.
20 *(g) The enrollee shall have the opportunity to review the accrual*
21 *of cost sharing and provide additional information regarding cost*
22 *sharing that should be accrued to the annual out-of-pocket limit.*
23 ~~(f)~~
24 *(h)* Nothing in this section shall be construed as requiring the
25 enrollee to determine or identify when the maximum annual
26 out-of-pocket limit for covered benefits has been reached.
27 SEC. 2.
Section 10112.281 is added to the *Insurance Code*, immediately following
28 Section 10112.28, to read:
29 10112.281.
(a) ~~The~~ *This section shall apply to*
30 *nongrandfathered individual and group health insurers and to*
31 *specialized health insurers that provide coverage for essential*
32 *health benefits, as defined in Section 10112.27, and that are issued,*
33 *amended, or renewed on or after January 1, 2015.*
34 *(b) The* health insurer shall be responsible for monitoring accrual
35 of out-of-pocket costs as defined in Section 10112.28.

36 ~~(b)~~
37 *(c)* The health insurer shall track the accumulation of cost
38 sharing for covered essential health benefits attributed to
39 in-network providers, including contracted vendors. The insurer
40 shall not require consumers to track or monitor the accumulation
P4 1 of cost sharing for covered essential health benefits attributed to
2 in-network providers, including contracted vendors.
3 ~~(c)~~
4 *(d)* For cost sharing attributed to out-of-network providers who
5 are providing emergency services consistent with Section 10112.7
6 or otherwise providing covered benefits, *subject to the annual limit*
7 *on out-of-pocket expenses as specified in Section 10112.28,* the
8 health insurer shall accept claims from the provider or the consumer
9 with respect to cost sharing.
10 ~~(d)~~
11 *(e)* If the cost sharing for covered essential health benefits
12 attributable to an insured exceeds the maximum annual
13 out-of-pocket limits, the health insurer shall be responsible for
14 reimbursing the individual within 30 days of receipt of claims
15 information.
16 ~~(e) The~~
17 *(f) Within 30 days, the* health insurer shall notify each insured
18 when the insured's cost sharing has reached the maximum annual
19 out-of-pocket limit for covered essential health benefits.
20 *(g) The insured shall have the opportunity to review the accrual*
21 *of cost sharing and provide additional information regarding cost*
22 *sharing that should be accrued to the annual out-of-pocket limit.*
23 ~~(f)~~
24 *(h)* Nothing in this section shall be construed as requiring the
25 insured to determine or identify when the maximum annual
26 out-of-pocket limit for covered benefits has been reached.
27 SEC. 3.
No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within
34 the meaning of Section 6 of Article XIII B of the California
35 Constitution.

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AMENDED IN SENATE APRIL 23, 2014

AMENDED IN SENATE APRIL 9, 2014

SENATE BILL **No. 1396**

Introduced by Senator Hancock

February 21, 2014

An act to add Chapter 19 (commencing with Section 53330) to Part 28 of Division 4 of Title 2 of the Education Code, relating to school climate.

LEGISLATIVE COUNSEL'S DIGEST

SB 1396, as amended, Hancock. School climate: multitiered intervention and support program.

Existing law establishes a system of public elementary and secondary schools in this state, and authorizes local educational agencies throughout the state to provide instruction to pupils.

This bill would establish a multitiered intervention and support program. The bill, to the extent that one-time funding is made available in the Budget Act of 2014, would require the State Department of Education to apportion funds to a designated county office of education, selected from applicant county offices of education, that would be the fiduciary agent for the program. The bill would require the designated county office of education to consult with specified organizations and target the funding towards a statewide professional development effort that would provide training in multitiered intervention and support to school personnel.

The bill would require the Legislative Analyst's Office to review the impacts of this professional development effort and report to the Governor, the State Department of Education, and the Legislature by June 30, 2017, on specified aspects of the program.

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

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

P2 1 SECTION 1.
The Legislature finds and declares all of the
2 following:
3 (a) In many school districts, local policies have addressed safety
4 and mental health issues in schools with ad hoc and piecemeal
5 strategies. This is borne out by the very narrow federal and state
6 laws related to pupil suspension and expulsion that produced
7 reactive discipline policies and increased pupil exclusion from
8 school. These practices have resulted in disproportionality in
9 discipline practices, as reflected in the high number of suspensions
10 and expulsions among African American and Latino pupils in
11 California.
12 (b) Restorative justice or restorative practices is a set of
13 principles and practices grounded in the values of showing respect,
14 taking responsibility, and strengthening relationships. Restorative

15 justice focuses on repair of harm and prevention of reoccurrence.
16 Restorative practices, applied in a schoolwide context, are used to
17 build a sense of school community and resolve conflict by repairing
18 harm and restoring positive relationships where pupils and
19 educators work together to set academic goals, develop core values
20 for the classroom, and resolve conflicts. Restorative practices can
21 be incorporated in the tiered framework of schoolwide positive
22 behavior interventions and supports.
23 (c) Recent statistics indicate that 20 percent of schoolage youth
24 experience a functional or significant behavior or mental health
25 disorder. In contrast, less than 1 percent of pupils are identified to
26 receive mental health services through the special education
27 classification of emotional disturbance. These numbers suggest a
28 significant gap in the need for school-based prevention and
29 intervention behavioral health services. Schoolwide Positive
30 Behavior Intervention and Support (SW-PBIS) can fill this gap
31 by providing a comprehensive and collaborative prevention and
32 intervention framework for schools to improve academic and
33 behavioral outcomes for all pupils. Recent research from Orange
34 County has shown that in districts where SW-PBIS has been
35 implemented there has been a 26-percent drop in in-school
P3 1 suspensions, a 55-percent drop in out-of-school suspensions, and
2 a 30-percent drop in expulsions.
3 (d) In order to ensure that all pupils flourish academically,
4 districts must establish equitable discipline practices and behavioral
5 interventions that promote positive social-emotional development
6 and that prevent and respond to negative behaviors in order to
7 reengage disconnected pupils. School psychologists play a critical
8 role in implementing school-based educationally related counseling
9 services and positive behavior systems and supports that create
10 and reinforce positive school cultures of achievement for all pupils,
11 including those at risk of academic failure.
12 (e) The local control funding formula has been passed in an
13 effort to reform school finance and to direct funding directly to
14 at-risk pupil populations as outlined in Section 42238.07 of the
15 Education Code. This section states that the regulations shall
16 require a school district "to increase or improve services for
17 unduplicated pupils." Research shows that efforts to improve
18 school climate, safety, and learning are not separate endeavors.
19 They must be designed, funded, and implemented as a
20 comprehensive schoolwide approach. School districts must work
21 to ensure through their local control and accountability plans that
22 pupils have access to universal, targeted, and individualized
23 psychological, behavioral, and counseling services and support
24 that will increase their chances for academic improvement.
25 (f) SW-PBIS is a multitiered framework for creating positive
26 school cultures. SW-PBIS is a decisionmaking framework that
27 guides selection, integration, and implementation of the best
28 evidence-based academic and behavioral practices for improving
29 important academic and behavior outcomes for all pupils. The
30 SW-PBIS approach requires the implementation of preventative
31 and proactive approaches to discipline and positive discipline
32 methods. In doing so, SW-PBIS changes the belief systems and
33 behavior of school staffs, pupils, and the community, resulting in
34 positive, productive citizens, and safer schools.
35 (g) SW-PBIS can support important local control and
36 accountability plan priority areas by providing local schools and

37 districts with an evidence-based framework to produce targeted
38 pupil behavioral and academic outcomes. SW-PBIS provides an
39 operational framework for achieving these outcomes.
P4 1 (h) SW-PBIS fosters local control for school climate, academics,
2 and behavior. SW-PBIS provides an operational framework and
3 a set of sustainable schoolwide practices for achieving these
4 outcomes. The schoolwide practices are research based, but are
5 developed and implemented by the local school team of teachers,
6 parents, administrators, school psychologists, school counselors,
7 and pupils to reflect the culture and values of their schools.
8 (i) SW-PBIS has national support and has been defined,
9 described, and researched since its introduction in the
10 reauthorization of the Individuals with Disabilities Education Act
11 of 1997. SW-PBIS research and training is supported by the Office
12 of Special Education Programs (OSEP), United States Department
13 of Education, through the OSEP Technical Assistance Center.
14 School psychologists have been leaders in SW-PBIS professional
15 development and systems implementation in schools and districts
16 throughout the state.
17 (j) (1) SW-PBIS emphasizes four integrated elements:
18 (A) Data for decisionmaking.
19 (B) Measurable outcomes supported and evaluated by data.
20 (C) Practices with evidence that these outcomes are achievable.
21 (D) Systems that efficiently and effectively support
22 implementation of these practices.
23 (2) These four elements are guided by six core principles, as
24 follows:
25 (A) Develop a continuum of scientifically based behavior and
26 academic interventions and supports.
27 (B) Use data to make decisions and solve problems.
28 (C) Arrange the environment to prevent the development and
29 occurrence of problem behavior; increase supervision where
30 needed.
31 (D) All school staff teach and encourage prosocial skills and
32 behaviors in all settings on campus, and before and after school.
33 (E) Implement evidence-based behavioral practices with fidelity
34 and accountability.
35 (F) Screen universally and monitor pupil performance and
36 progress continuously.
37 (k) Schools that have established and maintained SW-PBIS
38 systems with integrity have teaching and learning environments
39 that are less reactive, aversive, punitive, dangerous, and
40 exclusionary, are more engaging, responsive, preventive,
P5 1 productive, and participatory, address classroom management and
2 disciplinary issues such as attendance, cooperation, participation,
3 and meeting positive expectations, improve support for pupils
4 whose behavior requires more specialized or intensive assistance
5 for emotional and behavioral disorders and mental health issues,
6 and maximize academic engagement and achievement for all
7 pupils.
8 SEC. 2.
Chapter 19 (commencing with Section 53330) is added
9 to Part 28 of Division 4 of Title 2 of the *Education Code*, to read:
10
11 CHAPTER 19. MULTITIERED INTERVENTION AND SUPPORT
12

13 53330.
(a) To the extent that one-time funding is made
14 available in the Budget Act of 2014, the department shall apportion
15 funds to a designated county office of education to be the fiduciary
16 agent for a multitiered intervention and support program that
17 includes, but is not limited to, the Schoolwide Positive Behavior
18 Intervention and Support program. The designated county office
19 of education shall be chosen by the Superintendent from county
20 offices that apply for designation under this chapter. The designated
21 county office of education shall be in charge of establishing specific
22 professional development activities that will lead to statewide
23 professional development support structures allowing for the
24 development and expansion of multitiered intervention and support
25 efforts, *including the incorporation of restorative practices,* in
26 each region of the state.
27 (b) This professional development and outreach effort shall
28 build upon existing statewide organizations, networks, and regional
29 organizations that are providing services related to multitiered
30 intervention and support and other mental health approaches. The
31 goal would be to organize multitiered intervention and support
32 trainings and resources to be disseminated on a regional basis.
33 These trainings, associated materials, and research shall educate
34 participants on how to have multitiered intervention and support
35 program support local control and accountability plan strategic
36 goals in alignment with a multitiered support system framework.
37 (c) The designated county office of education shall consult with
38 the Regional K-12 Student Mental Health Initiative, the National
39 Alliance on Mental Health Illness, the California Technical
40 Assistance Center on Schoolwide Positive Behavior Intervention
P6 1 and Support, the California County Superintendents Educational
2 Services Association, the California Mental Health Directors
3 Association, the United Advocates for Children and Families, and
4 other nonprofit agencies throughout the state. The designated
5 county office of education shall also select an advisory committee
6 made up of stakeholders and mental health professionals who have
7 participated in the development and expansion of multitiered
8 intervention and support programs to assist in the planning and
9 implementation of this project.
10 (d) The designated county office of education, in the
11 implementation of this chapter, shall consider and include, as
12 appropriate, available resources for multitiered intervention and
13 support.
14 (e) Within the context of a state-level plan, funding shall be
15 targeted to all of the following critical activities:
16 (1) Explaining the importance of linking multitiered intervention
17 and support efforts with local control funding formula planning.
18 (2) Creating broad exposure to multitiered intervention and
19 support, which would include pamphlets, videos, Internet Web
20 site creation, webinars, and newsletters.
21 (3) Creating regional conferences on multitiered intervention
22 and support implementation that would provide free training for
23 teachers, school psychologists, and administrators.
24 (4) Establishing stipends for release time for school personnel
25 attending these workshops.
26 (5) Developing best practices of current district level multitiered
27 intervention and support systems based on the analysis pursuant

28 to subdivision (f) and ensure that these best practices are widely
29 disseminated.
30 (6) Establishing a cohort of trainers that can be available to
31 work directly with local school districts seeking to implement
32 multitiered intervention and support programs.
33 (7) Establishing a repository for the collection and dissemination
34 of multitiered intervention and support best practices.
35 (f) The designated county office of education, working in
36 cooperation with the Department of Finance, the State Department
37 of Education, and the Legislative Analyst, shall analyze the relevant
38 data on the success of multitiered intervention and support
39 programs at both the state and national levels, and shall establish
40 a set of best practices to be made available to school districts and
P7 1 consortia of school districts to expand schoolwide multitiered
2 intervention and supports to address academic and behavioral
3 issues and to use as a foundation for the annual goals and state
4 priorities, such as pupil engagement and school climate, ~~to~~ *which*
5 *may* be included in local control and accountability plans.
6 (g) The Legislative Analyst's Office shall review the impacts
7 of this professional development effort and shall report to the
8 Governor, the State Department of Education, and the Legislature
9 by June 30, 2017, on the breadth and best practices of the training.

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AMENDED IN SENATE APRIL 21, 2014

SENATE BILL **No. 1428**

Introduced by Senator Evans
(Principal coauthor: Assembly Member Yamada)
(Coauthor: Senator Wolk)
(Coauthor: Assembly Member Levine)

February 21, 2014

An act to add Section 4474.11 to the Welfare and Institutions Code, relating to the Sonoma Development Center.

LEGISLATIVE COUNSEL'S DIGEST

SB 1428, as amended, Evans. Sonoma Developmental Center: land use.

Existing law vests in the State Department of Developmental Services jurisdiction over state hospitals referred to as developmental centers, including the Sonoma Developmental Center, for providing residential care to persons with developmental disabilities. Under existing law, if the department proposes the closure of a state developmental center, it is required to submit to the Legislature a detailed plan that contains certain information, including, among other things, a description of the land and buildings affected and existing lease arrangements at the developmental center.

This bill would require that, prior to the development of any plan for, or implementation of, any sale, lease, transfer, or major change of use of any portion of the Sonoma Developmental Center, the department and the Department of General Services confer and cooperate with public and private entities in the development of an improvement and redevelopment plan for the center. The bill would authorize the plan to contain specified elements, including plans for the development of new or improved public or private core resident care facilities on the site, the permanent protection, maintenance, operation, and potential expansion of the wildlife habitat corridor through the property connecting Sonoma Mountain and the Mayacamas *Mountain* Range, the creation of public recreational facilities, and potential expansion of water supply facilities consistent with natural resource protection.

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

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

P2 1 SECTION 1.
Section 4474.11 is added to the *Welfare and*
2 *Institutions Code*, to read:
3 4474.11.
(a) Prior to development of any plan for, or
4 implementation of, any sale, lease, transfer, or major change of
5 use of any portion of the Sonoma ~~Development~~ *Developmental*
6 Center, the department and the Department of General Services
7 shall confer and cooperate with public and private entities in the
8 development of an improvement and redevelopment plan for the
9 center, including, but not limited to:

(1) The Department of Parks and Recreation, the Department of Fish and Wildlife, and the San Francisco Bay Conservancy Program of the State Coastal Conservancy.

(2) Representatives of the County of Sonoma and other local governmental entities; an organization or organizations representing residents of the center; and with other interested local entities and nonprofit organizations.

(b) The plan may include all of the following elements:

(1) Development of new or improved public or private core resident care facilities on the site.

(2) The permanent protection, maintenance, operation, or expansion of the wildlife habitat corridor through the property connecting Sonoma Mountain and the Mayacamas *Mountain* Range.

(3) Creation of public recreational facilities.

(4) Potential expansion of water supply facilities consistent with natural resource protection.

(c) This section does not apply to actions taken by the Department of General Services pursuant to Section 4474.1.

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DRAFT

Legislative and Public Policy Committee (LPPC) Minutes

April 9, 2014

Members Present
Janelle Lewis, Chair
Evelyn Abouhassen
Jennifer Allen
Ray Ceragioli
Lisa Davidson
Connie Lapin

Members Absent
Feda Almaliti
David Forderer
April Lopez

Others Attending
Mark Polit (Staff)
Robert Philips (Staff)
Gabriel Rogin (Staff)
David Grady (Staff)
Anastasia Bacigalupo (Staff)

1. CALL TO Order

Chairperson Lewis Called the meeting to order at 10.10 AM

2. ESTABLISHMENT OF A QUORUM

A quorum was established

3. WELCOME AND INTRODUCTIONS

Members introduced themselves.

4. APPROVAL OF MARCH 5, 2014 MINUTES

Connie Lapin moved and Lisa Davidson seconded to approve the March 5, 2014 minutes. Motion Passed (5-0-1).

5. PUBLIC COMMENTS:

None

6. MEMBER REPORTS

Members gave reports of their activities.

7. LEGISLATIVE PLATFORM

Mark Polit updated the committee that the Council will review the proposed platform at its May 29 Council meeting. Evelyn Abouhassen emphasized that the rate section be highlighted to the Council, so that family and consumer issues are primary. Mark explained that the second part of the rate section addresses that issue, and that the Council will be briefed

8. LEGISLATION

The committee discussed the state budget. No further actions were taken.

9. DC TASK FORCE RECOMMENDATIONS

The committee discussed the task force recommendations and noted that supported living should have been highlighted more in the report as an option for people leaving developmental centers.

Ray Ceragioli moved and Connie Lapin seconded to recommend that the Council support in general the recommendations of the Task Force in principle. The motion carried 5-0-1

There was discussion about the meaning of "in general" and "in principle" as used in the motion. Some thought it meant "support". The committee left it to the Council to further discuss.

10. LEGISLATION

A-.Status of Bills with Council Position – Mark Polit reviewed the status of bills, noting the new co-sponsorship of AB 2299 (Nazarian) and support for AB 1626.

B. AB 1089 (Calderon) – AB 1089 sponsors Brian Capra from Public Counsel Law Center and Sasha Stern from the Alliance for Children's Rights presented on the bill. They described the need for the bill and gave two case stories of significant delays in regional center services affecting the development of infants with developmental delays. Connie Lapin expressed a concern about the ability to implement the bill within the

timeline. They expressed an openness to work with ARCA and SEIU on the details of the legislation, to make it as practical as possible to meet the deadlines in the bill. There is a meeting scheduled with the opposition in late May.

Connie Lapin moved and Lisa Davidson seconded to recommend that the Council support AB 1089. The motion passed 6-0-0.

C. AB 1626 (Maienschein). Evelyn noted that DRC has changed its position on AB 1626 to support if amended to address the issue of subminimum wage. Mark noted that some members of the Employment First Committee expressed that concern, but the EFC took no action on the bill.

D. AB 1806 (Bloom), Homeless students. Homeless children and youth with exceptional needs, and other homeless students, will have protections during transfer and expulsion processes that are afforded foster youth.

Ray Ceragioli moved and Connie Lapin seconded to to recommend support of AB 1806 to the Council. The motion carried 6-0-0.

E. AB 2057 (Bonilla), Urgency legislation to waive a testing requirement, so students with significant disabilities would not be required to take two test in 2013/14 school year. No action was taken, as the Council could not act prior to passage.

F. SB 1046 (Beall), Penalties for Violations of Insurance Code. This bill would give the insurance commissioner the authority to assess penalties for violations of provisions in the insurance code for coverage of the diagnosis and treatment of severe mental illness, serious emotional disturbance, and behavioral health treatment of pervasive developmental disorder and autism.

Connie Lapin moved and Ray Ceragioli seconded to recommend that the Council support SB 1046 (Beall). The motion passed 6-0-0.

G. SB 1093 Liu, (Equity). Evelyn Abouhassen explained that DRC is the sponsor of the bill. The bill covers four areas (1) RC performance contracts shall include objectives to increase utilization by underserved communities and a process to develop those objectives. (2) RCs shall keep prior year disparity data on their websites so the public can compare their performance to prior years. (3) RCs shall hold meetings with the public on their disparity data. The meetings shall not be a part of RC Board meetings

and be at times and in places accessible to RC clients and their families. (4) Requires RD+Cs to fund independent living services for consumers living in their family home.

Ray Ceragioli moved and Connie Lapin seconded to recommend that the Council support SB 1093 (Liu). The motion passed 6-0-0.

H. SB 1396 (Hancock), Positive Behavior Intervention. This would create a statewide professional development effort to provide training in school wide positive behavior support. The Committee wanted more information to review at the May LPPC meeting. They especially wanted information on the type of training and the issue of equitable discipline, as opposed to individualized response to students' needs.

Ray Ceragioli moved and Jennifer Allen seconded to watch SB 1396. The motion passed 6-0-0.

I. SB 1428 (Evans), Land Use at SDC. The Committee asked for more information on the meaning of "Development of new or improved public or private core resident care facilities on the site." The bill wil be considered at the next committee meeting.

J. Other Legislation.

The committee discussed AB 2041 (Jones) that would expand the definition of behavioral health treatment. The committee reviewed the opposition letter from ARCA. Connie Lapin moved and Lisa Davidson seconded to recommend that the Council support AB 2041. The motion passed 4-0-1.

The committee discussed AB 1753 (Holden) that would allow a regional center vendor to provide services in any regional center. The committee reviewed the ARCA opposition letter. Ray Ceragioli moved and Connie Lapin seconded to recommend that the Council support AB 1753. The motion passed 5-0-1

The committee discussed SB 922 (Knight) and AB 2349 (Yamada) and will discuss these bills further at the May 7 committee meeting.

11. PLANNING FOR NEXT MEETING

The next meetings will be May 7, June 11, and September 4 from 10:00 AM to 3:00 PM. Implementation of Self-Determination will be a standing agenda item. The May 7 meeting will include a discussion of the IHSS training ballot initiative. Parental fees will be revisited. Legislation to be

reviewed will include SB 922 (Knight) and AB 1335 (Maienschein) on maximum penalties for sexual crimes against people with IDD; SB 1109 (Hueso) and AJR 36 (Gonzales) on subminimum wage; AB 2349 (Yamada) and SB 1428 (Evans) on developmental centers; AB 1687 (Conway) on timely investigation;

11. ADJOURNMENT

Chairperson Lewis adjourned the meeting at 3:05 PM.

DRAFT
LEGISLATION AND PUBLIC POLICY COMMITTEE
Meeting Minutes
May 7, 2014

1. **CALL TO ORDER**
   Meeting was called to order at 10:05 AM.

2. **ESTABLISHMENT OF QUORUM**
   Quorum was established

3. **WELCOME AND INTRODUCTIONS**

4. **APPROVAL OF 4/9/14 MINUTES**
   A motion was moved by Lapin/seconded by Allen to approve the minutes upon amending a vote by Davidson to abstain on SB 1046. Y=5, N=0, A=2

5. **PUBLIC COMMENTS**
   There were no public comments

6. **MEMBER REPORTS**
   Members gave verbal reports

7. **STATE BUDGET**
   Mark Polit gave a status report on the current budget.

8. **LEGISLATION**

   A. **Status of Bills with Council Position**
   Mark Polit gave a status report on legislation with Council positions.

   B. **AB 1335 (Maienschein) and SB 922 (Knight), Sentencing of Sex Offenders**:
   No action was taken

   C. **SB 1396 (Hancock), Positive Behavior Intervention:**
   A motion was moved by Ceragioli/seconded by Lapin to support this bill. Y=7, N=0, A=0

D. **AJR 36 (Gonzalez), Sub-minimum Wage:**
A motion was moved by Forderer/seconded by Banh to recommend to the Employment First Committee to take a support position on AJR 36. Y=7, N=0, A=0

E. **SB 1109 (Hueso), State Contracting and Sub-minimum Wage**
Mark Polit reported that the bill is no longer active.
No action was taken

F. **SB 1160 (Beall), State Contracting and Log-term SEP**
A motion was moved by Lapin/seconded by Forderer to support if amended to require payment of at least minimum wage for state contracts under section 4870. Y=7, N=0, A=0

G. **SB 1176 (Steinberg), Tracking Insurance Out of Pockets**
A motion was moved by Lapin/seconded by Forderer to support SB 1176 . Y=6, N=0, A=1

H. **SB 1178 (Correa), Housing for People with IDD**
Agenda item for next meeting

I. **AB 1687 (Conway), Timely Investigation**
A motion was moved by Lapin/seconded by Forderer to support SB 1687. Y=7, N=0, A=0

J. **SB 1428 (Evans) and AB 2349 (Yamada), Sonoma DC Land Use and transition**
A motion was moved by Ceragioli/seconded by Forderer to support SB 1428 if amended to clearly reflect the recommendations of the DC Task Force. Y=6, N=0, A=1

A motion was moved by Allen/seconded by Davidson to watch SB 2349. Y=7, N=0, A=0

K. **Other legislation**

9. **IHSS TRAINING BALLOT MEASURE**
Debra Doctor from Disability Rights California teleconferenced into the meeting to discuss the IHSS training ballot measure. The

committee asked for a presentation from a union representative and an IHSS consumer from Washington State to discuss the training program there.

10. **PLANNING FOR NEXT MEETING**

Next meeting is June 11.

11. **ADJOURNMENT**

Meeting was adjourned at approximately 2:30.

FAR NORTHERN REGIONAL CENTER CONFLICT OF INTEREST WAIVER REQUESTS

COUNCIL MEETING
AGENDA ITEM DETAIL SHEET

ISSUE: Regional Center Conflict of Interest (COI)

SUMMARY: Statutory language in Welfare & Institutions Code and state regulations require both the Council and appropriate local area board to review and approve or disapprove a waiver of conflict of interest (COI) for regional center board members and regional center executive directors.

BACKGROUND/ISSUES/ANALYSIS: The following three conflict of interest waiver requests were presented to the Council at the March Council meeting. Due to a loss of quorum, these requests were referred to the Executive Committee for consideration at the April 3, 2014 meeting. As of that date, the Committee had not received its response from Area Board 2. Therefore, the Committee was unable to take action at that time. Having since received Area Board 2's response, staff requests that the Council take action on the following:

1. ***FNRC Board member*** – Susan Hess. Ms. Hess submitted a conflict of interest plan and stated that she had a conflict of interest due to part-time employment with three FNRC-vendored service providers. Her husband is also employed by one of the providers. FNRC opined that no conflict of interest existed with respect to two of the employers because they interpreted the WIC 4626(c) exception to apply in this instance. 4626(c) states that:

   "A person with a developmental disability who receives employment services through a regional center provider shall not be precluded from serving on the governing board of a regional center based solely on receipt of these employment services."

   Although two of Ms. Hess' employers are providers of employment services, Ms. Hess is not receiving employment services from them. She is a competitively employed staff person of these agencies.

FNRC did concur that a COI existed with respect to Ms. Hess' employment with one of the providers. It should be noted that SCDD and Area Board 2 approved a waiver of COI for Ms. Hess in 2013. On April 18, 2014, Area Board 2 acted to approve her present request.

2. ***FNRC Board member*** – Michelle Phillips. Ms. Phillips stated that she had a conflict of interest due to the fact that her sister is the Director of "Parent and Infant Program," a FNRC-vendored service provider. She was previously granted a conflict of interest waiver in 2012 and 2013 by Area Board 2 and the SCDD. On April 18, 2014, Area Board 2 acted to approve this 2014 request.

3. ***FNRC Board member*** – Colleen Ryberg. Ms. Ryberg stated that she had a conflict of interest due to the fact that her daughter-in-law is vendored by FNRC as an occupational therapist, averaging fewer than five clients per month. She was previously granted a conflict of interest waiver in 2013 by Area Board 2 and the SCDD. On April 18, 2014, Area Board 2 acted to approve her present request.

COUNCIL STRATEGIC PLAN OBJECTIVE: None

ATTACHMENTS: COI statements and letters from FNRC for Ms. Hess, Ms. Phillips, and Ms. Ryberg, Area Board 2 responses.

PREPARED: Natalie Bocanegra, May 13, 2014.

Area Board 2
CALIFORNIA SCDD
State Council on Developmental Disabilities
1367 East Lassen Avenue, Suite B3, Chico, CA 95973 ~ (530) 895-4027 Voice ~ (530) 899-1562 Fax ~ Ab2@scdd.ca.gov Email

STATE OF CALIFORNIA
Edmund G. Brown, Jr.
Governor

Butte
Glenn
Lassen
Modoc
Plumas
Siskiyou
Shasta
Tehama
Trinity

April 23, 2014

Jorge A. Aguilar, Chair
State Council on Developmental Disabilities
1507 21st Street, Suite 210
Sacramento, CA 95811

Dear Mr. Aguilar:

This is in regards to the request from Far Northern Regional Center to the Department of Developmental Disabilities to grant a waiver regarding the Conflict of Interest for Susan Hess.

At the April 18, 2014 Area Board 2 meeting, the board discussed the conflict of waiver request for Ms. Hess and took into consideration, Welfare and Institutions Code Sections 4655 et seq. and Title 17 Section 54520, the following constitute conflicts of interest for regional center board members:

> "When a member of the board or their family member is: a) a director, officer, owner, partner, shareholder, trustee or employee of any business entity or provider, b) holds any position of management in any business entity or provider or, 3) has decision or policymaking authority in such an entity or provider."

Far Northern Regional Center has devised a plan to avoid any conflict of interest regarding the regional center vendors, "Rowell Family Empowerment of Northern California" and "Arc of Butte County" by having Ms. Hess abstain from any voting or other processes involved with these particular vendors. Therefore, the board voted unanimously to approve the Conflict of Interest Waiver for Ms. Hess.

Sincerely,

Sarah M. May

Sarah M. May, Executive Director
SCDD/Area Board 2

Cc: Roberta Newton, SCDD Interim Executive Director
Laura Larson, FNRC Executive Director

Attachments

Far Northern Regional Center

Providing services and supports that allow persons with developmental disabilities to live productive and valued lives.

Laura Larson
Executive Director

February 21, 2014

Allan Smith
Regional Center Operations Section
Department of Developmental Services
1600 Ninth Street, Room 320 (MS 3-9)
Sacramento, CA 95814

Re: Request for Waiver of Potential Conflict of Interest – FNCC Board Member Susan Hess

Dear Mr. Smith:

FNCC Board member **Susan Hess** (who is also a FNRC consumer) has disclosed a potential conflict of interest under California Code of Regulations, Title 17, section 54500, *et seq.* She is requesting a conflict waiver.

Specifically, Mrs. Hess is employed as a receptionist for the Rowell Family Empowerment Center in Butte County ("Rowell"). Rowell is a designated California Family Resource Center that provides support, education and advocacy for families of children with disabilities. Mrs. Hess works only 10 hours per week for Rowell. Her duties are entirely clerical.

In addition, Mrs. Hess works for ARC of Butte County and for AMJaMB, again doing clerical/telephone work. Both of these employers are providers of employment services to consumers, and fall within the conflict exception provided under Welfare & Institutions Code section 4626(c).

Mrs. Hess further disclosed that her husband, Ted Hess, who is also a FNRC consumer, is employed by ARC of Butte County and by AMJaMB. Again, ARC and AMJaMB are both FNRC vendors that are providers of employment services to consumers (*see* Welfare & Institutions Code section 4626(c). Ted Hess works at ARC and AMJaMB as part of his day program.

Mrs. Hess disclosed similar conflict information in 2013, and a conflict waiver was requested at that time. The waiver was approved by the Area Board 2 on April 17, 2013, and by the State Council on May 20, 2013. (See attached.) FNRC has no record of action taken by the Department of Developmental Services.

www.farnorthernrc.org

☐ REDDING MAIN OFFICE: P. O. Box 492418 Redding, CA 96049-2418 1900 Churn Creek Rd. Suite 319 Redding, CA 96002-0277 (530) 222-4791 Fax (530) 222-8908
☐ CHICO OFFICE: 1377 East Lassen Ave. Chico, CA 95973-7824 (530) 895-8633 FAX (530) 332-1497
☐ REGIONAL OFFICES in: Lake Almanor and Mount Shasta

Mrs. Hess has proposed a plan to mitigate any conflict that might be presented, and has renewed her request for a conflict waiver. (*See* Proposed Conflict of Interest Resolution Plan, attached.)

The Board Chairperson, with support from the remaining Board members. shall be responsible for ensuring that the conditions stated in the plan are applied.

This letter, with its attachments, serves as a Request for Waiver as prescribed by California Code of Regulations, Title 17, section 54533.

Please contact Executive Director Laura Larson if you have any questions concerning this matter.

Thank you for your assistance.

Sincerely,

LAURA L. LARSON
Executive Director

RONDA DEVER
Chairperson, FNCC Board of Directors

Encls: Conflict of Interest Reporting Statement – Susan Hess
Proposed Conflict of Interest Resolution Plan
Area Board 2 letter approving waiver dated April 17, 2013
State Council letter approving waiver dated May 20. 2013

cc: Area II Board
State Council
FNCC Executive Committee
Susan Hess

CONFLICT OF INTEREST REPORTING STATEMENT
DS 6016 (New 08/2012)

The duties and responsibilities of your position with the regional center require you to file this Conflict of Interest Reporting Statement. The purpose of this statement is to assist you, the regional center and the Department of Developmental Services (DDS) to identify any relationships, positions or circumstances involving you which may create a conflict of interest between your regional center duties and obligations, and any other financial interests and/or relationships that you may have. In order to be comprehensive, this reporting statement requires you to provide information with respect to your financial interests.

A "conflict of interest" generally exists if you have one or more personal, business, or financial interests, or relationships that would cause a reasonable person with knowledge of the relevant facts to question your impartiality with respect to your regional center duties. The specific circumstances and relationships which create a conflict of interest are set forth in the California Code of Regulations, title 17, sections 54500 through 54530. You should review these provisions to understand the specific financial interests and relationships that can create a conflict of interest.

Please answer the following questions to the best of your knowledge. If you find a question requires further explanation and/or there is not enough space to thoroughly answer the question, please attach as many additional sheets as necessary, and refer to the question number next to your answer. If the regional center identifies a conflict involving you, it will be required to prepare a conflict resolution plan. Some relevant definitions have been provided in the footnotes to assist you in responding to this statement.

You are required to file this Reporting Statement within 30 days of beginning your employment with the regional center or from the date that you are appointed to the regional center board or advisory committee board. You are then required to file an annual Reporting Statement by August 1st of every year while you remain employed with the regional center or while you are a member of the regional center board or advisory committee board. You must also file a Reporting Statement within 30 days of any change in your status that could result in a conflict of interest. Circumstances that can constitute a change in your status that can require you to file an updated Reporting Statement are described below in footnote one.

A. INFORMATION OF REPORTING INDIVIDUAL

Name: Susan Hess Regional Center: FNRC

Regional Center Position/Title:
- ☑ Governing Board Member
- ☐ Executive Director
- ☐ Vendor Advisory Committee sitting on Board
- ☐ Employee
- ☐ Contractor
- ☐ Agent
- ☐ Consultant

Reporting Status:
- ☑ Annual
- ☐ New Appointment (date): _____
- ☐ Change of Status[1]

If a change in status, date and circumstance of change in status:

1. Please list your job title and describe your job duties at the regional center.

Member of Board of Directors

[1] 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, legal commitment, change in regional center position or duties, or change to outside position or duties. See California Code of Regulations, title 17, sections 54531(d) and 54532(d).

- [x] Governing Board Member
- [ ] Vendor Advisory on Board
- [ ] Executive Director
- [ ] Employee/Other

2. Do you or a family member[2] work for any entity or organization that is a regional center provider or contractor?
   [x] yes [ ] no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers. If the provider or contractor is a state or local entity, provide the specific name of the state or local entity and describe your job duties at the state or local entity.

   ① Rowell Family Center - 10 hr/week
   ② ARC - 2 hr/week
   ③ College Connection - 1 hr/week
   Husband: ① College Connection - janitor
   ② ARC

3. Do you or a family member own or hold a position[3] in an entity or organization that is a regional center provider or contractor? [ ] yes [ ] no -- If yes, provide the name of the entity or organization, describe what services it provides for the regional center or regional center consumers, and describe your or your family member's financial interest.

   See #2

4. Are you a regional center advisory committee board member? [ ] yes [x] no -- If yes, are you a member of the governing board or owner or employee of an entity or organization that provides services to the regional center or regional center consumers? [ ] yes [ ] no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers.

5. If you are a regional center advisory committee board member and answered yes to all the questions in Question 4 above, do any of the following apply to you: (a) are you an officer of the regional center board; (b) do you vote on purchasing services from a regional center provider; or (c) do you vote on matters where you might have a financial interest? [ ] yes [ ] no -- If yes, please explain.

   N/A

---

[2] Family member includes your spouse, domestic partner, parents, stepparents, grandparents, siblings, stepsiblings, children, stepchildren, grandchildren, and in-laws. See California Code of Regulations, title 17, sections 54505(f).

[3] For purposes of this question, hold a position generally means that you or a family member is a director, officer, owner, partner, employee, or shareholder of an entity or organization that is a regional center provider or contractor. For a specific description of positions that create a conflict of interest in a regional center provider or contractor see the California Code of Regulations, title 17, sections 54520 and 54526.

☑ Governing Board Member
☐ Vendor Advisory on Board
☐ Executive Director
☐ Employee/Other

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[4]? ☐ yes ☑ no -- If yes, please explain.

7. Are you responsible for negotiating, making,[5] executing or approving contracts on behalf of the regional center? ☑ yes ☐ no -- If yes, please explain.

Voting member of Board

Pursuant to Welfare & Institutions Code section 4625.5 and related provisions.

8. Do you have a financial interest in any contract[6] with the regional center? ☐ yes ☑ no -- If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? ☐ yes ☐ no -- If yes, please explain.

9. Do any of your family members have a financial interest in any contract with the regional center? ☐ yes ☑ no
If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? ☐ yes ☐ no
If yes, please explain.

---

[4] Generally, a decision can financially benefit you or a family member if the decision can either directly or indirectly cause you or a family member to receive a financial gain or avoid a financial loss. For a specific description of the types of decisions that can result in a financial benefit to you or a family member see the California Code of Regulations, title 17, sections 54522 and 54527.

[5] California Code of Regulations, title 17, sections 54523(b)(2) and 54528(b)(2) describes the types of conduct which constitute involvement in the making of a contract.

[6] For purposes of questions 8 and 9, a financial interest in a contract generally means any direct or indirect interest in a contract that can cause you or a family member to receive any sort of financial gain or avoid any sort of financial loss irrespective of the dollar amount. California Code of Regulations, title 17, sections 54523 and 54528 define when financial interests in a contract will occur.

- ☐ Governing Board Member
- ☐ Vendor Advisory on Board
- ☐ Executive Director
- ☐ Employee/Other

10. Do you evaluate employment applications or contract bids that are submitted by your family member(s)?
☐ yes ☑ no -- If yes, please explain.

11. Your job duties require you to act in the best interests of the regional center and regional center consumers. Do you have any circumstances or other financial interests not already discussed above that would prevent you from acting in the best interests of the regional center or its consumers? ☐ yes ☑ no – If yes, please explain.

B. ATTESTATION

I, SUSAN HESS (print name) HEREBY CONFIRM that I have read and understand the regional center's Conflict of Interest Policy and that my responses to the questions in this Conflict of Interest Reporting Statement are complete, true, and correct to the best of my information and belief. I agree that if I become aware of any information that might indicate that this statement is not accurate or that I have not complied with the regional center's Conflict of Interest Policy or the applicable conflict of interest laws, I will notify the regional center's designated individual immediately. I understand that knowingly providing false information on this Conflict of Interest Reporting Statement shall subject me to a civil penalty in an amount up to fifty thousand dollars ($50,000) pursuant to Welfare and Institutions Code section 4626.

Signature Susan Hess Date 1-24-14

INTERNAL USE ONLY

Date this Statement was received by Reviewer:

The reporting individual ☑ does ☐ does not have a ☑ present ☑ potential conflict of interest

Signature of Designated Reviewer	Date Review Completed
Laura Lara Executive Director	1/29/2014

February 7, 2014

Board of Directors and
Laura Larson, Executive Director
Far Northern Regional Center
P.O. Box 492418
Redding, CA 96049-2418

Re: Proposed Conflict of Interest Resolution Plan –
Board of Directors Member **Susan Hess**

TO THE BOARD OF DIRECTORS AND EXECUTIVE DIRECTOR OF FAR NORTHERN REGIONAL CENTER:

I have been a member of Far Northern Regional Center's Board of Directors since January 2013. I am a Far Northern Regional Center ("FNRC") consumer and a representative of Butte County.

On January 24, 2014, I completed my annual Conflict of Interest Reporting Statement that disclosed a potential conflict of interest I may have as a member of the Board of Directors. The purpose of this letter is to propose a plan to resolve the potential conflict, and to ask for approval of a conflict waiver.

I work ten hours per week as a receptionist for the Rowell Family Empowerment Center in Butte County ("Rowell"). Rowell is a designated California Family Resource Center that provides support, education and advocacy for families of children with disabilities. My job at Rowell is entirely clerical.

In addition, I work two hours per week for ARC of Butte County, a FNRC vendor and provider of employment services for persons with developmental disabilities. Finally, I work one hour per week for AMJaMB, another provider of employment services, in the "call connection" where I talk on the telephone with other regional center consumers.

It is my understanding that Welfare & Institutions Code section 4626(c) provides an exception to conflict of interest rules when a board member who is a consumer works for a provider of consumer employment services.

My husband, Ted Hess, is also a FNRC consumer, and works for ARC of Butte County in its thrift store and for AMJaMB/call connection as part of his day program.

Under the circumstances, there may be situations when a conflict of interest could come up. As a result, I have worked on a plan to avoid any actual conflict:

1. As a member of FNRC's Board of Directors I will not make any recommendation. participate in any discussion or vote on any contract regarding Rowell. ARC. or AMJaMB;
2. Should these issues arise during the course of a FNRC Board of Directors' meeting, I will excuse myself from the room;
3. I will not access any files kept by FNRC relating to Rowell, ARC or AMJaMB;.
4. I will not participate individually, or as part of a group, in the preparation, presentation. formulation or approval of plans, policies, analyses, or recommendations pertaining to Rowell, ARC or AMJaMB.

I believe that this plan will resolve or mitigate any potential conflict of interest.

Thank you for your assistance.

SUSAN HESS
Member. FNRC Board of Directors

Area Board 2
State Council on Developmental Disabilities

BUTTE
GLENN
LASSEN
MODOC
PLUMAS
SISKIYOU
SHASTA
TEHAMA
TRINITY

April 17, 2013

Jorge A. Aguilar, Chair
State Council on Developmental Disabilities
1507 21st Street, Suite 210
Sacramento, CA 95811

Dear Mr. Aguilar:

This is in regards to the request from Far Northern Regional Center to the Department of Developmental Disabilities to grant a waiver regarding the Conflict of Interest for Susan Hess.

At the April 11, 2013 Area Board 2 meeting, the board discussed the conflict of waiver request for Ms. Hess and took into consideration, Welfare and Institutions Code Sections 4655 *et seq.* and Title 17 Section 54520, the following constitute conflicts of interest for regional center board members:

> "When a member of the board or their family member is: a) a director, officer, owner, partner, shareholder, trustee or employee of any business entity or provider, b) holds any position of management in any business entity or provider or, 3) has decision or policymaking authority in such an entity or provider."

Far Northern Regional Center has devised a plan to avoid any conflict of interest regarding the regional center vendors, "Rowell Family Empowerment of Northern California" and "Arc of Butte County" by having Ms. Hess abstain from any voting or other processes involved with these particular vendors. Therefore, the board voted unanimously to approve the Conflict of Interest Waiver for Ms. Hess.

Sincerely,

Sarah M. May

Sarah M. May, Executive Director
Area Board 2

Cc: Roberta Newton, SCDD Interim Executive Director
Laura Larson, FNRC Executive Director

Attachments

1367 East Lassen Avenue, Suite B-3 ♦ Chico, California 95973 ♦ Ph. (530) 895-4027 ♦ Fax. (530) 899-1562 e-mail: AB2@scdd.ca.gov

CALIFORNIA SCDD State Council on Developmental Disabilities

STATE OF CALIFORNIA
Edmund G. Brown Jr.
Governor

• website • www.scdd.ca.gov • email • council@scdd.ca.gov
1507 21st Street, Suite 210
Sacramento, CA 95811
(916) 322-8481
(916) 443-4957 fax
(916) 324-8420 TTY

May 20, 2013

Allan Smith
Community Services Division
Department of Developmental Services
1600 9th Street, Rm. 320, MS 3-9
Sacramento, CA 95814

Dear Mr. Smith:

On April 9 2013, after receiving delegation authority from the State Council on Developmental Disabilities (SCDD), the Executive Committee of SCDD considered the waiver request submitted by Far Northern Regional Center on behalf of Ms. Susan Hess.

The Executive Committee reviewed Ms. Hess's conflict of interest plan. After careful consideration of the relevant materials, the Executive Committee took action to approve this waiver request. This waiver is approved for a one year period and we urge the regional center to expand their recruitment for additional self-advocates that do not have a conflict of interest.

If you have any questions or concerns, please feel free to contact Melissa C. Corral, Staff Counsel at 916-322-8481.

Sincerely,

JORGE AGUILAR
Chairperson

Cc: Laura Larsen, Executive Director, Far Northern Regional Center
Stephen Bell, Chairperson, Far Northern Regional Center
Sarah May, Executive Director, Area Board 2

"The Council advocates, promotes & implements policies and practices that achieve self-determination, independence, productivity & inclusion in all aspects of community life for Californians with developmental disabilities and their families."

Area Board 2
CALIFORNIA SCDD
State Council on Developmental Disabilities
1367 East Lassen Avenue, Suite B3, Chico, CA 95973 ~ (530) 895-4027 Voice ~ (530) 899-1562 Fax ~ Ab2@scdd.ca.gov Email

STATE OF CALIFORNIA
Edmund G. Brown, Jr.
Governor

April 23, 2014

Butte

Glenn

Lassen

Modoc

Plumas

Siskiyou

Shasta

Tehama

Trinity

Jorge A. Aguilar, Chair
State Council on Developmental Disabilities
1507 21st Street, Suite 210
Sacramento, CA 95811

Dear Mr. Aguilar:

This is in regards to the request from Far Northern Regional Center to the Department of Developmental Disabilities to grant a waiver regarding the Conflict of Interest for Michelle Phillips (Sedillos).

At the April 18, 2014 Area Board 2 meeting, the board discussed the conflict of waiver request for Ms. Phillips and took into consideration, Welfare and Institutions Code Sections 4655 et seq. and Title 17 Section 54520, the following constitute conflicts of interest for regional center board members:

> "When a member of the board or their family member is: a) a director, officer, owner, partner, shareholder, trustee or employee of any business entity or provider, b) holds any position of management in any business entity or provider or, 3) has decision or policymaking authority in such an entity or provider."

Far Northern Regional Center has devised a plan to avoid any conflict of interest regarding the regional center vendor, "Parent Infant Program" by having Ms. Phillips abstain from any voting or other processes involved with this particular vendor. Therefore, the board voted unanimously to approve the Conflict of Interest Waiver for Ms. Phillips.

Sincerely,

Sarah M. May

Sarah M. May, Executive Director
SCDD/Area Board 2

Cc: Roberta Newton, SCDD Interim Executive Director
Laura Larson, FNRC Executive Director

Attachments

Far Northern Regional Center

Providing services and supports that allow persons with developmental disabilities to live productive and valued lives.

Laura Larson
Executive Director

February 21, 2014

Allan Smith
Regional Center Operations Section
Department of Developmental Services
1600 Ninth Street, Room 320 (MS 3-9)
Sacramento, CA 95814

Re: Request for Waiver of Potential Conflict of Interest – FNCC Board Member Michelle Phillips

Dear Mr. Smith:

FNCC Board member **Michelle Phillips** (Sedillos), in her annual Conflict of Interest Reporting Statement, has disclosed a potential conflict of interest under California Code of Regulations, Title 17, section 54500, *et seq.* She is requesting a renewed conflict waiver.

This conflict information was previously disclosed by Ms. Phillips in 2012 and 2013, and conflict waivers were requested. A copy of a letter from Brian Winfield of your office dated February 22, 2013 approving a waiver (under specified conditions) is attached.

Ms. Phillips' sister is the Parent and Infant Program (PIP) Director in Chico, California. PIP is a service provider for Far Northern Regional Center.

Ms. Phillips' sister is an independent adult who does not reside with her. Ms. Phillips does not receive any financial benefit as a result of her sister's employment.

Nevertheless, as a result of a perceived or actual conflict, Ms. Phillips has proposed a plan to avoid and/or mitigate any conflict. (*See* Proposed Conflict of Interest Resolution Plan, attached.)

The Board Chairperson, with support from the remaining Board members, shall be responsible for ensuring that the conditions stated in the plan are applied.

This letter, with its attachments, serves as a Request for Waiver as prescribed by California Code of Regulations, Title 17, section 54533.

www.farnorthernrc.org

☐ REDDING MAIN OFFICE: P. O. Box 492418 Redding, CA 96049-2418 1900 Churn Creek Rd. Suite 319 Redding, CA 96002-0277 (530) 222-4791 Fax (530) 222-8908
☐ CHICO OFFICE: 1377 East Lassen Ave. Chico, CA 95973-7824 (530) 895-8633 FAX (530) 332-1497
☐ REGIONAL OFFICES in: Lake Almanor and Mount Shasta

Please contact Executive Director Laura Larson if you have any questions concerning this matter.

Thank you for your assistance.

Sincerely,

LAURA L. LARSON
Executive Director

RONDA DEVER
Chairperson, FNCC Board of Directors

Encls: Conflict of Interest Reporting Statement – Michelle Phillips
Proposed Conflict of Interest Resolution Plan – Michelle Phillips
(w/attachment – Winfield letter February 22, 2013)

cc: Area II Board
State Council
FNCC Executive Committee
Michelle Phillips

CONFLICT OF INTEREST REPORTING STATEMENT
DS 6016 (New 08/2012)

The duties and responsibilities of your position with the regional center require you to file this Conflict of Interest Reporting Statement. The purpose of this statement is to assist you, the regional center and the Department of Developmental Services (DDS) to identify any relationships, positions or circumstances involving you which may create a conflict of interest between your regional center duties and obligations, and any other financial interests and/or relationships that you may have. In order to be comprehensive, this reporting statement requires you to provide information with respect to your financial interests.

A "conflict of interest" generally exists if you have one or more personal, business, or financial interests, or relationships that would cause a reasonable person with knowledge of the relevant facts to question your impartiality with respect to your regional center duties. The specific circumstances and relationships which create a conflict of interest are set forth in the California Code of Regulations, title 17, sections 54500 through 54530. You should review these provisions to understand the specific financial interests and relationships that can create a conflict of interest.

Please answer the following questions to the best of your knowledge. If you find a question requires further explanation and/or there is not enough space to thoroughly answer the question, please attach as many additional sheets as necessary, and refer to the question number next to your answer. If the regional center identifies a conflict involving you, it will be required to prepare a conflict resolution plan. Some relevant definitions have been provided in the footnotes to assist you in responding to this statement.

You are required to file this Reporting Statement within 30 days of beginning your employment with the regional center or from the date that you are appointed to the regional center board or advisory committee board. You are then required to file an annual Reporting Statement by August 1st of every year while you remain employed with the regional center or while you are a member of the regional center board or advisory committee board. You must also file a Reporting Statement within 30 days of any change in your status that could result in a conflict of interest. Circumstances that can constitute a change in your status that can require you to file an updated Reporting Statement are described below in footnote one.

A. INFORMATION OF REPORTING INDIVIDUAL

Name: Michelle Phillips (Sedillos) Regional Center: Far Northern

Regional Center Position/Title:
- ☒ Governing Board Member
- ☐ Vendor Advisory Committee sitting on Board
- ☐ Contractor
- ☐ Agent
- ☐ Executive Director
- ☐ Employee
- ☐ Consultant

Reporting Status:
- ☒ Annual
- ☐ New Appointment (date): _____
- ☐ Change of Status[1]

If a change in status, date and circumstance of change in status:

1. Please list your job title and describe your job duties at the regional center.

~~I am a tier size~~ I am a board member

[1] 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, legal commitment, change in regional center position or duties, or change to outside position or duties. See California Code of Regulations, title 17, sections 54531(d) and 54532(d).

☒ Governing Board Member
☐ Vendor Advisory on Board
☐ Executive Director
☐ Employee/Other

2. Do you or a family member[2] work for any entity or organization that is a regional center provider or contractor? ☒ yes ☐ no – If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers. If the provider or contractor is a state or local entity, provide the specific name of the state or local entity and describe your job duties at the state or local entity.

My sister is the program manger at ~~the~~ the Parent infat Program and I work at he care a lot

This Board Member is a consumer who is employed by a provider of employment services and falls within the exception provided in Welfare & Institutions Code section 4626(c).

3. Do you or a family member own or hold a position[3] in an entity or organization that is a regional center provider or contractor? ☒ yes ☐ no – If yes, provide the name of the entity or organization, describe what services it provides for the regional center or regional center consumers, and describe your or your family member's financial interest. mom is on the pren Bord 2

4. Are you a regional center advisory committee board member? ☐ yes ☒ no – If yes, are you a member of the governing board or owner or employee of an entity or organization that provides services to the regional center or regional center consumers? ☐ yes ☐ no – If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers.

5. If you are a regional center advisory committee board member and answered yes to all the questions in Question 4 above, do any of the following apply to you: (a) are you an officer of the regional center board; (b) do you vote on purchasing services from a regional center provider; or (c) do you vote on matters where you might have a financial interest? ☐ yes ☒ no – If yes, please explain.

---

[2] Family member includes your spouse, domestic partner, parents, stepparents, grandparents, siblings, stepsiblings, children, stepchildren, grandchildren, and in-laws. See California Code of Regulations, title 17, sections 54505(f).

[3] For purposes of this question, hold a position generally means that you or a family member is a director, officer, owner, partner, employee, or shareholder of an entity or organization that is a regional center provider or contractor. For a specific description of positions that create a conflict of interest in a regional center provider or contractor see the California Code of Regulations, title 17, sections 54520 and 54526.

- ☑ Governing Board Member
- ☐ Vendor Advisory on Board
- ☐ Executive Director
- ☐ Employee/Other

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[4]? ☐ yes ☒ no -- If yes, please explain.

7. Are you responsible for negotiating, making,[5] executing or approving contracts on behalf of the regional center? ☑ yes ☐ no -- If yes, please explain.

Pursuant to Welfare & Institutions Code section 4625.5 and related provisions.

8. Do you have a financial interest in any contract[6] with the regional center? ☐ yes ☒ no -- If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? ☐ yes ☐ no -- If yes, please explain.

9. Do any of your family members have a financial interest in any contract with the regional center? ☐ yes ☒ no
If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? ☐ yes ☐ no
If yes, please explain.

---

[4] Generally, a decision can financially benefit you or a family member if the decision can either directly or indirectly cause you or a family member to receive a financial gain or avoid a financial loss. For a specific description of the types of decisions that can result in a financial benefit to you or a family member see the California Code of Regulations, title 17, sections 54522 and 54527.

[5] California Code of Regulations, title 17, sections 54523(b)(2) and 54528(b)(2) describes the types of conduct which constitute involvement in the making of a contract.

[6] For purposes of questions 8 and 9, a financial interest in a contract generally means any direct or indirect interest in a contract that can cause you or a family member to receive any sort of financial gain or avoid any sort of financial loss irrespective of the dollar amount. California Code of Regulations, title 17, sections 54523 and 54528 define when financial interests in a contract will occur.

☑ Governing Board Member
☐ Vendor Advisory on Board
☐ Executive Director
☐ Employee/Other

10. Do you evaluate employment applications or contract bids that are submitted by your family member(s)?
☐ yes ☒ no -- If yes, please explain.

11. Your job duties require you to act in the best interests of the regional center and regional center consumers. Do you have any circumstances or other financial interests not already discussed above that would prevent you from acting in the best interests of the regional center or its consumers? ☐ yes ☒ no -- If yes, please explain.

B. ATTESTATION

I Michelle Phillips (print name) HEREBY CONFIRM that I have read and understand the regional center's Conflict of Interest Policy and that my responses to the questions in this Conflict of Interest Reporting Statement are complete, true, and correct to the best of my information and belief. I agree that if I become aware of any information that might indicate that this statement is not accurate or that I have not complied with the regional center's Conflict of Interest Policy or the applicable conflict of interest laws, I will notify the regional center's designated individual immediately. I understand that knowingly providing false information on this Conflict of Interest Reporting Statement shall subject me to a civil penalty in an amount up to fifty thousand dollars ($50,000) pursuant to Welfare and Institutions Code section 4626.

Signature _____ Date 1-23-14

INTERNAL USE ONLY

Date this Statement was received by Reviewer:

The reporting individual ☑ does ☐ does not have a ☑ present ☑ potential conflict of interest

Signature of Designated Reviewer	Date Review Completed
ED	1/29/14

February 21, 2014

Board of Directors and
Laura Larson, Executive Director
Far Northern Regional Center
P.O. Box 492418
Redding, CA 96049-2418

Re: Proposed Conflict of Interest Resolution Plan –
Board of Directors Member **Michelle Phillips**

TO THE BOARD OF DIRECTORS AND EXECUTIVE DIRECTOR OF FAR NORTHERN REGIONAL CENTER:

I am a member of Far Northern Regional Center's Board of Directors and am also a FNRC consumer.

For the past two years I have completed conflict of interest disclosure statements and requested conflict waivers because my sister is the Parent Infant Program Director in Chico. The Parent Infant Program (PIP) is a service provider for Far Northern Regional Center.

My sister does not live with me. She does not provide me any financial support.

Most recently I received a waiver from the Department of Developmental Services dated February 22 2013. The waiver was for a 12-month period, and was based on meeting a number of conditions. A copy of the letter granting the waiver is attached.

The purpose of this letter is to ask for renewal of the conflict waiver, and to propose a continued plan to avoid any potential conflict. My plan is:

1. As a member of FNRC's Board of Directors I will not make any recommendation, participate in any discussion or vote on any matter or contract concerning PIP;
2. If an issue relating to PIP comes up during a Board of Directors' meeting, I will excuse myself from the room;
3. I will not access any files kept by FNRC relating PIP;
4. I will not in any attempt to use my position as a board member to influence decision-making with regard to PIP;

5. I will not participate individually, or as part of a group, in the preparation, presentation, formulation or approval of plans, policies, analyses, or recommendations relating to PIP or my conflict of interest;

I believe that this plan will resolve any potential conflict of interest.

Thank you for your assistance,

MICHELLE PHILLIPS
Member, FNRC Board of Directors

Attachment

DEPARTMENT OF DEVELOPMENTAL SERVICES
1600 NINTH STREET, Room 320 MS 3-9
SACRAMENTO, CA 95814
TDD 654-2054 (For the Hearing Impaired)
(916) 654-1954

February 22, 2013

Ms. Laura Larson
Executive Director
Far Northern Regional Center
P. O. Box 492418
Redding, CA 96049-2418

Dear Ms. Larson:

Thank you for your correspondence dated February 24, 2012, to the Department of Developmental Services (Department), requesting a conflict of interest waiver for Michelle Phillips, a Far Northern Regional Center (FNRC) Board member. The noted conflict is that Ms. Phillips' sister, Julie Daniels, is employed as a Program Director by the Parent Infant Program (PIP), a FNRC vendor. The Department received conflict of interest waiver approval letters from the State Council on Developmental Disabilities on June 19, 2012, and Area Board II on July 27, 2012, as required by Welfare and Institutions Code, section 4626 and Title 17, California Code of Regulations, section 54533(d).

Based on the information provided, a waiver of the conflict of interest is granted for Ms. Phillips, effective for twelve months from the date of this letter. If, at any point in time, there is a change of status that creates a present or potential conflict of interest, FNRC must ensure that Ms. Phillips prepares and files a new Conflict of Interest Reporting Statement and FNRC submits a new Conflict Resolution Plan, if appropriate, pursuant to Title 17 Regional Center Conflict of Interest Standards and Procedures.

This approval is based on the implementation of the safeguards identified in the February 24, 2012, correspondence and the FNRC governing board's assurance the following conditions are met and comply with Title 17, California Code of Regulations, section 54523:

1. Ms. Phillips shall fully disclose the existence and nature of the conflicting financial interest to the FNRC board and have it noted in the official board records;

2. Ms. Phillips shall abstain from voting on any matter or contract concerning PIP or any matter which could impact PIP services or be counted for purposes of a quorum;

3. Ms. Phillips shall recuse herself from making, participating in making, or in any way attempting to use her position as a board member to influence decision-making regarding PIP;

4. Ms. Phillips shall leave the room during any discussion or deliberations regarding PIP and shall not return until disposition of the matter is concluded;

5. Ms. Phillips shall not participate in the preparation, presentation, formulation or approval of reports, plans, policies, analyses, opinions or recommendations regarding her conflict of interest when the exercise of judgment is required and the purpose is to influence the decision;

6. Ms. Phillips shall not be involved in the negotiation, obligation, or commitment of FNRC to a course of action involving her conflict of interest;

7. The FNRC Board President and members will be responsible for ensuring that the plan and its safeguards are applied and monitored.

If you have any questions regarding this correspondence, please contact Armando Parra, Regional Center Operations Section, at (916) 654-2297.

Sincerely,

Brian Winfield

BRIAN WINFIELD
Acting Deputy Director
Community Operations Division

cc: ✓ Dorothy Lindauer, Board President
Far Northern Coordinating Council on Developmental Disabilities

Roberta Newton, Acting Executive Director
California State Council on Developmental Disabilities

Sarah May, Executive Director
Area Board II

Area Board 2
CALIFORNIA SCDD
State Council on Developmental Disabilities
1367 East Lassen Avenue, Suite B3, Chico, CA 95973 ~ (530) 895-4027 Voice ~ (530) 899-1562 Fax ~ Ab2@scdd.ca.gov Email

STATE OF CALIFORNIA
Edmund G. Brown, Jr.
Governor

Butte
Glenn
Lassen
Modoc
Plumas
Siskiyou
Shasta
Tehama
Trinity

April 23, 2014

Jorge A. Aguilar, Chair
State Council on Developmental Disabilities
1507 21st Street, Suite 210
Sacramento, CA 95811

Dear Mr. Aguilar:

This is in regards to the request from Far Northern Regional Center to the Department of Developmental Disabilities to grant a waiver regarding the Conflict of Interest for Colleen Ryberg.

At the April 18, 2014 Area Board 2 meeting, the board discussed the conflict of waiver request for Ms. Ryberg and took into consideration, Welfare and Institutions Code Sections 4655 et seq. and Title 17 Section 54520, the following constitute conflicts of interest for regional center board members:

> "When a member of the board or their family member is: a) a director, officer, owner, partner, shareholder, trustee or employee of any business entity or provider, b) holds any position of management in any business entity or provider or, 3) has decision or policymaking authority in such an entity or provider."

Far Northern Regional Center has devised a plan to avoid any conflict of interest regarding the regional center vendor, "Stacey Neill-Wiseman, Occupational Therapist" by having Ms. Ryberg abstain from any voting or other processes involved with this particular vendor. Therefore, the board voted unanimously to approve the Conflict of Interest Waiver for Ms. Ryberg.

Sincerely,

Sarah M. May

Sarah M. May, Executive Director
SCDD/Area Board 2

Cc: Roberta Newton, SCDD Interim Executive Director
Laura Larson, FNRC Executive Director

Attachments

Far Northern Regional Center

Providing services and supports that allow persons with developmental disabilities to live productive and valued lives.

Laura Larson
Executive Director

February 21, 2014

Allan Smith
Regional Center Operations Section
Department of Developmental Services
1600 Ninth Street, Room 320 (MS 3-9)
Sacramento, CA 95814

Re: Request for Waiver of Potential Conflict of Interest – FNCC Board Member Colleen Ryberg

Dear Mr. Smith:

FNCC Board member **Colleen Ryberg**, in her annual Conflict of Interest Reporting Statement, has disclosed a potential conflict of interest under California Code of Regulations, Title 17, section 54500, *et seq.* She is requesting a conflict waiver.

The same conflict information was disclosed by Ms. Ryberg in 2013, and a conflict waiver was requested at that time. The waiver was approved by the Area Board 2 on April 17, 2013, and by the State Council on May 20, 2013. (See attached.) FNRC has no record of action taken by the Department of Developmental Services.

Ms. Ryberg's daughter-in-law, Stacey Neill-Wiseman, is an occupational therapist who is also a vendor with Far Northern Regional Center. Ms. Neill-Wiseman provides occupational therapy services to consumers in Trinity County ages 0-3, averaging fewer than five consumers per month.

Ms. Neill-Wiseman is an independent adult who does not reside with Ms. Ryberg. Ms. Ryberg does not receive any financial benefit as a result of her daughter-in-law's employment as an occupational therapist.

As a FNCC Board member, Ms. Ryberg does not have opportunity or authority to approve any contract with her daughter or with any other provider of occupational therapy services. Nevertheless, there may be circumstances under which a perceived or actual conflict could arise. As a result, Ms. Ryberg has proposed a plan to avoid and/or mitigate any conflict. (*See* Proposed Conflict of Interest Resolution Plan, attached.)

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☐ REDDING MAIN OFFICE: P. O. Box 492418 Redding, CA 96049-2418 1900 Churn Creek Rd. Suite 319 Redding, CA 96002-0277 (530) 222-4791 Fax (530) 222-8908
☐ CHICO OFFICE: 1377 East Lassen Ave. Chico, CA 95973-7824 (530) 895-8633 FAX (530) 332-1497
☐ REGIONAL OFFICES in: Lake Almanor and Mount Shasta

The Board Chairperson, with support from the remaining Board members, shall be responsible for ensuring that the conditions stated in the plan are applied.

This letter, with its attachments, serves as a Request for Waiver as prescribed by California Code of Regulations, Title 17, section 54533.

Please contact Executive Director Laura Larson if you have any questions concerning this matter.

Thank you for your assistance.

Sincerely,

Laura L. Larson

LAURA L. LARSON
Executive Director

Ronda Dever

RONDA DEVER
Chairperson, FNCC Board of Directors

Encls: Conflict of Interest Reporting Statement – Colleen S. Ryberg
Proposed Conflict of Interest Resolution Plan – Colleen S. Ryberg
Area Board 2 approval letter dated April 17, 2013
State Council approval letter dated May 20, 2013

cc: Area II Board
State Council
FNCC Executive Committee
Colleen Ryberg

CONFLICT OF INTEREST REPORTING STATEMENT
DS 6016 (New 08/2012)

The duties and responsibilities of your position with the regional center require you to file this Conflict of Interest Reporting Statement. The purpose of this statement is to assist you, the regional center and the Department of Developmental Services (DDS) to identify any relationships, positions or circumstances involving you which may create a conflict of interest between your regional center duties and obligations, and any other financial interests and/or relationships that you may have. In order to be comprehensive, this reporting statement requires you to provide information with respect to your financial interests.

A "conflict of interest" generally exists if you have one or more personal, business, or financial interests, or relationships that would cause a reasonable person with knowledge of the relevant facts to question your impartiality with respect to your regional center duties. The specific circumstances and relationships which create a conflict of interest are set forth in the California Code of Regulations, title 17, sections 54500 through 54530. You should review these provisions to understand the specific financial interests and relationships that can create a conflict of interest.

Please answer the following questions to the best of your knowledge. If you find a question requires further explanation and/or there is not enough space to thoroughly answer the question, please attach as many additional sheets as necessary, and refer to the question number next to your answer. If the regional center identifies a conflict involving you, it will be required to prepare a conflict resolution plan. Some relevant definitions have been provided in the footnotes to assist you in responding to this statement.

You are required to file this Reporting Statement within 30 days of beginning your employment with the regional center or from the date that you are appointed to the regional center board or advisory committee board. You are then required to file an annual Reporting Statement by August 1st of every year while you remain employed with the regional center or while you are a member of the regional center board or advisory committee board. You must also file a Reporting Statement within 30 days of any change in your status that could result in a conflict of interest. Circumstances that can constitute a change in your status that can require you to file an updated Reporting Statement are described below in footnote one.

A. INFORMATION OF REPORTING INDIVIDUAL

Name: Colleen Ryberg Regional Center: FNRC

Regional Center Position/Title:
- ☑ Governing Board Member
- ☐ Vendor Advisory Committee sitting on Board
- ☐ Contractor
- ☐ Agent
- ☐ Executive Director
- ☐ Employee
- ☐ Consultant

Reporting Status:
- ☑ Annual
- ☑ New Appointment (date): 01-24-2013
- ☐ Change of Status[1]

If a change in status, date and circumstance of change in status:

no change

1. Please list your job title and describe your job duties at the regional center.

Member of Board of Directors

NA

[1] 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, legal commitment, change in regional center position or duties, or change to outside position or duties. See California Code of Regulations, title 17, sections 54531(d) and 54532(d).

☑ Governing Board Member
☐ Vendor Advisory on Board
☐ Executive Director
☐ Employee/Other

2. Do you or a family member[2] work for any entity or organization that is a regional center provider or contractor? ☑ yes ☐ no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers. If the provider or contractor is a state or local entity, provide the specific name of the state or local entity and describe your job duties at the state or local entity.

Daughter-in-law is a provider of Occupational Therapy services to FNRC consumers – is a FNRC vendor

3. Do you or a family member own or hold a position[3] in an entity or organization that is a regional center provider or contractor? ☐ yes ☑ no -- If yes, provide the name of the entity or organization, describe what services it provides for the regional center or regional center consumers, and describe your or your family member's financial interest.

4. Are you a regional center advisory committee board member? ☐ yes ☑ no -- If yes, are you a member of the governing board or owner or employee of an entity or organization that provides services to the regional center or regional center consumers? ☐ yes ☐ no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers.

5. If you are a regional center advisory committee board member and answered yes to all the questions in Question 4 above, do any of the following apply to you: (a) are you an officer of the regional center board; (b) do you vote on purchasing services from a regional center provider; or (c) do you vote on matters where you might have a financial interest? ☐ yes ☐ no -- If yes, please explain.

N/A

[2] Family member includes your spouse, domestic partner, parents, stepparents, grandparents, siblings, stepsiblings, children, stepchildren, grandchildren, and in-laws. See California Code of Regulations, title 17, sections 54505(f).

[3] For purposes of this question, hold a position generally means that you or a family member is a director, officer, owner, partner, employee, or shareholder of an entity or organization that is a regional center provider or contractor. For a specific description of positions that create a conflict of interest in a regional center provider or contractor see the California Code of Regulations, title 17, sections 54520 and 54526.

☑ Governing Board Member
☐ Vendor Advisory on Board
☐ Executive Director
☐ Employee/Other

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[4]? ☐ yes ☑ no -- If yes, please explain.

7. Are you responsible for negotiating, making,[5] executing or approving contracts on behalf of the regional center? ☑ yes ☐ no -- If yes, please explain.

Pursuant to Welfare & Institutions Code section 4625.5 and related provisions.

8. Do you have a financial interest in any contract[6] with the regional center? ☐ yes ☑ no -- If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? ☐ yes ☐ no -- If yes, please explain.

9. Do any of your family members have a financial interest in any contract with the regional center? ☐ yes ☑ no If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? ☐ yes ☐ no If yes, please explain.

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[4] Generally, a decision can financially benefit you or a family member if the decision can either directly or indirectly cause you or a family member to receive a financial gain or avoid a financial loss. For a specific description of the types of decisions that can result in a financial benefit to you or a family member see the California Code of Regulations, title 17, sections 54522 and 54527.

[5] California Code of Regulations, title 17, sections 54523(b)(2) and 54528(b)(2) describes the types of conduct which constitute involvement in the making of a contract.

[6] For purposes of questions 8 and 9, a financial interest in a contract generally means any direct or indirect interest in a contract that can cause you or a family member to receive any sort of financial gain or avoid any sort of financial loss irrespective of the dollar amount. California Code of Regulations, title 17, sections 54523 and 54528 define when financial interests in a contract will occur.

☑ Governing Board Member
☐ Vendor Advisory on Board
☐ Executive Director
☐ Employee/Other

10. Do you evaluate employment applications or contract bids that are submitted by your family member(s)?
☐ yes ☑ no -- If yes, please explain.

11. Your job duties require you to act in the best interests of the regional center and regional center consumers. Do you have any circumstances or other financial interests not already discussed above that would prevent you from acting in the best interests of the regional center or its consumers? ☐ yes ☑ no -- If yes, please explain.

B. ATTESTATION

I Colleen Rgberg (print name) HEREBY CONFIRM that I have read and understand the regional center's Conflict of Interest Policy and that my responses to the questions in this Conflict of Interest Reporting Statement are complete, true, and correct to the best of my information and belief. I agree that if I become aware of any information that might indicate that this statement is not accurate or that I have not complied with the regional center's Conflict of Interest Policy or the applicable conflict of interest laws, I will notify the regional center's designated individual immediately. I understand that knowingly providing false information on this Conflict of Interest Reporting Statement shall subject me to a civil penalty in an amount up to fifty thousand dollars ($50,000) pursuant to Welfare and Institutions Code section 4626.

Signature Colleen S. Rgberg Date 1-24-14

INTERNAL USE ONLY

Date this Statement was received by Reviewer:

The reporting individual ☑ does ☐ does not have a ☑ present ☑ potential conflict of interest

Signature of Designated Reviewer	Date Review Completed
Laura Kaiser	1/29/14

February 7, 2014

Board of Directors and
Laura Larson, Executive Director
Far Northern Regional Center
P.O. Box 492418
Redding, CA 96049-2418

Re: Proposed Conflict of Interest Resolution Plan –
Board of Directors Member **Colleen S. Ryberg**

TO THE BOARD OF DIRECTORS AND EXECUTIVE DIRECTOR OF FAR NORTHERN REGIONAL CENTER:

I was appointed to Far Northern Regional Center's Board of Directors in January 2013, as a representative from Trinity County.

At that time, I completed a Conflict of Interest Reporting Statement that disclosed a potential conflict of interest. My daughter-in-law, Stacy Neill-Wiseman, is an occupational therapist who is a long-time vendor with Far Northern Regional Center ("FNRC"). At that time, I presented a plan to avoid or mitigate the conflict and requested assistance in obtaining a waiver.

My daughter-in-law is an independent adult. She does not live with me, and I do not receive any financial benefit as a result of her employment as an occupational therapist.

In my capacity as a FNRC Board Member, I do not have opportunity or authority to approve any contract with my daughter, or with any other provider of occupational therapy services.

The purpose of this letter is to ask for renewal of the conflict waiver, and to propose a continued plan to avoid any potential conflict. My plan is:

1. I do not currently, nor will I in the future, make any recommendation, participate in any discussion or vote on any vendor contract with FNRC regarding occupational therapy services provided to consumers;
2. Should the issue of occupational therapy services arise during the course of a FNRC Board of Directors' meeting, I will excuse myself from the room;
3. I will not promote my daughter-in-law to FNRC staff or consumers;
4. I will I will not discuss FNRC business, activities, or consumers with my daughter-in-law;
5. I will not access any files kept by FNRC relating to my daughter-in-law's vendorization, nor will I access any files relating to other providers of occupational therapy services.

6. I will not participate individually, or as part of a group, in the preparation, presentation. formulation or approval of reports, plans, policies, analyses, opinions or recommendations pertaining to my daughter-in-law, or to any other FNRC vendor of occupational therapy services..

Executive Director Laura Larson and the Chairperson of FNRC's Board of Directors have agreed to oversee the plan and ensure that its safeguards are applied.

Thank you for your assistance.

Very truly yours,

Colleen S. Ryberg

COLLEEN S. RYBERG
Member. FNRC Board of Directors

Area Board 2
State Council on Developmental Disabilities

BUTTE
GLENN
LASSEN
MODOC
PLUMAS
SISKIYOU
SHASTA
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TRINITY

April 17, 2013

Jorge A. Aguilar, Chair
State Council on Developmental Disabilities
1507 21st Street, Suite 210
Sacramento, CA 95811

Dear Mr. Aguilar:

This is in regards to the request from Far Northern Regional Center to the Department of Developmental Disabilities to grant a waiver regarding the Conflict of Interest for Colleen Ryberg.

At the April 11, 2013 Area Board 2 meeting, the board discussed the conflict of waiver request for Ms. Ryberg and took into consideration, Welfare and Institutions Code Sections 4655 *et seq.* and Title 17 Section 54520, the following constitute conflicts of interest for regional center board members:

> "When a member of the board or their family member is: a) a director, officer, owner, partner, shareholder, trustee or employee of any business entity or provider, b) holds any position of management in any business entity or provider or, 3) has decision or policymaking authority in such an entity or provider."

Far Northern Regional Center has devised a plan to avoid any conflict of interest regarding the regional center vendor, "Stacey Neill-Wiseman, Occupational Therapist" by having Ms. Ryberg abstain from any voting or other processes involved with this particular vendor. Therefore, the board voted unanimously to approve the Conflict of Interest Waiver for Ms. Ryberg.

Sincerely,

Sarah M. May

Sarah M. May, Executive Director
Area Board 2

Cc: Roberta Newton, SCDD Interim Executive Director
Laura Larson, FNRC Executive Director

Attachments

1367 East Lassen Avenue; Suite B-3 ✝ Chico, California 95973✝ Ph. (530) 895-4027 ✝ Fax. (530) 899-1562 e-mail: AB2@scdd.ca.gov

CALIFORNIA
SCDD State Council on Developmental Disabilities

STATE OF CALIFORNIA
Edmund G. Brown Jr.
Governor

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1507 21st Street, Suite 210
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(916) 324-8420 TTY

May 20, 2013

Allan Smith
Community Services Division
Department of Developmental Services
1600 9th Street, Rm. 320, MS 3-9
Sacramento, CA 95814

Dear Mr. Smith:

On April 9, 2013, after receiving delegation authority from the State Council on Developmental Disabilities (SCDD), the Executive Committee of SCDD considered the waiver request submitted by Far Northern Regional Center on behalf of Ms. Colleen Ryburg.

The Executive Committee reviewed Ms. Ryburg's conflict of interest plan. After careful consideration of the relevant materials, the Executive Committee took action to approve this waiver request.

If you have any questions or concerns, please feel free to contact Melissa C. Corral, Staff Counsel at 916-322-8481.

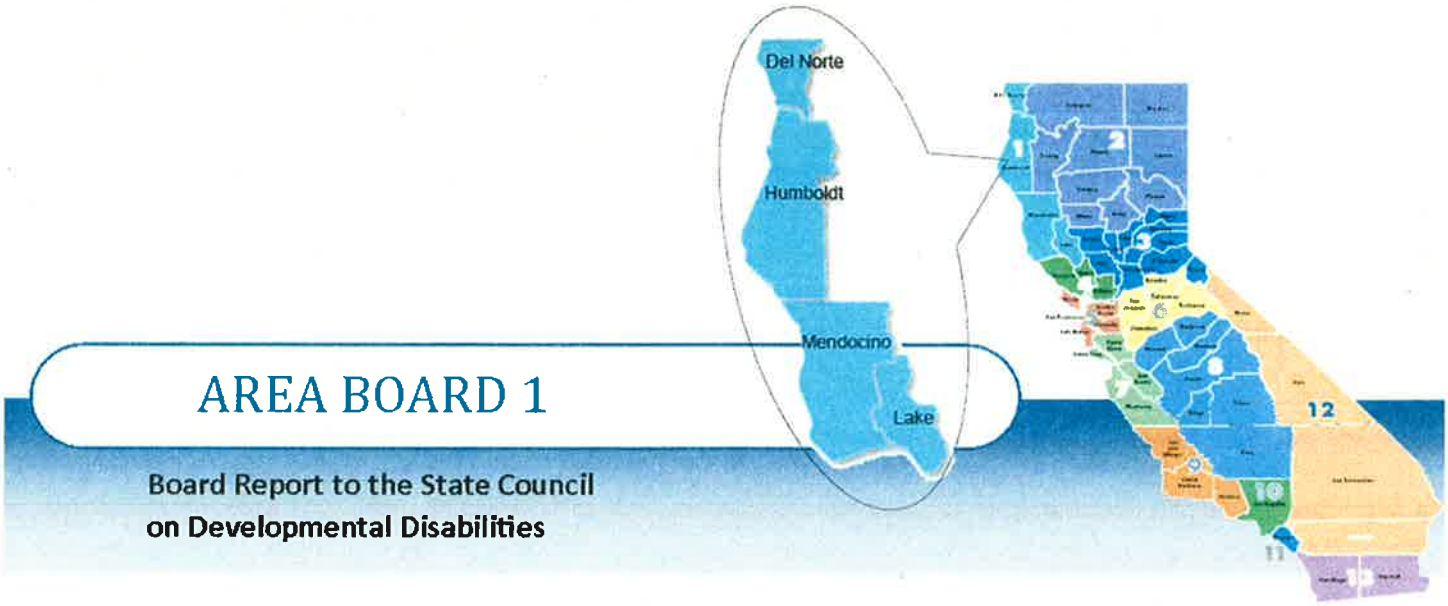
Sincerely,

JORGE AGUILAR
Chairperson

Cc: Laura Larsen, Executive Director, Far Northern Regional Center
Stephen Bell, Chairperson, Far Northern Regional Center
Sarah May, Executive Director, Area Board 2

"The Council advocates, promotes & implements policies and practices that achieve self-determination, independence, productivity & inclusion in all aspects of community life for Californians with developmental disabilities and their families."

AREA BOARD REPORTS



Reporting Period: March – April 2014 Date: 5-8-2014

Staff contact: Dawn Morley 707-463-4700

Highlights: Theresa Ladao joined the Area Board 1 team. The Area Board would like to thank council staff for their help and support throughout the recruitment and hiring process.

State Plan Activities Implemented During this Reporting Period

Goal 1 – Continues working with Statewide Self Advocacy Network staff and members regarding recruitment of a representative from the Area 1 catchment area. The process has proved challenging in light of the current fiscal environment.

Goal 2 and Goal 10 – Area Board 1, in partnership with Tri-Counties Independent Living sponsored and promoted workshops conducted by Disability Rights California staff. The morning workshop was regarding Service Animals and the afternoon session expanded on Medi-Cal Managed Care. There were 35 in attendance. Attendees included clients, family members and professionals in the community.

Goal 3 - Quality Assurance

Redwood Coast Regional Center

-204 total *Adult Family* surveys returned completed and entered into ODESA
-1 mover needed to meet contract goals
-145 total of *Family & Guardian* surveys returned completed and entered into ODESA
-1 mover completed and two more needed, plus 4 more completed surveys
-4 total face to face interviews completed – contract goal met.

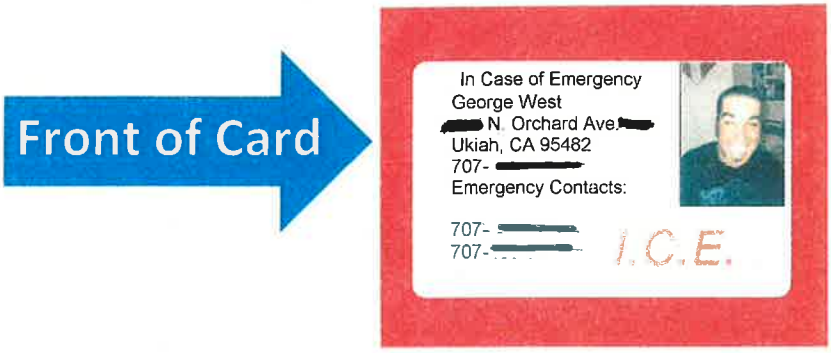
North Bay Regional Center

-208 total Adult *Family* surveys returned completed and is entered into ODESA
-1 mover completed and one needed
-159 total of *Family Guardian* surveys returned completed and entered into ODESA
-6 movers completed and one needed.
-7 total face to face interviews completed contract goal met

Goal 4 – In Case of Emergency Cards, which is an ongoing collaboration of Ukiah Valley Association for Habilitation, the Ukiah Police Department and Area Board 1, were offered to attendees in conjunction with the Emergency Planning events.

IN CASE OF EMERGENCY

I.C.E. CARD



Goal 5 - Enriching Lives – Cycle 36 Grantee – completed the first in the series of trainings which will be held in each Area 1 County. Thirty-two (32) people were in attendance at the two Emergency Planning Trainings for Families and Service Providers of Regional Centers Clients- in Humboldt County. (Event flier attached.)

Staff attended a Tsunami Education Program that was being hosted by Humboldt Grange and sponsored by Pacific Watershed Associates. Our grant recipient asked that Area Board 1 staff attend and offer the In Case of Emergency Cards at the event. Twenty-five (25) people were in attendance.

Goal 7 and Goal 14 – Area Board Staff worked with the Child Care Public Policy committee to facilitate discussions and draft letters to legislators on a variety of bills that are early intervention and child care related. Legislation discussed included the proposal for a Strong Start Program for 0-3 and reinstatement of sequestration funding for child development programs Early Start for infants and toddlers, Head Start, and subsidized Child Care Block Grant Funding. A bill of concern is the Kindergarten Bill SB 837 that would provide funding for preschool for all 4 year olds and how it will impact the current State Preschool, Head Start and families. There was extensive discussion on funding coming from Federal government to provide early intervention services for infants and toddlers to create a new Early Head Start Program. Legislation is also pending in California to provide funding for a Strong Start program as well as Transitional Kindergarten for all 4 year olds. The goal is to provide early intervention services and assessment before children are school age to catch delays, provide services and resources to families to help children to become healthy and more ready for school. The group selected bills to support and which bills needed more research to see how they affect families and the need to have more child care programs at the committee meetings to discuss what the cause and effect these bills may have on their current program. In addition, staff informed the group of bills affecting the disability community and upcoming community trainings through the college and the Area Board 1.

Goal 9 - Area Board staff helped to coordinate and participated in the Northwest Committee for Employment of People with Disabilities job fair. There were 235 attendees and 50 employers. Area Board 1 had a display and materials available for distribution at the event. Thirty-five (35) people stopped by the table and picked up materials as well as inquired about the video "Work is for All" which was available for viewing at the table.

Staff attended a graduation ceremony at the Crush Restaurant for clients that participated in the on the job training program. Crush Restaurant (which has locations in Ukiah and Chico) held a10-week training program in Ukiah and provides job shadowing for clients to learn restaurant skills for future employment. The owners, community members and job coaches celebrated the graduation of the four clients who successfully completed the program.

Goal 13 – Senior Action Coalition Area Board staff provides assistance and support to coordinate the Transportation Summit which examined the needs of the disabled and elderly living in Humboldt County and what could be done to increase their safety and listen to their needs. The event was a success and many inroads were made to develop partnerships with individuals and agencies.

Goal 14 – Staff attended and participated the In-Home Supportive Services (IHSS) Advisory Committee discussion and review of the Governor's proposed 2013-14 state budget and the Fair Labor Standard Act (FLSA), overtime regulations and what this might mean to our population/community. In Humboldt County alone there are more than 1500 recipients that are either disabled or elderly that receive IHSS hours. More than 240 receive more than 40 hours a week. Care providers that work over 40 hours a week equal to more than 188, of those 70% are family members. Many do not have the desire or ability to have more than one provider. A letter is being drafted to submit to the Public Authority so they can present to the Board of Supervisors. Area Board staff contributed articles to the IHSS Newsletter which reaches 3000 Recipients and Care providers. Articles highlighted in the issue included the Affordable Care Act and Covered California, Provider training and available food options in the community. It was also decided that the advisory board would purchase a camera and tri-pod for the Registry so that when "match letters" are sent out to recipients, they would have a photo of the possible employee before deciding to meet. This will help to insure the recipient's safety and also help the client to be more comfortable with a stranger coming into their home.

Issues or Concerns for State Council Consideration

Currently at the community college level, an Associates of Science Degree in Child Development/Family Relations does not require: CV 202 Multi-Cultural Perspective and CDV 106 Children with Special Learning Needs as part of the required core curriculum – Note: these courses are offered as electives and are recommended for students transferring from community colleges to CSU system. In order to improve service delivery to underserved populations and increase awareness of early intervention for children with disabilities, shifting these courses from electives to core status would increase the number of providers proficient in this subject matter which would subsequently benefit children and families in need of early intervention services.

2014 Emergency Planning Trainings

For Families and Service Providers of Regional Center Clients

with Dawn Albrecht

Humboldt County – March 25 & 27 at the Humboldt Area Foundation

Cost: one-time $10 per person materials fee which covers all sessions

Up to 14 hours continuing education credit available

What You Need to Know to Create Site-Specific & Individualized Emergency Engagement and Service Continuity Plans for Clients, Families and Service Providers

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Day 1: Tuesday, March 25th

Morning Session - 9:00 am – 1:00 pm

- ★ Reducing Risk On-Site and when in the Community
- ★ Step-by-Step Planning Basics

(Bring sack lunch if staying for both sessions)

Afternoon Session 1:30 pm – 4:30 pm

- ★ Communication Tools in Emergencies
- ★ How to Properly Conduct Drills
- ★ Promoting Business and Service Continuity

Day 2: Thursday, March 27th

Morning Session - 9:00 am – 1:00 pm

- ★ Networking to Help One Another During a Disaster
- ★ Fostering Resiliency in Emergency Response and Recovery

(Bring sack lunch if staying for both sessions)

Afternoon Session 1:30 pm – 4:30 pm (free to clients)

- ★ Tailoring Plans to Address Client-Specific Needs
- ★ Feeling Safe – Being Safe, Personal Planning & Communication Card workshops for individuals and families

****A portion of funding for this training was generously provided through the CA State Council on Developmental Disabilities Program Development Grant****

AREA BOARD 2

Board Report to the State Council on Developmental Disabilities

Sarah May – AB2 Executive Director

Reporting Period: March/April 2014 Date: May, 2014

Highlights

Rosanna Johansen (Ryan) 62, of Redding, has been reappointed to Area Board II of the California State Council on Developmental Disabilities, where she has served since 2010. Johansen (Ryan) has been a peer instructor at the We Care A Lot Foundation since 2010, where she has been a self-advocate for the Abuse Prevention Team since 2001 and was a self-advocate for the Consumer Abuse Awareness Team from 2001 to 2014 and for Feeling Safe, Being Safe from 2008 to 2010. She was president of People First of California in 1994 and is sergeant-at- arms of the Shasta County chapter.

State Plan Activities Implemented During this Reporting Period

Goal 2– Objective 3 – Cross Training, Outreach and Collaboration

AB2 participates in a Regional Coalition as part of a county-based components of the broader Community of Constituents Initiative supported by the SCAN Foundation. This initiative includes the California Collaborative on Long-Term Services and Supports (LTSS). The goal of the Community of Constituents is to strengthen a state-wide network of advocates to serve as a visible, organized, trusted and consumer-focused voice during the implementation of health care reform, including the expansion of Medi-Cal Managed Care, the implementation of the Coordinated Care Initiative (CCI). The emphasis of the Regional Coalitions is to improve medical care and long-term services and supports so that individuals can receive services and supports in the setting of their choice, according to their needs and preferences. The conference was attended by 140 coalition members. AB2 was requested by the coordinator of the conference to co-facilitated a World Cafe table talk addressing specific issues related to

the managed care in rural communities during a break-out session at the conference. The World Cafe discussion that AB2 staff co-facilitated was attended by 14 coalition members.

Goal 1– Objective 3– Self-Advocacy Rights Training
AB2 coordinated a training with We Care A lot Foundation's Pathfinder Program for Butte County Coordinating Council on April 21, 2014 to 25 people. Pathfinder Program employees individuals with developmental disabilities as Life Guides that facilitate the interviews with consumers of Far Northern Regional Center. Pathfinders help people with developmental disabilities to create a Life Plan. Life Plans are tools that aid people in planning what services and supports they need to live successful lives. Life Plans help people learn more about themselves. Plans also help support persons and Service Coordinators learn more about how the person wants to be supported as well as what is working and what is not working in a person's life. A Life Plan is a complete review of the life of the person with a developmental disability, with an emphasis on how a person can be supported in achieving their goals and dreams. Life Plans are designed to be complimentary to the IPP. They give service providers a clear picture of the wants and needs of the person, which in turn creates a more effective system of support. Life Plans are updated annually.
The presentation included education about the program to 25 people in the community (5 consumers; 10 family members; 10 professionals)

Goal 1– Objective 5 – Self-Advocacy Leadership Training
AB2 recruited throughout 9 county catchment area, a new Volunteer Member for the Statewide Self-Advocacy Network (SSAN). An application and letter of support was required from each interested candidate. 6 applications were submitted and 4 were received as "complete" packages. In person interviews were conducted by AB2 Chair and staff using a scoring methodology to identify the most qualified candidate. Effective March1, 2014 Charles Horne-Nutt was selected to represent AB2 to SSAN. Charles will be supported by Community Program Specialist, who will provide facilitation services.

Goal 1– Objective 5 – Self-Advocacy Leadership Training
AB2 was requested to participate in the interviews for candidates / students applying to the Youth Leadership Forum (YLF). All of the candidates that were interviewed were high school age students with a disability from Glenn county who are interested in self advocacy and leadership.
The YLF is produced as a cooperative project that includes State Employment Development Department, Department of Rehabilitation, Department of Education, State Independent Living Council, CalSTAT and California Health Incentives Improvement Project/San Diego State University, California Workforce Investment Board, State Council on Developmental Disabilities, California Foundation for Independent Living Centers, California Youth Leadership Forum Alumni Alliance, and Friends of Californians with Disabilities, Inc.

Goal 1– Objective 5 – Self-Advocacy Leadership Training
AB2 Representative to the Statewide Self-Advocacy Network (SSAN) coordinated 2 visits at Arc of Butte County's Paradise Day Program to gain input from local consumers to identify areas of the State Plan that SSAN will work on with the support from the State Council Self-Advocacy Grant Contractor CAPC, to develop 4 Train the Trainer Modules. Each SSAN representative is gathering information throughout California to identify the top 4 areas that are important to people with developmental disabilities statewide.
AB2 Representative to SSAN completed 25 surveys during reporting period. 25 consumers participated in the process.

Goal 2– Objective 1 – Individual Education Advocacy
AB2 provided individual education advocacy for a total of 2 individuals. AB2 received and returned an average of 3 phone calls per each advocacy case. AB2 received and responded to an average of 3 e-mail correspondences per each advocacy case. AB2 attended 2 meetings per advocacy case. Systemic themes include agency collaboration, access to generic services, educational placement, accommodations and modifications to curriculum, least restrictive environment, and eligibility.

Goal 2– Objective 1.2 – Individual Community Supports Advocacy
AB2 provided technical assistance to 26 families in reporting period. Through 35 phone calls/conversations, 42 e-mail correspondence and 5 meetings, families were provided information regarding Far Northern Regional Center eligibility and services, Disability Rights California and Office of Clients' Rights Advocacy, Special Education Local Planning Area, local service provider resources, Social Security Administration; and Family Resource Agencies. Each family was provided the agency contact information/e-mail and physical addresses and names of professionals to assist in facilitation of needed assistance.

Goal 2– Objective 3 – Cross Training, Outreach and Collaboration
AB2 participated in Glenn County Office of Education - Community Advisory Committee (CAC) Informational Workshops conducted in Glenn County on April 12, 2014 from 10am-2pm. The workshop included areas of Autism, Individual Education Plan (IEP) Questions and Answer Session, Technology and Work Incentives for young adults. AB2 staff provided a morning and afternoon workshop on Internet Safety Information and Training utilizing NetSmartz Workshop, a program of the National Center for Missing and Exploited Children. This program has developed several outstanding presentations on internet safety. NetSmartz program utilizes the latest statistics, online resources, videos, and expert tips to educate, engage, and empower children and adults to be safer on and offline. AB2 provided the NetSmartz Workshop Program to all 9 Special Education Local Area Planning (SELPA) Directors to share with their teachers for implementation. The link to the website: http://www.netsmartz.org/Presentations. AB2's workshops reached 50 people and 9 SELPA Directors (34 families; 23 professionals; 2 students).

Goal 2– Objective 3 – Cross Training, Outreach and Collaboration
On April 26, 2014, AB2 participated in the 4th Annual Chico Walks for Autism. The walk was hosted by The Yellow Door, a not-for-profit that supports individuals with autism and their families while promoting student leadership and involvement in the Chico community. The event was attended by approximately 1,300 children, family members and community members. In order to highlight the growing need for concern and awareness about autism, the event was designed to increase local community awareness and to educate the public about autism and issues within the autism community. AB2 directly provided resources to approximately 100 individuals.

Goal 2– Objective 3 – Cross Training, Outreach and Collaboration
AB2 was requested by the SELPA Directors in Region 2 to participate in the 16th Annual Statewide Alternative Dispute Resolution Conference. The goal of the conference was to build capacity in the learning community among students, teachers, specialists, support staff, administrators and families wherein the primary purpose for all involved is to improve student learning and outcomes. The purpose of an Alternative Dispute Program is to build relationships, improve communication, encourage respect and value the contributions of all participants. AB2 will utilize the information shared at the ADR Conference with families seeking resources for dispute resolution. AB2 will work the SELPA's in Region 2 to provide training to families in their counties.

Goal 6– Objective 2 – Information and Advocacy on Early Intervention Services For Parents and Professionals Who Work with Young Children
The Shasta County 0-5 Collaborative is a multi-agency, multidisciplinary, county wide effort to provide access to developmental and social emotional health services to at-risk children ages prenatal to age 5 and their families, caregivers, and providers through a variety of strategies, providers and agencies working in collaboration to best meet the needs of each child and their family. Due to the loss of funding for early intervention programs in 2009, vital services for early intervention has resulted in significant impact on programs, services and supports for at-risk children and their families. Restoration of funding to early intervention programs is crucially necessary in order to provide services and programs to this vulnerable population. AB2 will actively participate in the 0-5 Collaborative monthly. AB2 will provide resources from the 0-5 collaborative with agency partners and service providers.

Goal 6– Objective 1 – Training and Advocacy During Transition to Adulthood
AB2 was requested to participate in the Shasta College Disabled Students Programs and Services (DSPS) scholarship review process. Scholarship applications were submitted by 16 DSPS students. AB2 staff, along with professors and DSPS staff, read each of the student's application packet and ranked the application based on a 5 point scale. Based upon the recommendations of the scholarship committee, 5 students were awarded scholarships of $1,000.00

Goal 1– Objective 5 – Cross Disability and Youth Disability Collaboration
On September 17, 2013, the U.S. Department of Labor issued final regulations, effective January 2015, that apply the federal minimum wage and overtime protections of the Fair Labor Standards Act (FLSA) to most of the two-million-plus home care workers in the United States. The new rules significantly narrow the "companionship exemption" that has long excluded home care workers from basic federal wage and hour protections. The Governor's budget proposal would circumvent the new federal rule that requires additional overtime pay for domestic workers by prohibiting all IHSS providers from working more than 40 hours a week. Currently, IHSS caregivers can work more than 40 hours a week but are paid straight time for working the extra hours.
AB2 has created an IHSS distribution e-mail list for the community to remain educated on this issue and the Governor's budget proposal as well as information on letter writing and advocacy activities to voice concerns to the legislators.

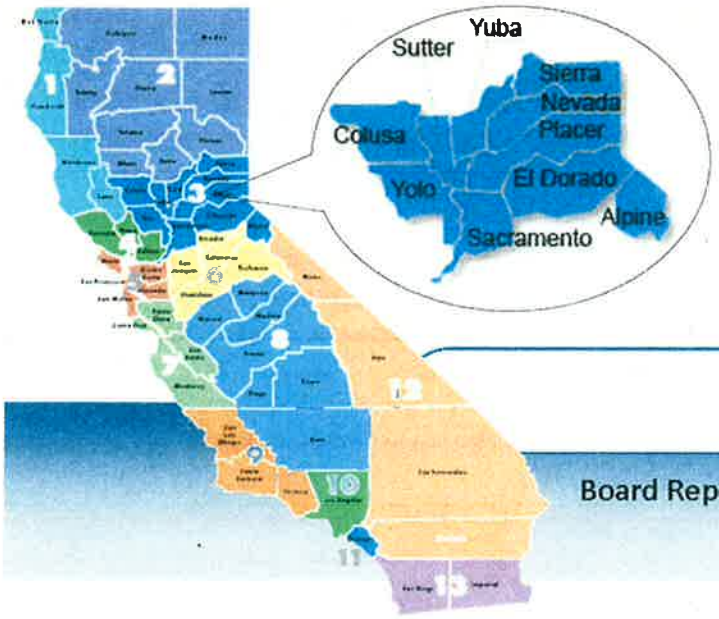
Goal 9– Objective 3 – Training on Benefits and Opportunities for Employment
AB2 coordinated a training on employment opportunities with Goodwill Industries for the Butte County Coordinating Council on March 17, 2014. Theresa McClausand, Director of Workforce Development, provided information on employment opportunities that are being developed for The Job Connection Program through the Chico location. Goodwill was informed by Far Northern Regional Center and California State Council on Developmental Disabilities that minimum wage or higher is the only acceptable wage for individuals with developmental disabilities served by Far Northern Regional Center. 23 people (6 consumers; 5 family members; 12 professionals) were informed about the programs of Goodwill Industries in Chico/Butte County that will offer minimum wage employment opportunities.

Goal 11– Objective 2 – Individual Community Supports Advocacy
AB2, in collaboration with Far Northern Regional Center and Office of Clients Advocacy is planning an Executive Functioning Workshop focusing on executive functioning specifically related to issues impacted habitability and personal environments. The workshop will be held in September at 2 locations in Region. On September 9, 2014, this workshop will be conducted in Butte County in Chico at the Masonic Family Center. On September 10, 2014, this workshop will be conducted in Shasta County in Redding at the Win-River Casino. These trainings will reach approximately 300 consumers, family members and service providers.
The goals of the workshops are to:
1. Help the audience understand what Executive Functioning (EF) deficits are and how they may manifest for adults with disabilities.
2. Discuss certain behavioral differences and skill deficits including hoarding, hygiene, and habitability issues that are common to people with EF challenges.
3. Share strategies to address underlying EF skill deficits so that these issues can be addressed through supportive teaching and ecological interventions / accommodations.

Goal 2– Objective 1.2 – Individual Community Supports Advocacy
AB2 has begun implementation of community outreach about this upcoming training to elicit interest and attendance.
AB2, in collaboration with Far Northern Regional Center and Office of Clients Advocacy is planning an Executive Functioning Workshop focusing on executive functioning specifically related to issues impacted habitability and personal environments. The workshop will be held in September at 2 locations in Region. On September 9, 2014, this workshop will be conducted in Butte County in Chico at the Masonic Family Center. On September 10, 2014, this workshop will be conducted in Shasta County in Redding at the Win-River Casino. These trainings will reach approximately 300 consumers, family members and service providers.
AB2 has begun implementation of community outreach about this upcoming training to elicit interest and attendance.

Issues or Concerns for State Council Consideration

The communities supported by Area Board 2 are very concerned about California State Council on Developmental Disabilities (SCDD) and the impact of the MTARS and AIDD's continued funding. The community is concerned about the loss of local representation of Area Boards through this transition and restructuring of SCDD to meet Federal compliance.



AREA BOARD 3

Board Report to the State Council on Developmental Disabilities

Reporting Period: **March - April 2014** Date: 5/12/14
Submitted by Sonya Bingaman, Acting Executive Director 916-263-3085

Highlights
Congratulations to Elaine Linn, Governor Appointee, whose term on our Board was renewed. Welcome to Donnell Kenworthy, a new Board member representing Yolo County.

State Plan Activities Implemented During this Reporting Period
State 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.

Area Board 3's SSAN Representative, Jennifer Allen, gave an update of SSAN activities to the Board on April 22, 2014. SSAN is continuing their work on a series of educational modules for the DD/ID community, as well as recruiting new self-advocates.

State 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 2A: Direct Advocacy
During this reporting period, AB3 staff participated in a total of 52 meetings where they provided direct advocacy to families and/or consumers (2 ACRC/IPP; 27 Intakes for Special Education Advocacy, 23 IEP meetings with families).

Objectives 2B & 2C: Trainings, Conferences, Workshops, Cross-Training, Outreach, etc.

AB3's CPSII (BSG) attended the 2013-14 Annual Statewide SELPA Conference on March 4, 2014. The focus of this year's panel and workshops was Alternative Dispute Resolution. Administrators

and SELPA Directors from every school district in AB3's catchment area were in attendance, making this an excellent networking opportunity for AB3.

A 2-hour Parent Training on Transitioning Your Child was held on March 4, 2014 at the Natomas Unified School District Office. 1 person attended (1 survey completed). A 55-page training manual was provided to the attendee. An email invitation for this training was sent to 570 parents. Approximately 143 individuals viewed the email.

A 2-hour Parent Training on Special Education Advocacy was held on March 24, 2014 at the MIND Institute in Sacramento. 20 people attended (13 surveys completed). A 284-page training manual was provided to each attendee. Advertising for this training was handled by the MIND Institute.

A 6-hour Parent Training on Special Education Advocacy was held on March 29, 2014 at the Natomas Unified School District Office. 5 people attended (5 surveys completed). A 782-page training manual was provided to each attendee. An email invitation for this training was sent to 596 parents. Approximately 136 individuals viewed the email.

A 2-hour Parent Training on Regional Center Services was held on April 1, 2014 at the Natomas Unified School District Office. 1 individual attended (no surveys completed). An 87-page training manual was provided to the attendee. An email invitation for this training was sent to 565 parents. Approximately 94 people viewed the email. ACRC CFO Peter Tiedemann was also given a flyer for this training to share with his staff.

Nine AB3 Board Members and two local parents received a 30-minute training on Transitioning Young Adults with Developmental Disabilities at the April 22nd Board Meeting. AB3's CPS II (BSG) administered the training and a 23-page manual was distributed to each attendee.

State Goal #3: 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.

AB3 distributed the SEEDS Parent Involvement Survey to their email list of 452 subscribers on Apr. 3, 2014. The California Department of Education (CDE) Special Education Division (SED) is working with school districts and California Parent Organizations to gather information on how well parents think their child's school is partnering with parents of students with disabilities. Through use of a survey tool adapted from the National Center for Special Education Accountability Monitoring, CDE-SED plans to gain valuable insight from parents on their perceptions related to parent involvement. Approximately 183 people opened and viewed the email, while 50 clicked the link to take the survey.

AB3 sent an email campaign entitled "Public Support of AB 1595" to 455 parents and other stakeholders. This campaign provided an overview of AB 1595 and how it will change the Lanterman Act, SCDD, and Area Boards. Approximately 178 people opened and viewed the email, while 16 clicked on the link to find out more information about AB 1595 and how they could support their local Area Board.

AB3 sent an email campaign entitled "Help Your Local Area Board" to 454 parents and other stakeholders, asking for letters of support of AB 1595 and their local Area Board. Approximately 151 people opened and viewed the email, while 18 clicked on the link to view more information about AB 1595. AB3 was Cc'd on **14 letters sent** to Assembly member Wes Chesbro by parents and educational administrators -- all were in support of the new legislation and AB3 in general.

Activity – **Objective 3a**: A total of 1,544 English and Spanish NCI Quality Assessment Surveys (Adult Family and Family Guardian Survey) were mailed out to the ACRC catchment area. 1,362 English and Spanish surveys were mailed to the FNRC catchment area.
The following surveys have been completed and returned:
ACRC Adult Family Survey 222 (goal of 165 is met)
ACRC Family Guardian Survey 166 (goal of 165 is met)
FNRC Adult Family Survey 177 (goal of 153 is met)
FNRC Family Guardian Survey 181 (goal of 159 is met)
Data entry of surveys is 95% complete.

State Goal #11: Individuals with developmental disabilities have access to affordable and accessible housing that provides control, choice and flexibility regarding where and with whom they live.

Activity: The Cycle 36 Project/Accessible Housing Web Portal is in process. Johnson Media is developing an infrastructure to operate an online database of affordable/accessible housing in Area Board 3's 10- county area.

State Goal #13: Individuals with developmental disabilities and their families have access to community based services and supports available to the general population (such as recreation, transportation, childcare, etc.) that enable them to live productive and inclusive lives.

Activity: For the Tahoe area, assisted individuals with 18 calls requesting assistance with Regional Center services, 12 calls regarding accessible transportation, 27 calls regarding accessible places to stay or visit while in the Tahoe area, and 9 calls regarding permanent accessible housing. By making several phone calls, we were able to assist one individual whose garbage cans were not accessible to her. The refuse department has now provided accessible cans to this apartment complex.

State Goal #14: Public Policy in California promotes the independence, productivity, inclusion and self-determination of individuals with developmental disabilities and their families.

Activity: **Objective 14a**: Area Board 3 submitted a letter of support for Senate Bill 922 (Senator Steve Knight) on April 25th and testified on April 29th in the Public Safety Committee in support of this legislation. SB922 would add to Penal Code 264 that the rape of a developmentally disabled individual – where the perpetrator knows or should have known that their victim is developmentally disabled – is 9, 11, or 13 years, mirroring the sentencing associated with a child.

State Goal #14c: The Council uses media, internet, arts and entertainment and social networking to educate the general public about individuals with developmental disabilities.

Activity: **Objective 14C**: Area Board 3 uses social media, email blasts, and website postings to educate the public. The following topics were addressed during this period.
Topic/Number of posts:
Assistive Technology: 18
Conferences/Trainings: 9
Developmental Disabilities: 53
Employment: 13
Health: 13
Housing: 7
Legislation/Budget: 23
Self-Advocacy: 28
Special Education: 11
Transition/Post-Secondary Education: 13

Our website, www.areaboard3.org averages 1,500 hits per month.
We have 186 followers on www.facebook.com/areaboard3 and our posts were seen by 4,590 individuals during this 2-month period.

Issues or Concerns for State Council Consideration
Update on CARF issues for small or rural programs. ACRC (Phillip Bonnet, Director) and Department of Rehabilitation (John Pillsbury, Voc. Rehab. Counselor) are both in support of DDS considering some special consideration for small or rural programs which are unable to afford the cost of full CARF reviews. Area Board 3 encourages their efforts to work together to support these programs and find solutions so that small and rural programs are not threatened with closing down and leaving consumers in these areas with few or no service options.

AREA BOARD 4

Board Report to the State Council on Developmental Disabilities

Reporting Period: March & April 2014 Date: 5/12/14

Highlights

Area Board 4 has been working intensively with Spanish-speaking families on special education and regional center issues. We have assisted families with IEPs and IPPs, we organized a special education training that was presented by Disability Rights CA's Office of Clients Rights Advocacy, and we organized a parent meeting with management from North Bay Regional Center (NBRC). Information about parent rights and resources have been provided to families in Spanish. We are arranging additional trainings for families and will set up follow-up meetings with NBRC.

A former NBRC service coordinator was arrested in Feb 2014, charged with embezzling $400,000 from 51 NBRC clients who had NBRC as their payee. As a result of the embezzlement, NBRC instituted a new policy that requires individuals to submit receipts for all of their purchases when NBRC is their payee. Some individuals have been very upset with having to save and submit all of their receipts. AB4 has been informing individuals of their right to file 4731 complaints, assisting individuals to file complaints, supporting individuals to attend NBRC board meetings to voice their concerns, and talking with self advocates and their support staff about strategies. AB4 has been working closely with DRC and DRC/OCRA on this issue. AB4 has discussed this and other issues arising from the embezzlement case at its March Area Board meeting. The AB4 Chairperson spoke at the NBRC Board's April meeting advocating that the NBRC Board authorize an independent investigation of the agency's policies and procedures pertaining to management of funds of clients for whom they are

representative payee; and that, NBRC Board make restitution to the victims for their stolen funds.

State Plan Activities Implemented During this Reporting Period

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.

Area Board 4 organized a regional self advocacy meeting that was attended by 109 people. DRC and DRC/OCRA presented the Game of I.C.E. (Integrated Competitive Employment). Region 4's representative to People 1st of Calif, and the local representative to DDS' Consumer Advisory Committee both gave updates. An Area 4 board member presented on North Bay Regional Center's new policy to collect receipts from NBRC payees for all purchase.

AB4 wrote and distributed more than 300 copies of a regional self advocacy newsletter (see pages 3-7).

AB 4 provided trainings to self advocacy groups about the Lanterman Coalition and integrated competitive employment. We also coordinated and facilitated a meeting between self advocacy groups from different areas. Area Board 4 provided advocacy resources to self advocacy groups on employment, voting, and people safety skills.

AB4 has assisted approximately 6 self-advocates to file 4731 complaints about NBRC requiring them to submit receipts for all purchases when NBRC is their payee.

REGIONAL SELF ADVOCACY

NEWSLETTER

SONOMA * NAPA * SOLANO MARCH 2014

Protect Yourself and Your Money

By Vallerie Birdsell

A man who used to be a case manager at North Bay Regional Center is in jail for stealing SSI money. The police said he took over $400,000 from 51 NBRC clients. NBRC was the payee for these people and the case manager got checks from their accounts and took them to his bank and put the money into his own account.

NBRC says they notified everyone who had money stolen. I think all of those people should get their money back.

How You Can Protect Yourself

You should watch your money to make sure no one steals it. You can ask NBRC for a printout of your account. Check the printout. If you need help, ask someone you trust to help you read it. If you think anything is wrong on your printout, ask about it.

New Rules about Receipts

Because that case manager stole SSI money, NBRC now wants us to send them all of our receipts before they'll give us more of our money.

What You Can Do If You Don't Like the Rule about Receipts

It feels like we're being treated like kids. I'm going to file a complaint. It's my money and it's my business what I spend it on.

If you want to file a complaint about having to send in all of your receipts, you can. Call Area Board 4 at 648-4073 if you need help.

Richard Fowler – Job Hunter

When you decided you wanted a job, what did you do?

I decided a few months ago to look into a new job. I told my Service Coordinator I wanted to have an IPP meeting to talk about getting a job. I said I wanted the meeting to be at my house. My SC Heidi was there, Tami from The Arc Solano, my ILS worker, and Cindy from Area Board 4. I signed a form that said my SC could send information to a supported employment agency. I decided to work with SDS.

I had an intake meeting with Donna and Jackie from SDS, and Cindy. We filled out a lot of forms for the Department of Rehabilitation. Donna asked me about other jobs I had, my health, and what kind of work I wanted to do. It was a lot of questions but it wasn't hard, and they were nice. SDS sent the paperwork to DR, DR approved me, and then I met with my SDS job coach.

What kind of job are you looking for? Something in food services, like working in a fast food restaurant doing food prep. I want to keep going to The Arc Solano, so I can only work evenings and weekends. SDS will help me look for a job with the hours I want. It may take longer to find a job that I can do only evenings and weekends but I don't mind if it takes longer, and SDS listened to what I said I want.

How will your job coach help you? So far, he is asking me questions about what kind of work I want to do and spending time getting to know me. He is going to help me do a resume. He was really nice. He had lots of ideas about places I could try to get a job.

Do you have any advice for people who want a job? Talk to your SC and ask for an IPP meeting to say you want to work. If you're scared, ask a friend or advocate to help you. Don't let it stop you.

A Conversation with

Joyce Grow

What do you want people to know about you?
I'm an autistic woman. I'm good at numbers and I have a good memory. I'm not delusional.

I want to work for other people who have autism. Tell the people I am a good person.

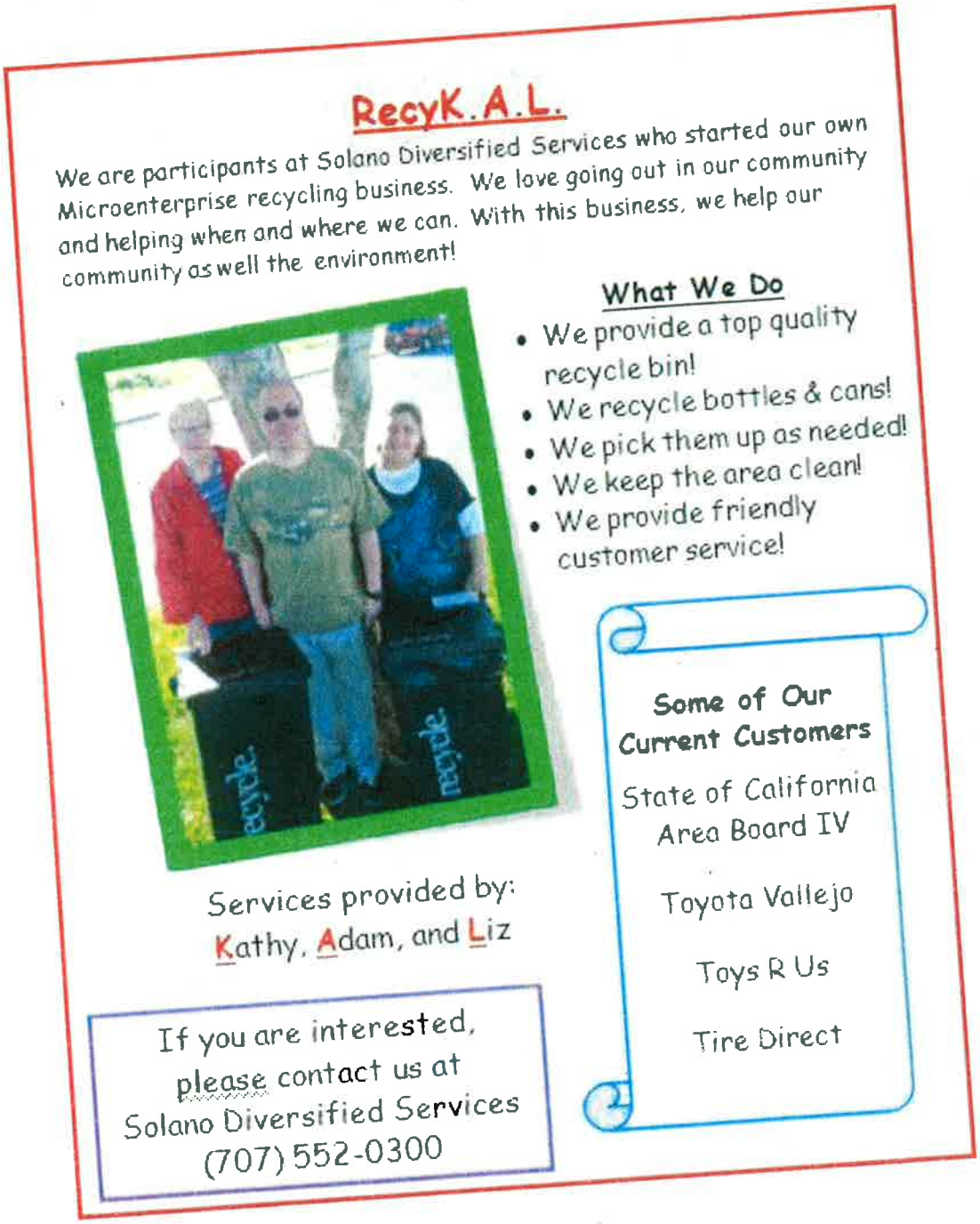
What do you like to do for fun?
I like to shop. I go to church. I like to go to the casino. I'm going to the casino this weekend. I play the slot machines.

Do you have any goals?
I want to learn 1st aid and CPR. I want to have a best friend and be alone with friends. I want to work at Walmart or Carl's Jr. I have a right to work. I want to take paratransit.

What are you proud of?
I make coffee at home. I learned computer skills. I volunteer. I'm learning sign language. I have a sign language test today. I have a friend named Dena. She calls me "Joycie." She puts water in my glass.

When we were done talking, I signed, "Good luck on your sign language test." Joyce asked me to also sign, "Good luck at the casino."

Here's a picture of Joyce signing "love".



Big round of applause for Kathy, Adam, and Liz, who have a bottle and can recycling business called RecyKAL. Kathy, Adam, and Liz led a meeting to explore ways to expand their business. They did a great job preparing for their meeting. They talked about the history of recycling (did you know the first major recycling center was in New York in 1897?). They also talked about their inspiration - Frank Heath, owner of Heath's Recycling in Sacramento. Kathy, Adam, and Liz talked about their current customers and asked their advisory team for ideas to help their business grow. Their team - Danielle, Sheryl, and Donna from SDS and Cindy from Area Board 4 - discussed advertising and outreach, and made suggestions about where to seek new customers. RecyKAL created the flyer above to use to get new customers.

Kathy, Adam, and Liz are dedicated to providing outstanding service to their customers. If you know of any businesses in Vallejo, Benicia, or Fairfield that RecyKAL can talk to about collecting their recycling, please call RecyKAL at 707-552-0300.

Advocacy Resource

The Predator Awareness Task Force: A Community Effort

Studies show that people who have disabilities are more likely to become victims of abuse than their non-disabled peers. Sadly, very few of these incidents are reported to the authorities, and they often occur over extended periods of time. Even more alarming is the fact that many abusers are people who are known and trusted, not strangers.

A group of agencies and professionals are working together to reduce the risk of victimization for people with developmental disabilities through education and advocacy. The Predator Awareness Task Force (PATF) has representatives from a variety of local groups: Argent Bank, Becoming Independent, Center for Innovation and Resources, North Bay Regional Center, the Sonoma County Office of Education, and others. Since 2006 the Task Force has worked to gather, create and share information. So far, several resources have been developed – from parent guides to training resources – and all are available at no cost.

More information about the Task Force, as well as many of their resources, is available online at www.scoe.org/patf

Here are some tips from PATF on keeping your money safe:

- Do not sign blank checks for someone to fill in later.
- Check your bank and credit card statements often to make sure withdrawals and purchases have only been made by you. Ask someone you trust to help you do this.
- Get to know the people who work in your bank. They can help you if you have questions or are worried about something with your account.
- Say "no" to crazy prize offers, travel prizes, get-rich-quick schemes. Remember, if it sounds too good to be true, it probably is.
- Do not give your credit card number out over the phone, unless you made the phone call.
- Do not give out your social security number or bank account number over the phone.

Do not sign anything that you haven't read or don't understand.

Intentionally

Blank

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.

Area Board 4 has been working with several Spanish-speaking families in one district who had concerns about their children's educational progress and were unable to resolve issues with the district. AB4 assisted the families at IEP meetings and assisted 2 families to file complaints with CDE (California Department of Education). AB4 provided translated information on special education rights to the families and coordinated a training for special education rights that was presented in Spanish by the DRC Clients' Rights Advocate.

AB4 organized parent trainings for the Vallejo Community Advisory Committee for Special Education on inclusion and speech and language services. AB4 also organized recognition awards for 8 teachers and other school staff and presented awards at a school board meeting. Awardees included teachers who put extra effort into supporting students and communicating with parents, a volunteer in a special day class who is in the classroom everyday assisting students, and a custodian who helps students calm down so they can return to class.

AB4 assisted families at IEP meetings on issues related to noncompliance, transportation, lack of progress, need for placement changes, allegations of staff abuse, and modifications.

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.

Area Board 4 participated in the Solano Transition Fair, providing resource information and advocacy consultation to more than 30 families.

AB4 has assisted 2 families with transition planning, ensuring the students' needs are met in their last semester of high school, preparations are made for college, and support services are in place to ensure success after high school. An on-going challenge for students seeking to graduate with a diploma has been the reluctance of

general education teachers to reduce homework assignments, even when this modification is part of the agreed-upon IEP.

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

AB4 has been working to implement Employment First by meeting with NBRC management to plan trainings, working with providers to identify needs, providing information to self advocates, NBRC service coordinators, and providers about employment, and providing individual advocacy support to individuals to who want to get jobs. AB4 is coordinating an Employment First Conference on May 27thWe are working with NBRC, providers, and school district staff to organize and present this conference.

AB4 is working with families and individuals to remove barriers to employment, identifying ways for individuals to get support to engage in volunteer work, and assisting individuals to be referred to agencies with a history of success.

Goal #15: Individuals with developmental disabilities and their families have access to information and resources in ways that reflect their language and cultural preferences.

AB4 assisted Spanish-speaking families to participate in NBRC disparity data meetings, organized a follow-up parent meeting with NBRC management, and assisted families to file 4731 complaints when they were unable to get service coordinators assigned to them after multiple requests. AB4 is providing families with translated resources about rights and arranging trainings for the families.

Issues or Concerns for State Council Consideration

1. There are no timeline for parents to receive translated copies of IEPs or IPPs.
2. There continues to be widespread belief in the need for people to be 'ready' before they can have integrated competitive employment.

CALIFORNIA SCDD
State Council on Developmental Disabilities

Area 4 Developmental Disabilities Board

236 Georgia St., Suite 201, Vallejo, CA 94590 (707) 648-4073 ab4@scdd.ca.gov

Board Members
Martin Weil, Chairperson
Joshua Baker
Virginia Barraza
Vallerie Birdsell
Rick Cederberg
Maryann Cantone
Max Duley
Jeana Eriksen
Stephanie Hulbert
Andy Lunceford
Tina McLean

March 24, 2014

What's in this edition!

1. Autism Hearing
2. Lanterman Coalition Letter
3. North Bay Regional Center Press
4. Ending Discrimination in Organ Transplantation
5. DOR Plan for Vocational Rehabilitation Services
6. Financial Literacy Program
7. Friends, Connecting…
8. Sexual Victimization Webinar

Autism Hearing

An Autism Hearing on the implementation of California'a autism insurance mandate (SB 946) was convened by Sen. Steinberg and other members of the Senate Select Committee on Autism & Related Disorders.

Read the **California Healthline** article here

TV news story on the hearing can be viewed at this site.

See the video here.

Lanterman Coalition Letter

Historic Agreement: The Lanterman Coalition Unites in their Advocacy for a Road Map to Sustainability

"Due to budget cuts over the past 30 years (See ARCA Reports) California is failing to keep its promise to Californians with Developmental Disabilities. In order to keep that promise to individuals with Developmental Disabilities living in the community and to provide a viable community alternative to persons currently living in the Developmental Centers the Lanterman Coalition makes the following budget recommendations."

Read the Lanterman Coalition Letter here

North Bay Regional Center Press

Read NBRC's latest edition of their NBRC Press

Ending Discrimination in Organ Transplantation

Autistic Self advocacy Network (ASAN) Unveils Toolkit for Advocates on Ending Discrimination in Organ Transplantation

"**ASAN** has prepared a comprehensive toolkit to empower people with disabilities, their families, and other disability advocates to help combat disability-based discrimination in organ transplantation.

As ASAN found in our 2013 report, when people with intellectual and developmental disabilities need an organ transplant to treat a life-threatening condition, they frequently face barriers to receiving this lifesaving care. Doctors and transplant centers may refuse to approve organ transplants for people with disabilities who might need help in order to follow complicated post-transplant treatment plans. Others may refuse to approve transplants for people with disabilities based on the belief that, when deciding who should receive an organ transplant, people without disabilities should have a higher priority."

Read more here

Plan for Vocational Rehabilitation Services

The Department of Rehabilitation (DOR) will convene two public meetings and is inviting the public to provide input on service access and needs, particularly individuals with disabilities and stakeholders who are affected by DOR Vocational Rehabilitation Services, including Supported Employment Services.

The Department of Rehabilitation seeks your input on:

- Critical rehabilitation needs for individuals with disabilities in California;
- Challenges or barriers in accessing or receiving VR services;
- Ideas for enhanced VR outreach and services.

A public meeting will be held at the Department of Rehabilitation Office, 50 D Street, Santa Rosa, Thursday, April 3, 2014 (1:00 PM – 2:30 pm)

Members of the public may also participate at the Public Meeting via teleconference from any location by calling:

(877) 929-8953 and enter Participant Pass Code: 3748633#

For any questions, please call Melinda Van Egdon at (916) 558-5895 Voice or at (916) 558-5807 TTY.

Financial Literacy Program

Six Steps to Creating a Financial Literacy Program in Your Classroom or Transition Program: A how to guide for special education teachers and transition specialists

Read more here

Friends: Connecting ...

Friends: Connecting People with Disabilities and Community Members

A manual providing concrete, "how-to" strategies for supporting relationships between people with disabilities and other community members. It describes why such friendships are important to people with disabilities and why it is important to promote community belonging and membership. The manual includes specific activities to guide users in creating a plan for connecting people.

Read More here

Sexual Victimization Webinar

Can You Hear Me? Connecting the Dots and Building Collaboration to Support People with Disabilities Who Experience Sexual Violence

Thursday, March 27, 2014

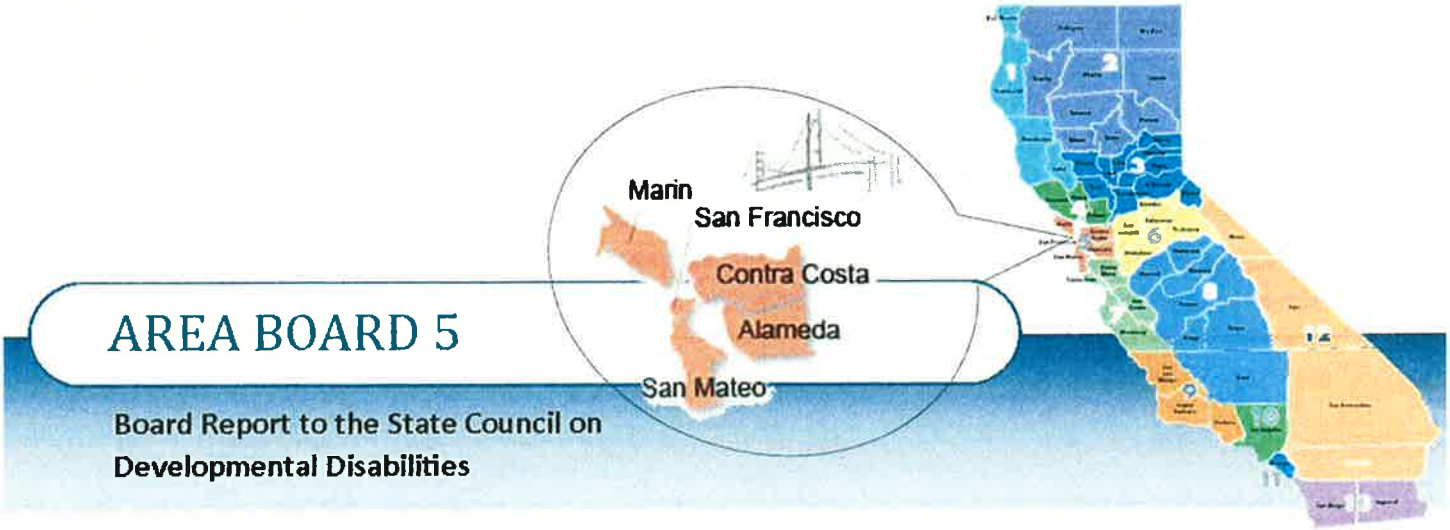
Read more and/or register here

Area 4 Board Information

Visit our web page at http://www.scdd.ca.gov/areaboard4.htm for information on meetings and resources.

*Like Area Board 4 on Facebook

*Sign up for our free e-newsletter, contact Robin.tigh@scdd.ca.gov



AREA BOARD 5

Board Report to the State Council on Developmental Disabilities

Reporting Period: March - April 2014 Date: 5/12/14

Executive Director: Gabriel Rogin

Highlights

Area Board 5 Votes to Support AB 1595
Area Board 5 Facilitates GGRC Service Provider Advisory Committee's Legislative Forum
Area Board 5 Plans and Presents at Alameda Transition Faire and Marin Autism Conference
Area Board 5 Presents on Self-Determination at Cal-TASH Conference

State Plan Activities Implemented During this Reporting Period

AB 1595

After an informative presentation from Mark Polit, Area Board 5 voted to support AB 1595 and sent a letter of support to Assemblymember Chesbro's office. Area Board 5 has also been engaging local stakeholders in discussions on AB 1595. For example, Area Board staff members gave presentations to our local regional centers, service provider advisory committees, legislative committees and DD Councils.

Legislative Advocacy

Area Board 5 helped plan and facilitate a legislative forum through Golden Gate Regional Center's Service Provider Advisory Committee. The forum focused on the following "critical issues" facing the service providers in our community: Regional center funding, community living services, employment services, transportation services, Early Start services, and system efficiency. The forum included presentations from Tony Anderson, Eileen Richey and Santi Rogers, among others. Area Board 5 also facilitated a pre-forum conversation, which included key service provider representatives and Assemblymember Kevin Mullin, Assemblymember Rich Gordon, and staff members to Senator Jerry Hill, Senator Mark Leno, and Assemblymember Phil Ting.

Transition

Area Board 5 helped plan and implement the Alameda County Transition Faire. Approximately 200 people attended, including 100 parents and 65 students. The faire focused on educating individuals and families about the transition from school to adult services. Area Board 5 communicated directly with about 30 people with developmental disabilities and 12 family members. Additionally, Area Board 5 facilitated a presentation by some adult self-advocates to a high school special education class in Antioch. The presentation was very successful and presentations at other local schools will be scheduled shortly.

Self-Determination

Area Board 5 continues to educate our local community on SB 468: Self-Determination. During this period, Area Board gave a presentation at the Cal-TASH Conference in Burlingame. The presentation included an overview of the recent legislation and a discussion on the potential impact to people we support, families and service providers. Approximately 25 people participated.

Diversity and Equity

Regional Center of the East Bay (RCEB) and Golden Gate Regional Center (GGRC) held public meetings focusing on diversity and equity. Area Board 5 attended both meetings and encouraged individuals and families in attendance to contact the Area Board, if they are in need of support. Additionally, Area Board 5 continues to participate on RCEB's Diversity Committee, GGRC's Design Thinking Leadership Team, and the planning committee for Congreso Familiar, all of which focus on improving outcomes for underserved communities.

Employment

Area Board 5 continued to prioritize increasing employment opportunities during this period. Area Board 5 provided input to GGRC, as they created "Measures of Progress" toward the implementation of Employment-First and planned their third Employment Summit for day service providers. Area Board continued our lead role in planning a "Community Conversation" on employment for youth through the California Employment Consortium for Youth (CECY) and a local steering committee. Area Board staff met again with the Human Resources Department within Alameda County to ensure effective implementation of their alternative hiring process for individuals with significant disabilities. We met with the Director of The Arc of Alameda County, and agreed to join them in on-going discussions, as they prepare to transition to more customized employment services. Finally, we toured a Project Search employment site and began participating on SCDD's Disability Advisory Committee (DAC), which focuses on reducing barriers to employment for people with disabilities within SCDD.

Housing

Area Board 5 continues to work with Housing Consortium of the East Bay to influence the Housing Elements of local municipalities. As a next step, we will be hosting trainings for family members so that they can more effectively advocate for affordable/accessible housing at public meetings in their home communities. Area Board 5 also began participating on a Supportive Housing Workgroup through Alameda County Supervisor Nate Miley's office. The Workgroup focuses on helping the County determine how best to identify and support people in group living situations, including those

in licensed Community Care Facilities. Area Board 5 staff also participate on the Request for Proposals (RFP) Committees for RCEB and GGRC. The committees are currently reviewing proposals for the development of new negotiated-rate homes.

Outreach

Area Board 5 helped plan and implement the Marin Autism Conference. Approximately 60 family members and 5 individuals with disabilities attended. During the conference, Area Board staff gave a presentation on the role of the Council and Area Boards in the community. Area Board 5 also had a table at the annual UCSF Developmental Disabilities Conference. We directly communicated with about 10 family members about our role.

Self-Advocacy, Advocacy & Consumer Satisfaction

Area Board 5 continued to support self-advocates through Bay Area People First, including 5 local chapters, and the Statewide Self-Advocacy Network. We also supported representatives of People First of California, as they continue planning their June, 2014 Gathering, which will be held in the Bay Area. Finally, Area Board 5 provided individual advocacy to 15 individuals/families within this period and continued to input surveys for the NCI project.

Issues or Concerns for State Council Consideration

Thanks very much to Mark Polit for his presentation to Area Board 5 on AB 1595!

AREA BOARD 6

Board Report to the State Council on Developmental Disabilities

Reporting Period: March/April Date: April 30, 2014

HIGHLIGHTS-

- **CHOICES 2014- MY VOICE! MY CHOICE! Over 500 people attended this conference!**

SOLD OUT CROWD!

Microbusiness Fair!

The Advocates entertained!

Legislative Panel ROCKED!

****

- Co-sponsor of Project Safety along with Family Resource Network and Justice For Jeremy- *A Forum on Safety Issues Concerning Individuals with Developmental Disabilities or Mental Health Conditions.* Over 40 individuals attended our April forum in San Joaquin County. A panel was made up of First Responders!

State Plan Activities Implemented During this Reporting Period

Goal CR.14.3)

- State Council on Developmental Disabilities/Area Board 6 has Facebook page

Goal CS.02.1)

- Provided advocacy and rights information for 10 individuals regarding the Individual Planning Process (IPP).
- Individual received Notice of Action (NOA) from VMRC regarding a change in SLS hours.
- Coordinated SLS network meeting, prepared agenda, arranged meeting location, sent meeting reminder and facilitated meeting. AB6 disseminated Employment First, Self-determination materials and asked for support of AB1595.

- Provided advocacy support to a family at a Lanterman mediation where the family was requesting in home autism treatment not funded by MediCal.

Goal CS.02.2)

- Provided information about qualifying and or referral for VMRC services to 7 families.
- Person called AB6 about how to apply for IHSS. AB6 staff explained process to person and suggested coordinating IHSS assessment through RC- service coordinator and contact the Department of Aging.
- Responded to 5 phone calls from individuals seeking information of regional center policies and procedures provided guidance on the IPP process and the method of appeal of regional center decisions.

Goal CS.13.1)

- Presented information and disseminated brochures to IHSS advisory committee about SCDD/AB6, Self Determination and Employment 1st policy.

Goal ED.02.1)

- Met with parent and provided her information regarding IEP rights.
- Provided advocacy support to a mother and child residing in Lodi CA. The child requires a hearing aid that was lost while attending her educational program and while being monitored by a one on one aid. The school refuses to consider replacement.
- Provided educational advocacy support for a mother and her child who is diagnosed with autism at an IEP in Tracy CA. This individual is 14 and the school was not considering a transition plan for a student who is not on a graduation path and who has vocational interests and abilities.
- Provided support to a family and 6 year old child diagnosed with autism at IEP meetings in Mountain house CA.

Goal ED.02.2)

- Responded to 6 phone calls from individuals seeking information about special education policies, laws and practices. Provided guidance on the IEP process and the method of appeal of educational decisions.
- In collaboration with Family Resource Network, provided Special Education training to 11 individuals in Lodi and 9 individuals in Sonora.

Goal EM.08.1)

- Presented information about Employment 1st- Disseminated AB6 brochures and information regarding Self Determination at a day program- there was 32 people who receive regional center services and five staff members in attendance.
- Assisted individual in coordinating IPP meeting regarding employment options.
- Provided consumer with information regarding Self Determination and Employment First policy.

Goal EM.09.1)

- Provided support to 18 individuals in a collaborative group that is developing a means of promoting successful transition from educational services to adult services in Stanislaus County. The approach involves collaborative planning to ensure that individuals have vocational opportunities available upon leaving school and that they have access to benefits counseling if needed.
- Provided support and facilitation to a collaborative group that is promoting employment opportunities and best employment practices in the Valley Mountain Regional Center catchment.
- Participated in a San Joaquin County SELIT meeting where over 26 individuals representing education, Valley Mountain Regional Center, regional center vendors and other interested agencies provided input to the team in regard to planning successful transitions for over 30 students leaving Special Education and entering adult services. Team focus is on employment wherever possible.

Goal QA.01.1)

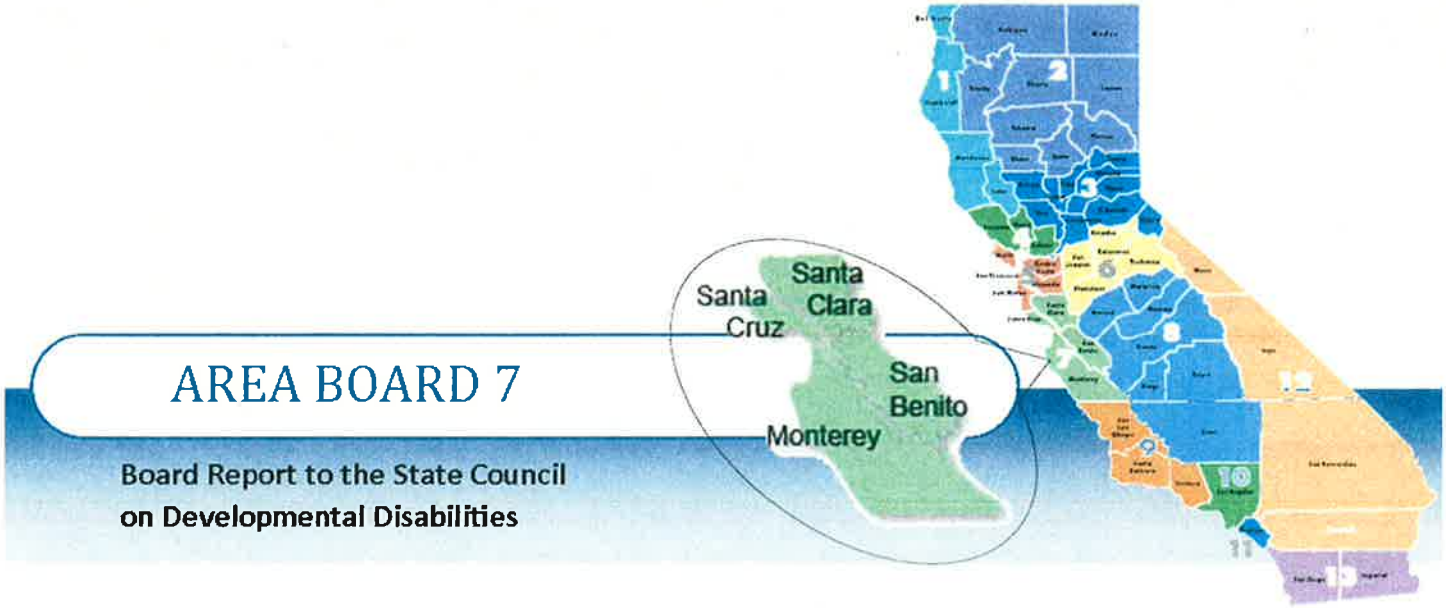
- Provided in-kind support to Self-Advocacy Council 6 by printing materials, such as agenda, reports log, member assignments etc. - for their monthly meetings. Provided materials on Employment First, Self Determination and AB 1595.

Goal QA.01.5)

- Provided support to our SSAN member for his community reports.

Issues or Concerns for State Council Consideration

- Update still needed on the DDS Parental Fee issues. One parent has contacted us again stating that she is being threatened with a law suit for non-payment. She has had financial issues and asked DDS to work with her- and was told no.
- MTARS corrections/SCDD Financial stability/ and statewide standing is a concern to members of Area Board 6 and staff. The ability to continue to assist and support our communities effectively is also a concern.



David Grady, Director: Reporting Period: March to April 2014 Date: 4/27/14

Highlights

- Outreach: It is the intention of all outreach meetings to strategize and implement the goals and objectives of the SCDD State Plan.
    - Transition Summit Planning 2x
    - Met with Director and Manager of Greater Opportunities.
    - Attended Service Provider Advocacy Committee Meeting 2x
    - Attended Supported Living Task Force Meeting 2x
    - Attended SARC QA Committee 2x
    - Attended SARC Board Meeting 2x: presented community response to hiring ED.
    - Working with SARC to solicit input from community regarding the hiring of next Ex. Dir.
    - Attended the opening and closing meetings for CARF accreditation at Abilities United.
    - Facilitated and presented at the Disability Collaborative Transition Summit. Summitt attended by 80 participants, 60 being family members. Parent Network model discussed and formulated as an outcome of the meeting.
    - Attended PHP / SCCOE Transition Fair, presented AB7 materials to 75 families.
    - Met with Fiesta Educativa Regional Manager
    - Attended Social Capital Conference
    - Met with Area Manager of Hope,
    - Provided rights and QA training with board member/advocate to 40 potential residential service providers.
    - Attended Legislative Breakfast: Santa Cruz and Santa Clara.
    - Met with SARC Managers to review AB and SARC needs
    - Met with 20 SARC District Managers to discuss the role of AB7 in the community.
    - Attend Monterey Bay Area Provider Network meeting.

- Legislative

    - With Board members David Forderer and Cheryl Hewitt visited the San Jose office of Assembly Speaker Pro Tempre Nora Campos and spoke with staff regarding Lanterman Restoration.
    - Met with chair of Latterman Coalition. Sent letter of support to 5 representativess requesting support for 8 recommendations of Lanterman Coalition

- Sent Board Letter of Support for Chesbro Bill to SCDD

- SSAN
  - Self-advocate and aide continue to volunteer at AB7 weekly to work with SSAN rep on self-determination
  - SSAN representative met with Imagine ED to review Self-Determination material and receive information regarding self-determination and the role of a facilitator.
  - SSAN representative presented Self-Determination at SPAC meeting and PHP Advocate Committee meeting.
  - Provided two train the trainer trainings for Self Determination, offered training to 5 trainers three who are self-advocates.
  - SSAN representative met with SCCD representatives for update and orientation to activities at the state level.
  - Presented Self Determination to 3 staff and 10 individuals at Employment and Community Options.

- Quality Management
  - Web based Service Directory / Navigating the System models presented to the SARC QA Committee. Committee supportive of model's use in upcoming redesign of SARC webpage.
  - Received update from SARC regarding recent authorization website redesign and the inclusion of a searchable service directory.

- Board & Board Development
  - Neal Folsom appointed to AB7 Board by Governor Brown
  - Completed Board Orientation
  - Grants Committee met and identified two area of focus of State Plan for Cycle 37 Grant
  - Education and Advocacy Meeting
  - Executive Committee Meeting
  - Attended the SCDD Board Meeting
  - Educatiotion and Outreach Committee
  - Area Board 7 Meeting
  - Recruiting potential board member for Santa Clara County

- Advocacy
  - 39 Individual/ Families received Advocacy
    - Support requested includes:
      - Assistance with complaints
        - 1 Special Education
        - 1 Regional Center
        - 1 Day Program Care
      - Health Care
      - IEP & Assessment
      - Attended 7 IEP meeting
      - Self Determination
      - Day Progarm
      - Supported Living
      - Residential Care
      - Attended 5IPP meetings
      - 3 IEP related meetings
      - Attended 1 1/4ly meeting (IPP review)
      - Housing
      - Staffing
      - Mainstreaming
      - Speech Therapy

- Health/ Hearing
- ABA Services
- OT Evaluations
- Transportation
- Mainstreaming

State Plan Activities Implemented During this Reporting Period

- Goal 1
  - Focus on training on Self Determination, made 5 presentations by self-advocates including 2 Train the Trainer Presentations
  - Promoting self-advocate participation on various groups and committees
- Goal 2
  - Advocacy: Provided direct advocacy for 13 individuals and families.
  - Educated 75 transition age parents about rights and services at local transition fair
  - Educated 45 providers on rights and Lanterman Act
- Goal 3
  - Assisted 3 families with complaint process
- Goal 4
  - Identified Get Safe as resource to coordinate first responder training.
- Goal 5
  - Focus of Cycle 37 grant
- Goal 6:
  - Transition Consortium: Facilitated and presented at Summit. 60 families, 20 providers, and 4 individuals with disabilities received training on housing, employment, education, health, and socialization.
- Goal 7
  - Met with chair of Lanterman Coalition and provider of infant toddler services and wrote to legislative members to restore Early Start services
- Goal 8 & 9
  - Working with employment providers to build parent partnerships to promote employment researching best practices and establishing protocols. Provided parent network model to over 60 families and 20 providers.
- Goal 11
  - Worked with 10 parents on developing alternative housing models for individuals with disabilities.
- Goal 13
  - With SSAN representative informed 10 parents, 25 providers, 10 individuals about Self-Determination
- Goal 14
  - Assisted community member to report to LPPC and Legislative Committee on Parental Fee Program
  - Met with Assembly Pro Tempre staff to discuss Lanterman Restoration and Lanterman Coalition Proposals.
  - Attended two legislative breakfasts.
- Goal 15
  - Met with Fiesta Educativa Regional Director to discuss collaboration with AB7
  - Possible focus Area of Cycle 37 Grant.

Issues or Concerns for State Council Consideration

- Education and Advocacy Committee has prioritized the need to begin training to first responders and disability access policies at local theme parks. Committee intends to give Outreach to Hispanic Community.
- Board is continuing efforts to improve atmosphere of IEP meetings within one particular school district.
- AB staff is working with Regional Center to better inform individuals and families of services in the area through development of a service directory.
- Legislative Committee reviewing needs presented in Lanterman Coalition Letter to Governor, Assault on Lanterman, and Family Program Fee / Family Participation Fee. AB7 Board supporting and contacting legislators to support the 8 recommendations of the Lanterman Coalition.
- In collaboration with providers, develop parent networks for supporting of people with developmental disabilities.
- Through SSAN promote self-determination law. Informing community of Self Determination has begun.

AREA BOARD 8

Board Report to the State Council on Developmental Disabilities

Reporting Period: March/April 2014 Date: 5/7/2014

Highlights

Had one new board member appointed, Sharron Moore from Fresno County and one Govenors Appointee, Maria Jones from Hanford was re-appointed.
Conducted Monthly IEP Clinic with Family Resource Center in Kern County, 13 people in attendance.
Participated in Adult Transition Community Meeting.
Successfully advocated for elementary student with Down's syndrome to move from a Special Day Class (SDC) to a "regular" education classroom, a first for this school.
Ongoing work with local school district on inclusion best practices.

Individual Advocacy:
72 Individual/Families received Advocacy Support
Of the 72 approximately 65 were for Special Education support including:

- Least Restrictive Environment – Placement
- Behavioral Supports
- Assistive Technology
- Communication
- IEP Compliance Issues
- Transition
- Manifestation/Expulsion
- Assessment Issues

Of the 72 approximately 4 were Regional Center Individual/Family's needs including:

- Eligibility
- Appeal Process/Fair Hearing
- ABA Services

In Home Respite Hours
Attended 22 IEP/504 meetings to support individual/families.

State Plan Activities Implemented During this Reporting Period

Goal 1:

Continued Support of our local SSAN Advocate

Goal 2:

84 Individual/Family Advocacy

Rights Training – 1 Presentation to 2 participants

Goal 6:

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

Helping smaller school districts with inclusion practices that lead to better outcomes.

The need for transparency for the public to know how many tax funded dollars are spent by school districts on attorney fees fighting parents. Current budget reports published by districts only show a total amount per district, not a line item amount.

Continued concern regarding the ability and effectiveness of Office of Protective Services (OPS).

AREA BOARD 9

Board Report to the State Council
on Developmental Disabilities

Reporting Period: March to May, 2014 **Date:** 05/12/2014

Highlights

In addition to the technical assistance outlined below, Area Board 9 board of directors and staff were active this reporting period in the areas of legislative and public policy outreach and advocacy. Area Board 9 currently supports 5 bills and is watching/monitoring 15 bills.

State Plan Activities Implemented During this Reporting Period

Quality Assurance/Training (State Plan Goal 1.2): We provided ongoing outreach trainings and support to the following existing self advocacy groups: People First San Luis Obispo, People First Santa Maria Chapter, People First Santa Barbara and People First Ventura County.

Education/Technical Assistance (State Plan Goal 2.1): We assisted 28 individuals with special education cases during this reporting period. 16 of the individuals served were English speaking and 12 were non-English speaking or limited English speaking.

The breakdown by county of the special education cases is: Ventura County: 24 cases and San Luis Obispo County: 4 cases. Each case had an initial intake and appointment with an advocate. The breakdown of assistance for these cases is:

- 20 cases were resolved through an appointment with an advocate and with distribution of related materials on educational advocacy topics.

- 5 cases were resolved through an appointment with advocate, distribution of related materials and consultation with an educational agency representative.
- 3 cases were resolved through an appointment with advocate, distribution of related materials, and preparation by the advocate for an IEP meeting.

Community Supports/Technical Assistance (State Plan Goal 2.1): We assisted 38 individuals with community supports advocacy cases during this reporting period. 21 of the individuals and families served were English speaking and 17 were non-English speaking or limited English speaking.

The breakdown by county of the community supports cases is: Ventura County: 24 cases; Santa Barbara County: 4 cases; and San Luis Obispo County: 10 cases. Each case had an initial intake and appointment with an advocate. The breakdown of assistance for these cases is:

- 23 cases were resolved through an appointment with an advocate and with distribution of related materials on the community support.
- 11 cases were resolved through an appointment with advocate, distribution of related materials and consultation with a community support agency representative.
- 4 cases were resolved through an appointment with advocate, distribution of related materials, and preparation by the advocate for a formal meeting with the agency representatives (IHSS/regional center/SSA).

Community Supports/Outreach (State Plan Goal 2.1): Area Board 9 provided the following community outreach during this review period:

- 03/06/2014: *Transition Fair*, Ventura County SELPA Simi Valley.
- 03/15/2014: *Accessing In-Home Supportive Services (IHSS) (offered in English and Spanish);* collaborative presentation with Rainbow Family Resource Center, Office of Clients Rights Advocacy/DRC and Area Board 9.
- 03/27/2014: *Disabled Adult Child Benefits through Social Security Administration*; collaborative presentation with Parents Helping Parents Family Resource Center and Tri-Counties Regional Center.
- 04/27/2014: *Aut2Run: Autism Walkathon*, Autism Society of Ventura County.
- 05/03/2014: *Advanced IEP Advocacy: Assessment Plans, Timelines and Independent Educational Evaluations*; provided to the parent support group at First 5 Ventura County/Moorpark.

- 05/08/2014: Overview of State Council/Area Board Services; provided to Community Action Committee San Luis Obispo.
- 05/08/2014: Overview of State Council/Area Board Services; provided to First 5 San Luis Obispo County.

Education/Supporting and Educating the Communities (State Plan Goal 2.3): Area Board 9 informed over 8,000 people about different informational activities related to legislative and public policy matters and educational and community supports locally and statewide.

Access to Information and Resources/Language and Cultural Competency (State Plan 15.1): Area Board 9 developed and translated the following:

- Materials for a PowerPoint presentation about Special Education into Spanish
- Materials for a PowerPoint presentation about In Home Supportive Services into Spanish
- Flyers for community action around the release of the POS Data into Spanish

Issues or Concerns for State Council Consideration

We continue to be concerned about the following issues:

- The impact of changes to the Diagnostic Statistical Manual of Mental Disorders (DSM), fifth edition, in regard to Autism and mental health diagnostic criteria.
- Implementation of new laws- employment first and self-determination- what people who receive regional center services and their families should expect, and,
- The release of data related to differences in how regional center services are purchased between racial, ethnic and language groups in our community and statewide.

AREA BOARD 10

Board Report to the State Council on Developmental Disabilities

Reporting Period: March – April 2014 Date: 5/9/14

Highlights

In our efforts to inform the community about Self-Determination, we have developed a presentation and provided 10 trainings to over 225 people (with translation provided in Japanese and Spanish for 98 participants). At the time of this writing, 10 presentations on Self-Determination are presently scheduled in our area over the next 2 months.

Wrote and distributed a plain language version of the MTARS report.

Continued to promote and share our summary of the regional center purchase of service disparity data for all of the regional centers in L.A. County.

Continued promoting MTA's long-awaited Solicitation for Proposals for Job Access funds and New Freedom funds to over 60 programs, 1,022 e-newsletter subscribers, independent living centers, the Paratransit Riders' Coalition, regional center staff, parent groups, and family resource centers. Offered technical assistance for those developing volunteer driving programs under the New Freedom funding.

Distributed three e-newsletters to almost 1200 people each.

State Plan Activities Implemented During this Reporting Period

Goal 1 – Self-Advocacy

- Continued to support local self-advocacy efforts by facilitating the Self-Advocacy Board of L.A. County's (SABLAC) monthly meetings and participating in the Statewide Self-Advocacy Network's meetings. During this reporting period, provided assistance in developing topics, coordinating a self-advocacy conference in association with SABLAC, and soliciting donations for the conference.

Goal 2 – Training and Advocacy

- Continued to promote and share a summary of the regional center POS disparity data for L.A. County
- Provided individual advocacy and technical assistance to 64 people regarding access to needed community supports (including issues pertaining to regional center, Self-Determination, transportation, IHSS, and health insurance/behavioral health treatments), 2 of whom were Spanish-speaking
- Provided individual advocacy and technical assistance to 27 families regarding the provision of appropriate educational services for their child with special needs, 10 of whom were Spanish-speaking
- Provided ten presentations about Self-Determination to 225 parents, self-advocates, and professionals
    - 56 of these attendees received the presentation in Spanish and 42 in Japanese
- Responded to one request for the appointment of authorized representative.
- In association with the Inclusion Institute, two presentations were provided:
    - One pertaining to special education due process for 182 attendees (with translation provided in Japanese and Spanish)
    - One pertaining to Self-Determination for 60 attendees (with translation provided in Spanish)
    - Promoted the Inclusion Institute's seminar in June about how to increase success in regional center fair hearings

Goal 3 – Quality Assurance and Innovation

- Mailed almost 13,000 quality assurance surveys and received over 2,600 of them. The vast majority have been entered into our online data management system and surveys are presently being re-sent in order to meet our goals.

Goal 7 – Early Start

- Provided individual advocacy and technical assistance to two families regarding the provision of Early Start services for their children with special needs.

Goal 9 – Employment and Post-Secondary Education Advocacy

- Collaborated and assisted the Los Angeles County Community and Senior Services Division in rating proposals and interviewing applicants for their Work Investment Act request for proposals, which may substantially serve and impact individuals with intellectual and developmental disabilities.

Goal 10 – Health

- Participated as required by statute in two review panels of the usage electroconvulsive therapy for one self-advocate

Goal 13 – Access to Generic Services

- Facilitated the quarterly meeting of the L.A. County Regional Center Transportation Group, resulting in strategies to keep costs down for vendors and sharing information about changes in fare policies.

- Continued promoting MTA's long-awaited Solicitation for Proposals for Job Access funds and New Freedom funds to over 60 programs, 1,022 e-newsletter subscribers, independent living centers, the Paratransit Riders' Coalition, regional center staff, parent groups, and family resource centers. Offered technical assistance for those developing volunteer driving programs under the New Freedom funding.
- Participated in meeting with Paratransit Riders' Coalition Capacity Subcommittee resulting in plans to obtain additional information and request relevant data is kept by MTA, who funds the local paratransit service
- Distributed three e-newsletters to 1,195 subscribers.

Goal 14 – Public Policy

- Took a position on SB 663 and sent a position letter to the bill author and Governor.

Issues or Concerns for State Council Consideration

- No representation on the Council for over two years.

AREA BOARD 11

Board Report to the State Council on Developmental Disabilities

Reporting Period: MARCH/APRIL Date: 12 MAY 2014

Highlights

During this reporting period, ABXI cochaired the Tenth Annual Disability Rights Workshop, "Come One, Come All!", a free, day-long event on inclusion, featuring local and state consumer advocates. In addition to keynote speakers Richard Devylder, with the California Governor's Office of Emergency Services, Office for Access and Functional Needs, and Brenda Premo, founding director of Western Center for Disability Issues and the Health Professions, speakers and topics included:

- "My Life, My Way", a panel discussion featuring four self-advocates, including the State Council's Molly Kennedy.
- "Planning My Life, Living My Plan", featuring a mother-daughter presentation and a representative from California State University at Fullerton's Disability Support Services.
- "Healthcare Rights and Responsibilities" consisted of presentations on behavioral healthcare by an attorney and a client advocate from Disability Rights California and on the Affordable Care Act by representatives from Orange County Social Services and the Orange County Council on Aging.

Planning committee members included representatives from the Dayle McIntosh Center on Independent Living; Regional Center of Orange County; Orange County Adult Services; California State University at Fullerton; the Office of Clients' Rights Advocacy; and CalOptima. All attendees were served a continental breakfast and lunch, made possible by grant funding and donations from local agencies, and resource tables featuring a variety of local agencies provided information and handouts. The venue was provided at no cost by the City of Anaheim.

State Plan Activities Implemented During this Reporting Period

A. Advocacy

In March and April, ABXI staff assisted 62 new and ongoing clients with issues involving access to regional center eligibility and services; transportation; IHSS; SSI; SSDI; employment; and special education eligibility and services. During this reporting period, ABXI success stories included (1) retroactive SSI eligibility for a child; (2) regional center eligibility and school approval for a 1:1 aide and increased speech & language services for another child; and (3) a health and safety exemption for long-overdue personal assistance services for a young man with critical health issues.

B. Trainings, Outreach, and Community Meetings

Trainings

ABXI hosted and/or provided trainings in English and Spanish for 275 consumers, family members, and professionals in March and April. Topics included inclusion; RCOC intake/eligibility; the Affordable Care Act; community resources ("Recursos de la Comunidad"); and SSI. Collaborators included California State University at Fullerton; and RCOC.

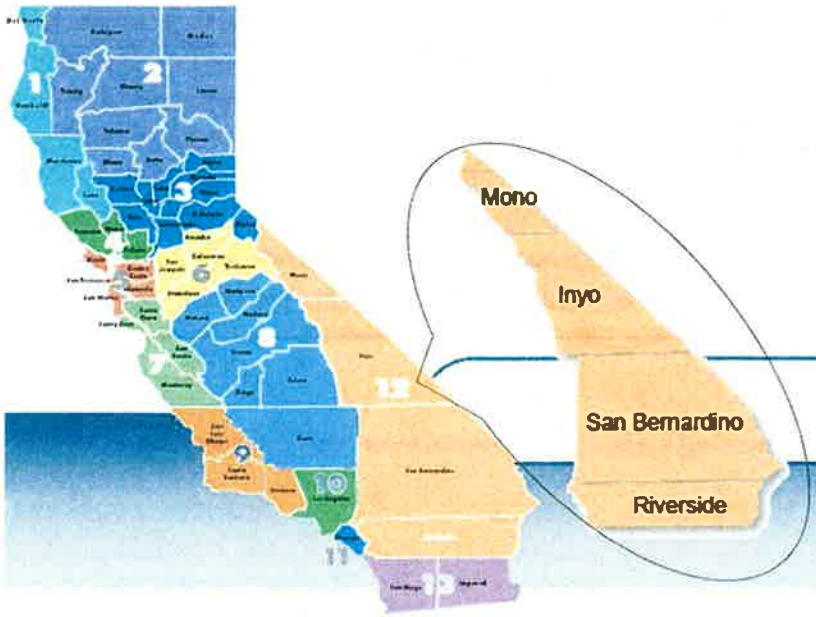
Outreach

ABXI conducted outreach to more than 200 attendees at North Orange County Community College District's Transition Night and La Sierra High School's Career Day. More than 300 copies of ABXI's publications, including "Regional Center Eligibility"; "IPP Basics"; "IEP Basics"; "Orange County Community Resources", were distributed by the end of the community college's Transition Night and hundreds more were taken by attendees at the high school's Career Day.

Meetings

In addition to meetings with consumers, family members, school district and regional center staff, during this reporting period, ABXI staff met with the Orange County Care Coordination Collaborative; the Orange County Adult Transition Task Force; and the Fairview Developmental Center management team.

Issues or Concerns for State Council Consideration



AREA BOARD 12

Board Report to the State Council on Developmental Disabilities

Reporting Period: 03-01-2014 to 04-30-2014 Date: 07MAY2014

Highlights

Plan, coordinated and delivered an Employment Summit with Murrieta Unified School District, Inland Empire Autism Society, Special Education Parent Advisory Committee, Disability Rights California and Office of Clients Rights Advocacy focusing on linking employers directly with youth in the workability and adult transition programs. Focused on wages and benefits, how to build a plan to start your own business, how to obtain and maintain soft and hard skills and dressing for success. This was a "pilot" project and will be offered to other school districts to help self and family advocates and professionals that support them to start thinking of typical employment opportunities for youth with disabilities.

State Plan Activities Implemented During this Reporting Period

EM #9c Provide training for self and family advocates and professionals on developing a proposal for a small business. Collaborative partners: Murrieta Valley Unified School District, Special Education Parent Advisory Committee (SePAC), Inland Empire Autism Society and Disability Rights California. Self-Advocates = 28 / Family Advocates = 44 / Professionals = 17

CS #2a Provide advocacy to self and family advocates concerning educational issues/rights via telephone or email. Collaborative partners: Team of Advocates for Special Kids (TASK), Office of Clients Rights Advocacy. Self-Advocates = 13 / Family Advocates = 13 / Professionals = 5

EM #9b Provide job skills training for adult transition program one time per week for up to 2 hours per week. Self-Advocates = 4 / Family –Advocates = 0 / Professionals = 1

EM #9c Provide training for family advocates and professionals on educational rights and positive strategies to get employment into the IEP, IPP, ITP and identified in the SOP. Self-Advocates = 0 / Family –Advocates = 44 / Professionals = 11

CS #4a Collaborate with San Bernardino County District Attorney's MDT on Elder and Dependent Adult Abuse team to ensure the rights of people with developmental disabilities. Self-Advocates = 1 / Family –Advocates = 0 / Professionals = 22

CS #2a Provide advocacy to self and family advocates concerning regional center eligibility and appeals process/complaint process via email or telephone. Self-Advocates = 2 / Family –Advocates = 5 / Professionals = 4

CS #2a Provide information and referral to generic agencies serving people with developmental disabilities on subjects such as IHSS, DOR, CCS, APS and Medi-Cal. Self-Advocates = 9 / Family – Advocates = 28 / Professionals = 5

EM #9c Provide training to self-advocates (youth in Workability program) and professionals on Dress for Success and hygiene tips for job interview sills. Self-Advocates = 3 / Family –Advocates = 0 / Professionals = 2

EM #9c Provide training to self-advocates (youth receiving special education services through Murrieta Unified School District) on Dress for Success and hygiene tips for job interview sills. Self-Advocates = 28 / Family –Advocates = 2 / Professionals = 5

EM #9c Provide training on services available through the Client Assistance Program (through Disability Rights California) and Dept of Rehabilitation. Self-Advocates = 28 / Family –Advocates = 44 / Professionals = 17

EM #9c Provide training to self-advocates (youth receiving special education services through Murrieta Unified School District) on "Soft Skills" and "Hard Skills" for post-education and technical training opportunities. Self-Advocates = 28 / Family –Advocates = 3 / Professionals = 9

EM #9c Provide training to family advocates and professionals on Wages and Public Benefits to show that either way you look at it, people make more by working. Self-Advocates = 0 / Family –Advocates = 44 / Professionals = 11

EM #9c Provide training to regional center adult case management staff on the role of state council and implementation of employment first policy. Self-Advocates = 0 / Family –Advocates = 0 / Professionals = 21

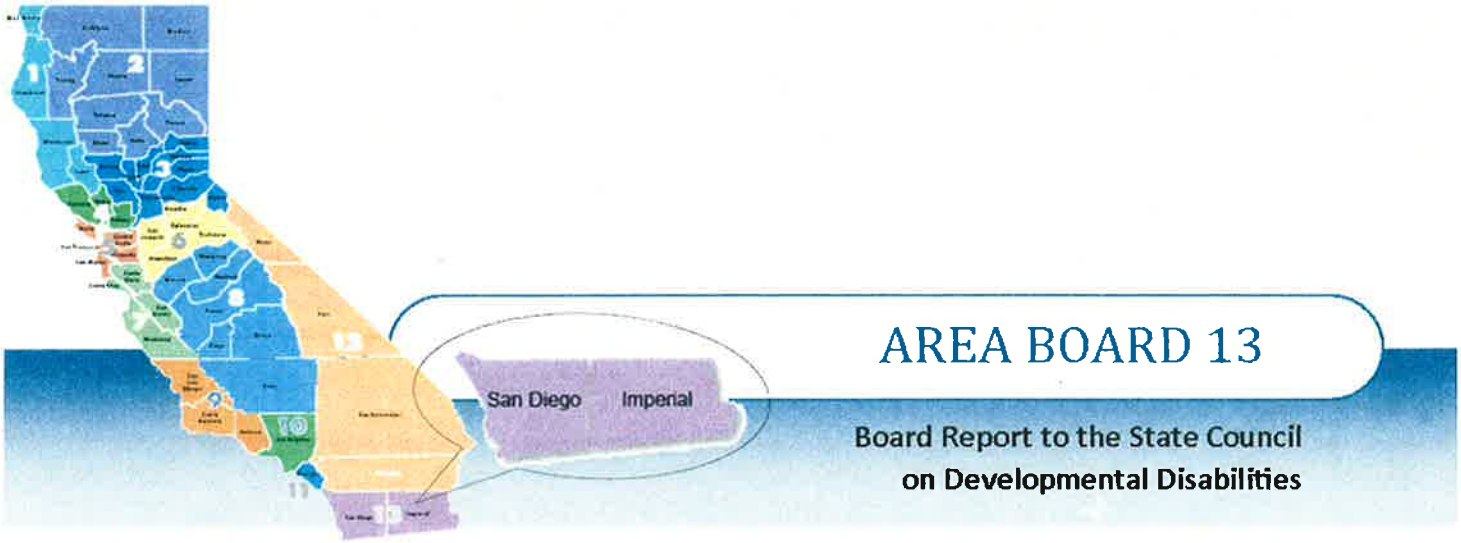
CS# 2c Provided training to West End SELPA on role of state council and implementation of employment first policy. Self-Advocates = 0 / Family –Advocates = 0 / Professionals = 26

Direct Face-to-Face Advocacy (i.e, attending fair hearing, IEP, etc): Auth Rep (1), IEP Settlement Agreement Negotiation (1), 4731 Complaints appealed to DDS (2), IPP (regional center) (2), OAH Decision implementation w/RC (1)

Issues or Concerns for State Council Consideration

The lack of travel reimbursement has become a strain on our ability to carry out any further state plan activities that require travel. One staff has more than $2,000 in unpaid travel reimbursement dating back to mid-February. We hope that this issue will be resolved by headquarters to minimize disruption in our ability to carry out our responsibilities.

As of this writing, rent for region 12 office has not been paid for January, February, March or April. Our lease expires in November and we were in the process of renegotiating an extension. There is an overall concern that the failure to pay rent on time may negatively impact our ability to extend our lease and will force us to have no office space as it takes time for the state to secure locations/leases.



AREA BOARD 13

Board Report to the State Council on Developmental Disabilities

Reporting Period: March/April Date: May 1, 2014
Executive Director: Mary Ellen Stives – 619-688-3323

Highlights

- Staff participated in the North Coastal Consortium for Special Education Recreation and Community Resource Fair. **100 handouts** were distributed. There were about 150 parents, family members and professionals in attendance.
- Conducted a First Responder Training at the San Diego Zoo for Security and Guest Relations staff. This training was so well received; they requested a second training for the Wild Animal Park. There was **45** staff present for this training.
- Attended Assembly Member Shirley Weber's Select Committee on Higher Education in San Diego County presentation.
- Staff facilitated the implementation of the annual Imperial Valley People First Self Advocacy Conference. The conference focused on topics relating to health and wellness with workshops on healthy eating, relaxation and stress management, and being your own healthcare advocate. Additionally there were hands on demonstrations provided by a local Hula Hoop exercise group and a Zumba instructor.
- Facilitated for governor appointed board member at MTARS Committee, 2 Administrative Committees, 1 Executive Committee, 1 SAAC Meeting, and 1 SCDD meeting.
- Spoke at a Transition Fair offered through the San Diego Unified School District and passed out brochures, answered questions, and provided information about Project College to approximately **150** attendees.

State Plan Activities Implemented During this Reporting Period

Goal #1:

Continued meeting with a steering committee to facilitate the planning of the 2014 SDPF Self Advocacy conference.

Staff provided facilitation during the Imperial Valley Self-Advocacy Conference held on March 29, 2014. **140** people attended.

Staff continues to work with the San Diego Unified School District TRACE program to strengthen their self-advocacy/governance group. Worked with the officers to develop their agenda and prepare for the next Governance meeting. **20** students attended.

Staff provided facilitation support to two Area Board members as they prepared for the bimonthly board meeting.

Goal #2

Staff participates at the monthly Fiesta Educativa conference planning committee. In addition to the annual conference, the Fiesta committee is also planning parent leadership training for 30 parents of children with special needs. The focus of the training is to promote parental involvement in the decision making process, learn skills to actively participate in the school system, have knowledge of public policy issues in education and understand the difference between traditional parent involvement vs. parent leadership. The targeted date for the training series will be August 2014.

Participated in two Purchase of Service Expenditure Data meetings conducted by the San Diego Regional Center in an effort to identify why there are so many discrepancies in services authorized for people of various ethnic and cultural backgrounds.

Provided an overview of the role of the SCDD Regional Office 13 in San Diego and Imperial County to members of the North County Autism support group. There were 9 family members present.

Participated in the implementation of one student led IEP. The outcome of the IEP was that the student and the IEP team created a plan for the student to continue to work toward competitive employment, develop his leadership skills and work toward his GED.

Attended 3 IPP meetings. Because of participating in the IPP meeting, the client was connected to the speech-to-speech service as a way to increase her independence in managing her health care. Due to a speech impediment the client is very difficult to understand, but because of being connected

To the Speech-to-Speech service, she is now able to be independent in ordering her medications and scheduling her doctor appointments. The individual reported, "It has changed my life."
Two IPP meetings addressed communication between the client, family and regional center service coordinator. Staff gave technical assistance at **1** IEP meeting. This was a triennial with a focus on transition services. The parent was in agreement with the IEP.
Staff gave technical assistance to **1** parent at an informal school meeting regarding bullying issues and staff conduct at previous IEP meeting. Parent was satisfied with the results of the meeting.
Staff gave technical assistance to 33 parents regarding Regional Center issues, special education, eligibility, self-advocacy, IHSS and community resources.
Staff mailed to **6** parents resource materials on the following: transition planning, adult agencies, special education and SD Regional Center services).
Attended 3 IEP meetings (Three families). Assisted one of these families with acquiring new testing for ABA in home through family's health insurance.
Assisted 2 families with issues regarding respite services for family member.
Assisted family with concerns regarding visitation at group home.
Attended 2 Resolution Sessions.
Assisted family with service change when moving from one RC catchment area to SDRC.
Met with school regarding LRE and behavior plan revisions. Numerous calls to parents regarding child's placement.

Goal #3:

Entered 1 (for a total of 219) Adult Family Surveys (AFS) and 10 Family Guardian Surveys (FGS) for a total of 165 for Orange County. Still need 8 FGS from RCOC to meet goal. Goals complete for SDRC.

Completed 15 "Mover" interviews for San Diego County (total of 25 needed).

Goal #4:

Provided training to 45 First Responders at the San Diego Zoo on how to deal with situations that may arise regarding guests with disabilities at the Zoo.

Goal #6:

Presented at the SDUSD Transition Fair and provided various handouts and information to students and parents at the resource fair. There were approximately **150** handouts given.

Continue to orchestrate a monthly Transition Committee that is attended by Department of Rehabilitation, San Diego Regional Center, College 2 Career, San Diego State Interwork Institute, Exceptional Family Resource Center and parents to discuss issues within our community, opportunities for students to consider during the transition process, the Promise Grant, and plan workshops to meet the needs of students in transition.

Goal #7:

Staff participated in the Involved Exceptional Parents Day Conference. We had 199 attendees both parents and professionals. In addition to a wonderful panel of presenters for the keynote and various workshops, this conference hosts the largest resource fair locally, with 80 vendors/agencies.

Goal #9:

During the month of April, we interviewed 22 potential students for the Project College summer program. From the 22 applicants, 12 students have been selected to participate in the weeklong college experience on the campus of the University of San Diego. The students will have the opportunity to refine their executive functioning skills, take college classes, navigate a college campus, live in a dormitory with other students, budget a meal card for the week, and have numerous opportunities to learn study skills, note taking, relationship development, safety skills, etc. all relevant for beginning college students.

Goal #14:

Met with the Chief of Staff at the office of Assembly Member Brian Maienschein to discuss current legislation, the increase of self-directed services, and employment concerns as well as to offer our services if any of their constituents are experiencing problems receiving adequate supports.

Served on the Program Committee for the 10th Annual Legislative Forum in San Diego which already has over 300 people scheduled to attend. Each year there is a larger number of legislators and their staff in attendance, so this is a wonderful opportunity to mix and mingle with elected officials.

Issues or Concerns for State Council Consideration

There were NO families present at the SDRC POS Expenditure Data Report meetings. Perhaps the name of the meeting should change to reflect what the meeting was intended to address, and be more community friendly about the need for constituent input and participation.

Just as an update, I wanted to mention that the issue brought to the SCDD attention at the last meeting regarding the Licensing issue that was preventing a program from expanding has been resolved!