ACTION:

INFORMATION:

CORRECTED

COUNCIL MEETING NOTICE/AGENDA

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THE PUBLIC MAY LISTEN IN BY CALLING:	**1-800-839-9416**
PARTICIPANT CODE:	**2982825**

DATE: Thursday, May 25, 2017

TIME: 10:00 a.m. – 5:00 p.m.

LOCATION: Crowne Plaza Sacramento Northeast
5321 Date Avenue
Sacramento, CA 95841

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 19, 2017.

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1.	**CALL TO ORDER**	A. Lopez	
2.	**ESTABLISH QUORUM**	A. Lopez	
3.	**WELCOME/INTRODUCTIONS**	A. Lopez	
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.*		
5.	**APPROVAL OF MARCH 2017 MINUTES**	A. Lopez	4
6.	**CHAIR REPORT**	A. Lopez	

For additional information regarding this agenda, please contact Robin Maitino, 1507 21st Street, Ste. 210, Sacramento, CA 95811, (916) 322-8481. Documents for an agenda item should be turned into SCDD no later than 12:00 p.m. the day before the meeting to give members time to review the material. The fax number is (916) 443-4957.

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VOTE	7. **EXECUTIVE DIRECTOR REPORTS**		14
	A. 2017 Federal Programs and Landscape		
	B. Medicaid Policy		
	STAFF REPORTS		
	A. Chief Deputy Director Report (A)		
	B. Deputy Director of Policy and Planning Report		
	C. Deputy Director Regional Office Operations Report (A)		
	D. CRA/VAS Update Report		
	E. Developmental Center Closure Update		
	F. QA Project Update Report		
	8. **DEVELOPMENTAL CENTER PANEL**		
	Presenters		
	Zach Miller, Former Resident of a Developmental Center		
	Savaing Sok, Former Resident of a Developmental Center		
	Diana Pastora, Family Member of a Former Resident of a Developmental Center		
	9. **ABLE ACT PRESENTATION**	C. Elliott	41
	10. **GOVERNORS MAY REVISE AND SAFETY NET PLAN**	K. Kent/E. Gelber	59
VOTE	11. **SCDD 2017-18 BUDGET**	A. Carruthers	70
VOTE	12. **PROPOSED BYLAW CHANGES**	A. Carruthers	75
VOTE	13. **SPONSORSHIPS**	G. Rogin	105
	A. National Down Syndrome Congress		
	14. **COMMITTEE REPORTS**		
VOTE	A. **Executive Committee**	N. Yang	126
	(1) Policy Regarding Council Funding Federal Partners for Sponsorship and Grants		
	(2) Rea COI Waiver and DDS determination		
	(3) AB 437 – At-Risk Community Network		
	(4) AB 1610 – Funding Disparities		
	(5) Executive Director Evaluation Process		

	B. **State Plan Committee**	S. Smith	
	C. **Employment First Committee**	J. Yang	185
	D. **Self-Advocates Advisory Committee**	D. Forderer	
15.	**SECRETARY TASK-FORCE REPORT**	K. Weller	192
16.	**NEXT MEETING DATE & ADJOURNMENT**	A. Lopez	

APPROVAL OF THE MARCH 2017 MINUTES

DRAFT

Council Meeting Minutes
March 21, 2017

Members Present
Alfredo Rubalcava
Andrea Vergne (FA)
April Lopez (FA)
Charles Nutt (SA)
Carmela Garnica (FA)
Catherine Blakemore Dan Boomer
David Forderer (SA)
Eric Gelber
Francis Lau (FA)
Janelle Lewis (FA)
Jeana Eriksen
Julie Austin (FA)
Kecia Weller (SA)
Kerstin Williams (SA)
Kris Kent
Larry Yin
Lisa Harris
Maria Marquez
Michele Villados

Members Present (continued)
Ning Yang (SA)
Rebecca Donabed (SA)
Robert Taylor (SA)
Sandra Aldana (SA)
Sandra Smith (FA)
Wilbert Francis

Members Absent
Chisorom Okwuosa
Jacqueline Nguyen (FA)
Jay Lytton (SA)
Pete Sanchez (FA)
Robin Hansen

Others Attending
Andy Chaobal
Angela Lewis
Bob Giovati
Christine Lannon
Cindy Chiu

Others Attending (continued)
Dena Hernandez
Gail Forrest
Gabriel Rogin
Holly Bins
Kristie Allensworth
Lisa Hooks
Michael Brett
Natalie Bocanegra
Riana Hardin
Robin Maitino
Sheraden Nicholau
Scarlett Von Thenen
Sarah May
Sonya Bingaman
Riana Hardin
Vicki Smith
Wayne Glusker
Michelle Enchill

1. **CALL TO ORDER**
   Chairperson April Lopez (FA) called the meeting to order at 10:20 a.m.

2. **ESTABLISHMENT OF QUORUM**
   Chair Lopez (FA) established a quorum.

3. **WELCOME AND INTRODUCTIONS**
   Councilmembers and others in attendance introduced themselves.

4. **SWEARING IN OF NEW COUNCIL MEMBER**
   Council Chair April Lopez administered the oath to new Councilmembers Jeana Eriksen and Maria Marquez.

5. **PUBLIC COMMENT**
   None.

6. **APROVAL OF MEETING MINUTES**

The Council Minutes were handed out to members at the meeting. Members were given time to review and comment on them before taking action. Following their review, the members took the below action to approve.

Action 1

It was moved/seconded (Smith [FA]/Nutt [SA]) and carried to approve the January 24, 2017 Council meeting minutes as presented. (See page 9 for the voting record of member's present.)

7. **CHAIR REPORT**

Chair Lopez (FA) provided a brief report of her activities since the January Council meeting including: her participation at numerous hearings at the Capitol, visits with the Legislature, DDS' progress on self-determination, as well as an update of the work Council's Membership Committee has done since January.

8. **EXECUTIVE DIRECTOR REPORT**

In Executive Director Aaron Carruthers' absence, Chief Deputy Director Gabriel Rogin reported on activities since the January meeting including, people who were served in just the first two months of 2017 and in areas of policy.

Chief Deputy Director Rogin stated that Executive Director Carruthers was currently in Washington D.C. attending the 2017 Disability Policy Seminar. While there, Director Carruthers had hand-delivered over 100 letters from individuals and family members with I/DD to 75 members of Congress. The letters described how individuals and family members with I/DD depend on the services Medicaid/Medi-Cal and Regional Centers provide in order to allow them to live independent lives.

9. **STAFF REPORTS**

Staff reports were included in the packet starting on page 5.

10. **KRISTIN WRIGHT – DIRECTOR OF SPECIAL EDUCATION**

Special Education Director Kristin Wright with the California Department of Education provided an in-depth presentation on educating students with disabilities. Director Wright shared her own story as a parent of a child with I/DD. As the Director of Special Education, Ms. Wrights' focus is on ensuring that all students are prepared to work, live and thrive in their local community. Her presentation addressed results-driven accountability, improving educational results and functional outcomes, early learning, evidence-based school and classroom practices, educator preparation and professional learning, as well as accountability and family and student engagement.

11. **TRIBUTE TO DR. DANIEL BOOMER, DEPARTMENT OF EDUCATION**

Chair Lopez acknowledged Dr. Boomer for his years of service on the Council and presented him with a Certificate of Appreciation in honor of his retirement. Dr. Boomer thanked the Council and spoke about the changes he has seen in the system during his tenure.

12. **CYCLE 40 GRANT RFP & SCORING CRITERIA**

Councilmember Sandra Smith presented the proposed Grant Cycle 40 RFP and scoring criteria to the Council for consideration. The presentation beginning on page 57 of the packet not only outlined the Grant process in great detail but also included a copy of both the RFP and the Proposal Evaluation Scoring Sheet.

In response to a question regarding the staff's role in evaluation the proposals, Legal Counsel Bocanegra explained that this process was developed to address a tension between two areas of law that the Council has had to struggle with. These were the disclosure and notice rules of the Bagley Keene Act and the contracting confidentiality rules involving proposal scoring. The new process was based on an approach used by other similar agencies to allow for a confidential scoring process and also critical input and consideration by the Council.

Action 2

It was moved/seconded (Nutt [SA]/ Weller [SA]) and carried to approve the Cycle 40 Grant RFP and Scoring Criteria as presented in the presentation. (See page 9 for the voting record of member's present.)

13. **SCDD BUDGET**

Chief Deputy Director Gabriel Rogin presented four Administrative Committee approved budget documents to the Council. The documents detailed the current budget pressures the Council is facing, how Council staff has been managing the budget gap, the current year budget projections, as well as the Proposed SCDD FY 2017-18 Budget. Chief Deputy Director Rogin explained that staff was managing the gap and would be updating the Council regularly.

Councilmembers will approve the Proposed SCDD FY 2017-18 Budget in May. Therefore, staff want to ensure that members have an opportunity to review before voting.

14. **LEGISLATIVE RECOMMENDATIONS**

Legislative and Public Policy Committee (LPPC) Chair Janelle Lewis presented the below 16 bills to the Council for consideration stating that although AB 312 (O'Donnell) was listed on the agenda, the bill had since been amended, changing LPPC's recommendation. Therefore, the Committee was removing the bill from being considered.

Bill Number	Author	Description	Position
AB 279	Holden	Regional Center	Support
AB 340	Arambula	EPSDT	Support
AB 384	Irwin	ABLE Program	Support
AB 728	Waldon	Prescription Drugs	Support
AB 959	Holden	Regional Center	Support
AB 973	Low	Voting	Support
AB 1136	Eggman	Health Facilities	Support
AB 1607	Frazier	Competitive Integrated Employment	Support
SB 218	Dodd	ABLE Program	Support
SB 283	Wilk	TBI	Support
SB 354	Portantino	Translation Services	Support
SB 409	Nguyen	Veterans Homes	Support
SB 449	Monning	Nursing Facilities	Support
SB 707	Cannella	Denti-Cal	Support
SCR 22	Hueso	Autism Awareness	Support
AB 150	Mathis	ADA Compliance	**Oppose**

Action 3
It was moved/seconded (Nutt [SA]/ Smith [FA]) and carried to adopt the Legislative and Public Policy Committees recommendations to support the 15 bills identifed as supported by the Committee and to oppose bill AB 150. (See page 9 for the voting record of member's present.)

15. **CONFLICT OF INTEREST (COI) WAIVER REQUESTS**
Staff Counsel Natalie Bocanegra presented the following three COI waiver requests to the Council for review and consideration.

Kern Regional Center – Richard Rodriguez
Richard Rodriguez is a member of the Kern Regional Center (KRC). Mr. Rodriguez is a consumer of KRC and is employed part-time as a security guard by New Advances for People with Disabilities, a KRC vendor. He works two hours per day as a security guard during the lunch hour.

Action 4
It was moved/seconded (Smith [FA]/Nutt [SA]) and carried the approve staff's recommendation is to approve Mr. Rodriguez's waiver request provided he also complies with Section 4622(k). (See page 9 for the voting record of member's present.)

Kern Regional Center – Kurt Van Sciver
Kurt Van Sciver is a member of the Kern Regional Center (KRC). Mr. Van Sciver is employed as an attorney. The law firm for whom he works is not a vendor to KRC. The regional center states that members of the law firm represent some KRC vendors but not in relation to issues or appeals concerning KRC. Mr. Van Sciver does not work on those files except for one client. His work for that client does not involve the regional center.

Chair Lopez inquired why the staff recommendation was to approve this attorney's request when the Council previously denied what seems like a similar request from another attorney recently. Ms. Bocanegra explained that Mr. Van Sciver's situation was distinct from the prior request from John Rea (Harbor Regional Center) because Mr. Rea's law firm was actually paid for legal work on regional center insurance matters. In contrast, Mr. Van Sciver stated that his law firm does not perform any work in relation to the regional center.

Action 5
It was moved/seconded (Nutt [SA]/Weller [SA]) and carried the approve staff's recommendation is to approve Mr. Van Sciver's waiver request provided he also complies with Regulation 54523. (See page 9 for the voting record of member's present.)

Redwood Coast Regional Center – Jolanda Ingram-Obie
Jolanda Ingram-Obie is a member of the Redwood Coast Developmental Services Corporation (RCDSC) board, which serves as the governing board of the Redwood Coast Regional Center (RCRC). Ms. Ingram-Obie is employed as a Program Director by Harrington House, a domestic violence shelter. Harrington House itself is not a vendor to RCRC. However, its umbrella organization, Rural Human Services, is an RCRC vendor.

In addition, Ms. Ingram-Obie's spouse is employed by Rural Human Services as a Supported Living Services staff member.

Action 6
It was moved/seconded (Nutt [SA]/Taylor [SA]) and carried the approve staff's recommendation is to approve Ms. Ingram-Obie's waiver request provided she also complies with Regulation 54523. (See page 9 for the voting record of member's present.)

16. **SPONSORSHIP REQUEST**
USC UCEDD Community Education Conference
Due to time constraints, Chair Lopez moved this item to the April 20, 2017, Executive Committee meeting.

17. **GOVERNMENTAL ETHICS TRAINING**
Legal Counsel Natalie Bocanegra provided members with a brief overview of the ethics rules.

18. **COMMITTEE REPORTS**

a. Executive Committee – Councilmember Michele Villados provided a summary of the February 21, 2017, meeting stating that the Committee discussed whether to use the same evaluation tool this year and how to achieve greater participation in the process by Council Members and SCDD employees. Councilmember Villados further reported that the Committee discussed having an outside entity perform the evaluation

work and later acted to recommend designating a third party to perform the 2017 evaluation process.

Action 7
It was moved/seconded (Nutt [SA]/Smith [FA]) and carried adopt the Executive Committees recommendation to designate a third party to perform the 2017 Executive Director Evaluation process for under $5,000 including outreach, distribution, marketing, follow-up, incorporating assessments including the Executive Director's self-assessment, reporting information back to the Executive Committee and Council, drafting the draft evaluation report and other necessary administrative functions and asks staff to begin the process to engage a third party, at the discretion of the Council Chair. (See page 9 for the voting record of member's present.)

b. Administrative Committee – Committee Chair Charles Nutt (SA) provided a brief summary of the actions taken at the March 7, 2017 Committee meeting. Committee Chair Nutt also requested that Chief Deputy Director Rogin present the Facilitation and Attendant Services Guideline revisions to the Council for consideration. The policy revisions were related to facilitation and attendant pay only. Since the time the policy was last updated in December 2014, CalHR had adjusted the pay range for state comparable classifications. In order to stay in line with CalHR pay scales, the Council considered an increase to $18.71 an hour for facilitators and an increase to $18.56 for attendants.

Action 8
It was moved/seconded (Aldana [SA]/Boomer [SA]) and carried to adjust the rates to $18.71 per hour for facilitators and $18.56 an hour for attendants as well as amend the Council's Facilitation and Attendant Services Guidelines to reflect these updated rates. (See page 9 for the voting record of member's present.)

c. State Plan Committee – Committee Chair Sandra Smith (FA) directed members to page 319 of their packet for a summary of the February 13, 2017, meeting.

d. Legislative and Public Policy Committee – Committee Chair Janelle Lewis (FA) provided a brief summary of the March 8, 2017, meeting to members as well as an update to SB 433 (Mendoza), Data

Sharing and AB 1170 (Cooley), CIE Blueprint Ombudsman making sure to provide members with a copy of the factsheets.

e. Membership Committee – Chair Lopez provided a summary of the March 6, 2017, meeting to members during her Chair Report.

f. Employment First Committee – Committee Chair Yang directed members to page 323 of their packet for a summary of the January 31, 2017, EFC meeting.

g. Self-Advocates Advisory Committee – Committee Chair David Forderer (SA) provided a summary of the March 20th meeting.

19. **STATEWIDE SELF-ADVOCACY NETWORK**
Councilmember Forderer provided written highlights from the March 8-9 SSAN meeting starting on page 335 of the packet.

20. **SECRETARY TASK FORCE REPORT**
Councilmember Weller provided a written report to the Council which summarized the February 15, 2017, Task Force meeting.

21. **NEXT MEETING AND ADJOURNMENT**
The next meeting is on May 25th at the Crowne Plaza Hotel in Sacramento. The meeting was adjourned at 4:50 p.m.

Name	Action 1	Action 2	Action 3	Action 4	Action 5	Action 6	Action 7	Action 8
Aldana, Sandra	For	Oppose	Abstain	For	Abstain	For	For	For
Austin, Julie	For	For	For	For	Abstain	For	For	For
Blakemore, Catherine	For	Not Present	Not Present	Not Present	Not Present	Not Present	Not Present	Not Present
Boomer, Daniel	For	For	For	For	For	For	For	For
Donabed, Rebecca	For	For	For	For	For	For	For	For
Eriksen, Jeana	For	For	For	For	For	For	For	For
Forderer, David	For	For	For	For	Oppose	Oppose	For	For
Francis, Wilbert	For	Abstain	Abstain	For	Abstain	For	For	For
Garnica, Carmela	For	For	For	For	Oppose	Oppose	For	For
Gelber, Eric	For	Abstain	Abstain	Abstain	Abstain	Abstain	For	For
Harris, Lisa	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain
Kent, Kris	For	For	Abstain	For	For	For	For	Not Present
Lau, Francis	For	For	For	For	Abstain	For	For	For
Lewis, Janelle	For	For	For	For	For	For	For	For
Lopez, April	For	For	For	For	Oppose	For	For	For
Marquez, Maria	For	For	For	For	For	Oppose	For	For
Nutt, Charles	For	For	For	For	For	For	For	For
Rubalcaba, Alfredo	For	For	For	For	For	For	For	For
Smith, Sandra	For	For	For	For	For	For	For	For
Taylor, Robert	For	Abstain	For	For	For	For	For	For
Vergne, Andrea	Not Present	For	Abstain	For	Abstain	For	For	For
Villados, Michele	For	For	Abstain	For	For	For	For	For
Weller, Kecia	For	Oppose	For	For	Oppose	Oppose	For	For
Willams, Kerstin	For	For	For	For	For	For	For	For
Yang, Ning (Jenny)	For	For	Not Present	Not Present	Not Present	Not Present	Not Present	Not Present
Yin, Larry	For	For	For	For	Abstain	For	For	For

Legend:
SA = Self-Advocate
FA = Family Advocate

STAFF REPORTS

CALIFORNIA
SCDD State Council on Developmental Disabilities

STATE OF CALIFORNIA
Edmund G. Brown Jr.
Governor

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STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
STATEMENT ON MEDICAID

The State Council on Developmental Disabilities (Council) is an independent state agency established by federal and state law that advocates, promotes and implements policies and practices that achieve self-determination, independence, productivity and inclusion in all aspects of community life for Californians with developmental disabilities and their families. An important function of the Council is to provide information on program and policy impacts on persons with intellectual and/or developmental disabilities (IDD).

Support the Availability of Services

In order for persons with IDD to achieve self-determination, independence, productivity, and inclusion in community life, it is critically important that they have access to comprehensive, affordable, quality, non-discriminatory coverage and benefits in healthcare. The Council opposes policies that would result in fewer health care services to persons with IDD including, for example, any cut in Medicaid spending which results in less access to Long Term Services and Supports. Similarly, the Council opposes policies that result in the federal government no longer sharing in the costs to provide health care services and home and community based services, which is a fundamental federal-state partnership that has existed for over fifty years. In March 2017, the California Department of Health Care Services estimated that limiting the partnership could result in $6 billion in costs shifted to California in 2020 growing to $24.3 billion by 2027.

Protect Pre-Existing Conditions

Because the vast majority of persons with IDD also have conditions that can qualify as "pre-existing health conditions," it is especially important to ensure access to coverage for people with pre-existing health conditions. Policies that allow states to seek waivers that would result in higher premiums charged to people with pre-existing conditions adversely and disproportionately impacts persons with IDD.

Preserve Current Benefits

Essential health benefits ensure a core set of crucial services. People with IDD need treatment for mental health and substance use disorder services, prescription drugs, rehabilitative and habilitative services and devices, preventative and wellness services and chronic disease management, and pediatric services.

Oppose High Risk Pools

Allowing states to receive additional funds from an $8 billion fund for high-risk pools is not sufficient to ensuring people with pre-existing conditions have adequate coverage. High risk pools have been shown by a range of experts to not be effective to addressing the needs of this population.

The Council will continue to work to ensure that every person with IDD has comprehensive, affordable, quality, non-discriminatory coverage and benefits for their healthcare and long-term supports to work and live in the community. We look forward to working with community members and policy makers on ways to consider how to improve healthcare and Medicaid programs. We will continue to support people receiving Medicaid in telling their stories so policy makers know the impact of Medicaid in people's lives.

Adopted: _____

Chief Deputy Director's Report
May 25, 2017

Began as Acting Chief Deputy Director on November 10, 2015.

Manage SCDD internal operations. Maximize efficiency and maintain a high level of performance, in order to advance our advocacy, capacity building and systems change efforts.

Policy

- Participated in the Arc's Public Policy Conference and DDS Quality Management Advisory Group.

Administrative

- Continued implementation of the Council's Structural Deficit Recommendations.
- Led All HQ Meeting, including updates on key projects.
- Supported the Deputy Director of Regional Office Operations to manage the State Plan and Cycle 40 Grant processes.
- Supported the Deputy Director of Policy and Planning with dissemination of information on upcoming regional trainings and activities.
- Collaborated with Deputy Directors to review and enhance SCDD's external messaging; gathered stories to present to members of Congress.
- Continued supervision of the Quality Assurance and Clients' Rights Advocacy/Volunteer Advocacy Services programs.
- Continued to support staff with redesign of the SCDD website, after migration to a new Content Management System.
- Participated in a Regional Managers' meetings and provided updates from Headquarters.

- Supported SCDD Self-Advocacy Coordinator with management of SAAC and SSAN meetings.
- Supported SCDD Program Writer with development of Emergency Action Plans for HQ and the regional offices.
- Streamlined internal procedures for processing billing, honoraria and travel reimbursements; reassigned staff as necessary.
- Staffed Executive Committee meeting and followed through on directives.
- Continued efforts to relocate Headquarters and regional offices, as appropriate.
- Supported Executive Director with review of By-Laws and Authorized Representative request.
- Drafted Self-Determination Outreach Report.
- Led meetings with DSS Information Systems and Personnel staff.
- Developed and distributed new Alternate Work Week Schedule Policy.
- Continued to review and revise internal policies and procedures.
- In coordination with the Executive Team, tracked progress on short and long-term organizational goals.

Personnel

- Worked with the Personnel staff on recruitment, screening and interview processes for vacant positions at SCDD Headquarters and regional offices.
- Continued training new Associate Information Systems Analyst at HQ and began organizational assessment of equipment needs.
- Hired new Committee Specialist at HQ to manage six committees.
- Met with the Deputy Director of Regional Office Operations and individual Regional Managers, as necessary.
- Continued to support SCDD's Disability Advisory Committee.
- In coordination with Executive Team, addressed on-going training and personnel needs.

DEPUTY DIRECTOR OF POLICY AND PLANNING REPORT

May 2017

Policy

- Testified in Senate Budget Subcommittee 3.
- Continued ongoing monitoring and changes to our internal bill tracking system.
- Planning, strategy calls, and ongoing communication with LPPC Chair.
- Met with Senator Mendoza's staff multiple times.
- Planning calls for LPPC agenda and meeting.
- Testified on SCDD-sponsored SB 433.
- Followed up on LPPC issues, legislative ideas, and concerns.
- Followed up on EFC issues and concerns.
- Attended Lanterman Coalition Meetings.
- Numerous phone and email contacts with legislative offices, stakeholders, advocates, and like-minded organizations regarding pending legislation.
- Testified in Assembly Judiciary Committee.
- Worked on policy issues and questions on behalf of SCDD stakeholders.
- Worked through setting agenda for EFC meeting.
- Staffed EFC meeting.
- Prepared detail sheets on legislation.
- Completed initial draft of 2016 EFC report.
- Set agenda for LPPC meeting.
- Testified in Senate Education Committee.
- Testified in Assembly Budget Subcommittee 1.
- Wrote talking points for LPPC Chair.
- Sent regular relevant news updates regarding significant I/DD-related stories.
- Responded to inquiries from SCDD regional managers.
- Testified in Assembly Human Services Committee.

- Staffed LPPC Chair at press conference supporting DD funding.

Staff

- Worked with HQ management to properly allocate distribution of workload and management responsibilities within the office.
- Prepared and distributed monthly email blasts of SCDD regional office training and activities.
- Worked with exiting employee to help ensure smooth transition and effective delegation of duties.

CALIFORNIA SCDD
State Council on Developmental Disabilities

REPORT FROM DEPUTY DIRECTOR OF REGIONAL OFFICE OPERATIONS TIME PERIOD: March 01, 2017 to April 31, 2017

The Deputy Director of Regional Office Operations (DDROO) provides leadership and supervision to the SCDD regional offices and the planning team at Headquarters (which monitors, prepares and reports on the SCDD State Plan).

Regional Operations:

- Supervise regional office operations and facilitate monthly managers meetings (at minimum, meetings rotate between face-to-face one month and teleconference the next month). In March 2017, managers went over the real-time assessment and analysis of the state plan work plan progress report. We discussed areas above and below benchmarks and strategized on next steps and upcoming activities that will keep us on target.

- With Dawn Morley, of the North Coast Office, retiring we have flown the opening and are in the process of screening applicants and setting interviews for a new manager. During the North Coast vacancy, Sarah May (Manager of our North State Regional Office) has been providing coverage.

- By the May SCDD meeting, the managers will have met face-to-face and received training on how to do a 'portrait-of-services' assessment for their regions (to be used as part of the CRA for the PPR) from Vicki Smith, contracts from Natalie Bocanegra, updates on the NCI/QA interview project from Ruby Villanueva and an update on movement trends from the DCs to the community from Holly Bins.

Planning Team:

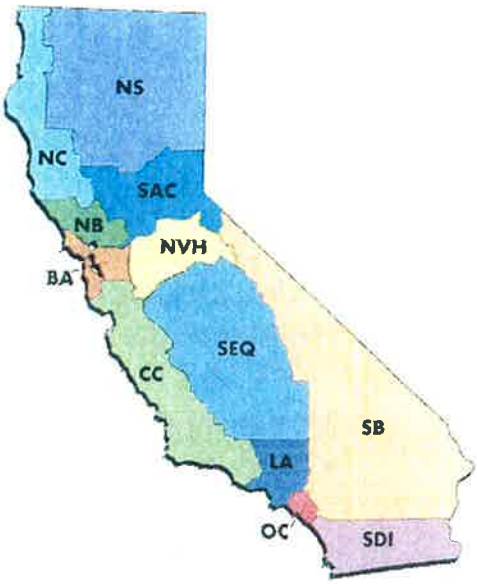
- Supervise the development, monitoring, assessment and analysis of the SCDD State Plan. The Planning Team is settling in to the new real-time analysis mode and is beginning to draft the Comprehensive Review and Assessment for the next PPR (report to AIDD on outputs and outcomes of the State Plan).

Respectfully Submitted: Vicki L. Smith, Deputy Director, Regional Office Operations

Highlights of State Plan Activities (full version posted at www.scdd.ca.gov)

REGIONAL OFFICE AND HEADQUARTER ACTIVITIES FOR:

REGIONAL OFFICE (RO)	MANAGER
North Coast (NCRO)	Vacant
North State (NSRO)	Sarah May
Sacramento (SACRO)	Sonya Bingaman
North Bay (NBRO)	Lisa Hooks
Bay Area (BARO)	Sheraden Nicholau
North Valley Hills (NVHRO)	Dena Hernandez
Central Coast (CCRO)	David Grady
Sequoia (SEQRO)	Yolanda Cruz
Los Angeles (LARO)	Cindy Chiu
Orange County (OCRO)	Scarlett VonThenen
San Bernardino (SBRO)	Tamica Foots-Rachal
San Diego/Imperial (SDIRO)	MaryEllen Stives



GOAL #1.1: The Council will increase knowledge about self-determination and person-centered planning by monitoring, supporting and actively engaging in the implementation of the Self-Determination Program.

- LARO Staff held a very successful conference "Changes and Choices: Leading the Charge" in co-sponsorship with the Inclusion Institute. Topics highlighted the many changes taking place in the developmental services system including the HCBS Rule, WIOA, Employment First, Self-Advocacy, Person-Centered Planning and Self-Determination. Attended by 230 individuals, staff handled final planning details including speaker arrangements, audio-visual arrangements, insurance, room set-up, menu selection, packet materials, Exhibit Fair, and numerous registration inquiries. The event was sold out and evaluation comments were extremely positive and appreciative. Post-conference activities included tallying/summarizing evaluations, sending thank you notes to speakers, and reconciling registrations. Funds leveraged: Approximately $7153 from Inclusion Institute to pay food, speaker fees, supplies, and $5000 value of free room rental and free AV equipment from California Endowment. (13 SA/55 FA/162 OTH)

Respectfully Submitted: Vicki L. Smith, Deputy Director, Regional Office Operations

GOAL #1.2: The Council will promote self-advocates in leadership roles in statewide networks a) through the strengthening of a statewide self-advocacy organization and by supporting self-advocates; b) within cross-disability leadership coalitions; and c) in training other self-advocates to become leaders.

- NVHO Staff provided facilitation and support at 2 day Statewide Self Advocacy Network meeting for SSAN Chairperson on March 8th, 9th, 2017 in Sacramento. With Support from SCDD staff SSAN member is able to effectively fulfill his role as chairperson. At the two day SSAN meeting the main agenda topics included SSAN chair presentation on the Able Act, presentations on Violence, Supported decision making for People with I/DD, reviewing of facilitation guide, and review of bylaws. The Network also practiced how to give presentations and provided each other with feedback. Additionally gathered learned about firing an attendant and what the signs bullying looks like. (PM 1.1 – 2 SA)

GOAL #2.1: The Council will increase and promote culturally competent strategies and resources that facilitate competitive, integrated employment (CIE) of people with I/DD.

- BARO Staff, via conference call, met with a VP of Cisco to talk through the change process of adapting Cisco University (a 12-18 month technical training program with impressive outcomes, serving over 1 mil people a year at about 9000 universities) to better serve people with disabilities. This VP is looking to lead a 3 project pilot accordingly- one in Atlanta, one in DC and one with location TBD. Discussions covered the philosophy, the partnerships needed and the change process itself. (PM 2.1.4 – 1 FA/1 OTH)

GOAL #2.2: The Council, in consultation with its federal partners, will increase identification, advocacy and/or sponsorship of legislative, regulatory, policy, procedure and/or practice changes to increase CIE for people with I/DD.

- SDIRO Staff attended the San Diego Regional Center Roundtable meeting. During the meeting representatives from the regional center presented information on HCBS which included the history and changes organizations will need to be made to be found in compliance with the Final Rule. An unofficial self-assessment tool was distributed to assist programs as they work toward a shift in how their services are provided. Each program was asked to complete the tool and return it to the regional center and in return

the regional center offered to meet with each programto review their assessment and work with them to create a plan to bring them into compliance with the regulations. Information regarding the systemic barriers that are prohibiting them from coming into compliance was asked to be identified so that they could be looked at on a larger scale. Additionally they said they would hold roundtable meetings at all five regional center offices on a monthly basis to assist the providers as they work through the transition. (22 OTH/6 ORG)

GOAL #3.1: The Council will work with housing entities to increase the development and/or provision of community housing for people with I/DD.

- NBRO Regional Advisory Committee (RAC) collaborated with North Bay Housing Coalition to present and provide information to the public on housing development, access and options available in the community for people with I/DD. North Bay Housing uses a person centered planning approach to assist self-advocates with accessing housing within their community. A roommate match list is distributed monthly to program participants and various community stakeholders who may provide housing assistance to self-advocates. Individuals were able to add their name to the North Bay Housing email list at this meeting. North Bay will send the list monthly to the SCDD North Bay RAC. North Bay Housing will also provide updates to SCDD on Housing Authority updates that include when applications list will open. (6 SA/9 FA/6 OTH/5 ORG)

GOAL #3.2: The Council will identify and decrease barriers to housing for people with I/DD.

- NCRO Staff as a member of the CHIP and Behavioral Health Housing Committee reported on the progress of the County HUD housing project in Ukiah to the MHSA Behavioral Health Board on 3/15/2017 in Fort Bragg to support Home and Community Based Services. The 40 housing unit project in Ukiah is moving forward on a site that has been identified that meets federal match requirements and local zoning ordinances for multi - unit property. The units to be built would be low income and accessible units managed by HUD and county services. NCRO staff is involved with housing agencies that serve all four of North Coast region counties. The project reflects the SCDD statewide goals of increased access to affordable, accessible, safe and integrated housing that provides choice. (6 FA/15 OTH/8 ORG)

GOAL #4.1: The Council and its federal partners will increase knowledge and awareness for people with I/DD and their families about the availability of and access to health and public safety-related services and supports.

- SACRO Staff participated in the California Health & Wellness Community Advisory Committee (CAC). 28 individual members or agency representatives attended the meeting. The CAC reviewed and approved minutes from previous meetings and evaluated and gave input on Member Engagement Initiatives for Postpartum Care, Well-Child Visits, Cervical Cancer Screenings, and Asthma Care. They would like to increase utilization of these screenings and are developing post cards to be mailed to members. The committee gave detailed input and suggestions. Now that CA H&W has merged with Health Net, it is the largest Medi-Cal managed care provider in California. SCDD staff shared that the Regional Centers statewide were holding Purchase of Service Disparity meetings and that the State Council offices were holding pre-planning meetings to assist individuals to understand the data and learn how to advocate at the POS meetings. (5 SA/23 OTH/23 ORG)

GOAL #4.2: The Council, its federal partners, and self-advocates will increase information and training to law enforcement, court personnel, health care providers, and/or other care professionals about disability-related health and safety issues.

- HQ: PCLEC/RPD: Mandated Reporting training was provided (by SCDD) to 33 people at the Rocklin Police Department, which included members of the Placer County Law Enforcement Chaplaincy (PCLEC). While law enforcement officers are all mandated reporters, they know little of their cross-reporting mandates or the services/investigative/licensing information about civil/social service agencies, whether governmental or private nonprofit. PCLEC provides the services of over 50 trained law enforcement and community chaplains to assist 11 federal, state and local law enforcement agencies with on-scene and trauma response assistance. These are paraprofessionals who respond to crime scenes, SWAT incidents, Search and Rescue operations, natural and manmade disasters, vehicular/aviation/train accident sites, school traumas, and unexpected deaths in homes, workplaces and the community – to provide resources assistance to first responders and direct support to victims and survivors. During the course of this work, officers and chaplains routinely encounter people under the most extreme of conditions and are exposed to real or potential abuse of children, elders, &/or dependent adults. As those tasked with assisting people in regaining some semblance of control

and resiliency in the aftermath of trauma, officers and chaplains alike are more likely to try to 'fix' problems rather than report them to the appropriate agencies – a problem that training about mandated reporting requirements in regard to suspected abuse helps to address and overcome. (3 FA/30 OTH/4 ORG)

GOAL #4.3: The Council, in consultation with its federal partners, will increase identification, advocacy and/or sponsorship of legislative, regulatory, policy, procedure and/or practice changes to increase accessibility to health care and public safety services for people with I/DD and their families.

- OCRO Staff participated in the WE CAN Individual Prevention Task Force on March 6, 2017 led by the Medical Director of the Orange County Social Services Agency. This task force is developing a community resource "tool kit" to help prevent child abuse in Orange County. This particular meeting was spent discussing the most updated information to be included in the online resource directory, which will be hosted on the Help Me Grow website. The target group of the task force are children who have been suspended from day care due to unceasing or severe behaviors. A great many of those children have Intellectual/Developmental Disabilities or may have an undiagnosed I/DD, which means the family is likely not well supported in managing their child's behaviors. These children are at a much greater risk for abuse. The next meeting for WE CAN Individual Prevention Task Force will be in April 2017. (PM 1.5.1 – 12 OTH/5 ORG)

GOAL #5.1: The Council and its federal partners will increase knowledge and awareness of developmental milestones and intervention services for families of young children and professionals.

- SEQRO Staff provided a workshop on Legal Responsibilities for an Inclusive Childcare in Spanish for Childcare providers contracted by Children's Services Network. Children's Services Network provides the necessary support, education, and linkage to community resources to advocate for high-quality care for all children. The training was held at the Fresno CSN office. (PM 1.4.1 – 20 OTH)

GOAL #5.2: The Council, in consultation with its federal partners and other stakeholders, will increase awareness and knowledge for families and self-advocates about the availability of and access to services which support inclusive education.

- SACRO Staff shared information on a 4-part Special Education Workshops Series sponsored by SCDD to the Placer County Aging and Disability Resource Connection Advisory Committee Meeting. Collaborated in breakout groups on the "Individual and Functional Needs" of aging and disabled in Placer County and develop ideas for addressing the areas of deficit. 3 ideas were developed: Host a Health and Aging/Disability Symposium in Placer County; Develop simple 1-page flyers on resources and supports in Placer County and disseminate county wide; declare a specific week to be Aging and Disability Awareness Week and send a letter to all church leaders encouraging them to address targeted issues in their sermons and discussion groups and disseminate information that the ADRC develops. Shared flyers on HCBS Settings and Special Education Trainings. (20 OTH)

GOAL #5.3: The Council, in consultation with its federal partners and in collaboration with educators and stakeholders, will increase information and technical assistance to prepare and empower students, families and professionals in developing individualized transition plans that lead to employment, post-secondary education &/or independent living options & opportunities.

- OCRO Staff joined with Cindy Chiu, LARO, and Regina Moreno, President of the Autism Society of San Gabriel/Pomona, Long Beach, and Orange County to discuss logistics and planning for three Adult Transition Town Hall events, originally conducted in the Inland Empire with Autism Society of Inland Empire and SBRO and OCRO. Three town halls with take place to accommodate Orange County and the Los Angeles regions and the Autism Society will provide in-kind supports of food, water, etc. The purpose of the town hall is to obtain feedback from parents on the school's adult transition programs and what they feel they need more information on in order to effectively participate in the process. (PM 1.5.1 – 1 FA/2 OTH/2 ORG)

GOAL #5.4: The Council, in consultation with its federal partners, will increase identification, advocacy and/or sponsorship of legislative, regulatory, policy, procedure and/or practice changes to increase access to quality education services throughout the lifespan for people with I/DD.

- SDIRO Staff was invited to attend the Disability Rights of California End Restraint and Seclusion in Schools Coalition meeting. The meeting was video conferenced through several sites (San Diego, Sacramento, Fresno, Los Angeles, Oakland and Skype) three people attended via the San Diego location. The purpose of the meeting was to gather stakeholders from youth, disability and educational advocacy groups to attend the meeting to review the history of seclusion and restraint in California, look at recent initiatives and identify strategies to address behavioral alternatives to restraint and seclusion in schools for children with challenging behaviors and look at what the next steps for the coalition would be. In attendance at the San Diego site were representatives from Disability Rights CA, San Diego Volunteer Lawyer Program and the State Council on Developmental Disabilities. One of the main issues the group spent time talking about was the lack of data on the use of restraints and seclusion since the repeal of the Hughes Bill in 2012. Any data that is available appears at the surface level to not be accurate due to the low numbers reported. One area of concern was the Nonpublic schools and how they do not report data because they are not part of a school district even though the districts hire them to provide educational services. Some of the strategies that were discussed were to look at discipline vs. restraint and seclusion, create outreach materials to educate families through fact sheets and presentations, look at ways to collect data and share best practices highlighting alternatives to seclusion and restraint. There was also the discussion of a spot bill and finding a legislator to sign on to support it. The group will form subcommittee/workgroups and details will be forthcoming regarding those. (36 OTH)

GOAL #6.1: The Council, in collaboration with our federal DD partners, will reduce service access barriers and decrease the disparity in available information, which describes services and supports that may be purchased throughout California's Regional Center system, by translating and providing that information in Spanish and tracking statewide POS disparity data for Spanish-speaking self-advocates and families.

- SCDD Staff and the Federal Partners (DRC, UCEDD-USC and UCEDD-UCD) have an initial conference call in May 2017 to set up a work plan and timeline for implementation of this objective. Resources have been shared by DDS and by UCEDD-USC to initiate the rollout of the plan components.

GOAL #6.2: The Council will increase the knowledge and skills of people with I/DD to move from institutional to community settings and to increase their ability to self-advocate.

- SEQRO and OCRO developed a survey to meet goal 6.2 and obtain information about what the family members and clients that are at the developmental centers need. The flyer was distributed to Sonoma, Fairview, Porterville and Canyon Springs. A report will follow with the results in late April as we continue to wait for more. (50 FA/1 ORG)

GOAL #6.3: The Council will increase outreach, training, and technical assistance to improve the quality of and access to services, including (but not limited to) Regional Centers, education, transportation, public benefits, child care, and recreation for people with I/DD and their families.

- CCRO Staff provided outreach on three occasions to community groups interested in the Purchase of Service Disparity. The groups included Familia Unitas, Salinas, CA, and Friends of Children with Special Needs, San Jose, and Fiesta Educative, Gilroy. In all, 34 families were reached. At these Community Engagement Trainings, the SCDD PowerPoints on the Disparity and How to Testify at Public Meetings were used. These PowerPoints were made available to SCDD by Children's Hospital of Los Angeles and University of Southern California. (34 FA)

GOAL #6.4: The Council, in consultation with its federal partners, will increase identification, advocacy and/or sponsorship of legislative, regulatory, policy, procedure and/or practice changes to increase access to quality community-based services for people with I/DD and their families.

- BARO Staff gave testimony to the CA Dept. of Finance regarding engaging stakeholders (especially stakeholders in higher-disparity populations), the return on investment with developmental screenings and early intervention, and the need for transparency and oversight in amending or reevaluating the structure or roles of SELPAs in CA. Attendees gave applause when staff suggested that more of these public meetings be better publicized, held with interpretation services, and held on nights or weekends for students and working families to attend. Attendees were overwhelmingly critical of the Public Policy Institute of CA's report, and were what can only be described as suspicious of the DoF's intentions to only hear feedback, as only the PPICA report was provided and no other review or perspective was shared prior to these public meetings. (PM 1.5.1 – 10 FA/90 OTH)

Respectfully Submitted: Vicki L. Smith, Deputy Director, Regional Office Operations

May 2017

Clients' Rights Advocate / Volunteer Advocacy Services

CALIFORNIA SCDD
State Council on Developmental Disabilities

SCDD AT WORK INSIDE THE DEVELOPMENTAL CENTERS

SCDD provides comprehensive clients' rights advocacy services (CRA) and volunteer advocacy services (VAS) for persons with I/DD who are residents of state developmental centers and the state operated community facility through an interagency agreement with DDS.

Project Staff

Sonoma DC
Tobias Weare, CRA
Ross Long, VAS
Michele Sloane, Office Tech

Porterville DC
George Ngugi, CRA
Connie Wilson, Office Tech
VAS Coordinator Vacancy

Fairview DC
Laurie St. Pierre, CRA
VAS Coordinator Vacancy

Canyon Springs CF
Robbin Puccio, CRA
Julie Hillstead, VAS

CRA/VAS Project Manager
Holly R. Bins

Census as of May 1, 2017

Sonoma DC	278
Porterville DC	321
Fairview DC	178
Canyon Springs CF	48
Total	825

Project Activity for March and April 2017

Sonoma Developmental Center

The CRA reviewed 2 restrictive intervention reviews; attended 7 transfer meetings; attended 2 HRC meetings; attended 2 court hearings; 1 self-advocacy meetings; trained NRF staff on restricted access; 8 denial of rights reviews; 10 IPPs or special team meetings. CRA and VAS attended 2 Regional Project RC liaison meeting. The VAS Coordinator and volunteer advocates attended 14 IPP meetings, 26 special team mtgs and 39 transition meetings both at SDC and community. Rights presentations at 4 SDC advocacy groups and 4 SDC employee orientations; attended court on SDC campus for 17 VAS clients.

Porterville Developmental Center

CRA and VAS Coordinator attended 19 human rights committee/behavior management, 81 restrictive plan reviews, 30 IAT or incident action team, 7 court hearings, 19 IPP meetings and 6 transition mtgs, 16 denial of rights reviews, provided 2 PDC employee orientation training, attended District Attorney diversion program meetings, 4 medical restraint reviews, 4 request for release, 2 community home visits, 2 regional project advisory meetings, 3 risk management reviews, 5 General event reports generated, attended CVRC QA training. VAS Coordinator retired May 3, 2017. Recruitment underway to fill vacancy.

Fairview Developmental Center

VAS Coordinator and advocates attended 10 IPPs; 14 Transition Planning meetings; SCRA and VAS attended Regional Project DC RC liaison meeting; CRA attended 11 transition mtgs, 14 IPPs or special team meetings; 6 denial of rights meetings, conducted 2 new employee rights trainings, 1 People First/self advocacy meeting; 5 acute crisis meetings; 1 rights investigation; 7 human rights/behavior support meetings, 3 FCA (Fairview community Association)/ self-advocacy meetings; CRA provided SCDD Councilwoman a tour of FDC; VAS Coordinator retired April 30, 2017. Recruitment underway to fill vacancy.

Canyon Springs Community Facility

VAS Coordinator hired April 1, 2017. New employee attended SCDD and CS orientation and cross-trained with Project staff. VAS program has 9 active volunteer advocates; VAS attended 4 transition meetings. CRA provided 4 rights trainings, attended 3 transition meetings; reviewed 1 denial of rights; participated in 4 IPP meetings, reviewed attended 2 human rights meetings, facilitated 4 self-advocacy meetings, attended 8 Emerging Risk Notification meetings, escort ratios and restricted access reviewed; assisted 5 clients in court communication.

CALIFORNIA SCDD
State Council on Developmental Disabilities

Clients' Rights Advocate and Volunteer Advocacy Services

Developmental Center Closure Update

May 25, 2017

Community Transition Numbers for 2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	TOTAL number of transitions to community	Jan 1 2017 census
Canyon Springs*	0	4	1	0	2	2	1	3	0	1	0	1	**15**	**46**
Fairview	4	4	5	1	6	9	1	6	4	2	8	4	**54**	**195**
Porterville*	7	8	7	15	10	5	11	4	9	9	5	5	**95**	**321**
Sonoma	0	4	6	2	2	3	1	1	3	3	7	6	**38**	**321**

Community Transition Numbers for 2017

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	TOTAL number of transitions to community	May 1 2017 census
Canyon Springs*	0	2	0	0									**2**	**48**
Fairview	0	4	10	3									**17**	**178**

Porterville*	2	1	2	2								7	321
Sonoma	11	9	11	7								38	278

**Canyon Springs Community Facility and Porterville Developmental Center Secure Treatment Area are not scheduled for closure. The Porterville Developmental Center General Treatment Area is scheduled to close in 2021.*

California Department of Public Health (CDPH) and Centers for Medicare & Medicaid Services (CMS)

Canyon Springs	CDPH surveyed CS in August 2016. No conditions of participation out.
Fairview	CMS settlement agreement extended to December 31 2017 H&W Independent Monitor conducted a mock survey at FDC in April 2017; all conditions of participation were met with some areas identified for needed quality improvement
Porterville	CMS settlement agreement extended to December 31 2017
Sonoma	CMS cancelled settlement agreement with SDC on 7/1/2016. ICF units are decertified by CMS. CDPH will continue to survey ICF units. NF units passed survey and are certified. H&W Independent Monitor was at SDC the week of April 17 2017 with a continued focus on Active Treatment, Client Protection and the Transition Process. There was notable improvement noted during the IPP/TPM meetings, however it was noted that assessments need to be completed prior to the meetings. Transition times are still challenging in some areas. Recommendations included focusing on improving independence during meals and on more of a variety of supplies/resources for staff and residents that are meaningful. H&W return to SDC the week of May 15 2017.

Porterville and Fairview Certified Unit Population Projections

The projections below establish the maximum permissible client census eligible for federal funding in the PDC and FDC certified units as of the first calendar day of the listed month. Federal Financial Participation is only permissible for clients on the Client List as of June 27, 2016. No Federal Financial Participation can be sought for the number of clients that exceed the projections below, even if the clients that exceed the census limits below are on the Client List as of June 27, 2016.

Monthly Census Maximum Per	Porterville DC – General	Actual Census	Fairview DC	Actual Census

CMS Agreement	Treatment Area			
July 2016	105	104	136	128
July 2017	82		106	
July 2018	61		57	
July 2019	39		5	
October 2019			0	
July 2020	18			
July 2021	0			

SCDD Clients' Rights Advocate (CRA) current observations inside the DC/CF

Canyon Springs	Clients are requesting alternative work opportunities that offer competitive integrative employment other than the onsite and local offsite work programs. CS vocational services is researching work programs that provide a variety of choices. Sexual assault investigation protocol under review.
Fairview	Requests for release decreased significantly as closure and transition is discussed on a regular basis at IPP/special team meetings. Numerous new level of care staff noted on residences.
Porterville	(1) Bilingual services: CRA sent request to PDC to consider providing reliable translation and interpretation services to clients and their teams, to be availed whenever needed and/or requested. Update: PDC Executive Director reported having identified a telephonic service that is contracted and will be providing each unit at PDC with a sheet that has the information on how to access the service when needed. (2) The Human Rights Committee (HRC) and Behavior Management Committee (BMC) review the behavior management programs every six or twelve months, as per each individual program schedule. The two committees have been considering only those concerns in each individual's program that are keyed to medications. CRA requested expanded review beyond medications. In order to compliment this effort, CRA requested for training of HRC/BMC members be availed on their mandate as members of these committees. CRA is following up on the commitment by the PDC QA Director to review the policy with the aim of including these recommendations. New protocol implemented for rights-related inquiries by CRA on the committee form. (3) CRA initiated a follow up protocol for the Incident Action Team to utilize on noted incidents. (4) Highly restrictive intervention utilization reviewed and new policy for CRA notification implemented.

Sonoma	Increase in client-to-client negative interactions noted by CRA. SDC continues to consolidate units in both ICF and nursing programs. Familiar staff may not follow individuals into new unit. CRA noting lack of attendance by some Regional Centers at meetings. IPP meetings are now consolidated with the Transition Planning or Review Meetings.

SCDD Volunteer Advocacy Services (VAS) community transition current trends

The VAS Project serves approximately 26% of the individuals residing in the DC/CFs. A volunteer advocate or the VAS Project Coordinator provides direct advocacy services for twelve months post placement.

Canyon Springs	VAS Coordinator hired April 1, 2017. Orientation and cross-training provided. There are currently nine volunteer advocates. No VAS clients transitioned into the community this reporting period.
Fairview	Nine VAS clients are in the transition process. VAS Coordinator and advocates attended meetings with clients in their community placements. VAS Coordinator retired April 30, 2017 but will be volunteering on VAS project. Recruitment efforts underway.
Porterville	Two new advocates recruited. Transition activity is steady out of General Treatment area. VAS Coordinator retired May 3, 2017. Recruitment efforts underway.
Sonoma	Large increase in transition activity noted. There are approximately twenty-five community homes that are in the process of purchase for use by SDC clients. Four VAS clients moved into the community and receive follow up from SCDD services in this reporting period.

May 2017

Quality Assessment

A PROJECT OF THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

www.scdd.ca.gov/qap/

Over 8500 family responses received and 687 voices of Self-Advocates heard

Adult Family Survey (AFS) - a mail survey is sent to the family of an individual who lives in the family home and receives one or more services from a Regional Center (RC) in addition to case management

Family Guardian Survey (FGS) - a mail survey is sent to the family of an individual who lives outside the family home, in a community residence, and receives one or more services from an RC in addition to case management.

Adult Consumer Survey (ACS) - an in-person interview held with individuals who have transitioned from a developmental center to the community and who are receiving one or more services from a RC in addition to case management.

Mover Longitudinal Surveys (MLS) - an in-person interview held with individuals who have transitioned from a developmental center to the community after January 1, 2016. Those enrolled in the study are interviewed at 3 month, 6 month, 1 year and 2 year post transition. There is no overlap with the ACS.

As implementation of the Quality Assessment Project continues, SCDD has currently received **4,889 ACS** and **3,748 FGS**. Concurrently, **529 ACS** have been conducted.

Update: The MLS has expanded to include an additional 125 individuals to be interviewed over time. DDS policy has also changed to no longer include in the study individuals moving from Canyon Springs or out of the Secure Treatment Area in Porterville. This has resulted in the removal of 21 individuals from the MLS as seen in **Table 2** on the following page. As such, the MLS currently has 158 active individuals enrolled in the study. Current target is to enroll 250 individuals.

QA Coordinator Regional Center Assignments

Deborah Kindley
Support Staff: Theresa Ladao
Alta California Regional Center
Far Northern Regional Center
North Bay Regional Center
Redwood Coast Regional Center

Ron Usac ▪ Angel Wiley
Support Staff: Valerie Buell
Golden Gate Regional Center
Regional Center of the East Bay
San Andreas Regional Center

George Lewis
Support Staff: Marigene Tacan-Regan
Central Valley Regional Center
Valley Mountain Regional Center
Kern Regional Center

Melody Goodman ▪ Tom Hamlett ▪ Bruce Harrell
Support Staff: Dinah Pio de Roda ▪ Therese Rastatter
East Los Angeles Regional Center
Frank D. Lanterman Regional Center
Harbor Regional Center
North Los Angeles Regional Center
San Gabriel Pomona Regional Center
South Central Los Angeles Regional Center
Westside Regional Center

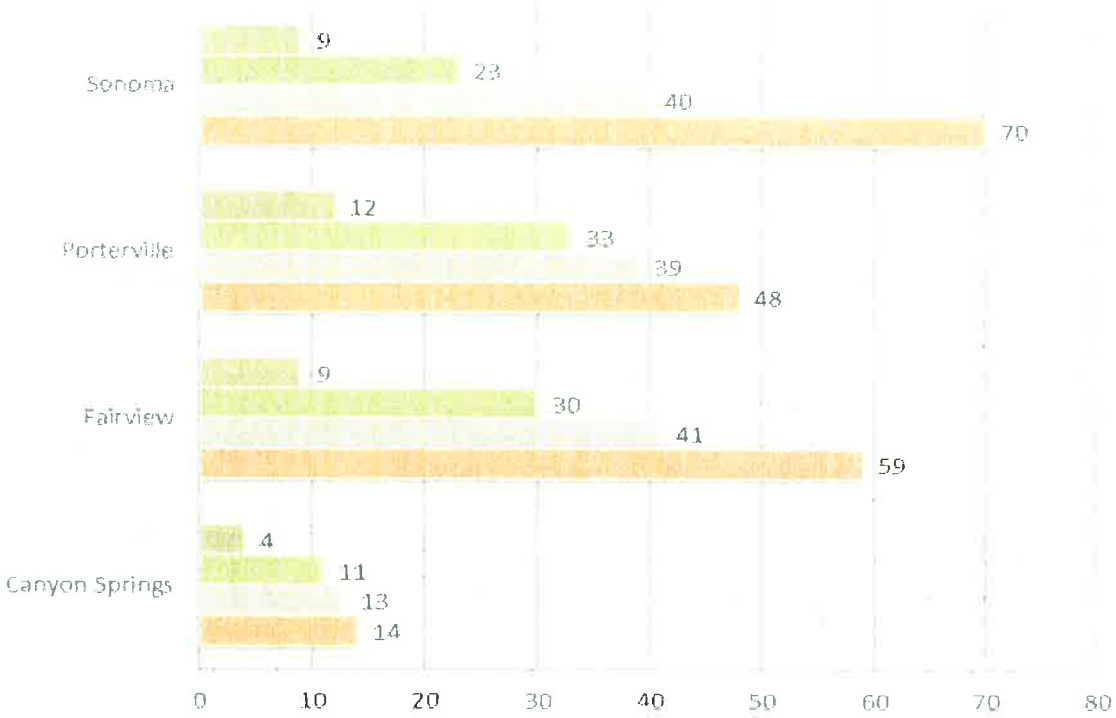
Nancy Dow
Support Staff: Katie Bgatov
Regional Center of Orange County
San Diego Regional Center

Vacant
Inland Regional Center
Tri-Counties Regional Center

MOVER LONGITUDINAL STUDY

BY THE NUMBERS

Table 1



	Canyon Springs	Fairview	Porterville	Sonoma
1Y Interviews Completed	4	9	12	9
6M Interviews Completed	11	30	33	23
3M Interviews Completed	13	41	39	40
Initially Enrolled in Study	14	59	48	70

Table 2

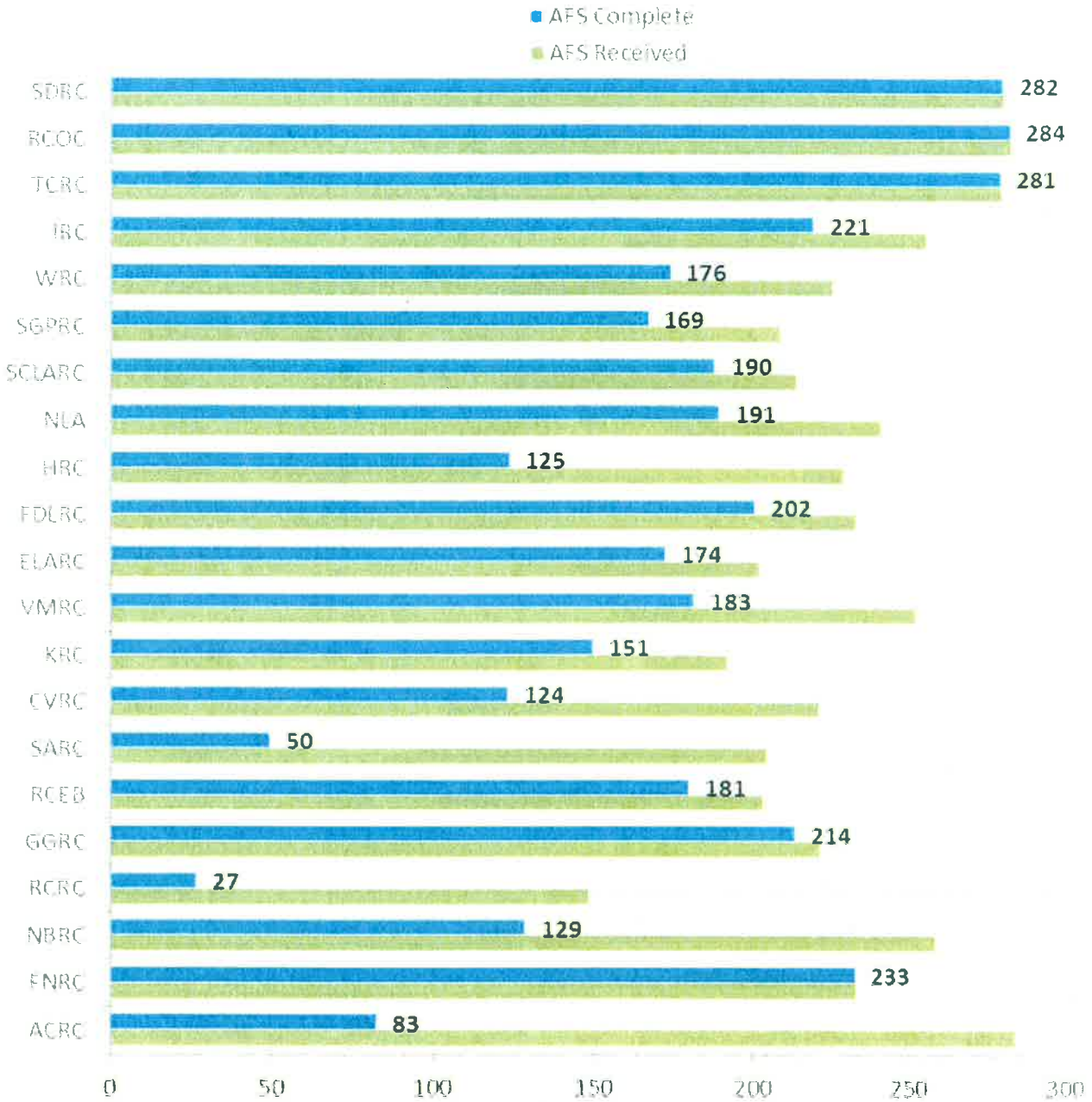
Removal Reason	Removed From MLS
Deceased	3
Declined	1
Hospitalized	2
Hospitalized-5150	1
Incarcerated	1
Not Eligible	3
Removed per DDS (Canyon Springs Mover)	13
Removed per DDS (Secure Tx Area)	8
Grand Total	**32**

ADULT FAMILY SURVEY

BY THE NUMBERS

Table 3

AFS Completion Progress



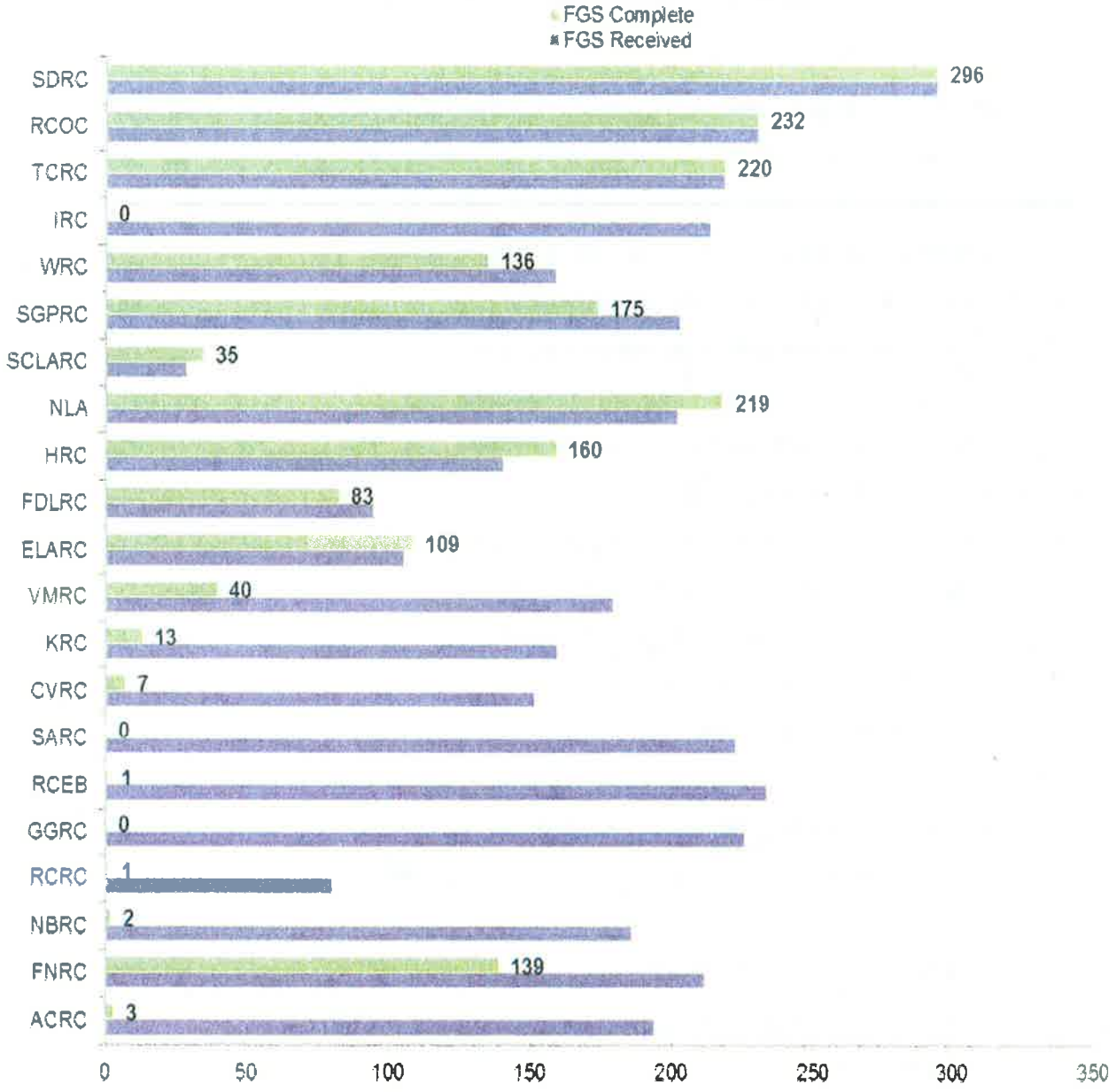
If you have questions about the QA project, email qaproject@scdd.ca.gov or visit www.scdd.ca.gov/qap/

FAMILY GUARDIAN SURVEY

BY THE NUMBERS

Table 4

FGS Completion Progress

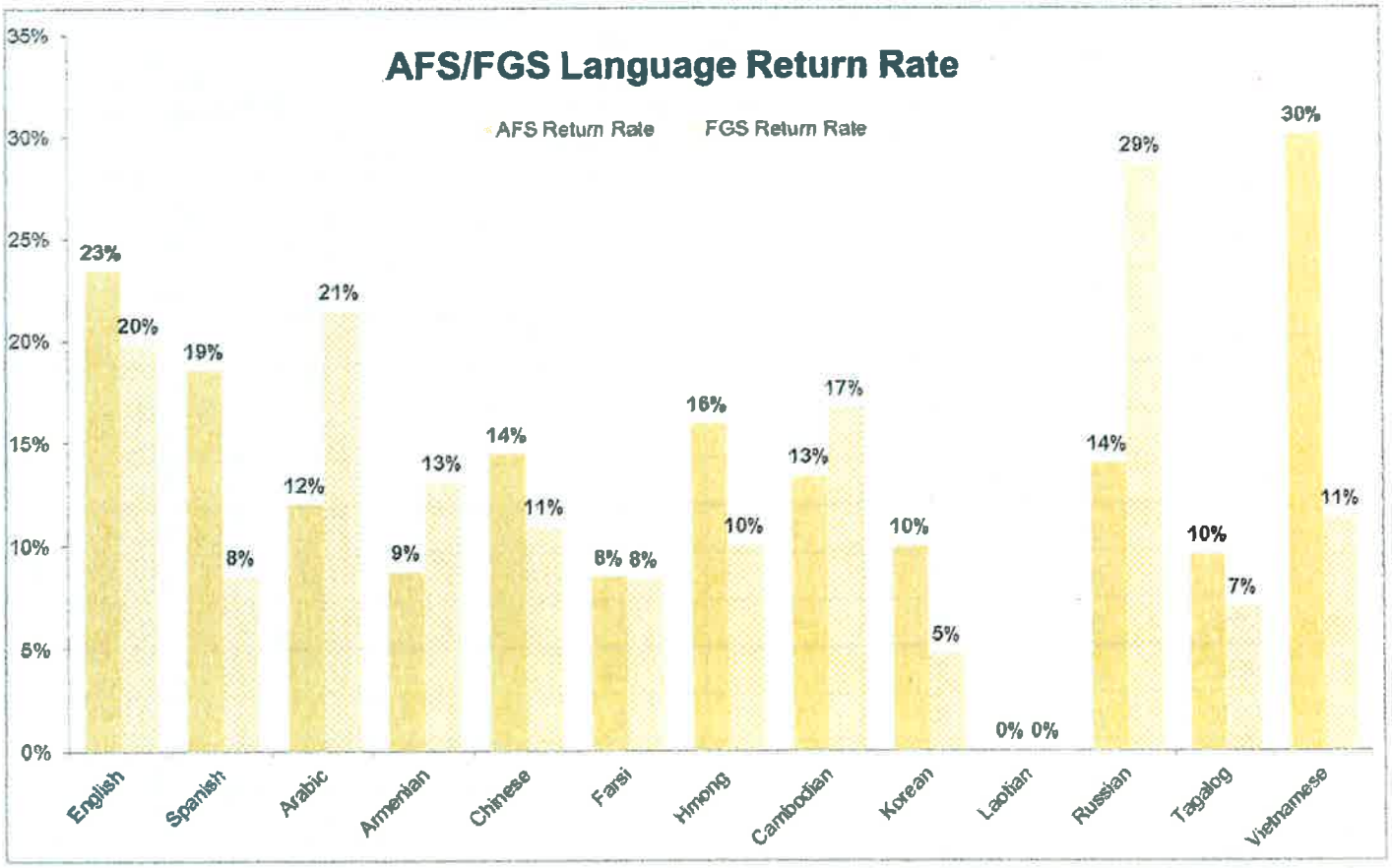


Note: Updated numbers for received FGS were unavailable for the Regional Centers within Los Angeles County at the time of this printing

If you have questions about the QA project, email qaproject@scdd.ca.gov or visit www.scdd.ca.gov/qap/

AFS FGS LANGUAGE BY THE NUMBERS

Table 5



	English	Spanish	Arabic	Armenian	Chinese	Farsi	Hmong	Cambodian	Korean	Laotian	Russian	Tagalog	Vietnamese
AFS Mailed	15981	5231	50	92	319	71	63	45	111	14	43	84	243
FGS Mailed	18202	1180	14	23	119	36	20	6	64	6	14	43	62

To view the future MLS report as well as reports from prior cycles, including Regional Center specific reports, please go to:

http://www.dds.ca.gov/QA/

ADULT CONSUMER SURVEY

Table 6
ACS Progress

RC	FEB	MARCH	APRIL	YTD Other Movers * Completed	YTD Lanterman Movers** Completed	YTD All Movers completed (Other Mover + Lanterman)
	OTHER MOVERS COMPLETED	OTHER MOVERS COMPLETED	OTHER MOVERS COMPLETED			
ACRC	4	14	10	28	1	29
FNRC	4	5	1	10	0	10
NBRC	0	9	11	20	1	21
RCRC	0	2	0	2	0	2
GGRC	0	20	12	32	0	32
RCEB	0	2	36	38	0	38
SARC	0	0	0	0	0	0
CVRC	0	11	25	36	0	36
KRC	0	2	5	7	0	7
VMRC	0	5	2	7	0	7
ELARC	0	8	5	13	44	57
FDLRC	0	0	8	8	14	22
HRC	0	11	9	20	14	34
NLA	0	2	4	6	31	37
SCLARC	0	2	3	5	16	21
SGPRC	0	4	3	7	49	56
WRC	0	0	8	8	13	21
IRC	0	13	6	19	40	59
TCRC	0	5	6	11	4	15
RCOC	3	14	2	19	4	23
SDRC	0	13	12	25	16	41
	3	123	157	283	246	529

*Other movers are those individuals who moved out of Canyon Springs, Fairview, Porterville and Sonoma Developmental Centers during the following periods:

Canyon Springs, Fairview & Porterville - Jan 1, 2011 to Dec 31, 2016

Sonoma - May 1, 2015 to December 2015

**Lanterman Movers include individuals who moved out between July 1, 2009 to December 31, 2015

ABLE ACT PRESENTATION

CalABLE

CALIFORNIA ACHIEVING A BETTER LIFE EXPERIENCE ACT BOARD

ABLE Act of 2014

- Federal ABLE Act was signed by the President in 2014
  - Creates a new section in the Internal Revenue Code, Section 529A Qualified ABLE Program
  - Allows states to create tax-advantaged savings account program for people with disabilities while protecting eligibility for public benefits such as SSI, SSDI or Medicaid
  - Keeps ABLE monies safe from federal and state income taxes if spent on Qualified Disability Expenses
  - Permits people with disabilities to have more control over their finances

California ABLE Act: "CalABLE"

- CalABLE - California's ABLE Program
  - Generally mirrors the federal law
  - Has been kept intentionally broad
  - Will likely be a national plan

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CalABLE Vision & Mission*

- **VISION:**
  - To provide greater financial security to Californians living with a disability

- **MISSION:**
  - To meet the diverse needs of our customers and their families. We pledge to be customer-driven, accountable, and a trusted partner in providing financial services.

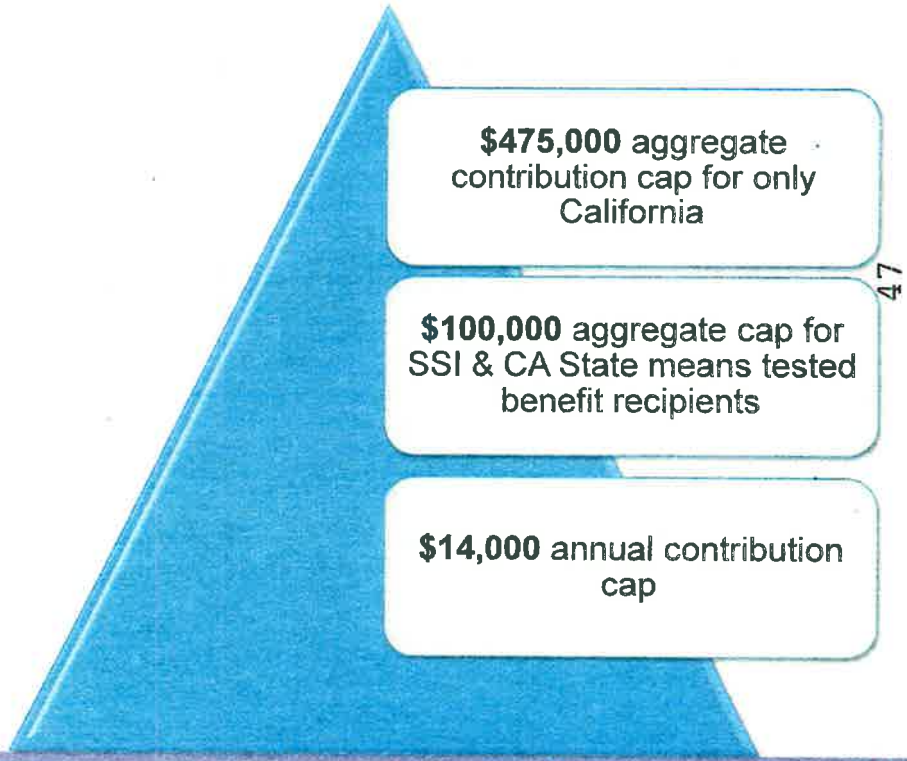
**Currently being vetted with stakeholders before board approval*

CalABLE: Our Values*

- Adaptability and Flexibility
- Humility
- Transparency and Accountability
- Trust
- Sustainability
- Collaboration
- Integrity

Some ABLE Basics: Funding

- Before the ABLE Act:
  - A person with a disability could not save more than $2,000 without impacting their SSI
- Now:
  - You can save up to $14,000 per year and up to $100,000 in total before SSI or California means tested benefits are impacted
- CalABLE accounts will have safeguards and notifications built in



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More ABLE Program Basics

- Eligible individuals may only have one ABLE account
- Accounts can function both like a savings and checking account, depending on how you want to use the account
- Account moneys are tax-exempt as long as they are spent on "Qualified Disability Expenses"

What is a Qualified Disability Expense (QDE)?

- Any expense related to the designated beneficiary as a result of living a life with disabilities
- Categories are intentionally broad, and include education, housing*, transportation, health care expenses and more
- If funds spent on a non-QDE, expense is subject to regular taxes, plus a 10% tax penalty – and benefits may be at risk

Who is Eligible?

- Must be disabled before age 26 **AND**
- Meets the eligibility criteria for disability benefits like SSI or SSDI **- OR-**
- Self-certification: Has been diagnosed by a qualified physician with a physical or mental disability resulting in marked and severe functional limitations that is expected to last no less than 12 months.

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Where can I open an ABLE Account?

- Individuals may open ABLE accounts outside of their state of residency
  - Ohio (STABLE)
  - Tennessee (ABLE TN)
  - Nebraska (ENABLE)
  - Michigan (MiABLE)
  - Alaska (Alaska ABLE Plan)
  - Oregon (Oregon ABLE Savings Plan)
  - Rhode Island (RI's ABLE)
  - Virginia (ABLEnow)
  - Nevada (ABLE Nevada)
  - North Carolina (NC ABLE)
  - Kansas (Kansas ABLE)
  - Illinois (Illinois ABLE)
  - Iowa (IAble)
  - Minnesota (Minnesota ABLE Plan)
  - Vermont (VermontABLE)
  - Alabama (ENABLE Alabama)
  - Pennsylvania (PA ABLE)
  - Massachusetts (Attainable Savings Plan)
- Exceptions (for in-state residents only):
  - Florida (ABLE United)
  - Kentucky (STABLE Kentucky)
  - Missouri (MO ABLE)
- Compare programs:
  - ABLE Alliance for Financial Empowerment
    - http://www.theablealliance.org/compare-page
  - ABLE National Resource Center
    - http://www.ablenrc.org/state_compare

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CalABLE Features and Benefits

- Program is in its development phase
- Currently ABLE Programs include:
  - Ability to contribute automatically through routine transfers from a bank account
  - Ability to invite friends and family members to contribute directly to your account ("e-gifting")
  - Deposit online or by check
  - Low fees over time
  - Diverse yet simple investment options

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Potential CalABLE Legislative Priorities

- Allow CalABLE to operate as a national plan
- Offer a tax credit/incentive to account contributors
- Remove Medi-Cal asset recovery for accountholders

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Proposed Legislation (2017-2018)

- **SB 218 (Dodd)**
  - Allows for transfer of monies between ABLE accounts upon a beneficiary's death
  - Limits the state from filing a claim to recover Medi-Cal costs incurred by a beneficiary after the establishment of an ABLE account upon the beneficiary's death
  - Check out SB 218
- **AB 384 (Irwin)**
  - Makes CalABLE a national program
  - Check out AB 384
- **AB 688 (Calderon)**
  - Exempts ABLE accounts from enforcement of money judgements
  - Check out AB 688

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CalABLE Implementation Timeline

Fall 2016

- Write state regulations
- Develop internal infrastructure
- Organize advisory councils
- Engage with stakeholders

Winter 2016/17

- Finalize state regulations
- Hire consultant to help develop program

Spring/Summer 2017

- Finalize program design and retain a service provider
- Continue outreach
- Prepare for going LIVE!

Fall 2017

- CalABLE accounts go LIVE!

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Outreach: We Need Your Help!

- We want the collaboration of our constituents
- Robust outreach strategy that seeks to leverage existing state and local networks of both public and private advocacy and service provider groups
- Can your group help host a meeting?

Connect With CalABLE

- Find us on Facebook, Twitter, and YouTube
  - https://www.facebook.com/CalABLE/
  - https://twitter.com/CalABLE_Board
  - https://www.youtube.com/channel/UCk02cbbE8PCkHATIvrsTfIA

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Questions? Contact Us!

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2017-18 GOVERNOR'S MAY REVISE AND SAFETY NET REPORT

Health and Human Services

The Health and Human Services Agency oversees departments and other state entities that provide health and social services to California's vulnerable and at-risk residents.

The May Revision includes $158.7 billion ($33.7 billion General Fund and $125.1 billion other funds) for all health and human services programs, a decrease of $324.8 million General Fund compared to the Governor's Budget.

End of Coordinated Care Initiative

The Coordinated Care Initiative (CCI) was created in 2012 in an effort to reduce state costs and improve health care delivery by coordinating services through a single health plan. The Governor's Budget reflected the finding that the CCI was no longer cost-effective and that under current law, the program would end in 2017-18. This resulted in removing In-Home Supportive Services (IHSS) benefits from Medi-Cal managed care capitation rates, returning bargaining for IHSS workers' wages and benefits to the seven CCI counties, and re-establishing the county share-of cost in IHSS at 35 percent of non-federal costs rather than a maintenance-of-effort structure. The state pays 65 percent of the non-federal costs. The net fiscal result to counties was an estimated cost of $623 million. In recognition that 1991 Realignment funds, which fund counties' share of IHSS, were insufficient to cover this magnitude of increase, the Administration indicated its desire to mitigate, to the extent possible, the impact on counties.

The May Revision reflects an updated estimate of $592.2 million to return to the share-of-cost structure for counties. In discussions this spring, counties emphasized the need for financial assistance, more predictability of costs, and time to adjust to any changes. The May Revision provides significant help in each of these areas. The May Revision includes an infusion of General Fund and other state resources to help offset these costs as well as additional mitigations to assist the counties during this transition. The proposal assumes all other programs supported by the 1991 Realignment Social Services Subaccount continue to be funded as they have been.

The proposal includes the following fiscal provisions:

- General Fund Assistance—$400 million General Fund in 2017-18; $330 million in 2018-19; $200 million in 2019-20 and $150 million in 2020-21 and ongoing.
- Use of Growth Funds—Redirection of all Vehicle License Fee growth for three years from the Health, County Medical Services Program (CMSP), and Mental Health Subaccounts to provide additional resources for IHSS. In years four and five, 50 percent of this Vehicle License Fee growth will be redirected. The portion of the growth funds redirected from the Health Services Subaccount, which would have offset General Fund costs in CalWORKs, are reflected in the General Fund assistance totals above.
- Maintenance-of-Effort Structure—Institute a maintenance-of-effort (MOE) structure rather than a 65-percent state/35-percent county share-of-cost structure. The General Fund will pay the difference between the MOE and the non-federal share of IHSS costs.
- More Current Cost Data—Change the methodology for calculation of IHSS caseload in the Social Services Subaccount to use the current estimate of caseload and cost information.
- Inflation Factor—Create a new base for county costs of IHSS in 2017-18 that includes services and administrative costs. An annual inflation factor will be phased in and applied to the base. In year one (2017-18), the inflation factor will be zero; in the second year, the inflation factor will be 5 percent. In future years, the inflation factor would be on a sliding scale based on 1991 Realignment revenue performance. If revenue growth is negative, then there would be no inflation factor applied. If revenue growth is less than 2 percent, then the inflation factor would be 3.5 percent. If revenue growth is above 2 percent, the inflation factor would be 7 percent (the expected IHSS annual cost growth).

The estimated net amounts of county costs not covered are:

- 2017-18: $141 million
- 2018-19: $129 million
- 2019-20: $230 million
- 2020-21: $251 million

Based on revenue growth allocations under the CCI pilot, the Health, CMSP, and Mental Health Subaccounts received funding that allowed their base amounts to grow beyond normal expectations. While not receiving growth for a limited-time period—as proposed in the May Revision—requires an adjustment, redirecting the growth to IHSS reflects the highest funding priority. Under current law, counties are obligated to provide a 3.5-percent annual rate increase to Institutions for Mental Disease. In recognition of the reduced amount of growth funding going to the Mental Health Subaccount, the May Revision proposes that in any year the Mental Health Subaccount does not receive its full growth allocation, this rate increase requirement will be suspended.

The May Revision also proposes that counties experiencing financial hardship due to the increased costs of IHSS may apply to the Department of Finance for a low-interest loan to help cover those costs. The Department of Finance will work with counties to determine how such a loan would be structured and what documentation would be needed for application.

Because IHSS costs and 1991 Realignment revenues can be volatile, the Administration has agreed to on-going discussions with the counties about the costs of the program within the structure of 1991 Realignment and the impact of the inflation factor as it relates to overall 1991 Realignment revenues.

The May Revision also proposes that any amounts counties may owe the state through 2015-16 because of the Board of Equalization's miscalculations of sales tax revenue allocations will not have to be repaid.

IHSS Collective Bargaining

With the return of collective bargaining to all counties, the Administration reviewed the current structure of local bargaining and is proposing several adjustments.

Under CCI, if a county negotiated a wage and benefit increase, its MOE increased by its 35 percent share. State participation has been capped at $12.10 per hour for wages and benefits since 2007-08. The May Revision maintains the 35-percent county share of negotiated increases and proposes that the state participation cap should float to always be $1.10 above the hourly minimum wage set in Chapter 4, Statutes 2016 (SB 3), for large employers. Like SB 3, the cap would rise with inflation once the minimum wage reaches $15 per hour.

Many counties are at or exceed the current state cap of $12.10. For those counties, the state would agree to participate at its 65-percent share of costs up to a 10-percent increase in wages and benefits over three years.

Beginning July 1, 2017, the May Revision proposes that if a county does not conclude bargaining with its IHSS workers within nine months, the union may appeal to the Public Employment Relations Board.

Department of Health Care Services

Medi-Cal, California's Medicaid program, is administered by the Department of Health Care Services. Medi-Cal is a public health care coverage program that provides comprehensive health care services at no or low cost for low-income individuals. The federal government mandates basic services, including: physician services; family nurse practitioner services; nursing facility services; hospital inpatient and outpatient services; laboratory and radiology services; family planning; and early and periodic screening, diagnosis, and treatment services for children. In addition to these mandatory services, the state provides optional benefits such as outpatient drugs, home and community-based services, and medical equipment. The Department also operates the California Children's Services and the Primary and Rural Health programs, and oversees county-operated community mental health and substance use disorder programs.

Significant Adjustments.

- Current Year Shortfall—The Medi-Cal shortfall has decreased by approximately $620 million General Fund compared to the Governor's Budget. The reduction is primarily attributable to savings from drug rebates in Medi-Cal managed care, retroactive managed care rate adjustments, and slower caseload growth than previously estimated. Medi-Cal program expenditures are expected to exceed the appropriation included in the 2016 Budget Act by approximately $1.1 billion.

- Medi-Cal Estimate—Given the size of the current year shortfall, the May Revision provides $495,000 ($248,000 General Fund) to upgrade the system used to produce the Medi-Cal estimate. These upgrades would enhance system stability and improve flexibility, making it more adaptable to changes in the Medi-Cal program. The system enhancements will provide estimates that are more accurate and improve reporting capabilities. In addition, a request for information to solicit contractors to assist the Department in refining the current estimate process will be issued in 2017-18.

- Duals Demonstration Pilot—Pursuant to the provisions of current law, the Coordinated Care Initiative (CCI) is discontinued in 2017-18; however, the Governor's Budget proposed reinstating three programmatic components of the CCI. Based on the lessons learned from CCI, the May Revision continues: (1) extension of the Cal MediConnect program, (2) mandatory enrollment of dual eligibles, and (3) long-term services and supports integration into managed care, except IHSS. The May Revision includes savings of approximately $8 million General Fund based on the proposed continuation of the Cal MediConnect duals demonstration pilot. This represents a decrease of approximately $12 million in General Fund savings compared to Governor's Budget due to a decrease in the number of beneficiaries choosing to participate in the pilot. Although CCI was not cost-effective during the initial demonstration period, the duals demonstration program provides the potential to reduce the cost of health care and improve health outcomes for individuals that maintain Cal MediConnect enrollment.

- Proposition 56—An increase of $19.8 million in the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (Proposition 56) allocation to Medi-Cal based on updated revenue projections. Overall revenue from Proposition 56 increased by $23.3 million compared to the Governor's Budget.

- Newly Qualified Immigrants (NQI) Affordability and Benefit Program—An increase of $48 million General Fund from the elimination of the NQI Affordability Benefit Program. Existing law authorizes the Department to implement a program to transition most NQIs in the state-only full-scope Medi-Cal to a Covered California qualified health plan. Due to operational and programmatic uncertainties, the Administration will stop efforts to implement the program.

- Palliative Care—Net General Fund costs of $1.3 million in 2017-18 for the implementation of the Palliative Care Services program no later than January 1, 2018. This program will serve adult Medi-Cal beneficiaries and provide one-time grants to health care plans of up to $50,000 for provider network development, data analysis,

and other palliative care program development costs. Conditions eligible for palliative care include cancer, congestive heart failure, chronic obstructive pulmonary disease, or liver disease for patients with no more than a one-year life expectancy.

- California Medicaid Management Information System (CA-MMIS)—$14.9 million ($5.2 million General Fund), to fund 7 new positions, an extension of 21 limited-term positions, and contract resources to support both the ongoing maintenance and operations of the existing Legacy CA-MMIS claims processing system and to continue the design, development, and implementation efforts to modernize the CA-MMIS system using a modular approach.

- Implementation of the Covered Outpatient Drug Final Rule—The May Revision proposes statutory changes to outpatient drug reimbursement in the Medi-Cal program consistent with the requirements of the federal Covered Outpatient Drug Rule and the proposal released by the Department earlier this year. The proposed legislation codifies a new drug ingredient reimbursement methodology and dispensing fee based on a study of pharmacy provider costs in the Medi-Cal program.

- Contract Pharmacies and the 340B Program—The May Revision also proposes statutory changes to end the use of contract pharmacies in the 340B program in Medi-Cal, consistent with recent concerns raised by federal agencies. This change avoids inappropriate duplicate discounts by claiming federal drug rebates on already discounted drugs and prevents unnecessary overpayment in Medi-Cal. Planned Parenthood, a 340B entity, does not use contract pharmacies and is unaffected by this change.

- Performance Outcomes System—$6.2 million General Fund for the implementation of functional assessment tools for populations receiving specialty mental health services through county mental health plans. These assessment tools will gather data from both a clinician's and caregiver's perspective and will be used to track outcomes for Medi-Cal mental health services provided to children up to age 21. The revised funding reflects training, staff, and information technology costs associated with implementation of the newly selected functional assessment tools.

- Federal Cures Act Opioid Targeted Response Grant—$44.7 million in federal funding to reflect the award of the federal Opioid State Targeted Response grant. This grant will allow for increased medication-assisted treatment for individuals with substance use disorders. The Department will establish 15 "hub and spoke" systems, where a Narcotic Treatment Program will serve as a "hub" and the "spokes" are regional

physicians approved to prescribe medication-assisted treatment. For counties that do not have a Narcotic Treatment Program, the lead entity could be the county, an alcohol and other drug facility, a federally qualified health center, or other group. Narcotic Treatment Programs will begin providing expanded substance use disorder services by September 1, 2017 as required by the grant provisions.

- School-Based Mobile Vision Care Services—The Department authorized a three-year pilot program in Los Angeles County for school-based mobile vision services that ends on June 30, 2018. Based on requirements under current law, the Department will conduct an evaluation of the pilot program by the end of calendar year 2017. Pending the outcome of the evaluation, the Administration proposes to expand the mobile vision services program statewide in 2018-19 provided it resulted in improved treatment for children in the county.

1991 State-Local Realignment Health Account Redirection

Chapter 24, Statutes of 2013 (AB 85), modified the 1991 Realignment Local Revenue Fund (LRF) distributions to capture and redirect county savings due to the implementation of federal health care reform. The net savings are redirected for county CalWORKs expenditures, which reduce General Fund spending on the CalWORKs program.

County savings are estimated to be $585.9 million in 2016-17, and $688.8 million in 2017-18, or approximately $143 million higher compared to Governor's Budget estimates. A portion of these additional General Fund savings will be redirected to offset increased county IHSS program costs. Additionally, actual expenditure data reported by counties indicates county net savings in 2014-15 were $255.6 million higher than estimated based on the preliminary reconciliation of 2014-15. This amount is slightly higher than the estimate included in the Governor's Budget. The May Revision continues to assume reimbursement of this amount from the counties in 2017-18. Final reconciliation for 2014-15 will be completed in June 2017 using audited data from the counties. The General Fund savings are reflected in the CalWORKs program within the Department of Social Services' budget.

Department of Social Services

The Department of Social Services serves, aids, and protects needy and vulnerable children and adults in ways that strengthen and preserve families, encourage personal responsibility, and foster independence. The Department's major programs include CalWORKs, CalFresh, IHSS, Supplemental Security Income/State Supplementary

Payment (SSI/SSP), Child Welfare Services, Community Care Licensing, and Disability Determination.

Significant Adjustments:

- Immigration Services—An increase of $15 million General Fund—bringing total funding to $30 million—to further expand the availability of legal services for people seeking naturalization services, deportation defense, or assistance in securing other legal immigration status.
- Continuum of Care Reform—An increase of $11.2 million General Fund to implement a higher hourly rate for county social worker and probation staff for certain administrative components, and to provide foster youth placed with relative caregivers the same infant supplement grant and dual agency rate as federally eligible foster youth.
- IHSS—A net decrease of $22.5 million General Fund in 2016-17 and $80.8 million General Fund in 2017-18 due primarily to a projected decrease in costs associated with IHSS provider travel time and medical accompaniment wait time, partially offset by increases in caseload growth, average hours per case, average cost per case, and other miscellaneous adjustments.
- CalWORKs—A decrease of $19.1 million General Fund and federal Temporary Assistance for Needy Families (TANF) block grant funds in 2016-17 and $35.5 million General Fund and TANF in 2017-18 to reflect updated caseload and average cost per case projections.
- SSI/SSP—A decrease of $34.1 million General Fund in 2016-17 and $37.3 million General Fund in 2017-18 to reflect updated caseload and average cost per case projections.

DEPARTMENT OF STATE HOSPITALS

The Department of State Hospitals administers the state mental health hospital system, the Forensic Conditional Release Program, the Sex Offender Commitment Program, and the evaluation and treatment of judicially and civilly committed patients.

METROPOLITAN STATE HOSPITAL

To address the long-term needs of a growing in-patient population, the 2016 Budget Act included $31.2 million to develop a security fence at the Metropolitan State Hospital,

enabling the department to increase the number of beds by over 200 in 2018-19. With these new unit activations scheduled for the fall of 2018, staff recruitment, training, and personnel for patient movement is needed. The May Revision includes $7.8 million General Fund to support the movement of approximately 150 civilly-committed patients at the Metropolitan State Hospital to another building, to allow additional Incompetent to Stand Trial (IST) waitlist commitments to be placed in secured treatment beds beginning in 2018-19.

Incompetent to Stand Trial Admissions

The Department of State Hospitals continues to experience a significant increase in the number of IST referrals from local courts, with an annual growth rate of approximately 10 percent since 2013-14. Despite 188 authorized jail-based competency restoration beds, referrals continue to outpace capacity, with the IST pending placement list at approximately 550 individuals in early May 2017.

To further address this ongoing growth, the Administration continues to work with county partners, the Judicial Council, and stakeholders to find approaches to address the growth of IST referrals.

In addition to previous proposals to increase bed capacity, the May Revision includes $3.1 million General Fund to establish additional jail-based competency treatment programs for up to 24 beds. DSH continues to identify opportunities for collaboration with counties that will result in efficiencies and reduced costs for housing and treatment of ISTs.

Department of Developmental Services

The Department of Developmental Services provides individuals with developmental disabilities a variety of services that allow them to live and work independently or in supported environments. California is the only state that provides developmental services as an individual entitlement. The state is in the process of closing all state-operated developmental centers, except for the secure treatment area at the Porterville Developmental Center, and the Canyon Springs community facility.

Safety Net Services

The May Revision proposes $7.5 million General Fund in 2017-18 to establish acute crisis services in the community given the closure of the developmental centers and the state-run crisis units at the Fairview and Sonoma Developmental Centers. These

new services are part of the Department's overall Safety Net Plan to provide access to crisis services after the closure of the developmental centers. The Department will also allocate existing resources for this purpose.

These additional resources will be used to develop Stabilization, Training, Assistance and Reintegration (STAR) acute crisis facilities in the community that will provide services similar to those currently provided at the Northern and Southern STAR homes, as well as to establish two, 24-hour mobile acute crisis teams to provide in-home treatment and associated stabilization services and supports to help maintain individuals in their existing residences.

In addition, DDS proposes to establish intensive transition and support services to promote a successful transition into the community for those leaving secured treatment settings as well as to prevent such placements. These services will provide wrap-around residential services through individual evaluations, assessments, and treatment recommendations. These are targeted to individuals with developmental disabilities who are transitioning from the Secure Treatment Program at Porterville Developmental Center or are currently living in the community but require additional mental health and behavioral supports to address significant behavioral challenges.

SCDD 2017-18 BUDGET

SCDD Budget Pressures for FY 16-17

Increase in Personal Service Cost:		
3% GSI (Exempt & MGRS)	$	49,878
5% GSI (Legal)	$	5,422
5% Merit (Managers Only)	$	32,140
SEIU Retention Bonus	$	72,126
Temp. Help & Honorarium	$	31,139
Worker's Compensation Claim	$	19,000
Total	$	209,705
Increase in Rent & Other Expenses:		
Rent	$	59,000
Facilities Planning DGS	$	40,483
Other Expenses	$	37,547
Total	$	137,030
Decrease in Grant Funding:		
Prior Year	$	6,543,380
Current Year	$	6,480,165
Difference	$	63,215
Sub Total	**$**	**409,950**
Carry-Over Deficit:	**$**	**100,000**
Total FY 16-17 Budget Gap	**$**	**509,950**
Projected SEIU Salary Increase FY 17	**$**	**125,953**
Total Projected 17-18 Budget Gap	**$**	**635,903**

Managing the Budget Gap

Current Vacancy Savings*

SCDD	Salaries	
(HQ) Public Information Officer	$	84,724
(HQ) Legislative Specialist	$	72,614
(HQ) Office Technician	$	18,539
(HQ) Office Technician	$	3,867
(HQ) Staff Services Analyst	$	7,900
(NC) Manager II	$	15,741
(Sac) Office Technician	$	33,708
(NB) CPS II	$	55,200
(NB) Office Technician	$	30,337
(OC) Office Technician	$	2,983
(SB) CPS II	$	25,950
Sub Total	$	351,563
Benefits	$	158,203
Grand Total	**$**	**509,766**

* Thru June 30, 2017

Future Savings From Office Relocations*

Office	Savings	
HQ & Sacramento Office	$	12,360
San Bernardino Office	$	25,020
San Diego Office	$	31,056
Total	**$**	**68,436**

*minimum savings

Prior Year Unexpended Funds

Grant	Balance	
FFY 2015	$	974,238
FFY 2016	$	239,958
Total	**$**	**1,214,196**

Council Report for FY 16-17
Expenditures through
March-17

State Council on Developmental Disabilities

FEDERAL GRANT (BSG)

Based on Federal Fiscal Year

	Annual Grant Award	Monthly Expenditure	Year-To-Date Expenditure	Balance	Deficit YTD
Personal Services & Benefits	$ 4,531,915	$ 380,981	$ 2,237,873	$ 2,294,042	$ -205,458
Operating Expenses	$ 1,748,250	$ 145,361	$ 736,171	$ 1,012,079	$ 116,529
Grants / Special Items	$ 200,000	$ 9,951	$ 9,951	$ 190,049	
Total	$ 6,480,165	$ 536,293	$ 2,983,995	$ 3,496,170	$ -88,929

QUALITY ASSESSMENT (QA)

Based on State Fiscal Year

	Annual Budget	Monthly Expenditure	Year-To-Date Expenditure	Balance
Personal Services & Benefits	$ 1,743,876	$ 126,252	$ 1,185,329	$ 558,547
Operating Expenses	$ 840,124	$ 84,946	$ 357,499	$ 482,625
Total	$ 2,584,000	$ 211,198	$ 1,542,828	$ 1,041,172

CRA/VAS

Based on State Fiscal Year

	Annual Budget	Monthly Expenditure	Year-To-Date Expenditure	Balance
Personal Services & Benefits	$ 1,219,055	$ 101,817	$ 907,871	$ 311,184
Operating Expenses	$ 557,945	$ 26,636	$ 185,998	$ 371,947
Total	$ 1,777,000	$ 128,453	$ 1,093,869	$ 683,131

Updated 5/12/17

State Council on Developmental Disabilities

State Council Budgeted Base
Fiscal Year 2017-18 Budget

Categories	Basic State Grant (BSG)	Clients' Rights Advocates/ Volunteer Advocacy	Quality Assessment	TOTAL
	Federal Funds	State Grants	State Grants	
1. Personal Services:				
Net Salaries & Wages	$ 3,497,568	$ 927,000	$ 1,288,239	$ 5,712,807
Temporary Help / Honorarium	$ 66,500	$ -	$ -	$ 66,500
Staff Benefits	$ 1,735,701	$ 441,000	$ 630,637	$ 2,807,338
Total Personnel Services	$ 5,299,769	$ 1,368,000	$ 1,918,876	$ 8,586,645
2. Operating Expense and Equipment:				
General Expense	$ 62,007	$ 75,000	$ 20,000	$ 157,007
Printing	$ 60,768	$ 9,000	$ 5,000	$ 74,768
Communications	$ 76,525	$ 25,000	$ 10,000	$ 111,525
Postage	$ 33,006	$ 14,000	$ 45,000	$ 92,006
Travel-in-State :	$ 327,000	$ 64,000	$ 50,000	$ 441,000
Out-of-State Travel	$ 3,000	$ -	$ -	$ 3,000
Training (Tuition and Registration)	$ 5,000	$ 15,000	$ 1,000	$ 21,000
Facilities Operations (Rent)	$ 643,000	$ 24,000	$ 245,000	$ 912,000
Utilities	$ 6,000	$ -	$ 2,000	$ 8,000
Interdepartmental Services:	$ 411,000	$ 134,040	$ 156,000	$ 701,040
External Contract Services	$ 67,000	$ 3,000	$ 2,500	$ 72,500
Data Processing (Software, licenses, etc.)	$ 19,000	$ 18,000	$ 6,624	$ 43,624
Statewide Cost Allocation Plan (SWCAP)	$ 25,000	$ -	$ -	$ 25,000
Other Items of Expense	$ 5,000	$ 91,000	$ 664,000	$ 760,000
Total Operating Expense and Equipment	$ 1,743,306	$ 472,040	$ 1,207,124	$ 3,422,470
3. Community Grants	$ 260,000	$ -	$ -	$ 260,000
4. Total Council Budget (1 + 2 + 3)	$ 7,303,000	$ 1,840,000	$ 3,126,000	$ 12,269,000
5. Total Estimated Grants & Contracts	$ 6,480,000	$ 1,840,000	$ 3,126,000	$ 11,446,000
6. Prior-Year Unexpended BSG Savings	$ 823,000			

5/12/2017

PROPOSED BYLAW CHANGES

COUNCIL MEETING
AGENDA ITEM DETAIL SHEET

ISSUE: 2017 Bylaw Amendments/Revisions.

BACKGROUND: It has been the practice of this Council to establish and maintain a set of Bylaws that guides the work of the Council and its Committees.

On April 20, 2017, the Executive Committee reviewed and provided input on the November 19, 2014 version of the Council Bylaws.

ANALYSIS/DISCUSSION: It is the wish of the Council to periodically review and revise the Bylaws which guide the work of the Council and its Committees.

The current Bylaws were last revised on November 19, 2014. Since that time, many organizational changes have occurred, including the enactment of AB 1595 and Regional Office and Committee structure changes. The attached summary of revisions lists the technical and substantive changes being presented to the Council for consideration.

COUNCIL STRATEGIC PLAN OBJECTIVE: N/A

PRIOR COMMITTEE ACTIVITY: On November 19, 2014 the Council revised the September 8, 2014 version of the Council Bylaws.

On April 20, 2017, the Executive Committee reviewed the attached Bylaws and recommended that they be presented to the full Council for approval.

RECOMMENDATION(S): None.

ATTACHMENTS(S): November 19, 2014 Council Bylaws with Proposed Amendments and Summary of Proposed 2017 Bylaw Amendments.

PREPARED: Robin Maitino, May 8, 2017.

SUMMARY OF
PROPOSED 2017 AMENDMENTS
TO SCDD BYLAWS

1. Technical change – citation formatting. (**Article II.**)

2. Technical change – persons "with developmental disabilities" changed to persons "with intellectual and/or developmental disabilities." (**Throughout bylaws.**)

3. Change to include DD Act language related to Council membership composition. (**Article V, Section 1(b).**)

4. Change to more accurately describe Council's role regarding Council vacancies and appointments. (**Article V, section 1(c)(4).**)

5. Technical change – make format of term "bylaws" consistent. (**Throughout bylaws.**)

6. Technical change – make format of term "Council" consistent. (**Throughout bylaws.**)

7. Technical change – Remove redundant citation. (**Article V, Section 6.**)

8. Change language to be consistent with state law, removing the maximum for the number of Council meetings. (**Article VI, Section 2(a).**)

9. Change to make quorum rules consistent with AG opinion. (**Article VI, Section 3(a).**)

10. Technical change – update citation. (**Article VII, Section 1.**)

11. Technical change – provide clarifying reference to Lanterman Act rules regarding Council officers. (**Article VII, Section 2.**)

12. Change to require that Council will hold a run-off if no candidate for an officer position is elected by a majority vote of the Council, but that this requirement may be waived by a majority vote of the Council. **(Article VII, Section 3.)**

13. Technical change - clarifying phrase added. **(Article VII, Section 6.)**

14. Technical change – correct citation. **(Article VIII, Section 1(a).)**

15. Change to specify that Council work includes but it not limited to State Plan, grant, and other contracted work. **(Article VIII, Section 2(b)(1).)**

16. Change to add Statewide Self-Determination Advisory Committee as a standing committee of the Council. **(Article IX, Section 2(a)(8).)**

17. Technical change – provide reference to Lanterman Act and clarifying language. **(Article IX, Section 2(b).)**

18. Change to specify that Chair will also appoint any committee Vice Chairpersons. **(Article IX, Section 2(b).)**

19. Technical change – include clarifying language consistent with state law. **(Article IX, Section 2(c).)**

20. Change to specify that Council Chair may excuse a Council member from the requirement to sit on at least one standing committee. **(Article IX, Section 2(d).)**

21. Change to clarify that making recommendations is a discretionary function of the Executive Committee. **(Article IX, Section 2(e)(1)[e].)**

22. Technical change – use term "State Plan." **(Throughout bylaws.)**

23. Technical change – provide language to recognize Council's contracting rules. **(Article IX, Section 2(e)(2)[e].)**

24. Change to delete Administrative Committee responsibility to make recommendations on organizational charts and structure. **(Article IX, Section 2(e)(2)[g].)**

25. Change to clarify role of Legislative and Public Policy Committee consistent with State Plan. **(Article IX, Section 2(e)(3)[c].)**

26. Technical change – remove "initiative" language that may be confused with a ballot measure initiative. **(Article IX, Section 2(e)(3)[d].)**

27. Change to clarify that committee activities must be consistent with positions taken by the Council. **(Article IX, Section 2(e)(3)[e].)**

28. Technical change – include reminder that Council activities must be allowable activities under state and federal law. **(Article IX, Section 2(e)(3)[g].)**

29. Change to clarify that Self-Advocates Advisory Committee may engage in other activities approved by the Council. **(Article IX, Section 2(e)(4)[c].)**

30. Change to match membership of Employment First Committee to EFC statutory language. **(Article IX, Section 2(e)(5)[a].)**

31. Changes to match duties of Employment First Committee to EFC statutory language. **(Article IX, Section 2(e)(5)[b] – [j].)**

32. Change to clarify Membership Committee is responsible for coordinating input to the Governor regarding potential candidates for appointment. **(Article IX, Section 2(e)(6).)**

33. Change to remove requirement that Membership Committee meets quarterly. **(Article IX, Section 2(e)(6)[c].)**

34. Technical change – clarify Membership Committee's effort to solicit from a broad range of organizations as specified in the federal Developmental Disabilities Act. **(Article IX, Section 2(e)(6)[e].)**

35. Change to remove requirement to facilitate interagency communication regarding recommendations for Council appointment. **(Article IX, Section 2(e)(6)[f].)**

36. Change to specify that Membership Committee will make recommendations for membership of Regional Advisory Committees and local self-determination advisory committees. **(Article IX, Section 2(e)(6)[i].)**

37. Change to remove requirement that State Plan Committee meets quarterly. **(Article IX, Section 2(e)(7)[b].)**

38. Change to include language regarding duties and description of Statewide Self-Determination Advisory Committee based on statutory language. **(Article IX, Section 2(e)(8).)**

39. Technical change – include reference to state reimbursement rules. **(Article IX, Section 4(b).)**

40. Change to add Council policy document "Policy Questions About the Regional Advisory Committees (RAC)" as an appendix to the bylaws. **(Article X, Section 1(a).)**

41. Change to add reminder that bylaws should be posted to the Council's website. **(Article XI, Section 1.)**

42. Change to delete indemnification provisions in accordance with state law. **(Article XIII.)**

State Council on Developmental Disabilities

BYLAWS

Adopted by Council: November 19, 2014
(Includes 2017 Proposed Amendments)

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CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

BYLAWS

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 the Developmental Disabilities Assistance and Bill of Rights Act ~~42 United States Code Section 15001 et. seq.~~ ("DD Act"), Public Law 106-402, and the ~~Sections 4433.5, 4520 et. seq., and 4868 of the~~ California Lanterman Act, Welfare and Institutions Code Section 4400 et seq.

Technical change – citation formatting.

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~~intellectual and/or developmental disabilities. The membership of the Council shall consist of the categories of people in accordance with state and federal law.

Technical change – persons "with developmental disabilities" changed to persons "with intellectual and/or developmental disabilities."

SECTION 1. Appointments:

(a) There shall be thirty-one (31) voting members on the Council appointed by the Governor as specified by Division 4.5, Chapter 2, Article 1, Sections 4521 (b) (1) and (2) of the Welfare and Institutions Code.

(b) To assist the Governor in carrying out appointments under Welfare and Institutions Code Section 4521, ~~Pursuant to Section 4521(d), 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. T~~the Council may coordinate Council and public input ~~to the extent feasible t~~o the Governor, to the extent feasible, regarding recommendations for membership to help ensure that members of the Council reflect the socioeconomic, geographic, disability, racial, ethnic, and language diversity of the state.

Change to include DD Act language related to Council membership composition.

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(c) In accordance with Section 125(b) of the DD Act, the Council will work through its Membership Committee and with the Governor and concerned organizations to ensure that:

(1) Recommendations for appointments to the Council are solicited from

organizations representing a broad range of individuals with ~~developmental disabilities~~intellectual and/or developmental disabilities and individuals interested in individuals with ~~developmental disabilities~~intellectual and/or developmental disabilities, including the non-State agency members of the Council;

(2) Membership of the Council shall be geographically representative of the State and reflect the diversity of the State with respect to race and ethnicity;

(3) Membership of the Council is rotated, except that members may serve until members' successors are appointed; and

(4) The Council will notify the Governor regarding membership requirements of the Council, vacancies, recommendations for appointments, and when vacancies of the Council remain unfilled for a significant period of time.

Change to more accurately describe Council's role regarding Council vacancies and appointments.

SECTION 2. Term of Office:
The term of office on the State Council shall be in accordance with state law. As specified in Section 4521(d) of the Welfare and Institutions Code, the term of each self or family advocate member and representative of a non-governmental organization shall be for three years, with the term beginning on the date of appointment to the first term. These members may serve no more than two terms. A member may continue to serve following the expiration of his or her term until the Governor appoints that member's successor.

SECTION 3. Conflict of Interest:
Pursuant to California Welfare and Institutions Code Section 4525, the Council's approved Conflict of Interest Policy, is incorporated by reference into these ~~By-laws~~bylaws. Each member must recuse himself or herself from discussion and votes on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest and as required by Section 125(b)(4)(B)(ii) of the DD Act. In addition, each member is responsible for complying with all state conflict of interest rules, including rules of Government Code Sections 87100 et seq. and 1090 et seq.

Technical change – make format of term "bylaws" consistent.

SECTION 4. Vacancies:
A vacancy on the Council exists if any of the following events occur before the expiration of the term:

(a) The death of the member.

(b) An adjudication pursuant to a legal proceeding declaring that the member is physically or mentally incapacitated due to disease, illness, accident, or other condition **and** there is reasonable cause to believe that the member will not be able to perform the duties of office for the remainder of his/her term.

(c) The member's resignation.

(d) The member's removal from office.

(e) The member's ceasing to be a legal resident of the state or the area the member was appointed to represent.

(f) The member's absence from the state without the permission required by law beyond the period allowed by law.

(g) The member's ceasing to discharge the duties of his/her office for the period of three consecutive meetings, except when prevented by sickness, or when absent from the state with the permission required by law. After three (3) consecutive unexcused absences, a member shall be considered as having ceased to discharge the duties of Council membership. An unexcused absence is an absence of a member when previous notice of absence has not been given to the Council Chair or Committee Chair and to the Executive Director by telephone, email, or mail.

(h) The member's conviction of a felony or any offense involving a violation of his/her official duties. A member shall be deemed to have been convicted under this section when trial court judgment is entered.

(i) The member's refusal or neglect to file his/her required oath, statement of economic interests, or other required filings within the time prescribed after being provided notice of non-compliance and a reasonable time to comply.

(j) The decision of a competent tribunal declaring void the member's election or appointment.

(k) The making of a vacating order or declaration of vacancy.

(l) The member assumes a position or responsibility that violates the Council's conflict of interest policy.

Technical change – make format of term "Council" consistent.

The ~~council~~Council shall notify the Governor regarding membership requirements of the ~~council~~Council and shall notify the Governor in writing immediately when a vacancy occurs prior to the expiration of a member's term, at least six months before a member's term expires, and when a vacancy on the ~~council~~Council remains unfilled for more than 60 days.

SECTION 5. Resignations:
Members shall serve a designated term unless they resign, or are otherwise disqualified to serve, or until successors have been appointed. Any member may resign at any time by giving written notice to the Chairperson and to the Executive Director. Such resignation shall take effect on the date of receipt of such notice or any later time specified therein; and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

SECTION 6. Compensation and Expenses:
Self-advocate and family advocate members of the State Council shall receive honoraria pursuant to ~~Government Code 11564.5, and~~ Welfare and Institution Code Section 4550 not to exceed fifty (50) days in any fiscal year. All members shall be reimbursed for authorized actual and necessary expenses incurred in connection with the performance of their duties as Council members, in accordance with state regulations in the State Administrative Manual.

Technical change – Remove redundant citation.

ARTICLE VI. MEETINGS

SECTION 1. Parliamentary Authority:

(a) All meetings of the Council and its committees are public meetings governed by the Bagley-Keene Open Meeting Act (Government Code Section 11120, et. seq.).

(b) Robert's Rules of Order shall be utilized as the rules for all Council and committee meetings except in instances of conflict with these ~~By-laws~~bylaws, or provisions of State or federal law or regulations. The Vice-Chairperson shall serve as Parliamentarian.

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

SECTION 2. Meetings:

(a) There shall be no less than six (6) ~~and no more than twelve (12)~~ meetings of the Council per year~~.~~ and the Council shall meet as often as necessary to fulfill its duties pursuant to Welfare and Institutions Code Section 4535(a).

Change language to be consistent with state law, removing the maximum for the number of Council meetings.

(b) Special meetings of the Council may be called by the Chairperson or, in case of absence or inability to act by the Chairperson, by the Vice-Chairperson. In case of a refusal to act by the Chairperson, a special meeting may be called by written request of nine (9) members of the Council. Only matters specified in the written notice of the meeting shall be considered at such a meeting.

(c) Regular or special meetings of the Council shall be held at a place, date, and time designated by the Council or selected by the Chairperson.

SECTION 3. Quorum:

(a) A quorum for the Council shall be a simple majority of the statutory required membership which is 16 members per California Attorney General Opinion No. 10-901 (2011) (94 Ops. Cal. Atty. Gen. 100)~~ and shall remain established until adjourned~~.

Change to make quorum rules consistent with AG opinion.

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

SECTION 4. Voting Rights of Members:

(a) Each member shall be entitled to one vote, to be exercised in person. "In person" is defined as being physically present at a meeting location and includes being in attendance at a meeting by teleconference provided all applicable open meeting rules are followed. Proxy voting shall not be permitted. (68 Ops. Cal. Atty. Gen. 65 (1985).)

(b) Except as otherwise specifically provided in State law or these ~~By-laws~~bylaws, all matters submitted for determination shall be decided by a majority vote.

SECTION 5. Chairperson Pro Tem:
If neither the Chairperson nor Vice-Chairperson is present to preside at a Council meeting, a chairperson pro tem shall be elected by the majority vote of the Council members present.

ARTICLE VII. OFFICERS

SECTION 1. Officers:
The officers of the Council shall be a Chairperson and a Vice - Chairperson elected from among the self and family advocate members ~~appointed~~ pursuant to Welfare and Institutions Code Section 4535(b)~~4521(b)(1)~~. These officers shall perform the duties described in these ~~By-laws~~bylaws.

Technical change – update citation.

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 pursuant to Welfare and Institutions Code Section 4521(b)(1).

Technical change – provide clarifying reference to Lanterman Act rules regarding Council officers.

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. If no nominee is elected by a majority vote, the Council will hold a run-off election between the two nominees who received the highest number of votes. The Council may waive this run-off requirement with a majority vote to waive.

Change to require that Council will hold a run-off if no candidate for an officer position is elected by a majority vote of the Council, but that this requirement may be waived by a majority vote of the Council.

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, as specified in these bylaws, 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.

Technical change - clarifying phrase added.

(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(eb) and Welfare and Institutions Code Section 4551. The appointment of the Executive Director shall occur during a regular or special meeting of the Council.

Technical change – correct citation.

(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. The Executive Director shall hire, supervise, and annually evaluate the staff of the Council.

(b) The Executive Director is responsible for ensuring that:

(1) For the purposes of administration, Council directives are carried out by Council staff through the proper assignment and conduct of Council work, including but not limited to State Plan, grant, and other contracted work.

(2) Council members and staff receive training on the federal mandate of the DD Act to conduct and support advocacy, capacity building and systemic change on a statewide level;

(3) There is adequate supervision over the development and implementation of standard orientation tools for staff, policy manuals, and trainings addressing program and administrative requirements; and

(4) Federal funds shall only be utilized for activities permissible under the DD Act.

Change to specify that Council work includes but it not limited to State Plan, grant, and other contracted work.

(c) 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.

(d) 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~~bylaws, 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~~bylaws, 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~~bylaws, 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 seven (~~8~~7) standing committees of the State Council:
- (1) Executive
- (2) Administrative
- (3) Legislative and Public Policy
- (4) Self-Advocates Advisory
- (5) Employment First
- (6) Membership
- (7) State Plan Committee
- (8) Statewide Self-Determination Advisory Committee

Change to add Statewide Self-Determination Advisory Committee as a standing committee of the Council.

(b) The Chairperson, Vice-Chairperson, and members of each of the standing committees shall be appointed by the Council Chairperson in accordance with state law. 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 its standing committees shall be members of the Council who are individuals with a~~i~~ntellectual and/or developmental disabilities~~y~~, or the parent, sibling, guardian, or conservator of an individual with an intellectual and/or developmental disability. All committee chairperson appointments shall be

Change to specify that Chair will also appoint any committee Vice Chairpersons.

Technical change – provide reference to Lanterman Act and clarifying language.

announced to the Council at the next available Council meeting.

(c) The membership of all standing committees, except the Executive Committee, the Employment First Committee and the Statewide Self-Determination Advisory Committee, shall be open to non-members of the Council. The expenses of non-Council members may be reimbursed in accordance with State of California reimbursement rules on the same basis as a Council member with the exception of the honorarium.

Technical change – include clarifying language consistent with state law.

(d) All members of the Council shall be expected to serve on at least one standing committee of the Council. However, the Chairperson may excuse a member from serving on a committee.

Change to specify that Council Chair may excuse a Council member from the requirement to sit on at least one standing committee.

(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, the chair of each standing committee, and up to two (2) other Council members.

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

[c] Have delegated authority to 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, if, in the committee's discretion, the committee chooses to make these recommendations.

Change to clarify that making recommendations is a discretionary function of the Executive Committee.

[f] Provide direction to the Executive Director regarding all matters pertaining to Council responsibilities.

[g] Make recommendations to the Council regarding amendments to the ~~By-laws~~bylaws, changes in committee structure or responsibilities.

[h] Make recommendations to the Council regarding Council member training.

[i] Make recommendations to the Council regarding the presentation of awards on behalf of the Council.

[j] Make recommendations to the Council regarding matters assigned by the Council or the Council Chairperson.

[k] Make recommendations to the Council regarding the appointment, evaluation, or removal of the Executive Director.

[l] Monitor and evaluate ~~California State Strategic Plan~~State Plan ~~on Developmental Disabilities~~ implementation and submit findings to the Council.

Technical change – use term "State Plan."

[m] Coordinate the Council's litigation activities, as needed, and make recommendations to the full Council.

[n] 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.

(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~~State 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 in accordance with the Council's contracting rules.

Technical change – provide language to recognize Council's contracting rules.

[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~~, as needed.

Change to delete Administrative Committee responsibility to make recommendations on organizational charts and structure.

(3) Legislative and Public Policy Committee

The Legislative and Public Policy Committee shall implement the ~~California State Strategic Plan~~State 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, policies, procedures and/or practices.

Change to clarify role of Legislative and Public Policy Committee consistent with State Plan.

[c] Recommend legislation, regulations, policies, procedures and/or practices consistent with Council's responsibilities and objectives.

[d] ~~Recommend~~ Identify and recommend potential Council projects and/or coordinated action on issues ~~initiatives and policies~~ consistent with Council responsibilities and objectives.

Technical change – remove "initiative" language that may be confused with a ballot measure initiative.

[e] Provide testimony and recommendations to the Legislature with regard to matters pertaining to people with ~~developmental disabilities~~intellectual and/or developmental disabilities on legislative positions taken by the Council.

Change to clarify that committee activities must be consistent with positions taken by the Council.

[f] Respond to other responsibilities as assigned by the Council or Council Chairperson.

[g] Comply with state and federal rules regarding allowable state agency and Council activities.

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(4) Self-Advocates Advisory Committee

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

Technical change – include reminder that Council activities must be allowable activities under state and federal law.

[a] Be composed of self-advocate members of the Council who wish to participate on the committee.

[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 and engage in other activities approved by the Council.

Change to clarify that Self-Advocates Advisory Committee may engage in other activities approved by the Council.

[d] Review materials and other Council produced information to evaluate and make recommendations regarding plain language approaches.

[e] To nominate a standing representative to the Statewide Self-Advocacy Network (SSAN).

(5) 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~~identifying and promoting strategies that increase the number of individuals with ~~developmental disabilities~~intellectual and/or developmental disabilities who engage in integrated, competitive employment. The Committee shall:

Change to match membership of Employment First Committee to EFC statutory language.

[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) Each one~~One from each~~ of the three University Centers of Excellence in California;
(5) Disability Rights California; and
(6) ~~Employment Development Department~~A member of the Council's Self-Advocates Advisory Committee.
~~(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.~~

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[b] Identify the respective roles and responsibilities of state and local agencies in enhancing integrated, competitive employment opportunities for people with ~~developmental disabilities~~intellectual and/or developmental disabilities,

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[c] Identify strategies, best practices, and incentives for increasing integrated, competitive employment opportunities for people with ~~developmental disabilities~~intellectual and/or developmental disabilities, including, but not limited to, ways to improve the transition ~~al~~ 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.

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[d] Identify existing sources of employment data and recommend goals for, and approache~~sd~~ to measuring progress in, increasing integrated, competitive employment for persons with ~~developmental disabilities~~intellectual and/or developmental disabilities.

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Changes to match duties of Employment First Committee to EFC statutory language.

[e] Identify existing sources of consumer data that can be used to provide demographic information for individuals, including, but not limited to, age, gender, ethnicity, types of disability, and geographic location of consumers, and that can be matched with employment data to identify outcomes and trends of the Employment First Policy.

[f] Recommend goals for measuring employment participation and outcomes for various consumers within the developmental services system.

[eg] Recommend legislative, regulatory, and policy changes for increasing the number of individuals with ~~developmental disabilities~~intellectual and/or developmental disabilities in integrated employment, ~~competitive employment,~~ self-employment, and microenterprises and who earn wages at or above minimum wage, including, but not limited to, recommendations for improving transition planning and services for students with intellectual and/or developmental disabilities who are 14 years of age or older.

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[fh] Provide an annual report to the Governor and Legislature ~~by July 1 of~~ each year that describes the work and recommendations of the Committee.

[i] Meet and consult, as appropriate in carrying out the Committee's responsibilities, with other state and local agencies and organizations, including, but not limited to, the Employment Development Department, the Association of Regional Center Agencies, one or more supported employment provider organizations, an organized labor organization representing service coordination staff, and one or more consumer family member organizations.

[j] Advise on other issues related to integrated employment opportunities

for persons with intellectual and/or developmental disabilities.

(6) Membership Committee

The Membership Committee shall recruit, and ~~solicit~~ vet potential candidates for appointment to the Council and advise the Governor on Council appointments ~~to~~ and vacancies ~~on the Council~~. The Membership Committee is responsible for coordinating Council and public input to the Governor regarding all recommendations on behalf of the Council. The Chairperson of the Committee is charged with submitting the Council's recommendations to the Governor. The Committee shall:

Change to clarify Membership Committee is responsible for coordinating input to the Governor regarding potential candidates for appointment.

[a] Be comprised of at least three (3) members, a majority of which shall be Council members;

[b] Be comprised of self-advocates and family advocates;

~~[c] Meet at least quarterly;~~

[cd] Coordinate Council and public input regarding appointments to the Governor;

Change to remove requirement that Membership Committee meets quarterly.

[de] ~~At least quarterly s~~Solicit recommendations for candidates via social media, email/web alerts, from among self-advocacy groups, family support groups, non-agency ~~council~~Council members, Federal Partners and service providers for the purpose of identifying multiple candidates recommended for appointment and ensuring that membership composition requirements of Section 125(b) of the DD Act and Section 4521 of the Welfare and Institutions Code are met including those pertaining to socioeconomic, geographic, disability, racial, ethnic, and language diversity and in an effort to solicit recommendations from organizations representing a broad range of individuals with intellectual and/or developmental disabilities and individuals interested in individuals with intellectual and/or developmental disabilities;

Technical change – clarify Membership Committee's effort to solicit from a broad range of organizations as specified in the federal Developmental Disabilities Act.

~~[f] Facilitate interagency communications with the Designated State Agency and other state agencies to solicit multiple recommendations for Council appointment to be considered by the Council and for possible submission to the Governor's Office.~~

Change to remove requirement to facilitate interagency communication regarding recommendations for Council appointment.

[eg] While maintaining confidentiality of names, make a report of submissions to the Governor's Office to the Council during the next regular meeting following any submissions.

[fh] In the interest of interagency collaboration and coordination, at least

every 60 calendar days, provide written notification to the Council or its Executive Committee, the Designated State Agency, and the Governor's Office of 1) the expiration date of each member's term, and 2) any vacancy existing on the Council that remains unfilled for more than 60 days. Such notification may be made by electronic mail or as part of a Council agenda item, as appropriate.

[gi] Notify the Governor's Office in writing immediately when a vacancy occurs prior to the expiration of a member's term.

[hj] Solicit support from the Designated State Agency for appointments when a vacancy occurs for more than four months.

[ik] Make recommendations to the Council on membership of ~~any advisory committees~~Regional Advisory Committees and local self-determination advisory committees ~~that the Council may establish~~ as directed by the Council.

Change to specify that Membership Committee will make recommendations for membership of Regional Advisory Committees and local self-determination advisory committees.

(7) 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 and other activities for achieving its goals and objectives, and developing subsequent plans. The Committee shall:

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

~~[b] Meet at least quarterly.~~

Change to remove requirement that State Plan Committee meets quarterly.

[bc] Advise the Council on the collection and reporting of information on needs, including unmet needs, priorities and emerging issues.

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

[de] 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.~~

[ef] Make recommendations to the Council regarding the grant application process and suggested priorities/criteria for proposals.

[fg] Develop methods to market and implement successful programs funded by these grants throughout the State.

[gh] Carry out other responsibilities as assigned by the Council or the Council Chairperson.

(8) Statewide Self-Determination Advisory Committee
The Statewide Self-Determination Advisory Committee is a volunteer advisory committee that is set up to advise and make recommendations on ways to increase the effectiveness of the Self-Determination Program related to regional center consumers. The Committee shall:

[a] Be comprised of the chairs of the 21 local advisory committees or their designees.

[b] Meet at least twice each year but can meet more frequently at the sole discretion of the Council.

[c] Advise on the identification of self-determination best practices, effective consumer and family training materials, implementation concerns, systemic issues, ways to enhance the Self-Determination Program, and recommendations regarding the most effective method for Self-Determination Program participants to learn of individuals who are available to provide services and supports.

Change to include language regarding duties and description of Statewide Self-Determination Advisory Committee based on statutory language.

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SECTION 3. Nominating Committee:
The Nominating Committee shall provide advice to the Council relative to the bi-annual election of Council officers. The Committee shall:

(a) Be composed of at least three (3) and not more than five (5) Council members.

(b) Be elected by the Council at the September Council meeting from a slate of nominations presented by the Executive Committee.

(c) Serve for one year. Be elected at least forty-five (45) days prior to the annual election.

SECTION 4. Committees, Sub-Committees and Ad-Hoc Committees and Task Forces:
(a) Committees, Sub-committees, Ad-Hoc committees and Task Forces may be established by the Council to carry out specified ~~California State Strategic Plan~~State Plan ~~on Developmental Disabilities~~ objectives and purposes of the Council.

(b) The term of office and, qualifications of these groups' chairpersons and members shall be established by the Council. The membership of Sub-Committees and Ad-Hoc committees shall be open to non-members of the Council and shall be appointed by the Chairperson of the Council. The expenses of non-Council members may be reimbursed in accordance with State of California reimbursement rules on the same basis as a Council member with the exception of the honorarium.

Technical change – include reference to state reimbursement rules.

ARTICLE X. COUNCIL ORGANIZATION

SECTION 1. Regional Operations of the Council:

a) The Council is responsible for engaging in advocacy, capacity, and systemic change activities statewide that implement mandates of the DD Act so that individuals with ~~developmental disabilities~~intellectual and/or developmental disabilities have access to all available services and supports. In order to carry out its federal mandates in a manner consistent with the access, use, and community based principles of Section 101(c) of the DD Act, the Council exercises its authority to establish Regional Offices and Regional Advisory Committees to perform Council work. Pursuant to Welfare and Institutions Code Section 4544(d), such offices and committees shall be constituted and operated according to policies and procedures of the Council. (See Appendix 1, "Policy Questions About the Regional Advisory Committees (RAC).")

Change to add Council policy document "Policy Questions About the Regional Advisory Committees (RAC)" as an appendix to the bylaws.

b) Regional Offices and Regional Advisory Committees, being part of the Council, are subject to the Bagley-Keene Act, the Public Records Act, and any other laws applicable to a state governmental entity.

c) Public notice shall be provided at least 120 days before any changes in the number or boundaries of Regional Offices.

d) The ~~bylaws~~bylaws, membership composition, terms of members, and membership eligibility in addition to other rules of the Regional Advisory Committees shall be determined by the Council except as provided by Welfare and Institutions Code Section 4546.

e) At the request of the Council, and according to the policy and procedures of the Council, Regional Advisory Committees will advise, provide input, be a source of data, and perform other activities as described in Welfare and Institutions Code Section 4548.

ARTICLE XI. COUNCIL GENERAL PROVISIONS

SECTION 1. Certification and Inspection:
The original or a copy of the ~~By-laws~~bylaws, as amended or otherwise altered to date, certified by the Council shall be recorded and kept in a book that shall be kept in a location in the principal office of the Council, and such book shall be open to public inspection at all times during office

hours. A copy of the current bylaws should also be posted on the Council's website.

Change to add reminder that bylaws should be posted to the Council's website.

SECTION 2. Records, Reports and Inspection:

(a) The Council shall maintain adequate and correct accounts, books and records of all its business and properties.

(b) Such records shall be kept at its principal place of business. All books and records shall be open to inspection by the Council and the general public, except those records or data regarding an employee, if such disclosure would constitute an unwarranted invasion of personal privacy, or records of the Council relating to its participation in a judicial proceeding.

(c) The Council shall prepare, approve, and implement a budget to fund programs, projects, activities, staff, and operations.

(d) An annual financial report and budgets shall be available for inspection at the Council's principal place of business.

ARTICLE XII. AMENDMENTS OF BY-LAWS

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

~~ARTICLE XIII. INDEMNIFICATION~~

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Change to delete indemnification provisions in accordance with state law.

~~**SECTION 1. Definitions:**~~

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

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

~~The Council shall have power to indemnify any person who was or is a party or is threatened to be made a party to any proceeding (other than an action by or in the right of the Council to procure a judgment in its favor, by reason of the fact that such person is or was an agent of the Council, against expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred in connection with such proceeding if such person acted in good faith and in a manner~~

~~such person reasonably believed to be in the best interests of the Council and, in the case of a criminal proceeding, has no reasonable cause to believe the conduct of such person was unlawful. The termination of any proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in the best interests of the Council or that the person had reasonable cause to believe that the person's conduct was unlawful.~~

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

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

~~(a) In respect of any claim, issue, or matter as to which such person shall have been adjudged to be liable to the Council in the performance of such person's duty to the Council, unless and only to the extent that the court in which such proceeding is or was pending shall determine upon application that, in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for the expenses which such court shall determine;~~

~~(b) Of amounts paid in settling or otherwise disposing of a threatened or pending action, with or without court approval; or~~

~~(c) Of expenses incurred in defending a threatened or pending action, which is settled or otherwise disposed of without court approval, unless it is settled with the approval of the Attorney General.~~

~~SECTION 4. Indemnification Against Expenses:~~

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

~~SECTION 5. Required Determinations:~~

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

~~(a) A majority vote of a quorum consisting of directors or members as appropriate, who are not parties to such proceeding; or~~

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~~(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.~~

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~~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.~~

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SPONSORSHIP REQUEST

COUNCIL AGENDA ITEM DETAIL SHEET

ISSUE: National Down Syndrome Congress.

AMOUNT REQUESTED: $999.00

BACKGROUND: The California State Council on Developmental Disabilities (Council) 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: National Down Syndrome Congress is requesting a sponsorship for their 45th Annual National Convention.

This year's Sapphire Anniversary Convention event will be held at the Sacramento Convention Center, and will also encompass the Hyatt Sacramento, Sheraton Sacramento, and the Residence Inn Sacramento. The event brings 4000 people together (individuals with Down syndrome, their families and the professionals that serve them), from 19 countries, to way to expand their knowledge, resources, education and skills, as well as promote self-advocacy, leadership, inclusion, life opportunities and education. This convention is the largest of its kind in the world, and also serves individuals with a dual Down syndrome/Autism diagnosis.

The event includes 9 Pre-Conference sessions, an Educator Conference, 15 Sharing Sessions, 85 Workshops, 118 speakers, a Welcome Reception, an Affiliate Reception, 5 Kids Camp Sessions, a Plenary Session, a Brothers & Sisters Conference, a Youth & Adult Conference, a Film festival, a large Sapphire Celebration Banquet, 2 dances, a large Exhibit Hall and many other wonderful experiences to be involved in.

In addition to the Conference schedule of activities, over 350 Self-Advocates from around the world attend, and play an instrumental part in the Convention experience for younger individuals with Down syndrome, and their families. Along with self-advocates, their 118 presenters and speakers provide a wealth of information and interactive resources.

The monies from the SCDD will be applied to the overall convention programming, which will be workshops and sharing sessions presented by professionals and their self-advocate consumers.

They would also like to utilize these funds as a means to place the SCDD on the 2017 Host Committee, allowing for appropriate signage, and being a part of the welcome during the Convention.

The 4000 attendance includes; individuals with Down syndrome, their families, physicians, other medical professionals who serve people with Down syndrome, care givers, teachers and non-profit administrators and leaders. Approximately 90% of the attendees are consumers and families. They utilize numerous publications, social media channels, friends, attendees, national affiliates and chapters, international affiliates and chapters, and partner organizations for outreach in continuing to grow their attendance, and consumer attendance.

The event is scheduled for July 20 – 23, 2017.

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 2016-17, the Council has awarded $11,790 in funds for sponsorship requests. The Council allocates $25,000 per fiscal year for sponsorships. The fiscal year began July 1, 2016.

STAFF RECOMMENDATION: Approve National Down Syndrome Congress' request for sponsorship.

ATTACHMENTS(S): National Down Syndrome Congress' request for sponsorship.

PREPARED: Kristie Allensworth, May 3, 2017

April 18, 2017

April Lopez
Chairperson
The California State Council on
Developmental Disabilities
1507 21st Street, Suite #210
Sacramento, California 95811

Dear April,

On behalf of the National Down Syndrome Congress, I submit this letter of request in the amount of $999, in support of our 45th Annual National Convention, which will be held in Sacramento, California July 20 – 23, 2017. The National Down Syndrome Congress has never requested funding from SCDD in the past.

The National Down Syndrome Congress is a 501 (c)(3) non-profit organization (Tax ID # 51-0163631), with a mission to provide information, advocacy and support concerning all aspects of life for individuals with Down syndrome. The NDSC strives to create a national climate in which all people will recognize and embrace the value and dignity of people with Down syndrome. We are the largest, and oldest, national organization serving individuals with Down syndrome, their families and the professionals who serve them, and we work to educate, advocate and empower. We are the world's leading resource of support and information for anyone touched by, or seeking to learn about Down syndrome, from the moment of a prenatal diagnosis through adulthood.

This year's Sapphire Anniversary Convention event will be held at the Sacramento Convention Center, and will also encompass the Hyatt Sacramento, Sheraton Sacramento, and the Residence Inn Sacramento. Our event brings 4000 people together (individuals with Down syndrome, their families and the professionals that serve them), from 19 countries, to way to expand their knowledge, resources, education and skills, as well as promote self-advocacy, leadership, inclusion, life opportunities and education. This convention is the largest of its kind in the world, and also serves individuals with a dual Down syndrome/Autism diagnosis.

Last year we garnered attendance from Argentina, Australia, Brazil, Canada, Chile, Denmark, The Dominican Republic, Ecuador, Guatemala, Mexico, Nigeria, Panama, Peru, Puerto Rico, Saudi Arabia, Spain, Thailand, The United Kingdom and Venezuela. Also, because we have an Outreach Department that works in every community, we have a specialized African American Lunch and Learn at our Convention, bi-lingual programming, and programs and outreach that help rural families with services and information.

The event includes 9 Pre-Conference sessions, an Educator Conference, 15 Sharing Sessions, 85 Workshops, 118 speakers, a Welcome Reception, an Affiliate Reception, 5 Kids Camp Sessions, a Plenary Session, a Brothers & Sisters Conference, a Youth & Adult Conference, a Film festival, a large Sapphire Celebration Banquet, 2 dances, a large Exhibit Hall and many other wonderful experiences to be involved in!

Because the NDSC has a very diverse and multi-lingual constituency both nationally, and internationally, we offer 6-7 conferences in Spanish, with an additional 6-7 offered with simultaneous interpretation, one full pre-conference delivered in Spanish, one full pre-conference offered with simultaneous interpretation, our Plenary session offered with simultaneous interpretation, and in 2016 we had over 300 Hispanic-speaking attendees. Our film festival also features multiple documentary and short films in Spanish.

In addition to the Conference schedule of activities, over 350 Self-Advocates from around the world attend, and play an instrumental part in the Convention experience for younger individuals with Down syndrome, and their families. Being able to participate in one's own life choices is something we provide to families and youth with Down syndrome, through the exceptional programming that the Convention provides. Along with self-advocates, our 118 presenters and speakers provide a wealth of information and interactive resources.

The monies from the SCDD will be applied to the overall convention programming, which will be workshops and sharing sessions presented by professionals and our self-advocate consumers. We would also like to utilize these funds as a means to place the SCDD on our 2017 Host Committee, allowing for appropriate signage, and being a part of the welcome during the Convention.

Our 4000 attendance includes; individuals with Down syndrome, their families, physicians, other medical professionals who serve people with Down syndrome, care givers, teachers and non-profit administrators and leaders. Approximately 90% of our attendees are consumers and families.
We utilize our numerous publications, social media channels, friends, attendees, national affiliates and chapters, international affiliates and chapters, and partner organizations for outreach in continuing to grow our attendance, and our consumer attendance.

This year, we already have 874 attendees (consumers and families), just from California, and we anticipate that number growing. This is the highest host state attendance we have had to date. In addition, the Regional centers have approved this event, and assigned the convention a code, and to date have contributed $30,000.00 in scholarship monies for California consumers and their families.

The National Down Syndrome Congress also provides scholarships for families who cannot afford to attend the event, and we fund the convention through sponsorships to keep our overall fees for attendance very low. The convention also provides opportunities for CEU acquisition.

A list of our current sponsors are as follows:

Global Down Syndrome Foundation	25,000
Mass Mutual	15,000
Shepherds College	2,500
Specs For Us	2,500
DS Memphis & Mid South	2,500
DSDN	2,500
DS Silicon Valley	2,500
Brighterside of Downs	2,500
Club 21 - California	2,500
Foot Options	2,500
Raise Expectations	2,500
DIA Sacramento	2,500
DS Bay Area	2,500
Mardra Sikora	2,500
LuMind	2,500
National Board for Catholic Inclusion	2,500
Dreamer's Coffee	2,500
Gigi's Playhouse National	5,000

- **Our Full Convention Budget is Attached**

In addition to the full convention budget, please find attached the following items:

- A letter of recommendation
- A copy of our Convention brochure

It is certainly the hope of the National Down Syndrome Congress, that we can engage the SCDD as both financial, and organizational partner for our 45th Anniversary Convention, and please do not hesitate to contact me with any additional questions.

With Gratitude,

Kathy Edwards

Kathy Edwards
Director of Development
National Down Syndrome Congress
30 Mansell Court, Suite 108
Roswell, Georgia 30076
Office - 770-604-9500
Cell - 770-604-9500 x 105
kathy@ndsccenter.org
www.ndsccenter.org

PROJECTED EXPENSES

OFFICE ALLOCATIONS				**$ 89,753.00**
5001	ED Compensation	$	17,500.00	
5002	Staff Compensation	$	57,000.00	
5010	Payroll Taxes	$	7,000.00	
5020	Rent - Office	$	6,753.00	
5030	Telephone and Internet	$	1,500.00	
RENTAL - EQUIPMENT				**$ 103,500.00**
5021	Audio/Visual	$	85,000.00	
5021	Conference Recordings	$	13,000.00	
5021	Mobile App	$	5,500.00	
TRAVEL				**$ 29,500.00**
5050	Mileage	$	500.00	
5051	Air	$	7,500.00	
5052	Lodging	$	16,000.00	
5053	Other	$	1,500.00	
5054	Meals	$	4,000.00	
OUTSIDE SUPPLIERS				**$ 118,049.00**
5062	Contractors - all	$	90,549.00	
5065	Web Design & Maintenance	$	10,000.00	
5069	Translation	$	17,500.00	

SUPPLIES	Flowers & Gifts	$ 1,200.00	**$ 26,200.00**
	Signs	$ 2,000.00	
	Registration Materials	$ 2,500.00	
	Tote Bags/Slings	$ 10,000.00	
	Flash Drives	$ 2,800.00	
	Kids' Camp Supplies	$ 1,500.00	
	Other	$ 1,000.00	
	Volunteer T-shirts	$ 2,500.00	
	Kids' Camp T-shirt	$ 1,500.00	
	321 Dance Supplies	$ 500.00	
	Awards	$ 700.00	
FOOD & CATERING	Sapphire Celebration	$ 35,660.00	**$ 100,860.00**
	Award Winner Dinner	$ 5,000.00	
	Y & A	$ 22,500.00	
	B & S	$ 4,200.00	
	Kids' Camp	$ 1,000.00	
	Pre-con Breakfast	$ 6,500.00	

	Opening Reception	$ 12,500.00	
	Board Meeting/Trustees	$ 750.00	
	PAC Lunch	$ 750.00	
	Exhibit Hall Reception	$ 6,500.00	
	AA LunchNLearn	$ 3,000.00	
	Grandparents Breakfast	$ 2,500.00	

PRINTING	Souvenir Journal	$ 10,000.00	**$ 23,800.00**
	Compendium	$ 6,500.00	
	Spanish Compendium	$ 750.00	
	Memory Book	$ -	
	Copies (all)	$ 2,500.00	
	Brochure	$ 4,050.00	
POSTAGE	Postage	$ 3,500.00	**$ 5,500.00**
	Shipping & Receiving	$ 2,000.00	
ENTERTAINMENT	B & S Off-site Trip	$ 3,000.00	**$ 19,000.00**
	Opening Reception/321 Dance	$ 2,000.00	
	Kids' Camp	$ 6,500.00	
	Friendship Club	$ 1,000.00	
	Sapphire Celebration	$ 6,500.00	
TRANSPORTATION	B & S Transportation	$ 2,000.00	**$ 2,000.00**
FACILITY FEES	Exhibit Booth Fees	$ 7,500.00	**$ 18,000.00**
	Pipe and Drape	$ 4,000.00	
	Turns and other fees	$ 4,000.00	
	Internet	$ 2,500.00	

PUBLICATION LAYOUT			$ 6,500.00
CREDIT CARD PROCESSING			$ 16,150.00
TOTAL			$ 558,812.00

PROJECTED INCOME:

Registration	**$334,000.00**
Sponsorship	**150,000.00**
Merchandise Sales	**10,000.00**
Raffle	**4,000.00**
General Donations/Banquet Ask	**20,000.00**
Compendium Sales	**2,500.00**
Banquet Ticket Sales	**30,000.00**
TOTAL	**$550,500.00**

Down Syndrome Association of Delaware

April 20, 2017

David Tolleson
Executive Director
National Down Syndrome Congress
30 Mansell Court, Suite 108
Roswell, GA 30076

Dear David:

The Down Syndrome Association of Delaware has enjoyed its affiliation with the NDSC for more than 10 years. Over those years, the NDSC has provided us resources to educate new parents, educators and medical professionals. Your leadership in advocacy has also created positive change on both the national and local levels.

Our board and the families we serve support your efforts on improving self-advocacy among your families and young adults with Down syndrome. Through your programs and initiatives, affiliates like ours are better informed and more empowered to effect change.

We are proud to be an affiliate of the NDSC and look forward to continuing our partnership in 2017 and beyond.

Sincerely,

Sheila Walsh

Sheila Walsh
President

PO Box 747, Middletown, DE 19709 | www.dsadelaware.org | 302.995.1004

Livin' the Dream
45th Annual
NDSC Convention
July 20-23, 2017
Sacramento, CA
NATIONAL
DOWN SYNDROME
CONGRESS

NATIONAL DOWN SYNDROME CONGRESS

NDSC 45th ANNUAL CONVENTION
July 20–23, 2017

30 Mansell Court, Suite 108
Roswell, GA 30076
Toll Free (800) 232-NDSC (6372)
Local (770) 604-9500
Fax: (770) 604-9898
E-Mail: info@ndsccenter.org
www.NDSCcenter.org

twitter.com/NDSC

facebook.com/thendsc

youtube.com/NDSCCENTER

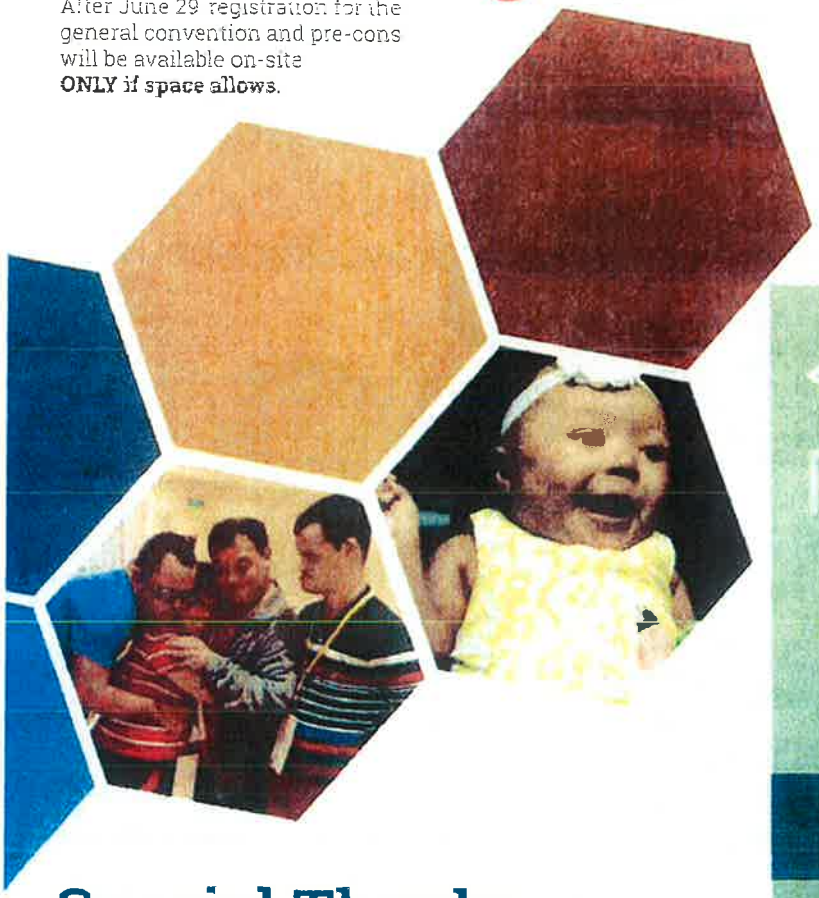
Registration Deadlines

June 9 - Best Value Rates Y&A, B&S

June 9 or when capacity is reached - Kids' Camp

June 29 - General Convention

After June 29 registration for the general convention and pre-cons will be available on-site **ONLY if space allows.**



Special Thanks

The National Down Syndrome Congress would like to thank the 2017 Host Committee for their assistance in providing local support and coordination of the 45th Annual Convention.

Down Syndrome Connection of the Bay Area
Down Syndrome Information Alliance
Club Twenty-One

GLOBAL DOWN SYNDROME FOUNDATION
RESEARCH & MEDICAL CARE ROUNDTABLE
What parents, self-advocates & caregivers should know

"This was fantastic to get to hear the research as a parent. Thanks to Global for being such an awesome advocate. You are changing lives forever!"
Jenny, IL
2016 Global Roundtable Attendee

Thursday, July 20, 2017 • 1:00pm-5:00pm
Sacramento Convention Center, California

Lunch and seating are limited.
Sign up for free with your NDSC registration!

Co-organized with the NDSC, the Global Roundtable is a free benefit and features renowned scientists and medical professionals.

To learn more, call 303-621-6277 or visit GlobalDownSyndrome.org

Convención General

Pre-conferencias

El viernes, 21 de julio de 8 a.m. a 12:00 p.m., expertos en síndrome de Down dictarán 8 pre-conferencias sobre un tema específico de interés. Las pre-conferencias tendrán una duración de 4 horas. Como las conferencias serán presentadas simultáneamente, sólo será posible asistir a una. Las pre-conferencias no serán grabadas, tendrán un costo adicional y se requiere inscripción previa. La pre-conferencia **C, "Comportamiento y Síndrome de Down: El *método responder pero no reaccionar.*"** David Stein, Psy.D., Fundador de New England Neurodevelpment, psicólogo pediatra. Autor de Apoyando el comportamiento positivo en niños y adolescentes con síndrome de Down. Sólo una de las pre-conferencias será impartida en español y es la siguiente: **I "Estrategias prácticas para enseñar sobre sexualidad yefectividad"** por Macarena Lizama, Pediatra, Directora ejecutiva del Centro UC Síndrome de Down. Editora y coautora de los manuales de "Educación sexual y afectividad para personas con discapacidad cognitiva".

Encuentros para familias de habla hispana

Estos encuentros se llevarán a cabo el jueves de 7:15 a 8:30 p.m. y serán impartidos para padres de acuerdo a la edad de sus hijos. Los encuentros serán divididos en distintos temas. El objetivo principal de ellos será brindarles a las familias la oportunidad de conocer a otras familias y de intercambiar experiencias. **Se recomienda que los padres asistan a estas sesiones sin sus hijos con el fin de compartir sus inquietudes libremente.**

Campamento para niños

Es un campamento para niños desde los 6 meses de edad hasta los 14 años. El campamento provee un ambiente seguro, estructurado y divertido mientras los padres asisten a los talleres. Consiste de cinco sesiones separadas. Habrá actividades tales como arte, manualidades y juegos educativos. Se requiere inscripción y pago adicional. Los espacios son limitados.

Programa para jóvenes y adultos con síndrome de Down

Los participantes deberán tener mínimo 15 años de edad, cumplidos para el 20 de julio del 2017.

Este evento es en sí el corazón y el alma de la Convención del NDSC y su objetivo será el de brindarle a los participantes un fin de semana divertido y lleno de aprendizaje. Este programa comenzará el viernes por la tarde con una divertida reunión. El sábado, los asistentes participarán en talleres, sesiones generales y presentaciones de panel. Incluye almuerzo. Durante el domingo, los jóvenes participarán en el popular festival de talentos el cual talentos. No se incluye el almuerzo para este día. Los participantes contarán con equipo de interpretación, el apoyo del NDSC y de un maravilloso equipo de voluntarios bilingües. Cada participante deberá proveer documentación y autorización de los padres para participar. La documentación nos permitirá conocer a cada uno de los participantes y entender sus necesidades para así brindarles el mejor apoyo posible. **El registro para este evento se cierra el 9 de junio del 2017.**

Reunión de hermanos de personas con síndrome de Down

Requisito: Hermanos que se encuentren en la escuela del grado 4 al 12 en el ciclo escolar 2017-2018.

Durante este evento, los participantes tendrán la oportunidad de aprender y de aclarar dudas acerca del síndrome de Down. También será una oportunidad para compartir experiencias y hacer nuevos amigos. Las actividades comenzarán el viernes con una divertida reunión para conocerse. El sábado se reunirán durante todo el día (almuerzo incluido) y ese será el fin del encuentro. El domingo habrá un divertido paseo a una atracción turística en la ciudad de Sacramento.

La conexión entre hermanos es a menudo la relación familiar más cercana y duradera que tienen los asistentes a esta convención. Como resultado, es importante que los hermanos se sientan apoyados y sepan como abogar por sus hermanos con síndrome de Down.

Talleres Especializados

Talleres Para Hermanos Adultos

El rol de los hermanos cambia dramáticamente a medida que los padres envejecen. Estos talleres están diseñados para darles a los hermanos adultos las herramientas que necesitarán para apoyar a sus hermanos con síndrome de Down.

Repleto de expertos en planificación financiera, transición a la adultez, empleo y salud mental, junto a un par de oportunidades para establecer contactos; los hermanos adultos se irán del taller sintiéndose preparados, apoyados y empoderados.

Autismo en niños con síndrome de Down (SD-ASD)

El NDSC se preocupa profundamente por atender las necesidades de todas las familias, incluyendo los que tienen seres queridos con síndrome de Down y ASD concurrentes, comportamientos parecidos al autismo o necesidades médicas complejas. En colaboración con el DS-Autism Connection, el NDSC ofrecerá nuevamente varios talleres especialmente diseñados para satisfacer las necesidades de estas familias. Expertos en el campo de SD-ASD presentarán temas importantes y estarán disponibles para responder preguntas y proporcionar todo el apoyo necesario.

Eventos Sociales y Otras Actividades

¿Qué sería de la Convención del NDSC sin una fiesta o dos? Todos los participantes están invitados a participar de la recepción el viernes en la noche y el 321Dance! después de la Sesión Plenaria de Apertura donde tendremos como invitados especiales a Jonathan Murray, ganador del premio Emmy por "Somos Así" (Born this Way), los hermanos Katie Faith Lingo y Kris Faith, y Jessica Adler, autogestora de Sacramento.

El sábado en la tarde celebraremos nuestro 45 aniversario (se requiere boleto de entrada), luego tendrá lugar el tradicional baile juvenil en donde todos podrán bailar y divertirse en grande.

Sala de expositores. En este espacio encontrarán lo más novedoso y reciente en libros, materiales didácticos, juguetes educativos y programas de computación, entre otras cosas más.

Festival de cine. Asistir al festival de cine es una magnífica oportunidad para disfrutar de los mejores cortometrajes, filmes y documentales en los que los protagonistas son personas con síndrome de Down. El Festival de Cine se llevara a cabo durante los bloques de los talleres del viernes hasta el domingo.

Mesa Redonda de Investigación y Atención Médica

Organizada por Global Down Syndrome Foundation y el NDSC

Jueves 20 de julio de 1:00 pm a 4 pm

Un beneficio gratuito para los asistentes inscritos para asistir a la Convención del NDSC.

Cuidado y Medicina con un enfoque en síndrome de Down y la enfermedad de Alzheimer. Todo lo que los padres y cuidadores deberían saber

Informes: info@ndsccenter.org

Página web de la convención: http://www.ndsccenter.org/convencion-del-national-down-syndrome-congress/

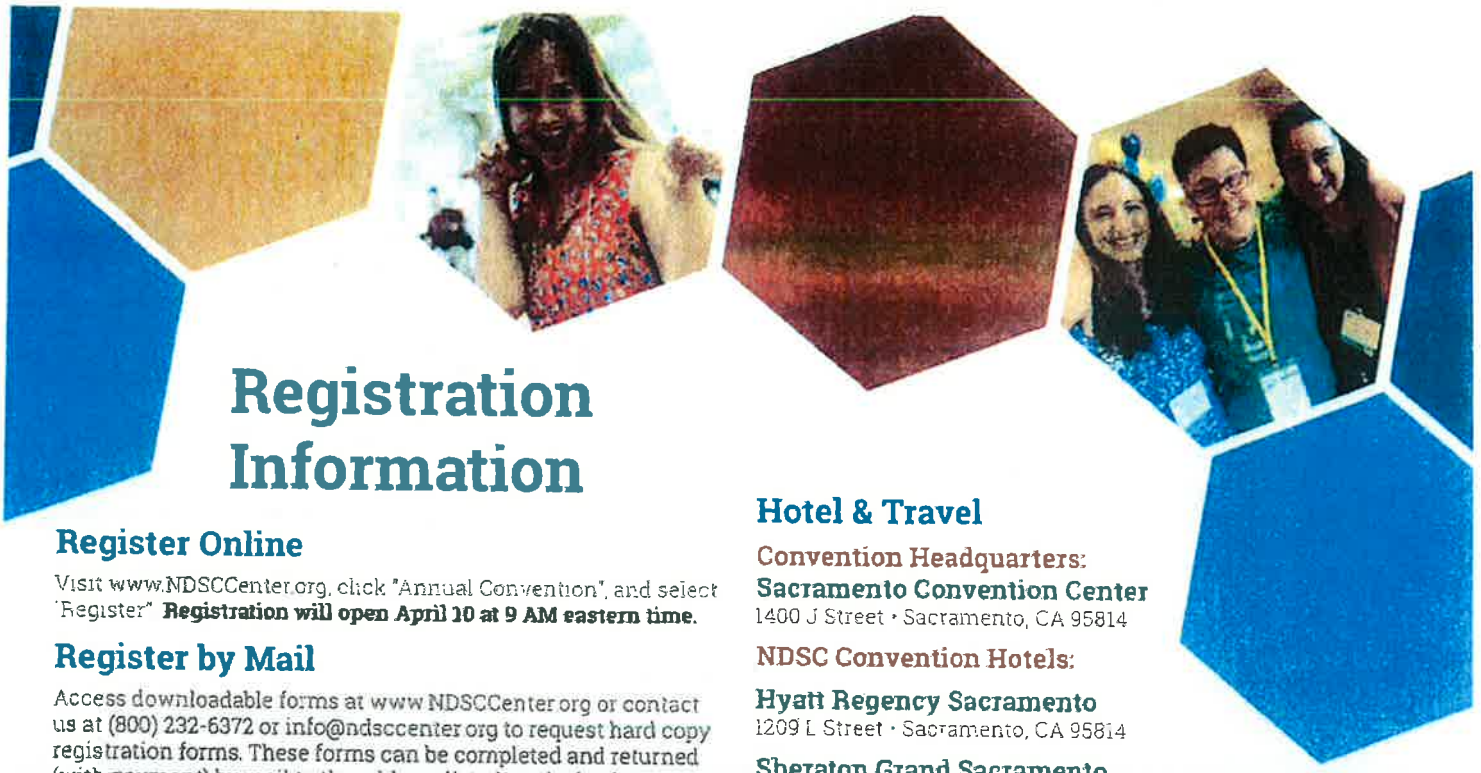
Teléfono: (770) 604-9500

Acerca de Sacramento

La fiebre del oro de 1849 llevó al mundo a Sacramento. Ahora es tu turno de ver todo lo que ofrece la capital de California. Desde su centro con andenes a las calles con adoquines del histórico "Sacramento Antiguo", Será un placer conocer Sacramento en familia!

Mejor aún, hay más tesoros en un corto trayecto en auto. Puedes ir a Napa Valley en menos de una hora. A San Francisco, Lake Tahoe y Muir Woods en menos de tres. ¿Dónde más puedes encontrar tantos tesoros naturales y culturales a tu alcance?

¡Comienza a planear ahora para dar a tu familia el viaje de su vida - todo con la Convención del NDSC incluida!



Registration Information

Register Online

Visit www.NDSCCenter.org, click "Annual Convention", and select "Register" **Registration will open April 10 at 9 AM eastern time.**

Register by Mail

Access downloadable forms at www.NDSCCenter.org or contact us at (800) 232-6372 or info@ndsccenter.org to request hard copy registration forms. These forms can be completed and returned (with payment) by mail to the address listed on the back cover

Ground Transportation

The Sacramento Convention Center is approximately 15 minutes from the Sacramento International Airport. It is also approximately 90 miles from the San Francisco and Oakland Airports. None of the convention venues provide an airport shuttle.

Avis Rental Car is pleased to provide a convention discount to NDSC families. The AWD code is **J944711**, call **(800) 331-1600** or book online at avis.com

Hotel & Travel

Convention Headquarters:

Sacramento Convention Center
1400 J Street • Sacramento, CA 95814

NDSC Convention Hotels:

Hyatt Regency Sacramento
1209 L Street • Sacramento, CA 95814

Sheraton Grand Sacramento
1230 J Street • Sacramento, CA 95814

Residence Inn Downtown Sacramento at Capitol Park
1121 15th Street • Sacramento, CA 95814

NDSC Convention rate is $153 plus tax, per night. Rate is only valid July 17 - 27 based on hotel availability. **NDSC policy:** all attendees must register for the convention before reserving a hotel room in the NDSC Convention block. Check our website for details on how to reserve a room in the NDSC convention block

Membership is required for registration. The annual Membership fee is $50. To determine membership status, see mailing label from the convention brochure with expiration date, or contact the NDSC office at 800-232-6372.

2017 Registration Fees	By June 9	By June 29	On-Site
General Convention Individual*	$189	$249	$299
General Convention Family* (Up to 3 family members residing in the same household attending the General Convention. One additional adult family member can be added for $50. After 4 adults a new registration must be completed.)	$289	$339	$399
Pre-Conference	$75	$75	$100
Youth & Adults w/DS Conference	$99	closed	closed
Brothers & Sisters Conference	$99	closed	closed
Kids' Camp (per session)	$40	closed	closed

Options	By June 29	On-Site	Post Conv.
Compendium—flash drive or paper copy (One flash drive compendium is complimentary with an individual or family registration. Paper copies or additional flash drives must be purchased.)	$20	$25**	**
Adult Sapphire Celebration Ticket	$45	N/A	N/A
Child Sapphire Celebration Ticket (12 and under)	$20	N/A	N/A
Convention T-shirt	$15	$18**	N/A
Conference Recording Season Pass (12 months Streaming + Download Offline Access)	$59	$59	$129
Conference Recording USB Works (Season Pass + All files on a USB)	$99	$99	$199

* One access account to the online conference audio-recordings is complimentary with an individual or family registration!
** Not Guaranteed

PRE-CON F

Careers in Entertainment and Media

Gail Williamson, Talent Agent, Kazarian, Measus, Ruskin & Associates Talent Agency and Brian Donovan, Producer, Mighty Me Productions, Inc.

For many people, a career in entertainment and media is a dream. However, for more and more actors with Down syndrome and other disabilities, that dream is becoming a reality! This session's speakers are professionals in the industry and will explore what it takes to break into the business, what tools are available to support success, and where to go to pursue your child's dreams of being a star. This workshop will bring in presenters who have been on the front lines advocating for individuals with Down syndrome in the media for up to 20 years. Whether you're interested in films, television or advertising, join us to be enlightened. Self-advocates, parents, siblings and grandparents are encouraged to attend.

PRE-CON G

Brothers and Sisters of People with Down Syndrome: Unique Concerns, Unique Opportunities

Don Meyer, Director of the Sibling Support Project, brother with DS, Seattle, WA

Brothers and sisters will likely be in the lives of family members with Down syndrome longer than anyone. Siblings will be there after parents are gone and special education services are a distant memory. Yet, if they are provided with support and information, they can help their siblings live dignified lives from childhood to their senior years. Throughout their lives, brothers and sisters will share many, if not most, of the same concerns that parents experience, as well as issues that are uniquely theirs. During this lively, interactive session, participants will talk about sibs' issues across the lifespan—the good stuff, the not so-good stuff, and everything in between. In addition, a sibling panel will share their expertise with participants. Finally, Mr. Meyer will discuss what parents and service providers can do to minimize sibs' concerns and maximize their opportunities.

PRE-CON H

Understanding the Who, What, Where, When & Why of Down Syndrome to Help You and Your Community

Kate Dougherty, NDSC board member, Tamara Pursley, Communications Director, NDSC; and several amazing self-advocates

Were you overwhelmed when faced with navigating the various organizations, resources and medical issues related to DS? If you were lucky, there was an individual or organization that guided you. This session provides information about various DS organizations as well as current issues impacting the DS community. It will also highlight how to talk about DS with clarity and confidence in healthcare settings, schools, communities, and families. Participants will leave with not only important tools, but also a better understanding of the DS landscape to help enhance their knowledge and serve as a resource for others. Whether you are a parent, caregiver, and/or affiliate organization leader, help us create a culture-shift in the way DS is viewed, from prenatal diagnosis to adulthood.

PRE-CON I

Estrategias prácticas para enseñar sobre sexualidad y afectividad

Macrena Lizama, MD, Directora Ejecutiva, Centro UC síndrome de Down, Pontificia Universidad Católica de Chile

La falta de educación en sexualidad a las personas con discapacidad está principalmente determinada porque los profesionales que participan en su desarrollo no cuentan con herramientas para realizar educación en esta temática, más bien actúan en reacción a problemas o situaciones incómodas que aparecen como consecuencia de la falta de educación sexual de los jóvenes. Si bien expresar y experimentar la sexualidad en plenitud y libertad es un derecho, hoy en día existen obstáculos para que las personas con síndrome de Down puedan vivir su sexualidad en forma saludable. Muchos de estos obstáculos han sido construidos sobre mitos, que son principalmente derivados de la falta de educación. Este workshop está dirigido a entregar a padres y profesionales estrategias prácticas sobre sexualidad y afectividad.

Educator Conference:

Effective Practice for Students with Down Syndrome: Tools for Today's Classroom

Friday, July 21, 8:00 am - 3:00 pm. CEU's Provided.

2017 Pre-Conference Sessions

Our Pre-Conference sessions take your learning to another level. These 4-hour sessions enable you to dig deeper into one specific topic with world-renowned speakers. While eight sessions are offered you'll choose just one and spend the entire morning focusing on the single subject of interest to you.

The sessions are structured to share **best practices** and proven **"how to" strategies**, while providing **research-based** content. All sessions will include time for Q & A, and coffee and pastries will be provided. Separate registration is required. Session handouts will only be issued to the person registered for that session. Space is limited in some sessions, so register early. On-site registration cannot be guaranteed. Read complete session descriptions and speaker bios on our website.

PRE-CON A

Impact of Oral Motor Impairment on Eating and Speech

Debra Beckman, MS, CCC-SLP
Beckman & Associates, Inc.

When should assessment and treatment of hypotonia of the facial muscles begin and what outcomes should be expected? Must the individual follow commands to make improvement? How can I help stop drooling, tongue thrust and tooth grinding? How can I make tooth brushing easier? How can I help the picky eater in my family? Find answers to these questions and more in this presentation with handouts, case studies and videos.

PRE-CON B

Ditching the Diapers – How to Move Forward With Toilet Training for Children with DS and Co-Occurring DS & ASD

Terry Katz, PsyD
New England Neurodevelopment, LLC

Toilet training is often a difficult and frustrating process for families of individuals with special needs. During the workshop, we will address sensory, communication, physical, and behavioral issues that make toilet training challenging and discuss strategies and tools that are helpful for individuals of any age. Workshop members will have the opportunity to talk about specific toilet training problems, and we will work together to develop plans and next steps.

PRE-CON C

Behavior & Down Syndrome: The Respond but Don't React Method

David Stein, PsyD
New England Neurodevelopment, LLC

Behavior problems impact approximately 30% of children with DS. Left untreated, these same children often exhibit behavior problems as adults, limiting work and independent living opportunities. In order to address behavior problems effectively, one must understand the brain-based reasons for these challenges and direct treatment appropriately. This workshop will present the basic neuroscience of DS and how this informs effective behavior management, with practical strategies provided for use in the home and school settings.

PRE-CON D

Let's Talk Inclusion: The What, Why, & How

Richard Villa, EdD
Bayridge Consortium, Inc.

Participants will become familiar with the characteristics of inclusionary schools, rationales for change, organizational and instructional strategies to support inclusionary schooling, and successful examples from elementary, middle and high school. Approaches to differentiating the content students learn, the process through which they learn it, and how they demonstrate what they have learned will be examined. Additionally, participants will explore ways in which students can collaborate with adults to meet the needs of a diverse student body.

PRE-CON E

Beyond Employment to Economic Stability

Abby Cooper, MA, Consultant
Kennedy Douglas Consulting

Millions of people with disabilities are trapped in a life of poverty. The last thirty years of focusing exclusively on employment policy has not resulted in individuals with disabilities being part of the financial mainstream, financially stable or gainfully employed. With only 32.8% of working age people with disabilities actually in the workforce, it's time to make a change. This session will address strategies parents, school systems and service agencies can take to stop disability from being interlocked with poverty, as well as how the new requirements within the Workforce Innovation and Opportunity Act can be part of the solution.

2017 Convention at a Glance

MUST READ - We revamped the convention schedule this year!

Thursday, July 20

4:00 pm ..... Registration Opens
4:00 pm ..... Exhibit Hall Opens
5:00 pm ..... Welcome Reception
6:00 pm ..... First Timer Orientation
7:15 pm ..... Sharing Sessions
7:30 pm ..... Affiliate Leader Reception

Friday, July 21

7:30 am ..... Kids' Camp Session 1
8:00 am ..... Pre-Conference Sessions
1:15 pm ..... Kids' Camp Session 2
1:15 pm ..... Y&A and B&S Kick Off
1:30 pm ..... Workshops
6:30 pm ..... Opening Plenary Session
8:00 pm ..... Opening Reception and 321 Dance!

Saturday, July 22

9:00 am ..... Kids' Camp Session 3
9:00 am ..... Y&A and B&S Conferences (lunch included)
9:30 am ..... Workshops
2:30 pm ..... Kids' Camp Session 4
3:30 pm ..... Workshops
6:00 pm ..... Exhibit Hall Closes for 2017 (No hours on Sunday)
6:30 pm ..... Sapphire Celebration
8:00 pm ..... Dance

Sunday, July 23

9:00 am ..... Kids' Camp Session 5
8:15 am ..... Y&A Talent Show
8:15 am ..... B&S Off-Site Trip
8:30 am ..... Workshops
12:00 pm ..... Convention Closes

Specialized Workshop Tracks

Adult Siblings

The role of brother or sister changes dramatically as parents age. This track of workshops is designed to give adult siblings the tools they'll need to support their brother or sister. Packed with experts in financial planning, adult transition, employment and mental health, coupled with a few networking opportunities, adult sibs will leave feeling prepared, supported and empowered.

Co-Occurring DS and Autism Spectrum Disorders

The NDSC cares deeply about serving the needs of all families, including those with loved ones with co-occurring DS and autism, autism-like behaviors or complex medical needs. In collaboration with the DS-Autism Connection, the NDSC will again offer a specially-designed workshop track to meet the needs of these families. Experts in the field of DS-ASD will be presenting on important issues and will be available to answer questions and provide much-needed support.

About Sacramento

The 1849 Gold Rush brought the world to Sacramento. Now it's your turn to see all that California's capital offers. From its walkable downtown to the cobblestoned streets of 'Old Sacramento', this great city will delight your family!

Better yet, there are even more treasures just a short drive away. You can reach Napa Valley in under an hour, San Francisco, Lake Tahoe and Muir Woods in under two hours, and Monterey, Reno, and Yosemite National Park in under three. Where else can you find so many natural and cultural treasures within easy reach?

Start planning now to give your family the trip of a lifetime – all with the NDSC Convention included!

The General Convention

The General Convention is designed to educate parents, family members and caregivers, as well as medical and education professionals. **General Convention** programming includes an opening plenary session **Friday evening** followed by a dessert reception and totally fun dance for the entire family, plus more than seventy breakout workshops throughout the weekend.

General Convention attendees will attend breakout workshops over six cycles beginning Friday afternoon. With up to thirteen 90-minute workshops available during each cycle, you'll be able to choose the session that's right for you. To guide you in making selections, a complete workshop list will be available on our website, our convention mobile app, and within the Souvenir Journal that you'll receive when you arrive on site. You'll choose as you go - no need to pre-register for these breakout sessions.

Most General Convention workshops will be recorded and made available to general convention attendees shortly after the convention. This is a great way to listen to those sessions you are unable to attend in person. After all, you can only be in one place at a time!

Pre-Conference Sessions

These valuable sessions, presented by world-renowned speakers, offer the most comprehensive learning opportunity of the weekend. They are designed for those interested in going in-depth on a specific topic. Each session is 4 hours long and begins on Friday morning at 8:00 a.m. These sessions are **not recorded** and require **pre-registration with an additional fee.** Check out the 2017 pre-conference line-up on pages 4 and 5 of this brochure and on our website.

Sharing Sessions

Sharing Sessions take place on Thursday evening from 7:15 - 8:30 p.m. and are facilitated by seasoned parents. They encourage participants to connect informally around common age groups and interests while sharing similar needs, joys, concerns, resources and strategies. We recommend that parents attend these sessions without their children in order to share their concerns freely. This is a great way to meet other parents before the convention begins.

Kids' Camp

The educational playground of the convention, Kids' Camp was created for children ages 6 months to 11 years (up to 14 years with DS) to participate in activities while their parents are attending workshops. The camp is offered in five separate sessions. All children must be pre-registered. **Space is limited, so register early.**

Youth and Adults Conference

Attendees must be 15 years old by July 20, 2017.

Considered "the heart and soul of the Convention weekend," the annual Youth and Adults (Y&A) Conference is a fun, empowering, enriching and safe environment for attendees with Down syndrome age 15 and up.

The Y&A Conference is planned and presented by self-advocates. The event begins with a kick-off party on Friday afternoon, followed by workshops, sharing sessions, and empowering presentations on Saturday (lunch included). The Conference closes on Sunday with the popular talent show, but not before attendees elect one of their peers to serve on the NDSC Board of Directors.

Registration for the Y&A Conference will close on June 9. Please note that Y&A Conference registration is not available on site. We encourage interested attendees to register before the deadline so as not to disappoint your self-advocate.

Brothers and Sisters Conference

For those entering 4th through 12th grade in 2017-18.

The sibling connection is most often the longest-lasting family relationship attendees have. As a result, it's important that brothers and sisters feel supported and know how to advocate for their sibling with DS.

The B&S Conference begins with a Get Acquainted Session on Friday afternoon. The group meets all day Saturday (including lunch) and will break at day's end concurrent with the General Convention and Y&A Conference. On Sunday, B&S attendees will go offsite to explore a local Sacramento attraction.

Social Events and Other Activities

What would an NDSC Convention be without a dance or two?

All attendees are invited to join Friday night's Opening Reception and **321Dance™!** following the Opening Plenary Session, which will feature producer, Jonathan Murray, of Emmy Award Winning "Born This Way"; sibling dynamos, Katie Faith Lingo and Kris Faith; plus local Sacramento self-advocate, Jessica Adler.

Saturday evening's events include our **45th Anniversary Sapphire Celebration** (a ticketed event), followed by another dance for all attendees (no ticket required).

We will also host a vendor **Exhibit Area** featuring the latest books, toys, teaching aids, apparel, software and more.

Our **Film Festival** showcases the best films, clips and documentaries featuring the Down syndrome community. Screenings take place during the workshop cycles Friday through Sunday.

Sponsorship Request Application Checklist

The checklist below will help you identify the information needed to complete the sponsorship request application. We suggest you print this page to use while you gather information for the sponsorship application.

To allow sufficient time for processing and review, we recommend that sponsorship requests be submitted at least 3 months before an event. Please submit this checklist with the sponsorship request application.

Information Checklist

- ☑ Name of your Company/Organization
- ☑ Name of Project/Event/Program
- ☑ Project/Event Date
- ☑ Contact Name
- ☑ Contact Email, Address and Phone Number
- ☑ Amount of Funding Requested
- ☑ Approximate Total Cost of Project/Event
- ☑ The answer to this question: How this event/conference will increase the ability of consumers and family members to exercise control, choice and flexibility in the services and supports they receive, including a description of the specific way SCDD's funding would be utilized
- ☑ Event/Program Objectives
- ☑ Target Audience: The number and type of expected attendees (i.e. teachers, providers, administrators, etc.), including how many of those attendees are expected to be consumers and family members
- ☑ The answer to this question: How many presenters or panelists will participate in the event and what number of the presenters or panelists will be consumers
- ☑ A list of other sponsors/major contributors
- ☑ The answer to this question: How you will conduct outreach to increase consumer and family involvement in the conference
- ☑ Have you included a complete and total budget, including the amount you are requesting ($999 limit), details on the amount and sources of other funds solicited or obtained

- [x] Have you included a list of other SCDD sponsorships and grants you have previously requested and/or received
- [x] Have you included a letter of recommendation from a consumer and/or family organization that supports your efforts to improve consumer and family self-advocacy

EXECUTIVE COMMITTEE

DRAFT

Executive Committee Meeting Minutes
April 20, 2017

Attending Members	Members Absent	Others Attending
April Lopez (FA)		Gabriel Rogin
Charles Nutt (SA)		Aaron Carruthers
David Forderer (SA)		Natalie Bocanegra
Janelle Lewis (FA)		Robin Maitino
Jenny Yang (SA)		Wayne Glusker
Michele Villados		Alissa Nutt
Sandra Smith (FA)		

1. **CALL TO ORDER**
   Chairperson Jenny Yang (SA) called the meeting to order at 11:24 a.m.

2. **ESTABLISH QUORUM**
   A quorum was established.

3. **WELCOME/INTRODUCTIONS**
   Members and others introduced themselves as indicated.

4. **PUBLIC COMMENTS**
   There were no public comments.

5. **APPROVAL OF THE FEBRUARY 2017 MEETING MINUTES**
   It was moved/seconded (Smith [FA]/Lewis [FA]) and carried to adopt the February 21, 2017 meeting minutes as amended. (Unanimous: Lopez, Nutt, Forderer, Lewis, Yang, Smith; and Villados)

   Amendment
   Add Wayne Glusker as being present.

6. **SPONSORSHIP REQUEST**

a. USC UCEDD Community Education Conference

Chief Deputy Director Gabriel Rogin presented the USC UCED's request for $999.00 in sponsorship funds for their 2017 Community Education Conference, Life with Down Syndrome: Fulfillment, Health, Education, Advocacy and Inclusion. The conference is scheduled to take place on Friday, May 19, 2017 in Los Angeles, CA. Council funds would be towards hiring Spanish interpreters.

The Committee engaged in an in-depth conversation relating to potential legal and/or policy issues involved with Federal Partners receiving Sponsorship and/or Program Development Grant funds. Legal Counsel Natalie Bocanegra explained that Council was required to follow rules under: 1) the federal Developmental Disabilities Act; 2) the federal financing rules; and 3) state conflict of interest laws. The following bullets summarize the information provided.

- According to the technical assistance received by ITACC, the DD Act permits Councils to fund UCEDDs.

- As for the federal financing rules, the Council and any recipient of Council BSG funds must not use the funds to supplant existing funding or funding obligations.

- Additionally, State law conflict of interest provisions continue to be applicable for Council members representing a Federal Partner, but because each of the Federal Partners is either a governmental entity or a nonprofit, recusal is generally permitted for Council decisions involving a Federal Partner.

Several members of the committee were concerned about the perception that may be created in the situation where the Council awards a grant or sponsorship to an entity represented by a member of the Council. Legal Counsel said that is it possible to find a tension between (1) the distinct roles of each of the Federal Partners and (2) responsibility that the Federal Partners have to collaborate with each other. Also, the Program Development Grants specifically target "community based organizations." However, Legal Counsel pointed out that these issues are essentially policy determinations that the Council as a body would consider. The Committee directed staff to

work with Council Chair April Lopez and Councilmember Janelle Lewis to draft a memo regarding the awarding of sponsorships/grants to its Federal Partners so that the issue can be presented to the full Council. The Committee further requested that the recommendation be ready to present by the May 25, 2017 Council meeting.

It was moved/seconded (Nutt [SA]/Smith [FA]) and carried to fund the May 19, 2017, USC UCEDD Community Education Conference in the amount of $999.00 and to clarify that the basis for this decision is expressly limited to this request and independent of any future funding requests. (Unanimous: Lopez, Nutt, Forderer, Lewis, Yang, Smith; and Villados)

b. Down Syndrome Association of San Diego
Chief Deputy Director Rogin presented the Down Syndrome Association of San Diego's request for $999.00 in sponsorship funds for their one-day symposium, "Brain Health Across the Life Span", taking place on April 22, 2017. Council funding will be used to support interpretation, production, and translation of conference materials as well as audiovisual requirements.

It was moved/seconded (Nutt [SA]/Forderer [SA]) and carried to fund the April 22, 2017, Down Syndrome Association of San Diego's Brain Health Across the Life Span symposium in the amount of $999.00. (Unanimous: Lopez, Nutt, Forderer, Lewis, Yang, Smith; and Villados)

c. Healings in Motion, Inc.
Chief Deputy Director Rogin presented the Healings in Motion, Inc.'s request for $999.00 in sponsorship funds for their Brain Health 5K Run/Walk taking place on June 3, 2017 in Stockton. The Committee discussed this request at length given that the event was not strictly focused on individuals with intellectual and developmental disabilities. Council funds would be used to for advertising and printing. The Committee ultimately voted in support of this request due to the strong support and presence from the North Valley Hills Regional Office.

It was moved/seconded (Nutt [SA]/Lopez [FA]) and carried to fund the June 3, 2017, Brain Health 5k Run/Walk in the amount of $999.00. (Unanimous: Lopez, Nutt, Forderer, Lewis, Yang, Smith; and Villados)

d. Self-Advocacy Board of Los Angeles County - $850.00
Chief Deputy Director Rogin presented the Self-Advocacy Board of Los Angeles County's request for $999.00 in sponsorship funds in order to fund a screening of the documentary entitled "Bottom Dollars". The short documentary highlights the discriminatory practices inherent in sub-minimum wage segregated work settings and the need for people with disabilities to have access to competitive employment at fair wages. Following the screening, there will be a panel discussion about segregated workshops and competitive employment. The event is scheduled for July 31, 2017.

Following the viewing of the film by Rooted in Rights, the Committee acted to approve this request.

It was moved/seconded (Smith [FA]/Nutt [SA]) and carried to fund the July 31, 2017, screening and panel presentation of the documentary "Bottom Dollars" in the amount of $850.00. (Unanimous: Lopez, Nutt, Forderer, Lewis, Yang, Smith; and Villados)

7. **CONFLICT OF INTEREST (COI) WAIVER REQUESTS**

a. Austin Taylor, Alta Regional Center
Legal Counsel Natalie Bocanegra presented Mr. Austin Taylor's COI waiver request to the Committee for consideration. Mr. Taylor is a board member of Alta California Regional Center (ACRC) and is also an ACRC client who receives job coaching from and works 19 hours per week as an administrative assistant for Lincoln Training Center (LTC). LTC is a regional center vendor.

The Committee reviewed this request based on the Lanterman Act requirement that regional centers submit COI statements and proposed resolution plans to both the Department of Developmental Services (DDS) and the Council.

It was moved/seconded (Lewis [FA]/Nutt [SA]) and carried to approve Austin Taylor's waiver request provided he also complies with Section 4622(k). (Unanimous: Lopez, Nutt, Forderer, Lewis, Yang, Smith; and Villados)

b. Robyn Adkins, Tri-Counties Regional Center
Legal Counsel Bocanegra presented Ms. Robyn Adkins' COI waiver request to the Committee for consideration. Ms. Adkins is a board member Tri-Counties Regional Center (TCRC). Ms. Adkins' son works part-time as a Behavior Therapist for the Center for Autism and Related Disorders (CARD), a TCRC vendor.

Ms. Adkins was previously granted a conflict of interest waiver last year. At that time, she submitted a request because her mother provided paid respite services for Ms. Adkins' son through Respite, Inc., a regional center provider.

The Committee reviewed this request based on the Lanterman Act requirement that regional centers submit COI statements and proposed resolution plans to both the Department of Developmental Services (DDS) and the Council.

It was moved/seconded (Nutt [SA]/Lewis [FA]) and carried to approve Robyn Adkins' waiver request provided she implements the submitted mitigation plan. (Aye: Lopez, Nutt, Lewis, Yang, Smith; and Villados; Oppose: Forderer)

c. Heather Flores, Central Valley Regional Center
Legal Counsel Bocanegra presented Executive Director Heather Flores' request for a COI waiver to the Committee. Legal Counsel provided information to the Committee showing that in 2015 the Council determined that the Lanterman Act (Act) does not require the Council to review conflict of interest plans for the purpose of approving or denying a waiver request for regional center executive directors since Welfare and Institutions Code Section 4628 provides the statutory basis for the approval of waivers involving a only regional center "governing board." At that time, the Council determined the Act does not provide for the Council's approval of a waiver request submitted on behalf of a regional center executive director.

Legal Counsel also provided information that, in June 2015, the Council previously declined to take action on waiver requests submitted by two regional center executive directors based concerns about the Council's role and function with regard to the requests.

The Executive Committee again considered provisions of the Lanterman Act relating to the waiver process and directed staff to notify DDS that no action was taken on this item.

It was moved/seconded (Villados/Nutt [SA]) and carried to notify DDS that no action was taken on this waiver request. (Unanimous: Lopez, Nutt, Forderer, Lewis, Yang, Smith; and Villados)

8. **CONFLICT OF INTEREST (COI) WAIVER FOLLOW-UP – JOHN REA**
In response to the Council's request for follow-up on past COI waiver requests, Executive Director Carruthers provided the following information to the Committee.

On December 13, 2016, the Executive Committee reviewed Harbor Regional Center board member John Rea's request for a waiver. After careful review, the Committee did not approve the request. SCDD notified DDS of the Committee's decision on Rea's request on December 13, 2016.

During a meeting with DDS on March 23, 2017, Executive Director Carruthers inquired about the outcome of past waiver requests. At that time, DDS stated they would follow-up with the Council at a later date.

On April 5, 2017, DDS submitted a letter to Harbor Regional Center stating that DDS has determined that a conflict does not exist under Title 17 of the California Code of Regulation or Welfare and Institutions Code.

On April 6, 2017, Executive Director Carruthers contacted DDS Director Nancy Bargmann to discuss this determination and the process DDS used. Director Bargmann was apologetic and suggested that the Council and DDS meet in the near future to discuss improvements on communication.

The Committee participated in an in-depth discussion of Mr. Rea's waiver request which the Committee believed accurately identified a conflict of interest and were concerned that the Council's opinion may not have been considered by DDS in reviewing Mr. Rea's situation.

Legal Counsel Bocanegra explained there are multiple conflict of interest provisions that apply to regional centers in the Welfare and Institutions

Code and DDS regulations. In addition, W&I sections incorporate Government Code provisions and rules. Therefore, there are a number of required conflict of interest analyses that each have a number of steps. She said that it was possible that DDS may have additional information which the Council does not have and which may have led to a different conclusion regarding whether Mr. Rea has a conflict of interest.

During much discussion on the matter, a number of the members expressed that they wanted additional information on the conflict of interest process and analysis used by DDS in addition any facts relevant to Mr. Rea's situation. The Committee directed Executive Director Carruthers to write a letter to DDS requesting: 1) specific information on how DDS reached their determination of no conflict of interest; and 2) what information was relied on to make this determination.

9. **BYLAW REVIEW**

Executive Director Carruthers presented the proposed Bylaw revisions to the Committee for review and consideration. Executive Director Carruthers reviewed each of the proposed edits list in the "Summary of Proposed 2017 Amendments." Several of the revisions were technical, making the document consist throughout or correcting formatting. Below are the substantive changes that were proposed.

- Change to include DD Act language related to Council membership composition. (**Article V, Section 1(b)**.)
- Change to more accurately describe Council's role regarding Council vacancies and appointments. (**Article V, section 1(c)(4)**.)
- Change language to be consistent with state law, removing the maximum for the number of Council meetings. (**Article VI, Section 2(a)**.)
- Change to make quorum rules consistent with AG opinion. (**Article VI, Section 3(a)**.)
- Change to require that Council will hold a run-off if no candidate for an officer position is elected by a majority vote of the Council, but that this requirement may be waived by a majority vote of the Council. (**Article VII, Section 3**.)

- Change to specify that Council work includes but it not limited to State Plan, grant, and other contracted work. (**Article VIII, Section 2(b)(1)**.)
- Change to add Statewide Self-Determination Advisory Committee as a standing committee of the Council. (**Article IX, Section 2(a)(8)**.)
- Change to specify that Chair will also appoint any committee Vice Chairpersons. (**Article IX, Section 2(b)**.)
- Change to specify that Council Chair may excuse a Council member from the requirement to sit on at least one standing committee. (**Article IX, Section 2(d)**.)
- Change to clarify that making recommendations is a discretionary function of the Executive Committee. (**Article IX, Section 2(e)(1)[e]**.)
- Change to delete Administrative Committee responsibility to make recommendations on organizational charts and structure. (**Article IX, Section 2(e)(2)[g]**.)
- Change to clarify role of Legislative and Public Policy Committee consistent with State Plan. (**Article IX, Section 2(e)(3)[c]**.)
- Change to clarify that Self-Advocates Advisory Committee may engage in other activities approved by the Council. (**Article IX, Section 2(e)(4)[c]**.)
- Change to match membership of Employment First Committee to EFC statutory language. (**Article IX, Section 2(e)(5)[a]**.)
- Changes to match duties of Employment First Committee to EFC statutory language. (**Article IX, Section 2(e)(5)[b] – [j]**.)
- Change to clarify Membership Committee is responsible for coordinating input to the Governor regarding potential candidates for appointment. (**Article IX, Section 2(e)(6)**.)
- Change to remove requirement that Membership Committee meets quarterly. (**Article IX, Section 2(e)(6)[c]**.)
- Change to remove requirement to facilitate interagency communication regarding recommendations for Council appointment. (**Article IX, Section 2(e)(6)[f]**.)
- Change to specify that Membership Committee will make recommendations for membership of Regional Advisory Committees

and local self-determination advisory committees. (**Article IX, Section 2(e)(6)[i]**.)

- Change to remove requirement that Membership Committee meets quarterly. (**Article IX, Section 2(e)(7)[b]**.)
- Change to include language regarding duties and description of Statewide Self-Determination Advisory Committee based on statutory language. (**Article IX, Section 2(e)(8)**.)
- Change to add Council policy document "Policy Questions About the Regional Advisory Committees (RAC)" as an appendix to the bylaws. (**Article X, Section 1(a)**.)
- Change to add reminder that bylaws should be posted to the Council's website. (**Article XI, Section 1**.)
- Change to delete indemnification provisions in accordance with state law. (**Article XIII**.)

In addition, to the substantive changes listed above and the technical changes listed in the packet, the Committee requested the following:

- **Under Article IX, Section 2 (e) (1) [i]** – if possible, could staff find out the origin of the provision "*Make recommendations to the Council regarding the presentation of awards on behalf of the Council*".
- **Under Article IX, Section 2 (e) (3) [b]** – change sentence to read, "*Review, comment and recommend positions on significant proposed legislation and/or proposed regulations, policies, procedures and/or practices*."
- When presenting to the full Council for consideration, present the Bylaw revisions in easy to read color format.

It was moved/seconded (Nutt [SA]/Lopez [FA]) and carried to present the Bylaws as amended above to the Council for approval. (Unanimous: Lopez, Nutt, Forderer, Lewis, Yang, Smith; and Villados)

10. EXECUTIVE DIRECTOR EVALUATION PROCESS AND MATERIALS FOR 2017/18

Committee Member Michele Villados reviewed the recent work done on the Executive Director Evaluation project. In February, Committee Member Villados presented the 2016 Executive Director Evaluation materials to the Committee for review and discussion. At that time, the Committee acted to designate a third-party to perform the 2017 Executive Director Evaluation process and requested that staff to begin the process to engage a third-party, at the discretion of the Council Chair.

Committee Member Villados provided an update on the process, stating that quotes had been requested from six possible contractors for the Evaluation Work. She requested that the Committee direct staff to complete the process of engaging a third-party contractor.

It was moved/seconded (Nutt [SA]/Forderer [SA]) and carried to direct staff to complete the process of bringing a third-party in to manage the current Executive Director Evaluation Process. The Committee further directed staff to give priority to contractor's who are able to carry out this process in-person at the discretion of the Council Chair. (Unanimous: Lopez, Nutt, Forderer, Lewis, Yang, Smith; and Villados)

Based on Committee input pertaining to alternative evaluation models, Member Villados further requested that the Committee provide direction to staff regarding alternate models for the 2018 Evaluation.

The Committee directed staff to develop a timeline to carry out the following items:

- Provide sample models to the Committee for review
- Present a proposed 2018 project timeline to the Committee
- Enable the Committee to select an alternative evaluation process

Legal Counsel recommended that, if possible, the Committee review any gathered sample models in June 2017 to ensure that any revision to the Evaluation tool was completed in time for the 2018 Evaluation.

11. **LEGISLATIVE AND PUBLIC POLICY COMMITTEE**
The Committee reviewed the following bills on behalf of the Council.

a. AB 434, As Amended (Baker) – State Web Accessibility: Standard and Reports
Require reporting to the Department of Technology regarding the agencies or entity's Web accessibility testing and efforts to resolve identified accessibility issues.

It was moved/seconded (Nutt [SA]/Lopez [FA]) and carried to Support AB 434 as amended. (Aye: Lopez, Nutt, Forderer, Lewis, Yang, Smith; Abstain: Villados)

b. AB 437, As Amended (Rodriguez) – At-risk persons: First Responders
Establishes a Voluntary Online At-Risk Community Network. The purpose of this network is to rapidly provide information to first responders to prevent harmful interactions between seniors and persons with disabilities and first responders.

It was moved/seconded (Nutt [SA]/Lopez [FA]) to support AB 437 as amended. ***MOTION FAILED***

At this time, the Committee requested that staff: 1) follow-up with the author on the privacy piece; and 2) seek clarification on how the bill will address non-verbal and other disabilities.

c. AB 1200, Introduced (Cervantes) – Aging and Disabilities Resource Connection Program. Establishes the Aging and Disability Resource Connection (ADRC) program.

It was moved/seconded (Smith [FA]/Forderer [SA]) and carried to Support AB 1200 as introduced. (Aye: Lopez, Nutt, Forderer, Lewis, Yang, Smith; Abstain: Villados)

d. AB 1372, As Amended (Levine) – Crisis Stabilization Units: Psychiatric
Give Crisis Stabilization Units more flexibility in caring for emotionally distressed individuals by allowing them to continue to care for patients beyond the current 24 hour limitation.

It was moved/seconded (Nutt [SA]/Lopez [SA]) and carried to Support AB 434 as amended. (Aye: Lopez, Nutt, Forderer, Lewis, Yang, Smith; Abstain: Villados)

e. AB 1610, As Amended, (Ridley-Thomas) – Developmental Services: Regional Centers. Reduces existing funding disparities for developmental services.

It was moved/seconded (Nutt [SA]/Smith [FA]) to support AB 1610 as amended. ***MOTION FAILED***

At this time, the Committee requested clarification from Bob/LPPC on the following: (1) how the bill will address the areas of disparities listed (e.g., the Committee felt like this was a kitchen sink bill); and (2) the authors intent is unclear.

12. **ADJOURNMENT**
Meeting at adjourned at 3:42 p.m.

COUNCIL AGENDA ITEM DETAIL SHEET

ISSUE: Provision of Council Basic State Grant Funds to Federal Partners

BACKGROUND: The federal Developmental Disabilities Act (DD Act) addresses developmental disabilities issues affecting persons with disabilities and their families with a focus on self and family advocacy. To carry out this purpose, the DD Act authorizes and provides funding for three distinct types of organizations, often called "federal partners." In the State of California, the federal partners include:

- The State Council on Developmental Disabilities;
- The protection and advocacy system (called Disability Rights California); and
- the University Centers for Excellence in Developmental Disabilities (affiliated with UC Davis, UCLA, and the University of Southern California)

Each of the federal partners has distinct but related purposes under the DD Act. Collaboration among the federal partners and other governmental and non-governmental agencies is an important goal of the DD Act, which specifically requires the federal partners to track and record their collaboration efforts.

As mentioned, the Council receives federal funding to carry out its responsibilities. A portion of this funding is used to pay Council staff to perform DD Act or State Plan work. In addition, a portion is used to contract with outside (third party) entities to perform State Plan work. The Council provides this funding to outside entities in the form of sponsorships (currently $999 or less) and grants ($260,000 for the 2017 federal fiscal year). The Council receives, considers, and makes decisions on sponsorship requests and grant proposals when awarding funds. Many different types of agencies can request Council funding. In the past, the Council has provided sponsorships to its federal partners.

At the April 20, 2017 Executive Committee meeting, Committee members asked whether the Council could grant funds to federal partners for sponsorships or grants and directed staff to work with select members of the Committee on a recommendation for the full Council.

DISCUSSION: When deciding whether it may award federal funds to another entity, several areas of law need to be considered. Some of the laws the Council must consider are the federal Developmental Disabilities Act, federal financing rules (e.g. Office of Management and Budget regulations or circulars) and state conflict of interest laws.

For example, regarding the DD Act, the Council has specifically received technical assistance from the Information and Technical Assistance Center for Councils (ITACC) that State Councils may fund UCEDDs. With regard to the federal financing rules, it is important that the Council avoid "supplantation" (i.e. avoid the using federal funds to replace existing funding or funding obligations). In addition, state law conflict of interest laws must also be considered by each member of the Council when participating in a funding decision. As a result, each Council member needs to make sure that he or she does not have a conflict of interest in a funding decision before him or her. Because each of the federal partners is either a governmental entity or a nonprofit, recusal (which means not participating in a decision) may often resolve any potential conflict of interest for a Council member who represents a Federal Partner. Consequently, there are generally no legal barriers to the Council providing sponsorships or grants to one of its federal partners. Note, however, that conflict of interest issues are based on the individual member's situation, and different rules may apply to a Council member who does not represent a federal partner.

Some Executive Committee members voiced concern about the possible perception created when the Council awards a grant or sponsorship to a federal partner represented by a person sitting on the Council, especially if the grant or sponsorship is meant to target "community-based" organizations.

Therefore, the Council is asked if it wishes to set any rules regarding whether funding may be awarded to a federal partner. If the Council reasonably believes there may be a perception that the Council is unfairly distributing its funds to its federal partners, then the recommendation is to create a rule that will discourage providing Council funds to federal partners. For example, rather than providing funding to a federal partner, the Council may require a federal partner to collaborate with another eligible entity or co-sponsor who will be the actual recipient of funds used

for a particular activity or event. Ultimately, setting up a restriction like this is a policy decision for the Council and not a matter of federal restriction.

COUNCIL STRATEGIC PLAN OBJECTIVE: None

PRIOR COUNCIL ACTIVITY: N/A

RECOMMENDATION: If the Council reasonably believes there may be a perception that the Council is unfairly distributing its funds to its federal partners, then the recommendation is to create a Council policy that restricts Council funds from being awarded to federal partners for either sponsorships and/or grants.

PREPARED BY: Executive Director Aaron Carruthers and Legal Counsel Natalie Bocanegra, May 9, 2017.

HARBOR REGIONAL CENTER

MEMORANDUM

to:	**Brian Winfield, Deputy Director, Department of Developmental Services**
from:	**Tammy Carter, Harbor Regional Center Director of Human Resources**
date:	**August, 2016**
subject:	**Conflict of Interest Resolution Plan**

Nature of the Conflict:

John Rea is the President of the Harbor Developmental Disabilities Foundation (dba Harbor Regional Center) Board of Trustees. Mr. Rea is an attorney, employed by the law firm of Lewis Brisbois Bisgaard & Smith LLP ("LBBS"), a large insurance defense law firm with 40 offices in 26 states. LBBS' business includes accepting assignments from insurance companies to defend their insureds and "additional insureds" in litigation. On occasion, LBBS may be appointed by an insurer to defend HRC in litigation. In the past, this has arisen where HRC is an "additional insured" under an insurance policy issued to a vendor, and the insurer chooses the law firm to defend HRC. Neither Mr. Rea nor HRC are involved in deciding such appointments. Mr. Rea has no financial interest in such litigation and has not received nor will he receive any compensation in connection with any such litigation. Mr. Rea has no control over the decision of LBBS or any attorney at LBBS to accept such assignments.

Proposed Actions to Eliminate the Conflict:

- The HRC Executive Director or Chief Financial Officer will notify Mr. Rea in the event LBBS is appointed to defend HRC in any matter in the future.
- Mr. Rea will establish an ethical screen at LBBS between himself and the law firm as to such litigation, to avoid all contact with the litigation.
- Mr. Rea does not receive any compensation in connection with any such litigation.
- Mr. Rea has never represented HRC as its attorney and will never do so;
- The HRC Executive, the HRC Chief Financial Officer and the HRC Director of Human Resources shall ensure that this plan is implemented and monitored.

Signed by:

Patricia Del Monico, HRC Executive Director — 7/25/16 date

Judy Wada, HRC Chief Financial Officer — 7/25/16 date

Tammy Carter, HRC Director of Human Resources — date

John Rea, HRC Board President — 7/21/2016 date

CONFLICT OF INTEREST REPORTING STATEMENT
DS 6016 (Rev. 08/2013)

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: John Rea Regional Center: Harbor

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.
   Member of Board of Trustees of Harbor Developmental Disabilities Foundation dba Harbor Regional Center, currently serving as president of the Board.

[1] Change of status includes 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, change in regional center, 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 governmental entity, provide the specific name of the state or local governmental entity and describe your job duties at the state or local governmental entity.

See attachment.

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 attachment.

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.

Not applicable.

[2] Family member includes your spouse, domestic partner, parents, stepparents, grandparents, siblings, stepsiblings, children, stepchildren, grandchildren, parent-in-laws, brother-in-laws, sister-in-laws, son-in-laws and daughter-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

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 John Rea (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 John Rea Date 5/18/16

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

Attachment.

I am an attorney, employed by the law firm of Lewis Brisbois Bisgaard & Smith LLP ("LBBS"), a large national insurance defense law firm with more than 1,000 attorneys and 34 offices in 22 states. LBBS' business includes accepting assignments from insurance companies to defend their insureds and "additional insureds" in litigation. To my knowledge, LBBS is not a vendor of Harbor Regional Center ("HRC").

I have not nor will I ever represent HRC at its attorney.

From time to time, an attorney at LBBS will be appointed by an insurer for HRC (or by an insurer for one of HRC's vendors pursuant an "additional insured" endorsement to the vendor's insurance policy under which the vendor affords insurance to HRC) to defend it in certain litigation. I have no involvement whatsoever in this appointment. I have no control over the decision of LBBS or any attorney at LBBS to accept such assignments, nor over that of any insurance company for HRC or its vendors to appoint LBBS to represent HRC.

I have no financial interest in any such litigation against HRC and have not received nor will receive any compensation in connection with such matters. To my knowledge, LBBS will be paid by the insurers and not by HRC.

In the past I have established an ethical screen at LBBS between me and the law firm, designed to insulate me from any contact with such litigation.

I have asked HRC staff to notify me in the future in the event LBBS is appointed by an insurer to defend HRC so that I can establish an ethical screen as to any future matter.

CALIFORNIA SCDD

RELEVANT EXCERPTS FROM
December 13, 2016
Executive Committee Approved Meeting Minutes

REGIONAL CENTER CONFLICT OF INTEREST WAIVER REQUESTS

Harbor Regional Center (HRC) – John Rea
Ms. Bocanegra introduced the request submitted on behalf of Harbor Regional Center Board member John Rea, who is an attorney employed by an insurance defense law firm that provides services to insurance companies. From time to time, Mr. Rea's employer may be chosen by an insurance company to defend HRC in litigation. Ms. Bocanegra pointed out that, per the request, Mr. Rea is not involved in deciding whether the law firm will defend HRC and has no control over whether the law firm will accept the legal work. In addition, she pointed out that the request states that Mr. Rea does not receive compensation from HRC insurance defense work and that Mr. Rea proposed setting up an ethical screen between himself and litigation involving HRC in the event the law firm is chosen to defend HRC.

Council staff recommended that this waiver request be approved.

Members of the Executive Committee engaged in much discussion of this request and identified the following factors involving Mr. Rea's situation: 1) It was not clear from the submitted materials that adequate walls could be set up within the law firm to eliminate conflicts of interest; 2) Mr. Rea's duty to follow the state's legal ethics laws and comply with other applicable state laws could conflict with the proposed mitigation efforts; 3) there are a limited number of law firms in the State of California that are engaged in and receive payment for legal services involving the specialized areas of regional center services and operations, and these same law firms are used again and again, creating the potential for recurring conflict of interest issues for Mr. Rea.

It was moved/seconded (Nutt [SA]/Forderer [SA]) and carried to deny this waiver unanimously. (Unanimous: Lopez, Nutt, Forderer, Lewis, Yang, Smith, and Villados)

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

December 13, 2016

VIA ELECTRONIC & U.S. MAIL
Rapone Anderson
Community Services Division
Department of Developmental Services
1600 9th Street, Rm. 320, MS 3-9
Sacramento, CA 95814

Subject: COI WAIVER REQUEST JOHN REA – NOT APPROVED

Dear Mr. Anderson:

This correspondence serves to confirm that, after review and consideration of relevant conflict of interest plan materials, the State Council on Developmental Disabilities did not approve the waiver request relating to John Rea, Harbor Regional Center board member, at its December 13, 2016, Executive Committee Meeting.

If you have any questions or concerns, please feel free to contact me at (916) 322-8481.

Sincerely,

Natalie Bocanegra
Legal Counsel

Cc: Rachel Long, Community Services Division, DDS

DEPARTMENT OF DEVELOPMENTAL SERVICES
1600 NINTH STREET, Room 320, MS 3-9
SACRAMENTO, CA 95814
TTY (916) 654-2054 (For the Hearing Impaired)
(916) 654-1958

April 5, 2017

Patricia Del Monico, Executive Director
Harbor Regional Center
21231 Hawthorne Boulevard
Torrance, CA 90503

Dear Ms. Del Monico:

Thank you for your correspondence dated August 24, 2016. The Department of Developmental Services (Department) is in receipt of the Conflict of Interest Reporting Statement and proposed Conflict Resolution Plan for John Rea, Harbor Developmental Disabilities Foundation, Inc. Board President, who is employed as an Attorney by the law firm Lewis Brisbois Bisgaard & Smith LLP.

Upon review of Mr. Rea's reporting statement, the Department has determined that a conflict does not exist under Title 17 of the California Code of Regulations or Welfare and Institutions Code.

If you have questions regarding this correspondence, please contact Denise Thornquest, Regional Center Operations Section, at (916) 651-8818, or by email at denise.thornquest@dds.ca.gov.

Sincerely,

Original signed by

BRIAN WINFIELD
Deputy Director
Community Services Division

cc: John Rea, Harbor Developmental Disabilities Foundation, Inc.
Aaron Curruthers, State Council on Developmental Disabilities
Natalie Bocanegra, State Council on Developmental Disabilities
Michael McNulty, State Council on Developmental Disabilities
Hiren Patel, Department of Developmental Services

CALIFORNIA SCDD

RELEVANT EXCERPTS FROM THE DRAFT
April 20, 2017
Executive Committee Meeting Minutes

CONFLICT OF INTEREST (COI) WAIVER FOLLOW-UP – JOHN REA
In response to the Council's request for follow-up on past COI waiver requests, Executive Director Carruthers provided the following information to the Committee.

On December 13, 2016, the Executive Committee reviewed Harbor Regional Center board member John Rea's request for a waiver. After careful review, the Committee did not approve the request. SCDD notified DDS of the Committee's decision on Rea's request on December 13, 2016.

During a meeting with DDS on March 23, 2017, Executive Director Carruthers inquired about the outcome of past waiver requests. At that time, DDS stated they would follow-up with the Council at a later date.

On April 5, 2017, DDS submitted a letter to Harbor Regional Center stating that DDS has determined that a conflict does not exist under Title 17 of the California Code of Regulation or Welfare and Institutions Code.

On April 6, 2017, Executive Director Carruthers contacted DDS Director Nancy Bargmann to discuss this determination and the process DDS used. Director Bargmann was apologetic and suggested that the Council and DDS meet in the near future to discuss improvements on communication.

The Committee participated in an in-depth discussion of Mr. Rea's waiver request which the Committee believed accurately identified a conflict of interest and were concerned that the Council's opinion may not have been considered by DDS in reviewing Mr. Rea's situation.

Legal Counsel Bocanegra explained there are multiple conflict of interest provisions that apply to regional centers in the Welfare and Institutions Code and DDS regulations. In addition, W&I sections incorporate

Government Code provisions and rules. Therefore, there are a number of required conflict of interest analyses that each have a number of steps. She said that it was possible that DDS may have additional information which the Council does not have and which may have led to a different conclusion regarding whether Mr. Rea has a conflict of interest.

During much discussion on the matter, a number of the members expressed that they wanted additional information on the conflict of interest process and analysis used by DDS in addition any facts relevant to Mr. Rea's situation. The Committee directed Executive Director Carruthers to write a letter to DDS requesting: 1) specific information on how DDS reached their determination of no conflict of interest; and 2) what information was relied on to make this determination.

EXECUTIVE COMMITTEE AGENDA ITEM DETAIL SHEET

BILL: AB 437, as amended, Rodriguez. At-risk persons: first responders.

ISSUE: First responder interactions with people with I/DD.

SUMMARY: Establishes a Voluntary Online At-Risk Community Network.

BACKGROUND/ISSUES/ANALYSIS: The Attorney General shall establish and maintain within the center the Voluntary Online At-Risk Community Network. The purpose of this network is to rapidly provide information to first responders to prevent harmful interactions between seniors and persons with disabilities and first responders.

A senior or a person with a disability may voluntarily provide the Attorney General with information about themselves to include in the network.

DISCUSSION: SCDD's interest in this topic is well-documented. Our own staff members provide training to law enforcement regarding this issue.

There have been various news stories detailing bad outcomes of first responder interactions with people with I/DD. One example is the July 2016 incident in Florida where a law enforcement officer shot and wounded an autistic man's caretaker although he was aiming at the autistic man, who he felt was a threat. The autistic man was playing with a toy truck and the police apparently thought it was a gun. Responding officers stated they did not know the man with what they thought was a firearm was actually a disabled patient from a nearby facility.

However, some people may have privacy concerns with having such information on file with the state, even if it is voluntary.

RECOMMENDATION: None.

COUNCIL STRATEGIC PLAN OBJECTIVE: Goal 4: Health and Safety.

ATTACHMENTS: Text of AB 437.

PREPARED BY: Bob Giovati.

AMENDED IN ASSEMBLY MARCH 23, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL No. 437

Introduced by Assembly Member Rodriguez

February 13, 2017

An act to ~~relating to emergency services.~~ *add Section 14217 to the Penal Code, relating to at-risk persons.*

LEGISLATIVE COUNSEL'S DIGEST

AB 437, as amended, Rodriguez. ~~Emergency services.~~ *At-risk persons: first responders.*

Existing law requires the Attorney General to establish and maintain the Violent Crime Information Center to assist in the identification and the apprehension of persons responsible for specific violent crimes and for the disappearance and exploitation of persons, particularly children and at-risk adults.

This bill would require the Attorney General to establish and maintain within the center a Voluntary Online At-Risk Community Network for purposes of providing information to first responders in order to prevent harmful interactions between first responders and seniors or persons with disabilities, as defined. The bill would prescribe the information that a senior or a person with a disability may voluntarily provide to the Attorney General for inclusion in the network, and prescribe how the network would be developed and communicated to the public, as specified. The bill would require specified first responders to broadcast a "Be on the Lookout" bulletin within its jurisdiction under circumstances upon which a person in the network is missing or needs assistance. By imposing new duties on local entities under various

provisions of the bill, the bill would create a state-mandated local program.

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 the statutory provisions noted above.

~~Existing law, the Warren-911-Emergency Act, provides for an emergency response system among city and county police and first responders to provide coordinated emergency services to persons in emergency situations.~~

~~This bill would express the intent of the Legislature to enact legislation that would modify emergency response systems to improve interactions between people with disabilities and law enforcement and other first responders.~~

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

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

SECTION 1. Section 14217 is added to the Penal Code, to read:

14217. (a) The Attorney General shall establish and maintain within the center the Voluntary Online At-Risk Community Network. The purpose of this network is to rapidly provide information to first responders to prevent harmful interactions between seniors and persons with disabilities and first responders. The Attorney General shall design the network, using any one or more existing systems, including the California Law Enforcement Telecommunications system, secure web-portals, and emergency response systems.

(b) A senior or a person with a disability may voluntarily provide the Attorney General with information about themselves to include in the network. The information voluntarily provided may include, but is not limited to, any of the following:

(1) The person's name.

(2) The person's date of birth.

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(3) The person's height.

(4) The person's weight.

(5) The person's race or ethnicity.

(6) The person's physical description, including hair color, eye color, or body marks.

(7) How a disability manifests, such as memory loss, uneven gait, use of a wheelchair, or loss of hearing or vision, or the type of disability, such as autism, schizophrenia, dementia, blindness, deafness, or being hard of hearing.

(8) Known signs of distress, such as sweating, clenching of teeth or fists, pacing, breathing hard, or throwing or waving an object.

(9) Known actions that make the person respond with unfamiliar behavior, such as being touched, being surrounded, yelling, loud noise, isolation, or certain words.

(10) Calming strategies and things that give the person a sense of security, such as being wrapped in a blanket, drinking a beverage, objects, or certain words.

(11) Preferences regarding contact with others, including means of communication, such as sign language, Braille, supported communication, or preferred language.

(12) Any other information deemed appropriate by the Attorney General in consultation with stakeholders from the senior and disability communities.

(c) The Attorney General, in consultation with stakeholders from the senior and disability communities, shall develop a paper-based and electronic method to include information in the network.

(d) Information in the network shall only be made available to first responders for the sole purpose of preventing harm to seniors and persons with disabilities. At no point shall any information in the network be disclosed to the public.

(e) A senior or a person with a disability who voluntarily provides the Attorney General with information about themselves to include in the network retains the right to remove this information from the network at any time.

(f) Only a senior or a person with a disability may voluntarily provide the Attorney General with information about themselves to include in the network. Except as provided in paragraph (5) of subdivision (k), at no time shall any law enforcement entity or first responder or any other public or private entity or individual

provide the Attorney General with information to include in the network about a senior or a person with a disability.

(g) If a member of the public reports to a first responder that a person in the network is missing or needs assistance, the first responder shall broadcast a "Be on the Lookout" bulletin that references the person's profile in the network, without delay, within its jurisdiction.

(h) The Attorney General, in consultation with stakeholders from the senior and disability communities, shall develop a voluntary identification system that allows a senior or a person with a disability to voluntarily wear an object, such as a wristband, button, or lanyard that indicates the person is included in the network.

(i) The Attorney General shall issue an information bulletin to first responders to provide notice about the network.

(j) The Attorney General, in consultation with stakeholders from the senior and disability communities, shall notify the general public about the network.

(k) For purposes of this section, the following definitions shall apply:

(1) "Disability" or "disabilities" means any disability, as defined in Sections 12926 and 12926.1 of the Government Code.

(2) "First responder" means a state or local peace officer, emergency medical technician, or firefighter.

(3) "Network" means the network described in subdivision (a).

(4) "Supported decisionmaking" means a process of supporting and accommodating an adult with a disability to enable the adult to make life decisions without impeding the self-determination of the adult.

(5) "Voluntarily" means that the information was provided by any of the following:

(A) The senior or person with a disability in the absence of coercion and pursuant to his or her own free will.

(B) The person with a disability through the use of supported decisionmaking.

(C) A person with a limited conservatorship of a person with a developmental disability.

SEC. 2. 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.

~~SECTION 1. It is the intent of the Legislature to enact legislation that modifies emergency response systems to improve interactions between people with disabilities and law enforcement and other first responders.~~

O

EXECUTIVE COMMITTEE AGENDA ITEM DETAIL SHEET

BILL: AB 1610, as amended, Ridley-Thomas. Developmental services: regional centers.

ISSUE: Funding disparities at regional centers.

SUMMARY:AB 1610 will reduce existing funding disparities for developmental services.

BACKGROUND/ANALYSIS: The author states: In 2011, a Los Angeles Times series reported significant disparities in the funding of developmental services based on race, ethnicity, income level and socio-economic community.

The Senate Select Committee on Autism and Related Disorders held an informational meeting on April 30, 2012 on this issue and several recommendations came from that hearing, many of which remain outstanding. On March 14, 2017, the Senate Human Services Committee held another informational hearing on disparities and found that the purchase of services gap between Latinos and Whites served by the regional centers has only been reduced by 1/10 of a percent point in five years, with Latinos receiving 45.9% of what Whites receive.

DISCUSSION: From the analysis, AB 1610 does the following:

Specifically, this bill:

1) Requires a regional center to, at the beginning of an initial individualized family service plan (IFSP) meeting and at least once a year thereafter at the beginning of an IFSP meeting or at a biannual review of the IFSP, to provide the infant's or toddler's parents, legal guardian, conservator, or authorized representative with written information about the appeal procedure and complaint process, as specified.

2) Authorizes regional centers to purchase respite and other family support services as nonrequired services.

3) Stipulates that the granting or denial of durable medical equipment, respite services, or other family support services as nonrequired services, as specified, can be subject to appeal.

4) Removes the requirement that a parent or parents participate in an infant's, toddler's, or minor consumer's intervention plan in order for a regional center to purchase applied behavioral analysis (ABA) or intensive behavioral intervention services and instead requires a regional center to, to the extent feasible, facilitate a parent's or caregiver's participation in an infant's, toddler's, or minor consumer's ABA or intensive behavioral intervention services through the provision of additional services and support, accommodations, or both.

5) Prohibits a parent's or caregiver's failure to participate in ABA or intensive behavioral intervention services from being used to deny, delay, or reduce the provision of those services.

6) Adds authorized representatives to the list of individuals whose choices, made on behalf of a consumer, are required to be respected by regional centers and other public and private agencies receiving state funds to serve individuals with developmental disabilities.

7) Requires regional centers to provide information in a manner that is culturally and linguistically appropriate for a consumer and, when appropriate, certain other parties, as specified.

8) Requires regional centers to provide a consumer and certain other parties, when appropriate, with written information describing the process for obtaining transportation services for a minor child and certain services for consumers between the ages of 18 and 22 when the initial individual program plan (IPP) is developed, and at least once per year thereafter at the beginning of an IPP meeting or at an annual review of the IPP, as specified.

9) Requires a regional center to provide a consumer and certain other parties, when appropriate, a list of services provided by the regional center and information about the appeal process at the time an IPP is developed, and each year thereafter at the beginning on an IPP meeting or at an annual review of the IPP, as specified.

10) Requires a regional center to, at that end of an IPP meeting, provide a consumer and certain other parties, when appropriate, a written list of agreed-upon services and supports and a list of any requested services and supports for which final agreement has not yet been reached and for which there will be a subsequent program plan meeting, as specified.

11) Repeals provisions in current law that:

a) Require DDS, in consultation with stakeholders, to develop an alternative service delivery model that provides an Individual Choice Budget enabling consumers to acquire, within a finite budget, services and supports, as specified;

b) Suspend, except where individual exemptions apply, a regional center's authority to purchase camping services and associated travel expense social recreation therapies, educational services for children ages 3 to 17, and nonmedical therapies pending implementation of the Individual Choice Budget and certification by the Director of DDS that this implementation has occurred and will result in state budget savings, as specified;

c) Stipulate, with specified exemptions, that a regional center may only purchase respite services when the care and supervision needs of a consumer exceed that of an individual of the same age without developmental disabilities;

d) Prohibit, with specified exemptions, a regional center from purchasing for a consumer more than 21 days of out-of-home respite services per fiscal year or more than 90 hours of in-home respite services per quarter;

e) Prohibit a regional center from purchasing day care services, as defined, to replace or supplant respite services; and

f) Require a regional center to only consider in-home supportive services (IHSS) a generic resource when the approved IHSS meet the respite needs identified in the consumer's IPP or IFSP.

12) Requires DDS to, by March 31, 2018, convene a task force including specified representatives to develop a purchase of services budget and allocation methodology based on consumer needs and further, requires that task force to submit a report to the Legislature of its recommendations for implementing the methodology, as specified, by August 31, 2018.

13) Requires a regional center, at the initial development of the IPP and at least once per year thereafter at the beginning of an IPP meeting or at an annual review of the IPP, to provide a written description of the denial documentation regarding medical and dental coverage that consumers and families are required to supply, as specified.

14) Deletes language permitting regional centers to pay for medical and dental services during certain periods, and instead requires regional centers to pay for these services during those periods as necessary to implement the consumer's IPP.

15) Makes technical changes.

RECOMMENDATION: Support AB 1610.

COUNCIL STRATEGIC PLAN OBJECTIVE: Goal 6 - Formal and informal community supports.

ATTACHMENTS: Text of AB 1610.

PREPARED: Bob Giovati.

AMENDED IN ASSEMBLY MARCH 27, 2017

AMENDED IN ASSEMBLY MARCH 20, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL No. 1610

Introduced by Assembly Member Ridley-Thomas

February 17, 2017

An act to amend Sections 95020 and 95021 of the Government Code, and to amend Sections 4502.1, 4646.5, ~~4648.6,~~ 4659, and 4686.2 of, ~~and~~ to add ~~Section~~ *Sections* 4646.45 *and 4648.7* to, *and to repeal Sections 4648.5, 4648.6, and 4686.5 of,* the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1610, as amended, Ridley-Thomas. Developmental services: regional centers.

(1) Existing law, the California Early Intervention Services Act, provides a statewide system of coordinated, comprehensive, family-centered, multidisciplinary, and interagency programs that are responsible for providing appropriate early intervention services and supports to all eligible infants and toddlers, as defined, and their families and requires an eligible infant or toddler receiving services under the act to have an individualized family service plan. The act requires these services to be provided pursuant to the existing regional center system under the Lanterman Developmental Disabilities Services Act.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is responsible for providing various services and supports to individuals with developmental disabilities, and for ensuring the appropriateness

and quality of those services and supports. Under existing law, the department contracts with regional centers to provide services and supports to persons 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.

This bill would require regional centers to provide certain information to a consumer during the individual program plan process and to an infant's or toddler's parents, legal guardian, conservator, or authorized representative at the initial individualized family service plan meeting and annually thereafter.

(2) Existing law requires each service identified on the individualized family service plan to be designated as an early intervention service, another service that the eligible infant or toddler or his or her family may receive from other state programs, or a referral to a nonrequired service that may be provided to an eligible infant or toddler or his or her family. With the exception of durable medical equipment, existing law prohibits a regional center from purchasing nonrequired services but authorizes a regional center to refer a family to a nonrequired service, as specified. Under existing law, the granting or denial of nonrequired services by a public or private agency is not subject to appeal.

This bill would additionally make an exception for respite services and other family support services to the prohibition on the purchase of nonrequired services. The bill would also make the granting or denial of durable medical equipment, respite services, and other family support services subject to appeal.

~~(2)~~

(3) Existing law states the right of individuals with developmental disabilities to make choices in their own lives requires that public or private agencies receiving state funds for the purpose of serving those persons respect the choices made by consumers or, if appropriate, their parents, legal guardian, or conservator.

This bill would make the requirement that public or private agencies receiving state funds respect the choices made by consumers, as described above, specifically applicable to choices made by an authorized representative of a consumer, if appropriate. The bill would also require a regional center to provide information in a manner that is culturally and linguistically appropriate for the consumer or, when

appropriate, the consumer's parents, legal guardian, conservator, or authorized representative, as specified.

~~(3)~~

(4) Existing law requires the department, in consultation with stakeholders, to develop an alternative service delivery model that provides an Individual Choice Budget for obtaining quality services and supports that provides choice and flexibility within a finite budget that, in the aggregate, reduces regional center purchase of service expenditures, reduces reliance on the General Fund, and maximizes federal financial participation. Existing law prohibits a regional center from purchasing specified ~~services~~ *services, including, among others, nonmedical therapies or social recreation activities, except as specified, and places certain restrictions on the purchase of respite services by a regional center,* pending implementation of the Individual Choice ~~Budget, except as specified.~~ *Budget.*

This bill would ~~require the department, by March 31, 2018, to provide a written report to the Legislature regarding the status of the Individual Choice Budget, and a projected timeframe for fully reinstating the suspended and restricted services.~~ *repeal the provisions relating to the Individual Choice Budget and the prohibitions and restrictions on the purchase of the above-described services. The bill would require the department, by March 31, 2018, to convene a task force to develop a purchase of services budget and allocation methodology based on consumer needs. The bill would require the task force to include the department and specified representatives, including, among others, representatives of consumers and families, as specified, regional centers, and providers. The bill would require the task force to submit a report of its recommendations on implementing the methodology to the Legislature by August 31, 2018.*

~~(4)~~

(5) Existing law generally ~~provides,~~ *prohibits,* beginning July 1, 2009, ~~that~~ a regional center ~~shall not purchase~~ *from purchasing* medical or dental services for a consumer 3 years of age or older unless the regional center is provided with documentation of a Medi-Cal, private insurance, or a health care service plan denial and the regional center determines that an appeal of the denial by the consumer or family does not have merit. Existing law authorizes *a* regional ~~centers~~ *center* to pay for medical or dental services during certain periods, including, among others, while coverage is being pursued, but before a denial is made.

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This bill would instead require *a* regional ~~centers~~ *center* to pay for medical or dental services identified as necessary to implement the consumer's individual program plan during those periods.

~~(5)~~

(6) Existing law also requires a regional center to only purchase applied behavioral analysis (ABA) services or intensive behavioral intervention services when the parent or parents of minor consumers receiving services participate in the intervention plan for the consumers.

This bill would instead require *a* regional ~~centers,~~ *center,* to the extent feasible, to facilitate a parent's or caregiver's participation in ABA or intensive behavioral intervention services for a minor consumer receiving those services through the provision of additional services and supports, accommodations, or both. The bill would prohibit a parent's or caregiver's failure to participate in ABA or intensive behavioral intervention services from being used to deny, delay, or reduce the provision of those services.

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

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

SECTION 1. Section 95020 of the Government Code is amended to read:

95020. (a) An eligible infant or toddler shall have an individualized family service plan. The individualized family service plan shall be used in place of an individualized education program required pursuant to Sections 4646 and 4646.5 of the Welfare and Institutions Code, the individualized program plan required pursuant to Section 56340 of the Education Code, or any other applicable service plan.

(b) For an infant or toddler who has been evaluated for the first time, a meeting to share the results of the evaluation, to determine eligibility and, for children who are eligible, to develop the initial individualized family service plan shall be conducted within 45 calendar days of receipt of the written referral. Evaluation results and determination of eligibility may be shared in a meeting with the family prior to the individualized family service plan. Written parent consent to evaluate and assess shall be obtained within the 45-day timeline. A regional center, local educational agency, or the designee of one of those entities shall initiate and conduct this

meeting. Families shall be afforded the opportunity to participate in all decisions regarding eligibility and services. During intake and assessment, but no later than the individualized family service plan meeting, the parents, legal guardian, or conservator shall provide copies of any health benefit cards under which the consumer is eligible to receive health benefits, including, but not limited to, private health insurance, a health care service plan, Medi-Cal, Medicare, and TRICARE. If the individual, or, when appropriate, the parents, legal guardians, or conservators, have no such benefits, the regional center shall not use that fact to negatively impact the services that the individual may or may not receive from the regional center.

(c) (1) Parents shall be fully informed of their rights, including the right to invite another person, including a family member or an advocate or peer parent, or any or all of them, to accompany them to any or all individualized family service plan meetings. With parental consent, a referral shall be made to the local family resource center or network.

(2) At the beginning of the initial individualized family service plan meeting and at least annually thereafter at the beginning of an individualized family service plan meeting or at a biannual review of the individualized family ~~services~~ *service* plan, the regional center shall provide the infant's or toddler's parents, legal guardian, conservator, or authorized representative written information about the appeal procedure established under Chapter 7 (commencing with Section 4700) of Division 4.5 of the Welfare and Institutions Code and the complaint process described in Section 52170 of Title 17 of the California Code of Regulations.

(d) The individualized family service plan shall be in writing and shall address all of the following:

(1) A statement of the infant's or toddler's present levels of physical development including vision, hearing, and health status, cognitive development, communication development, social and emotional development, and adaptive developments.

(2) With the concurrence of the family, a statement of the family's concerns, priorities, and resources related to meeting the special developmental needs of the eligible infant or toddler.

(3) A statement of the major outcomes expected to be achieved for the infant or toddler and family where services for the family

are related to meeting the special developmental needs of the eligible infant or toddler.

(4) The criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions are necessary.

(5) (A) A statement of the specific early intervention services necessary to meet the unique needs of the infant or toddler as identified in paragraph (3), including, but not limited to, the frequency, intensity, location, duration, and method of delivering the services, and ways of providing services in natural generic environments, including group training for parents on behavioral intervention techniques in lieu of some or all of the in-home parent training component of the behavior intervention services, and purchase of neighborhood preschool services and needed qualified personnel in lieu of infant development programs.

(B) Effective July 1, 2009, at the time of development, review, or modification of an infant's or toddler's individualized family service plan, the regional center shall consider both of the following:

(i) The use of group training for parents on behavior intervention techniques, in lieu of some or all of the in-home parent training component of the behavior intervention services.

(ii) The purchase of neighborhood preschool services and needed qualified personnel, in lieu of infant development programs.

(6) A statement of the agency responsible for providing the identified services.

(7) The name of the service coordinator who shall be responsible for facilitating implementation of the plan and coordinating with other agencies and persons.

(8) The steps to be taken to ensure transition of the infant or toddler upon reaching three years of age to other appropriate services. These may include, as appropriate, special education or other services offered in natural environments.

(9) The projected dates for the initiation of services in paragraph (5) and the anticipated duration of those services.

(e) Each service identified on the individualized family service plan shall be designated as one of three types:

(1) An early intervention service, as defined in subsection (4) of Section 1432 of Title 20 of the United States Code, and applicable regulations, that is provided or purchased through the

regional center, local educational agency, or other participating agency. The State Department of Health Care Services and the State Department of Social Services shall provide services in accordance with state and federal law and applicable regulations, and up to the level of funding as appropriated by the Legislature. Early intervention services identified on an individualized family service plan that exceed the funding, statutory, and regulatory requirements of these departments shall be provided or purchased by regional centers or local educational agencies under subdivisions (b) and (c) of Section 95014. The State Department of Health Care Services and the State Department of Social Services shall not be required to provide early intervention services over their existing funding, statutory, and regulatory requirements.

(2) Another service, other than those specified in paragraph (1), ~~which~~ *that* the eligible infant or toddler or his or her family may receive from other state programs, subject to the eligibility standards of those programs.

(3) A referral to a nonrequired service that may be provided to an eligible infant or toddler or his or her family. Nonrequired services are those services that are not defined as early intervention services or do not relate to meeting the special developmental needs of an eligible infant or toddler related to the disability, but that may be helpful to the family. ~~The granting or denial of nonrequired services by a public or private agency is not subject to appeal under this title. Notwithstanding any other provision of law or regulation to the contrary, effective July 1, 2009, with~~ *With* the exception of durable medical equipment, *respite services, or other family support services,* regional centers shall not purchase nonrequired services, but may refer a family to a nonrequired service that may be available to an eligible infant or toddler or his or her family. *The granting or denial of nonrequired services, with the exception of durable medical equipment, respite services, or other family support services, by a public or private agency is not subject to appeal under this title.*

(f) An annual review, and other periodic reviews, of the individualized family service plan for an infant or toddler and the infant's or toddler's family shall be conducted to determine the degree of progress that is being made in achieving the outcomes specified in the plan and whether modification or revision of the outcomes or services is necessary. The frequency, participants,

purpose, and required processes for annual and periodic reviews shall be consistent with the statutes and regulations under Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and this title, and shall be specified in regulations adopted pursuant to Section 95028. At the time of the review, the parents, legal guardian, or conservator shall provide copies of any health benefit cards under which the consumer is eligible to receive health benefits, including, but not limited to, private health insurance, a health care service plan, Medi-Cal, Medicare, and TRICARE. If the parents, legal guardian, or conservator have no such benefit cards, the regional center shall not use that fact to negatively impact the services that the individual may or may not receive from the regional center.

(g) (1) A regional center shall communicate and provide written materials in the family's native language during the assessment, evaluation, and planning process for the individualized family service plan, as required by Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and implementing regulations, and as required by Sections 11135 to 11139.7, inclusive, and implementing regulations, including providing alternative communication services pursuant to Sections 98210 to 98211, inclusive, of Title 22 of the California Code of Regulations.

(2) The family's native language shall be documented in the individualized family service plan.

SEC. 2. Section 95021 of the Government Code is amended to read:

95021. (a) Notwithstanding any law or regulation to the contrary, any vendor who provides applied behavioral analysis (ABA) services or intensive behavioral intervention services, or both, as defined in subdivision (d), shall:

(1) Conduct a behavioral assessment of each infant or toddler to whom the vendor provides these services.

(2) Design an intervention plan that shall include the service type, number of hours, and parent participation recommended to achieve the goals and objectives of the infant or toddler, as set forth in his or her individualized family service plan (IFSP). The intervention plan shall also set forth the frequency at which the progress of the infant or toddler shall be evaluated and reported.

(3) Provide a copy of the intervention plan to the regional center for review and consideration by the planning team members.

(b) Notwithstanding any law or regulation to the contrary, regional centers shall:

(1) Only purchase ABA services or intensive behavioral intervention services that reflect evidence-based practices, promote positive social behaviors, and ameliorate behaviors that interfere with learning and social interactions.

(2) (A) To the extent feasible, facilitate a parent's or caregiver's participation in ABA or intensive behavioral intervention services for an infant or toddler consumer receiving those services through the provision of additional services and supports, accommodations, or both.

(B) A parent's or caregiver's failure to participate in ABA or intensive behavioral intervention services shall not be used to deny, delay, or reduce the provision of those services.

(3) Not purchase either ABA or intensive behavioral intervention services for purposes of providing respite, day care, or school services.

(4) Discontinue purchasing ABA or intensive behavioral intervention services for an infant or toddler when his or her treatment goals and objectives, as described under subdivision (a), are achieved. ABA or intensive behavioral intervention services shall not be discontinued until the goals and objectives are reviewed and updated as required in paragraph (5) and shall be discontinued only if those updated treatment goals and objectives do not require ABA or intensive behavioral intervention services.

(5) For each infant or toddler, evaluate the vendor's intervention plan and number of service hours for ABA or intensive behavioral intervention no less than every six months, consistent with evidence-based practices. If necessary, the intervention plan's treatment goals and objectives shall be updated and revised.

(6) Not reimburse a parent for participating in a behavioral services treatment program.

(c) For infants and toddlers receiving ABA or behavioral intervention services on July 1, 2009, as part of their IFSP, subdivision (b) shall apply on August 1, 2009.

(d) For purposes of this section the following definitions shall apply:

(1) "Applied behavioral analysis" means the design, implementation, and evaluation of systematic instructional and environmental modifications to promote positive social behaviors and reduce or ameliorate behaviors ~~which~~ *that* interfere with learning and social interaction.

(2) "Intensive behavioral intervention" means any form of applied behavioral analysis that is comprehensive, designed to address all domains of functioning, and provided in multiple settings for no more than 40 hours per week, across all settings, depending on the individual's needs and progress. Interventions can be delivered in a one-to-one ratio or small group format, as appropriate.

(3) "Evidence-based practice" means a decisionmaking process ~~which~~ *that* integrates the best available scientifically rigorous research, clinical expertise, and individual's characteristics. Evidence-based practice is an approach to treatment rather than a specific treatment. Evidence-based practice promotes the collection, interpretation, integration, and continuous evaluation of valid, important, and applicable individual- or family-reported, clinically-observed, and research-supported evidence. The best available evidence, matched to infant or toddler circumstances and preferences, is applied to ensure the quality of clinical judgments and facilitates the most cost-effective care.

(4) "Parent" has the same meaning as defined in paragraph (15) of subdivision (b) of Section 52000 of Title 17 of the California Code of Regulations.

(5) "Parent participation" shall include, but shall not be limited to, the following meanings:

(A) Completion of group instruction on the basics of behavior intervention.

(B) Implementation of intervention strategies according to the intervention plan.

(C) If needed, collection of data on behavioral strategies and submission of ~~that~~ *those* data to the provider for incorporation into progress reports.

(D) Participation in any needed clinical meetings.

(E) Purchase of suggested behavior modification materials or community involvement if a reward system is used.

SEC. 3. Section 4502.1 of the Welfare and Institutions Code is amended to read:

4502.1. (a) The right of individuals with developmental disabilities to make choices in their own lives requires that all public or private agencies receiving state funds for the purpose of serving persons with developmental disabilities, including, but not limited to, regional centers, shall respect the choices made by consumers or, if appropriate, their parents, legal guardian, conservator, or authorized representative. Those public or private agencies shall provide consumers with opportunities to exercise decisionmaking skills in any aspect of day-to-day living and shall provide consumers with relevant information in an understandable form to aid the consumer in making his or her choice.

(b) A regional center shall provide information in a manner that is culturally and linguistically appropriate for the consumer, or, when appropriate, the consumer's parents, legal guardian, conservator, or authorized representative, including providing alternative communication services, as required by Article 9.5 (commencing with Section 11135) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code and the regulations implementing that article.

SEC. 4. Section 4646.45 is added to the Welfare and Institutions Code, immediately following Section 4646.4, to read:

4646.45. At the time of development of the initial individual program plan, as described in subdivision (c) of Section 4646, and at least annually thereafter at the beginning of an individual program plan meeting or at an annual review of the individual program plan, the regional center shall provide to the consumer and, when appropriate, his or her parents, legal guardian, conservator, or authorized representative, written information describing ~~all of the following and~~ the process for obtaining ~~each exception or exemption:~~ *both of the following:*

(a) The exception described in subdivision (d) of Section 4648.35.

~~(b) The exemption described in subdivision (c) of Section 4648.5.~~

~~(c)~~

(b) The exemption described in subdivision (d) of Section 4648.55.

~~(d) The exemption described in subparagraph (A) of paragraph (3) of subdivision (a) of Section 4686.5.~~

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SEC. 5. Section 4646.5 of the Welfare and Institutions Code is amended to read:

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

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

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

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

(4) When developing an individual program plan for a transition age youth or working age adult, the planning team shall consider the Employment First Policy described in Chapter 14 (commencing with Section 4868).

(5) A schedule of the type and amount of services and supports to be purchased by the regional center or obtained from generic agencies or other resources in order to achieve the individual program plan goals and objectives, and identification of the

provider or providers of service responsible for attaining each objective, including, but not limited to, vendors, contracted providers, generic service agencies, and natural supports. The individual program plan shall specify the approximate scheduled start date for services and supports and shall contain timelines for actions necessary to begin services and supports, including generic services. In addition to the requirements of subdivision (h) of Section 4646, each regional center shall offer, and upon request provide, a written copy of the individual program plan to the consumer, and, when appropriate, his or her parents, legal guardian or conservator, or authorized representative within 45 days of their request in a threshold language, as defined by paragraph (3) of subdivision (a) of Section 1810.410 of Title 9 of the California Code of Regulations.

(6) At the time of development of the initial individual program plan, as described in subdivision (c) of Section 4646, and at least annually thereafter at the beginning of an individual program plan meeting or at an annual review of the individual program plan, the regional center shall provide a consumer and, when appropriate, his or her parents, legal guardian, conservator, or authorized representative a list of services provided by the regional center and written information about the appeal procedure established under Chapter 7 (commencing with Section 4700) and the complaint process described in Section 4731.

(7) At the end of the individual program plan meeting, the regional center shall provide a consumer and, when appropriate, his or her parents, legal guardian, conservator, or authorized representative a written list of agreed-upon services and supports, including the amount and anticipated start date, and a list of any requested services and supports for which final agreement has not yet been reached and for which there will be a subsequent program plan meeting pursuant to subdivision (f) of Section 4646.

(8) When agreed to by the consumer, the parents, legally appointed guardian, or authorized representative of a minor consumer, or the legally appointed conservator of an adult consumer or the authorized representative, including those appointed pursuant to subdivision (a) of Section 4541, subdivision (b) of Section 4701.6, and subdivision (e) of Section 4705, a review of the general health status of the adult or child, including medical, dental, and mental health needs, shall be conducted. This review

shall include a discussion of current medications, any observed side effects, and the date of the last review of the medication. Service providers shall cooperate with the planning team to provide any information necessary to complete the health status review. If any concerns are noted during the review, referrals shall be made to regional center clinicians or to the consumer's physician, as appropriate. Documentation of health status and referrals shall be made in the consumer's record by the service coordinator.

(9) (A) The development of a transportation access plan for a consumer when all of the following conditions are met:

(i) The regional center is purchasing private, specialized transportation services or services from a residential, day, or other provider, excluding vouchered service providers, to transport the consumer to and from day or work services.

(ii) The planning team has determined that a consumer's community integration and participation could be safe and enhanced through the use of public transportation services.

(iii) The planning team has determined that generic transportation services are available and accessible.

(B) To maximize independence and community integration and participation, the transportation access plan shall identify the services and supports necessary to assist the consumer in accessing public transportation and shall comply with Section 4648.35. These services and supports may include, but are not limited to, mobility training services and the use of transportation aides. Regional centers are encouraged to coordinate with local public transportation agencies.

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

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

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

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

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

~~SEC. 6. Section 4648.6 of the Welfare and Institutions Code is amended to read:~~

~~4648.6. (a) The department, in consultation with stakeholders, shall develop an alternative service delivery model that provides an Individual Choice Budget for obtaining quality services and supports which provides choice and flexibility within a finite budget that in the aggregate reduces regional center purchase of service expenditures, reduces reliance on the state general fund, and maximizes federal financial participation in the delivery of services. The individual budget will be determined using a fair, equitable, transparent standardized process.~~

~~(b) (1) (A) By March 31, 2018, the department shall provide a written report to the Legislature regarding the status of the Individual Choice Budget, and a projected timeframe for fully reinstating the services suspended pursuant to Section 4648.5 and for making the restrictions on services described in Section 4686.5 ineffective.~~

~~(B) A report submitted pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.~~

~~(2) The requirement for submitting a report imposed under paragraph (1) is inoperative on January 1, 2022, pursuant to Section 10231.5 of the Government Code.~~

SEC. 6. Section 4648.5 of the Welfare and Institutions Code is repealed.

~~4648.5. (a) Notwithstanding any other provision of law or regulations to the contrary, effective July 1, 2009, a regional~~

~~centers' authority to purchase the following services shall be suspended pending implementation of the Individual Choice Budget and certification by the Director of Developmental Services that the Individual Choice Budget has been implemented and will result in state budget savings sufficient to offset the costs of providing the following services:~~

~~(1) Camping services and associated travel expenses.~~

~~(2) Social recreation activities, except for those activities vendored as community-based day programs.~~

~~(3) Educational services for children three to 17, inclusive, years of age.~~

~~(4) Nonmedical therapies, including, but not limited to, specialized recreation, art, dance, and music.~~

~~(b) For regional center consumers receiving services described in subdivision (a) as part of their individual program plan (IPP) or individualized family service plan (IFSP), the prohibition in subdivision (a) shall take effect on August 1, 2009.~~

~~(c) An exemption may be granted on an individual basis in extraordinary circumstances to permit purchase of a service identified in subdivision (a) when the regional center determines that the service is a primary or critical means for ameliorating the physical, cognitive, or psychosocial effects of the consumer's developmental disability, or the service is necessary to enable the consumer to remain in his or her home and no alternative service is available to meet the consumer's needs.~~

SEC. 7. Section 4648.6 of the Welfare and Institutions Code is repealed.

~~4648.6. The department, in consultation with stakeholders, shall develop an alternative service delivery model that provides an Individual Choice Budget for obtaining quality services and supports which provides choice and flexibility within a finite budget that in the aggregate reduces regional center purchase of service expenditures, reduces reliance on the state general fund, and maximizes federal financial participation in the delivery of services. The individual budget will be determined using a fair, equitable, transparent standardized process.~~

SEC. 8. Section 4648.7 is added to the Welfare and Institutions Code, to read:

4648.7. (a) By March 31, 2018, the department shall convene a task force to develop a purchase of services budget and allocation methodology based on consumer needs.

(b) The task force shall include the department and stakeholders, including representatives of all of the following:

(1) Consumers and families that reflect the ethnic and language diversity of regional center consumers.

(2) Regional centers.

(3) Advocates.

(4) Providers.

(5) The protection and advocacy agency, as defined in Section 4900.

(6) The State Council on Developmental Disabilities, as described in Section 4520.

(c) (1) (A) The task force shall submit a report of its recommendations on implementing the methodology described in subdivision (a) to the Legislature by August 31, 2018.

(B) A report submitted pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(2) The requirement for submitting a report imposed under paragraph (1) is inoperative on January 1, 2022, pursuant to Section 10231.5 of the Government Code.

~~SEC. 7.~~

SEC. 9. Section 4659 of the Welfare and Institutions Code is amended to read:

4659. (a) Except as otherwise provided in subdivision (b) or (e), the regional center shall identify and pursue all possible sources of funding for consumers receiving regional center services. These sources shall include, but not be limited to, both of the following:

(1) Governmental or other entities or programs required to provide or pay the cost of providing services, including Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, school districts, and federal supplemental security income and the state supplementary program.

(2) Private entities, to the maximum extent they are liable for the cost of services, aid, insurance, or medical assistance to the consumer.

(b) Any revenues collected by a regional center pursuant to this section shall be applied against the cost of services prior to use of

regional center funds for those services. This revenue shall not result in a reduction in the regional center's purchase of services budget, except as it relates to federal supplemental security income and the state supplementary program.

(c) Effective July 1, 2009, notwithstanding any other law or regulation, regional centers shall not purchase any service that would otherwise be available from Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, In-Home Support Services, California Children's Services, private insurance, or a health care service plan when a consumer or a family meets the criteria of this coverage but chooses not to pursue that coverage. If, on July 1, 2009, a regional center is purchasing that service as part of a consumer's individual program plan (IPP), the prohibition shall take effect on October 1, 2009.

(d) (1) Effective July 1, 2009, notwithstanding any other law or regulation, a regional center shall not purchase medical or dental services for a consumer three years of age or older unless the regional center is provided with documentation of a Medi-Cal, private insurance, or a health care service plan denial and the regional center determines that an appeal by the consumer or family of the denial does not have merit. If, on July 1, 2009, a regional center is purchasing the service as part of a consumer's IPP, this provision shall take effect on August 1, 2009. At the time of development of the initial individual program plan, as described in subdivision (c) of Section 4646, and at least annually thereafter at the beginning of an individual program plan meeting or at an annual review of the individual program plan, the regional center shall provide a written description of the denial documentation consumers and families are required to provide pursuant to this paragraph. In order to ensure that there are no gaps in the provision of services and supports, regional centers shall pay for medical or dental services identified, pursuant to subdivision (d) of Section 4646 and paragraph (5) of subdivision (a) of Section 4646.5, as necessary to implement the consumer's individual program plan during the following periods:

(A) While coverage is being pursued, but before a denial is made.

(B) Pending a final administrative decision on the administrative appeal if the family has provided to the regional center a verification that an administrative appeal is being pursued.

(C) Until the commencement of services by Medi-Cal, private insurance, or a health care service plan.

(2) When necessary, the consumer or family may receive assistance from the regional center, the Clients' Rights Advocate funded by the department, or the state council in pursuing these appeals.

(e) This section shall not impose any additional liability on the parents of children with developmental disabilities, or to restrict eligibility for, or deny services to, any individual who qualifies for regional center services but is unable to pay.

(f) In order to best utilize generic resources, federally funded programs, and private insurance programs for individuals with developmental disabilities, the department and regional centers shall engage in the following activities:

(1) Within existing resources, the department shall provide training to regional centers, no less than once every two years, in the availability and requirements of generic, federally funded and private programs available to persons with developmental disabilities, including, but not limited to, eligibility requirements, the application process and covered services, and the appeal process.

(2) Regional centers shall disseminate information and training to all service coordinators regarding the availability and requirements of generic, federally funded, and private insurance programs on the local level.

~~SEC. 8.~~

SEC. 10. Section 4686.2 of the Welfare and Institutions Code is amended to read:

4686.2. (a) Notwithstanding any law or regulation to the contrary, any vendor who provides applied behavioral analysis (ABA) services, or intensive behavioral intervention services or both, as defined in subdivision (d), shall:

(1) Conduct a behavioral assessment of each consumer to whom the vendor provides these services.

(2) Design an intervention plan that shall include the service type, number of hours, and parent participation recommended to achieve the consumer's goals and objectives, as set forth in the consumer's individual program plan (IPP) or individualized family service plan (IFSP). The intervention plan shall also set forth the

frequency at which the consumer's progress shall be evaluated and reported.

(3) Provide a copy of the intervention plan to the regional center for review and consideration by the planning team members.

(b) Notwithstanding any law or regulation to the contrary, regional centers shall:

(1) Only purchase ABA services or intensive behavioral intervention services that reflect evidence-based practices, promote positive social behaviors, and ameliorate behaviors that interfere with learning and social interactions.

(2) (A) To the extent feasible, facilitate a parent's or caregiver's participation in ABA or intensive behavioral intervention services for a minor consumer receiving those services through the provision of additional services and supports, accommodations, or both.

(B) A parent's or caregiver's failure to participate in ABA or intensive behavioral intervention services shall not be used to deny, delay, or reduce the provision of those services.

(3) Not purchase either ABA or intensive behavioral intervention services for purposes of providing respite, day care, or school services.

(4) Discontinue purchasing ABA or intensive behavioral intervention services for a consumer when the consumer's treatment goals and objectives, as described under subdivision (a), are achieved. ABA or intensive behavioral intervention services shall not be discontinued until the goals and objectives are reviewed and updated as required in paragraph (5) and shall be discontinued only if those updated treatment goals and objectives do not require ABA or intensive behavioral intervention services.

(5) For each consumer, evaluate the vendor's intervention plan and number of service hours for ABA or intensive behavioral intervention no less than every six months, consistent with evidence-based practices. If necessary, the intervention plan's treatment goals and objectives shall be updated and revised.

(6) Not reimburse a parent for participating in a behavioral services treatment program.

(c) For consumers receiving ABA or behavioral intervention services on July 1, 2009, as part of their IPP or IFSP, subdivision (b) shall apply on August 1, 2009.

(d) For purposes of this section the following definitions shall apply:

(1) "Applied behavioral analysis" means the design, implementation, and evaluation of systematic instructional and environmental modifications to promote positive social behaviors and reduce or ameliorate behaviors ~~which~~ *that* interfere with learning and social interaction.

(2) "Intensive behavioral intervention" means any form of applied behavioral analysis that is comprehensive, designed to address all domains of functioning, and provided in multiple settings for no more than 40 hours per week, across all settings, depending on the individual's needs and progress. Interventions can be delivered in a one-to-one ratio or small group format, as appropriate.

(3) "Evidence-based practice" means a decisionmaking process that integrates the best available scientifically rigorous research, clinical expertise, and individual's characteristics. Evidence-based practice is an approach to treatment rather than a specific treatment. Evidence-based practice promotes the collection, interpretation, integration, and continuous evaluation of valid, important, and applicable individual- or family-reported, clinically-observed, and research-supported evidence. The best available evidence, matched to consumer circumstances and preferences, is applied to ensure the quality of clinical judgments and facilitates the most cost-effective care.

(4) "Parent participation" shall include, but shall not be limited to, the following meanings:

(A) Completion of group instruction on the basics of behavior intervention.

(B) Implementation of intervention strategies, according to the intervention plan.

(C) If needed, collection of data on behavioral strategies and submission of ~~that~~ *those* data to the provider for incorporation into progress reports.

(D) Participation in any needed clinical meetings.

(E) Purchase of suggested behavior modification materials or community involvement if a reward system is used.

SEC. 11. Section 4686.5 of the Welfare and Institutions Code is repealed.

4686.5. (a) Effective July 1, 2009, notwithstanding any other provision of law or regulation to the contrary, all of the following shall apply:

(1) A regional center may only purchase respite services when the care and supervision needs of a consumer exceed that of an individual of the same age without developmental disabilities.

(2) A regional center shall not purchase more than 21 days of out-of-home respite services in a fiscal year nor more than 90 hours of in-home respite services in a quarter, for a consumer.

(3) (A) A regional center may grant an exemption to the requirements set forth in paragraphs (1) and (2) if it is demonstrated that the intensity of the consumer's care and supervision needs are such that additional respite is necessary to maintain the consumer in the family home, or there is an extraordinary event that impacts the family member's ability to meet the care and supervision needs of the consumer.

(B) For purposes of this section, "family member" means an individual who:

(i) Has a consumer residing with him or her.

(ii) Is responsible for the 24-hour care and supervision of the consumer.

(iii) Is not a licensed or certified residential care facility or foster family home receiving funds from any public agency or regional center for the care and supervision provided. Notwithstanding this provision, a relative who receives foster care funds shall not be precluded from receiving respite.

(4) A regional center shall not purchase day care services to replace or supplant respite services. For purposes of this section, "day care" is defined as regularly provided care, protection, and supervision of a consumer living in the home of his or her parents, for periods of less than 24 hours per day, while the parents are engaged in employment outside of the home or educational activities leading to employment, or both.

(5) A regional center shall only consider in-home supportive services a generic resource when the approved in-home supportive services meets the respite need as identified in the consumer's individual program plan (IPP) or individualized family service plan (IFSP).

~~(b) For consumers receiving respite services on July 1, 2009, as part of their IPP or IFSP, subdivision (a) shall apply on August 1, 2009.~~

~~(c) This section shall remain in effect until implementation of the individual choice budget pursuant to Section 4648.6 and certification by the Director of the Department of Developmental Services that the individual choice budget has been implemented and will result in state budget savings sufficient to offset the costs associated with the repeal of this section. This section shall be repealed on the date of certification.~~

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EMPLOYMENT FIRST COMMITTEE

DRAFT

Employment First Committee (EFC) Meeting Minutes

May 3, 2017

Member Present:	Absent:	Other Attending
Denyse Curtright (DDS)	None	Aaron Carruthers
Elena Gomez (DOR)		Bob Giovati
Sarah Isaacs (DRC)		Vicki Smith
Olivia Raynor (UCLA Tarjan Center UCEDD)		Cindy Chiu
Steve Ruder (UCD MIND Institute UCEDD)		Robin Maitino
Barbara Wheeler (USC UCEDD)		
Jenny Yang (SA)		

1. CALL TO ORDER
   Chairperson Yang called the meeting to order at 10:09 AM.

2. ESTABLISH QUORUM
   A quorum was established.

3. WELCOME/INTRODUCTIONS
   Chairperson Yang welcomed all to the meeting. EFC members and others in attendance introduced themselves.

4. PUBLIC COMMENTS
   None.

5. APPROVAL OF MINUTES
   The minutes for January 12, 2016 were reviewed and approved by the EFC with the following corrections:
   - The date of the minutes to be approved on the agenda change "JANUARY 16, 2016" to "JANUARY 12, 2016"
   - Line 13 on Packet Page 5, change "FTD" to "FTB"

   *M/S/C (Ruder & Curtright) The EFC approved the minutes as amended.
   Abstain: Gomez, Isaacs, and Yang

   The minutes for January 31, 2017 were reviewed and approved by the EFC with the following corrections:
   - Line 29 on Packet Page 11, change "Draft is translated" to "Draft is being translated"

- Line 3 on Packet Page 12, change "guides with the community" to "guides for the community"
- Line 13 on Packet Page 13, change "CAPP" to "CAP"
- Line 19 on Packet Page 19, change "CC&IR Services" to "CC&IR Service numbers" (The number will be provided by EFC Member Gomez)
- Line 26 on Packet Page 19, change "or other options" to "and CIE options"
- Line 1 on Packet Page 20, change "Isaccs" to "Isaacs"
- Line 2 on Packet Page 20, change "to cover various" to "by"
- Line 3 on Packet Page 20, add "for regional center consumers to receive VR services from DOR" following process

M/S/C (Isaacs & Ruder) The EFC approved the minutes as amended.

6. MEMBER CIE ACTIVITIES DISCUSSION
   - The completion of California Competitive Integrated Employment (CA CIE) Blueprint was announced on May 3, 2017, and can be accessed at http://www.chhs.ca.gov/Pages/Competitive-Integrated-Employment-(CIE).aspx.
   - The final CA CIE Blueprint is available in Spanish, Chinese, Armenian, Russian, Vietnamese, and Tagalog. User friendly language of the CA CIE Blueprint will be available after consulting with the DDS CAC (Consumer Advisory Committee).
   - The CA CIE Blueprint Workgroup has been invited to present the information and help establish local partnerships (i.e. building local partnership agreement on well-coordinated funding to provide the needed services, and drafting a joint guidance) statewide.
   - DDS will provide ongoing webinars (e.g. Employment 101) for Regional Center Employment Specialists. It was suggested and noted to make archived webinars accessible online to reach a larger target audience.
   - To sustain and monitor the progress of CA CIE Blueprint activities, an Ad Hoc Committee will meet virtually on an ongoing basis.
   - Governor's TBL Request #631 on age 18-22 paid internships will be reviewed by subcommittee staff and can be acted on at the May Revision hearings. The proposed language will allow regional center consumers that receive educational services to receive regional center funded services that facilitate participation in a paid internship. By allowing regional centers to purchase employment services, an individual could remain in school and participate in a paid internship, thereby maximizing the benefits of both the educational system and experience leading to a CIE.
   - DOR announced the roll out of a statewide weekend work program to provide students with disabilities Pre-Employment Transition Services under WIOA. It is a paid work experience for students who are not participating in TPP (Transition Partnership Program).

- The information was shared regarding EDD issued WIOA MOU Phase I at http://www.edd.ca.gov/jobs_and_training/pubs/wsd15-12.pdf, and Phase II at http://www.edd.ca.gov/jobs_and_training/pubs/wsdd-163.pdf.
- It was suggested to invite EDD Representatives to present on its services for job seekers with disabilities at future EFC meetings.
- DOR shared its active partnerships with the California Workforce Association and the local Workforce Investment Boards to jointly promote CIE under WIOA. DOR announced that its Director will deliver the keynote speech at the 2017 CWA WORKCON at Orange County (OC) on May 10, 2017.
- It was suggested to obtain comprehensive employment services model and/or best practices of Sharon Krause at Sacramento Employment Training Agency to be shared with EFC members.
- DRC shared a pilot helping OCRC (OC Regional Center) consumers access DOR services.
- A concern about the shortage of providers supporting individuals with dual and/or multiple disabilities was discussed.
- http://www.ncsl.org/Portals/1/Documents/employ/Work_Matters_Report.pdf was shared. As stated in its Executive Summary, the "Work Matters" framework is meant as a resource for state policymakers who are interested in systematically exploring a range of state policy options that can ensure a strong, inclusive state workforce development system for students and workers with disabilities.

7. 2016 EFC REPORT
   - The timeline and purpose of the 2016 EFC Report was discussed and clarified.
   - Feedback and suggestions from EFC members:
     - Rearrange the content to enhance clarity and fluid flow
     - Clarify EFC goals, acknowledge CECY's policy priorities, and indicate the continuation of the SCDD partnerships
     - Incorporate the EFC goals into the Executive Summary
     - Keep the plain language version and attach the statutory language as an appendix
   - EFC members responded with the following to the question, "What's the objective to describe EFC?"
     - Critical tipping point
     - Self-determination; self-directive
     - PCP (Person-Centered Planning)
     - Helpful in constructing a meaningful day
     - Hopeful
     - Transformational

- SCDD Executive Director Carruthers received the group consensus to revise the 2016 EFC Report based on his area of expertise in legislative reporting. The draft will be sent to EFC members by 5/19/2017.
- To meet the report deadline, an in-person EFC meeting will be scheduled from 1-5 PM on 7/10/2017.

8. EFC PRIORITY #1: DATA SHARING LEGISLATION
   a. SB 433 Update: got off the Senate Floor on a **37-0** vote on 5/1/2017 and went to the Assembly.
   b. It was noted that the California Employment Data Dashboard needs to be updated.
   c. It was suggested to invite LPPC to share employment related legislative information with EFC.
   d. It was suggested to include public policy on employment as a permanent agenda item.

9. EFC PRIORITY #2: INFORM AND TRAIN INDIVIDUALS AND IDD AND THEIR FAMILIES IN THE EMPLOYMENT FIRST POLICY
   a. SCDD Regional Office Operations Deputy Director (A) Smith briefed EFC members on SCDD Employment Work Plan (i.e. State Plan Goals 2.1, 2.2, and 5.3) and regional office activities reports. It was reported that SCDD Regional Offices use the Train-the-Trainer approach to ensure consistent practices throughout the state. There was a question concerning the activities/objectives did not accurately reflect the statement, "The Council will increase and promote culturally competent strategies..." under Goal 2.1. It was suggested to forward the actual curricula explaining how the activities meet the culturally competent strategies, and to include the up-to-date activity reports under Goals 2.1, 2.2, and 5.3 in the next EFC meeting packet. EFC members were invited to present at the future SCDD Regional Manager meetings.

   b. CIE Blueprint Update: see MEMBER CIE ACTIVITIES DISCUSSION.

   c. AB 1170 (Cooley): to be tabled at the next EFC meeting.
   Status of the bill: the 1st hearing was set, and cancelled at the request of the author on 4/4/2017.

Timeline of this two-year bill: need to have proper bill language around September or early October this year; move to the Assembly floor by the end of January 2018.

d. Role of EFC

Chairperson Yang asked EFC members to continue the discussion at the next meeting focusing on:

1) SCDD Regional Offices provide training on CIE Blueprint;
2) EFC goals; and
3) The 3 priorities of EFC.

10. EFC PRIORITY #3: CONVENE AND ORGANIZE A STAKEHOLDERPROCESS ON MEASUREMENTS AND GOALS

Chairperson Yang requested EFC members to continue the discussion at the next meeting:

1) Review the finalized CIE Blueprint goals and targeted measurable outcomes
2) Help improve CDE data sharing through legislative and public policy push
3) Re-prioritize EFC goals and priorities

EFC Member Curtright will present the establishment of goals, benchmarks, and measurable outcomes for the implementation of CA CIE Blueprint in relation to EFC Goal #1 at the next EFC meeting on 7/10/2017.

11. MEETING DEBRIEF

Chairperson Yang summarized the following action items:

1) Asked the Committee to send suggested agenda items one month prior to the meeting.
2) Advised DDS to make archived webinars accessible online.
3) Advised SCDD staff to update the CA Employment Data Dashboard information on SCDD Webpage.
4) Advised staff to include public policy on employment as a permanent agenda item.
5) Requested staff to invite representatives from EDD and LPPC to present at future EFC meetings.
6) SCDD ED Carruthers will revise the 2016 EFC Report and the draft will be sent to EFC members by 5/19/2017.
7) The next EFC meeting will be 1-5 PM on 7/10/2017 at SCDD HQ.
8) Tabled the following items for the next EFC meeting: AB 1170, EFC role, goals, and top three priorities, and EFC Member Curtright's presentation.

Overall, the Committee felt the meeting was very productive, and shared the following comments.

- Appreciated the meeting structure to allow in-depth discussions.
- Enjoyed learning all the SCDD Regional Office activities.
- Reminded not to forget the past efforts and all the contributing factors of what got us here.
- Thanked for the sharing of resources and the gift of time.
- Suggested to bring in subject matter experts to effectively address the complex issues.
- Thanked for the positive partnerships to help move forward to the right direction.

12. ADJOURN

Meeting adjourned at 2:50 PM.

SECRETARY TASK-FORCE REPORT

CALIFORNIA SCDD

Councilmember Kecia Weller
Developmental Services Task Force
Workgroup on Housing and Employment
May 9, 2017 Meeting Report

On May 9, 2017, I represented the State Council on Developmental Disabilities at Secretary Diana Dooley's Task Force meeting of the workgroup on housing.

We received an update on the Community Placement Plan housing projects that have been completed and under development. I asked for information on the new models, including Enhanced Behavioral Support Homes, Community Crisis Homes, and Transition Homes. I support opportunities for people to live in different ways.

When discussing housing recommendations, I advocated for more rent subsidies. I told them about models like "Home Ownership Made Easy." It's a good model. We need more like this. Section 8 housing is good but it is limited.

Speaking of Section 8, I told them how I am going through recertification. It is bureaucratic. It is stressful. I am not sure I am going to get the forms right. People need help so mistakes don't happen.

We also need housing that is accessible. Some people have to go up stairs to get into a building. This can be hard.

There should be a housing expert at every regional center to help with these issues.

Also, housing must be in safe areas.

All recommendations will be put into a final report. The next full Task Force meeting will be in July 2017. The exact date has not been set.