THE PUBLIC MAY LISTEN IN BY CALLING: 1-800-839-9416
PARTICIPANT CODE: 861-0332

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
EMPLOYMENT FIRST COMMITTEE MEETING
POSTED AT: www.scdd.ca.gov

DATE: March 15, 2018
TIME: 10:00 AM – 4:00 PM

MEETING LOCATION:
SCDD HQ OFFICE
1507 21st Street, Suite 210
Sacramento, CA 95811

COMMITTEE CHAIR: Ning “Jenny” Yang

Item 1. CALL TO ORDER

Item 2. ESTABLISH QUORUM

Item 3. WELCOME AND INTRODUCTIONS

Item 4. PUBLIC COMMENTS
This item is for members of the public only to provide comments and/or present information to the Committee 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.
<table>
<thead>
<tr>
<th>Item</th>
<th>Title</th>
<th>Presenter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>APPROVAL OF OCTOBER 2017 MINUTES</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>6</td>
<td>FEDERAL LEGISLATIVE AND REGULATORY UPDATE</td>
<td>Cindy Smith, SCDD</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>UPDATE AND DISCUSSION ON DATA SHARING LEGISLATION IMPLEMENTATION</td>
<td>Michael Clay, DDS</td>
<td>7</td>
</tr>
<tr>
<td>8</td>
<td>STATE LEGISLATIVE UPDATES FOR 2018</td>
<td>Cindy Smith, SCDD</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Page 9</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>REGIONAL IMPLEMENTATION OF COMPETITIVE INTEGRATED EMPLOYMENT</td>
<td>Vicki Smith, SCDD</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>UPDATE ON CIE BLUEPRINT IMPLEMENTATION</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>2018 EFC PRIORITIES</td>
<td>Cindy Smith, SCDD</td>
<td>35</td>
</tr>
<tr>
<td>12</td>
<td>EMPLOYMENT FIRST REPORT 2017</td>
<td>Cindy Smith, SCDD</td>
<td>37</td>
</tr>
<tr>
<td>13</td>
<td>MEMBER UPDATE AND DEBRIEF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>ADJOURNMENT</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Accessibility:

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 (916) 322-8481. Requests must be received by 5 business days prior to the meeting.

Materials:

Meeting documents and presentations for an agenda item must be submitted to SCDD no later than 2 business days prior to the meeting.
DRAFT
Employment First Committee
Meeting Minutes
October 26, 2017

Attending Members
Denyse Curtright (DDS)
Elena Gomez (DOR)
Ning “Jenny” Yang (SA)
Sarah Issacs (DRC)
Olivia Raynor (UCLA)
Shari Presnall (CDE)

Members Absent
Barbara Wheeler (USC)
Steve Ruder (UCD)

Others Attending
Cindy Chiu
Robin Maitino
Vicki Smith
Aaron Carruthers
Janelle Lewis
Cindy Smith

1. CALL TO ORDER
Chairperson Jenny Yang (SA) called the meeting to order at 10:20 a.m.

2. ESTABLISH QUORUM
A quorum was established.

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

4. PUBLIC COMMENTS
The Employment First Committee thanked Committee member Denyse Curtright for her years of service and congratulated her on her retirement.

5. APPROVAL OF THE JULY 10, 2017 MEETING MINUTES
It was moved/seconded (Gomez/Issacs) and carried to approve the July 10, 2017 meeting minutes as presented. (For: Curtright, Gomez, Yang, Issacs; Abstain: Raynor and Presnall)
6. **FEDERAL LEGISLATIVE AND REGULATORY UPDATE**
   Executive Director Aaron Carruthers and Deputy Director Cindy Smith provided updates on HCBS, Employment, and Education and how the potential cuts/caps to Medicaid will result in a significant impact.

7. **BLUEPRINT IMPLEMENTATION UPDATE**
   Committee member Denyse Curtright provided an in-depth overview of the handbooks entitled “Written Guidance for Creating Local Partnership Agreements” and “Local Partnership Agreement Template.” These handbooks are being used to educate/train local education agencies, DOR, regional centers and other community service providers to prepare people with I/DD for CIE.

   Committee members would like to see the three systems interconnect in order to better serve and prepare people. The ways in which this could happen is through data sharing using an individualized identifying number.

   Committee member Curtright also reported that the Department of Developmental Services (DDS) currently has 13 technical assistance calls setup and are having excellent participation. Disability Rights of California will be listening in on the calls in order to stay aware of trending questions.

8. **REGIONAL IMPLEMENTATION OF COMPETITIVE INTEGRATED EMPLOYMENT (EFC Priority Goal 5.1)**
   Deputy Director Vicki Smith reported on regional employment activities that have occurred since the last meeting. Committee members were pleased with the work being done statewide and talked about different approaches of reporting activities. Committee Chair Jenny Yang invited members to email her directly with any ideas on reporting. They also discussed issues and barriers to CIE and ways the Committee could assist. Committee member Olivia Raynor commented that the five areas in which the data is currently categorized, is more than 25 years old. Members agreed that what is needed is a roadmap to services.

9. **LPPC PROCESS AND PRIORITIES OVERVIEW**
   Legislative and Public Policy Committee (LPPC) Chair Janelle Lewis provided an overview of the process LPPC uses to recommend legislation to the Council. LPPC Chair Lewis conveyed the Committees interest in...
collaborating with the Employment First Committee on future legislative, regulatory, and/or policy changes pertaining to employment.

Members discussed whether or not Assembly Bill 1170 could be used as a vehicle for data sharing legislation. Members provided examples of different methodologies that were already being utilized, including using UCI numbers as a confidential way to share information without violating privacy. Members were also interested in legislative opportunities that focus on monitoring data, the current rate structure, and incentivizing employers. LPPC Chair Lewis took extensive notes and agreed to bring the feedback and recommendations to the LPPC Committee to consider when determining the 2018 Legislative Priority recommendations being put forth to the full Council.

10. **PLANNING AND SELECTION OF 2018 EFC TARGET PRIORITIES**
   Committee members agreed to hold off on determining target priorities until the new year.

11. **EMPLOYMENT FIRST REPORT UPDATE & PLANNING**
    Deputy Director Cindy Smith reported that the 2016 Employment First Report had been completed, delivered, and posted.

    Committee members discussed possible target areas to focus on when preparing the 2017 report. The area of focus will be around policy and partnership building with the first draft being ready for review sometime in April 2018.

12. **MEMBER CIE ACTIVITIES DISCUSSION**
    Members reported on the CIE activities taking place within the UCEDD, DOR, DDS, and DRC systems.

13. **MEETING DEBRIEF**
    The Committee Chair will work with staff to determine the date of the next meeting which will likely take place in February 2018.

14. **ADJOURNMENT**
    Meeting at adjourned at 4:00 p.m.
Expected data transfers between EDD and DDS (contingent on data availability from EDD and contractual agreement between both parties)

Step 1:
DDS sends the following data to EDD to match information with EDD data.

- Consumer social security number
- First name
- Middle initial
- Last name
- DDS unique identifier (UCI)

Step 2:
EDD (utilizing file sent from DDS) sends the following data to DDS. The matched data is held within DDS.

- Consumer social security number
- First name
- Middle initial
- Last name
- DDS UCI
- Year of wages
- Quarterly subject wages
- North American industry classification system (NAICS)
- City
- County code
- State
- Zip code

Step 3:
DDS (utilizing EDD data) adds the following data.

- Consumer social security number
- First name
- Middle initial
- Last name
- DDS UCI
- Service Codes
- Service Providers/Vendor Number
- Regional Center
- Consumer’s age
- Gender
• Ethnicity
• Disability
• Residence
• Year of wages
• Quarterly subject wages
• North American industry classification system (NAICS)
• City
• County code
• State
• Zip code
• Potentially any other POS draw; (i.e. Transportation, Job Coaching utilization)

Data is now available for analysis within DDS. Any possible identifying information is removed before summaries of trends are created.
Sponsored Legislation
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Author</th>
<th>Bill Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB 2171</td>
<td>Frazier (D)</td>
<td>Summary: Would require the Superintendent, the Director of Developmental Services, and the Director of Rehabilitation to develop an interagency agreement that ensures the seamless and coordinated delivery of services and supports to an individual with exceptional needs who is eligible for special education services or who is eligible for services provided by the State Department of Education, the State Department of Developmental Services, or the Department of Rehabilitation for individuals with developmental disabilities. The bill would require the interagency agreement to include specified components and to be submitted to the Legislature on or before January 1, 2020.</td>
</tr>
<tr>
<td>SB 1274</td>
<td>McGuire (D)</td>
<td>Current law generally prohibits county welfare departments and the State Department of Social Services from disclosing records and information concerning the administration of public social services for which grants-in-aid are received from the United States government, such as CalWORKs and CalFresh, and requires that those records and information be kept confidential, except as prescribed. Current law establishes the Employment First Policy, which is the policy that opportunities for integrated, competitive employment be given the highest priority for working-age individuals with developmental disabilities, regardless of the severity of their disabilities. This bill would, notwithstanding the general prohibition above, require the State Department of Social Services to disclose eligibility and enrollment data for the CalWORKs and CalFresh programs to the State Department of Developmental Services to assist that department in the implementation of the Employment First Policy, as specified, to the extent permitted under federal law and regulations.</td>
</tr>
</tbody>
</table>

Goal 2 (Employment): Californians with I/DD and their families reflecting the diversity of the state will have increased information to obtain competitive, integrated employment.
AB 2171  (Frazier D)  Special education and related services: interagency agreements.

Status

2/13/2018 - From printer. May be heard in committee March 15.

Summary

Existing law requires the Superintendent of Public Instruction to develop written interagency agreements, or adopt joint regulations that include responsibilities, in accordance with specified federal law, with the directors of certain state departments, for the provision of special education and related services to individuals with exceptional needs in the state. Existing law requires the Superintendent to develop interagency agreements with other state and local public agencies, as deemed necessary by the Superintendent, to carry out the provisions of state and federal law. This bill would require the Superintendent, the Director of Developmental Services, and the Director of Rehabilitation to develop an interagency agreement that ensures the seamless and coordinated delivery of services and supports to an individual with exceptional needs who is eligible for special education services or who is eligible for services provided by the State Department of Education, the State Department of Developmental Services, or the Department of Rehabilitation for individuals with developmental disabilities. The bill would require the interagency agreement to include specified components and to be submitted to the Legislature on or before January 1, 2020. (Based on text date 2/12/2018)
AB-2171 Special education and related services; Interagency agreements. (2017-2018)

CALIFORNIA LEGISLATURE—2017-2018 REGULAR SESSION

ASSEMBLY BILL No. 2171

Introduced by Assembly Member Frazier

February 12, 2018

An act to amend Section 56475 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL’S DIGEST

AB 2171, as introduced, Frazier. Special education and related services: interagency agreements.

Existing law requires the Superintendent of Public Instruction to develop written Interagency agreements, or adopt joint regulations that include responsibilities, in accordance with specified federal law, with the directors of certain state departments, for the provision of special education and related services to individuals with exceptional needs in the state. Existing law requires the Superintendent to develop Interagency agreements with other state and local public agencies, as deemed necessary by the Superintendent, to carry out the provisions of state and federal law.

This bill would require the Superintendent, the Director of Developmental Services, and the Director of Rehabilitation to develop an interagency agreement that ensures the seamless and coordinated delivery of services and supports to an individual with exceptional needs who is eligible for special education services or who is eligible for services provided by the State Department of Education, the State Department of Developmental Services, or the Department of Rehabilitation for individuals with developmental disabilities. The bill would require the interagency agreement to include specified components and to be submitted to the Legislature on or before January 1, 2020.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 56475 of the Education Code is amended to read:

56475. (a) The Superintendent and the directors of the State Department of Health Care Services, the State Department of Developmental Services, the Department of
Rehabilitation, the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, and the Employment Development Department shall develop written interagency agreements or adopt joint regulations that include responsibilities, in accordance with Section 1412(a)(12) of Title 20 of the United States Code and Section 300.154 of Title 34 of the Code of Federal Regulations, for the provision of special education and related services to individuals with exceptional needs in the State of California.

(b) Consistent with Section 4869 of the Welfare and Institutions Code, the Superintendent, the Director of Developmental Services, and the Director of Rehabilitation shall develop an interagency agreement that ensures the seamless and coordinated delivery of services and supports to an individual with exceptional needs who is eligible for services pursuant to Section 56031 or who is eligible for services provided by the State Department of Education, the State Department of Developmental Services, or the Department of Rehabilitation for individuals with developmental disabilities.

(1) The interagency agreement pursuant to this subdivision shall include all of the following:

(A) A method that will provide the individual, or the individual’s parent, the ability to independently access records of the individual that are held by each department for purposes of sharing this information with other entities, and a description of any other mechanisms that can be used to share information across the three departments.

(B) A comprehensive plan that can be used as a unified plan across the three departments, in furtherance of the goals of the Employment First Policy in Section 4869 of the Welfare and Institutions Code, for all of the following:

(i) Transition planning pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

(ii) The individual program plan pursuant to Section 4646 of the Welfare and Institutions Code.

(iii) The individualized plan for employment pursuant to Section 19104 of the Welfare and Institutions Code.

(C) A plan for strengthening the person-centered planning processes across all three departments, to further the Employment First Policy in Section 4869 of the Welfare and Institutions Code.

(2) On or before January 1, 2020, the Superintendent, the Director of Developmental Services, and the Director of Rehabilitation shall submit the interagency agreement to the Legislature, in compliance with Section 9795 of the Government Code.

(c) The Superintendent shall develop interagency agreements with other state and local public agencies, as deemed necessary by the Superintendent, to carry out the provisions of state and federal law.
SB 1274 (McGuire D) Developmental services: data exchange.

**Status**

2/20/2018 - From printer. May be acted upon on or after March 22.

**Summary**

(1) Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families. Existing law generally requires a recipient of CalWORKs benefits to participate in welfare-to-work activities as a condition of eligibility for aid. Existing federal law also provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Under existing law, the State Department of Social Services is charged with state administration of both of these programs. This bill would, notwithstanding the general prohibition above, require the State Department of Social Services to disclose eligibility and enrollment data for the CalWORKs and CalFresh programs to the State Department of Developmental Services to assist that department in the implementation of the Employment First Policy, as specified, to the extent permitted under federal law and regulations.

This bill contains other related provisions and other existing laws.

(Based on text date 2/16/2018)

**Bill Text**

02/16/2018 Introduced

View Bill Text

**Analysis**

View Analysis

**Votes**

View Votes

**History**

02/20/2018 From printer. May be acted upon on or after March 22.
An act to amend Section 4514 of, and to add Section 10850.6 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL’S DIGEST

SB 1274, as introduced, McGuire. Developmental services: data exchange.

(1) Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families. Existing law generally requires a recipient of CalWORKs benefits to participate in welfare-to-work activities as a condition of eligibility for aid. Existing federal law also provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Under existing law, the State Department of Social Services is charged with state administration of both of these programs.

Existing law generally prohibits county welfare departments and the State Department of Social Services from disclosing records and information concerning the administration of public social services for which grants-in-aid are received from the United States government, such as CalWORKs and CalFresh, and requires that those records and information be kept confidential, except as prescribed.

Existing law establishes the Employment First Policy, which is the policy that opportunities for integrated, competitive employment be given the highest priority for working-age individuals with developmental disabilities, regardless of the severity of their disabilities. Existing law requires various state agencies to disclose specified information to the State Department of Developmental Services to assist the department in the implementation of this policy.
This bill would, notwithstanding the general prohibition above, require the State Department of Social Services to disclose eligibility and enrollment data for the CalWORKs and CalFresh programs to the State Department of Developmental Services to assist that department in the Implementation of the Employment First Policy, as specified, to the extent permitted under federal law and regulations.

(2) Existing law provides that all information and records obtained by the State Department of Developmental Services in the course of providing intake, assessment, and services to persons with developmental disabilities are confidential and may only be disclosed under specified circumstances.

This bill would authorize disclosure of this information as necessary to authorized employees of the State Department of Social Services to enable the State Department of Developmental Services to obtain the CalWORKs and CalFresh eligibility and enrollment data described above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 4514 of the Welfare and Institutions Code is amended to read:

4514. All information and records obtained in the course of providing intake, assessment, and services under Division 4.1 (commencing with Section 4400), Division 4.5 (commencing with Section 4500), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7100) to persons with developmental disabilities shall be confidential. Information and records obtained in the course of providing similar services to either voluntary or involuntary recipients prior to 1969 shall also be confidential. Information and records shall be disclosed only in any of the following cases:

(a) In communications between qualified professional persons, whether employed by a regional center or state developmental center, or not, in the provision of intake, assessment, and services or appropriate referrals. The consent of the person with a developmental disability, or his or her guardian or conservator, shall be obtained before information or records may be disclosed by regional center or state developmental center personnel to a professional not employed by the regional center or state developmental center, or a program not vendored by a regional center or state developmental center.

(b) When the person with a developmental disability, who has the capacity to give informed consent, designates individuals to whom information or records may be released, except that this chapter shall not be construed to compel a physician and surgeon, psychologist, social worker, marriage and family therapist, professional clinical counselor, nurse, attorney, or other professional to reveal information that has been given to him or her in confidence by a family member of the person unless a valid release has been executed by that family member.

(c) To the extent necessary for a claim, or for a claim or application to be made on behalf of a person with a developmental disability for aid, insurance, government benefit, or medical assistance to which he or she may be entitled.

(d) If the person with a developmental disability is a minor, dependent ward, or conservatee, and his or her parent, guardian, conservator, limited conservator with access to confidential records, or authorized representative, designates, in writing, persons to whom records or information may be disclosed, except that this chapter shall not be construed to compel a physician and surgeon, psychologist, social worker, marriage and family therapist, professional clinical counselor, nurse, attorney, or other professional to reveal information that has been given to him or her in confidence by a family member of the person unless a valid release has been executed by that family member.

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

```
Date

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

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

Signed

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

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

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

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

(j) To the attorney for the person with a developmental disability in any and all proceedings upon presentation of a release of information signed by the person, except that when the person lacks the capacity to give informed consent, the regional center or state developmental center director or designee, upon satisfying himself or herself of the identity of the attorney, and of the fact that the attorney represents the person, shall release all information and records relating to the person except that this article shall not be construed to compel a physician and surgeon, psychologist, social worker, marriage and family therapist, professional clinical counselor, nurse, attorney, or other professional to reveal information that has been given to him or her in confidence by a family member of the person unless a valid release has been executed by that family member.

(k) Upon written consent by a person with a developmental disability previously or presently receiving services from a regional center or state developmental center, the director of the regional center or state developmental center, or his or her designee, may release any information, except information that has been given in confidence by members of the family of the person with developmental disabilities, requested by a probation officer charged with the evaluation of the person after his or her conviction of a crime if the regional center or state developmental center director or designee determines that the information is relevant to the evaluation. The consent shall only be operative until sentence is passed on the crime of which the person was convicted. The confidential information released pursuant to this subdivision shall be transmitted to the court separately from the probation report and shall not be placed in the probation report. The confidential information shall remain confidential except for purposes of sentencing. After sentencing, the confidential information shall be sealed.

(l) Between persons who are trained and qualified to serve on "multidisciplinary personnel" teams pursuant to subdivision (d) of Section 18951. The information and records sought to be disclosed shall be relevant to the prevention, identification, management, or treatment of an abused child and his or her parents pursuant to Chapter 11 (commencing with Section 18950) of Part 6 of Division 9.

(m) When a person with a developmental disability dies from any cause, natural or otherwise, while hospitalized in a state developmental center, the State Department of Developmental Services, the physician and surgeon in charge of the client, or the professional in charge of the facility or his or her designee, shall release the patient's medical record to a medical examiner, forensic pathologist, or coroner, upon request. Except for the purposes included in paragraph (8) of subdivision (b) of Section 56.10 of the Civil Code, a medical examiner, forensic pathologist, or coroner shall not disclose any information contained in the medical record obtained pursuant to this subdivision without a court order or authorization pursuant to paragraph (4) of subdivision (c) of Section 56.11 of the Civil Code.

(n) To authorized licensing personnel who are employed by, or who are authorized representatives of, the State Department of Public Health, and who are licensed or registered health professionals, and to authorized legal staff or special investigators who are peace officers who are employed by, or who are authorized representatives of, the State Department of Social Services, as necessary to the performance of their duties to inspect, license, and investigate health facilities and community care facilities, and to ensure that the standards of care and services provided in these facilities are adequate and appropriate and to ascertain compliance with the rules and regulations to which the facility is subject. The confidential information shall remain confidential except for purposes of inspection, licensing, or investigation pursuant to Chapter 2 (commencing with Section 1250) and
Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code, or a criminal, civil, or administrative proceeding in relation thereto. The confidential information may be used by the State Department of Public Health or the State Department of Social Services in a criminal, civil, or administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. Names that are confidential shall be listed in attachments separate to the general pleadings. The confidential information shall be sealed after the conclusion of the criminal, civil, or administrative hearings, and shall not subsequently be released except in accordance with this subdivision. If the confidential information does not result in a criminal, civil, or administrative proceeding, it shall be sealed after the State Department of Public Health or the State Department of Social Services decides that no further action will be taken in the matter of suspected licensing violations. Except as otherwise provided in this subdivision, confidential information in the possession of the State Department of Public Health or the State Department of Social Services shall not contain the name of the person with a developmental disability.

(o) To any board that licenses and certifies professionals in the fields of mental health and developmental disabilities pursuant to state law, when the Director of Developmental Services has reasonable cause to believe that there has occurred a violation of any provision of law subject to the jurisdiction of a board and the records are relevant to the violation. The information shall be sealed after a decision is reached in the matter of the suspected violation, and shall not subsequently be released except in accordance with this subdivision. Confidential information in the possession of the board shall not contain the name of the person with a developmental disability.

(p) (1) To governmental law enforcement agencies by the director of a regional center or state developmental center, or his or her designee, when (1) the person with a developmental disability has been reported lost or missing or (2) there is probable cause to believe that a person with a developmental disability has committed, or has been the victim of, murder, manslaughter, mayhem, aggravated mayhem, kidnapping, robbery, carjacking, assault with the intent to commit a felony, arson, extortion, rape, forcible sodomy, forcible oral copulation, assault or battery, or unlawful possession of a weapon, as provided in any provision listed in Section 16590 of the Penal Code.

(2) This subdivision shall be limited solely to information directly relating to the factual circumstances of the commission of the enumerated offenses and shall not include any information relating to the mental state of the patient or the circumstances of his or her treatment unless relevant to the crime involved.

(3) This subdivision shall not be construed as an exception to, or in any other way affecting, the provisions of Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code, or Chapter 11 (commencing with Section 15600) and Chapter 13 (commencing with Section 15750) of Part 3 of Division 9.

(q) To the Division of Juvenile Facilities and Department of Corrections and Rehabilitation or any component thereof, as necessary to the administration of justice.

(r) To an agency mandated to investigate a report of abuse filed pursuant to either Section 11164 of the Penal Code or Section 15630 of this code for the purposes of either a mandated or voluntary report or when those agencies request information in the course of conducting their investigation.

(s) When a person with developmental disabilities, or the parent, guardian, or conservator of a person with developmental disabilities who lacks capacity to consent, fails to grant or deny a request by a regional center or state developmental center to release information or records relating to the person with developmental disabilities within a reasonable period of time, the director of the regional or developmental center, or his or her designee, may release information or records on behalf of that person provided both of the following conditions are met:

(1) Release of the information or records is deemed necessary to protect the person's health, safety, or welfare.

(2) The person, or the person's parent, guardian, or conservator, has been advised annually in writing of the policy of the regional center or state developmental center for release of confidential client information or records when the person with developmental disabilities, or the person's parent, guardian, or conservator, fails to respond to a request for release of the information or records within a reasonable period of time. A statement of policy contained in the client's individual program plan shall be deemed to comply with the notice requirement of this paragraph.

(t) (1) When an employee is served with a notice of adverse action, as defined in Section 19570 of the Government Code, the following information and records may be released:

(A) All information and records that the appointing authority relied upon in issuing the notice of adverse action.
(B) All other information and records that are relevant to the adverse action, or that would constitute relevant evidence as defined in Section 210 of the Evidence Code.

(C) The information described in subparagraphs (A) and (B) may be released only if both of the following conditions are met:

(i) The appointing authority has provided written notice to the consumer and the consumer's legal representative or, if the consumer has no legal representative or if the legal representative is a state agency, to the clients' rights advocate, and the consumer, the consumer's legal representative, or the clients' rights advocate has not objected in writing to the appointing authority within five business days of receipt of the notice, or the appointing authority, upon review of the objection has determined that the circumstances on which the adverse action is based are egregious or threaten the health, safety, or life of the consumer or other consumers and without the information the adverse action could not be taken.

(ii) The appointing authority, the person against whom the adverse action has been taken, and the person's representative, if any, have entered into a stipulation that does all of the following:

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

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

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

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

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

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

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

(u) To the person appointed as the developmental services decisionmaker for a minor, dependent, or ward pursuant to Section 319, 361, or 726.

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

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

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

(w) When a comprehensive assessment is conducted or updated pursuant to Section 4418.25, 4418.7, or 4648, a regional center is authorized to provide the assessment to the regional center clients' rights advocate, who provides service pursuant to Section 4433.

(x) For purposes of this section, a reference to a "medical examiner, forensic pathologist, or coroner" means a coroner or deputy coroner, as described in subdivision (c) of Section 830.35 of the Penal Code, or a licensed physician who currently performs official autopsies on behalf of a county coroner's office or a medical examiner's office, whether as a government employee or under contract to that office.

(y) To authorized personnel who are employed by the Employment Development Department as necessary to enable the Employment Development Department to provide the information required to be disclosed to the State Department of Developmental Services pursuant to subdivision (ak) of Section 1095 of the Unemployment Insurance Code. The Employment Development Department shall maintain the confidentiality of any information provided to it by the Department of Developmental Services to the same extent as if the Employment Development Department had acquired the information directly.

(z) To authorized personnel who are employed by the State Department of Social Services as necessary to enable the department to provide the information required to be disclosed to the State Department of Developmental Services pursuant to Section 10850.6. The State Department of Social Services shall maintain the confidentiality of any information provided to it by the State Department of Developmental Services to the same extent as if the State Department of Social Services had acquired the information directly.

SEC. 2. Section 10850.6 is added to the Welfare and Institutions Code, to read:

10850.6. Notwithstanding the provisions of Section 10850, the State Department of Social Services shall enable the State Department of Developmental Services to obtain CalWORKs and CalFresh eligibility and enrollment data for consumers served by the State Department of Developmental Services for the purposes of monitoring and evaluating employment outcomes to determine the effectiveness of the Employment First Policy, established pursuant to Section 4689. This information shall be provided to the extent permitted under applicable federal statutes and regulations.
Introduced Legislation
Goal 2 (Employment): Californians with I/DD and their families reflecting the diversity of the state will have increased information to obtain competitive, integrated employment.

<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Author</th>
<th>Bill Summary</th>
<th>Other Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB 2840</td>
<td>Rubio (D)</td>
<td>Summary: Would declare the intent of the Legislature to enact legislation that would create a 5-year pilot program for the purposes of increasing long-term employment opportunities for young adults with autism and other intellectual and developmental disabilities. The bill would also declare the intent of the Legislature that the pilot program be administered by the California Workforce Development Board and accomplish specified goals. Is Urgency: N Is Fiscal: N</td>
<td>Intent Language</td>
</tr>
<tr>
<td>AB 3074</td>
<td>Frazier (D)</td>
<td>Summary: The Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. Current law, until January 1, 2025, requires the department to conduct a 4-year demonstration project to determine whether community-based vocational development services increase integrated competitive employment outcomes and reduce purchase of service costs for working age adults. This bill would make technical, nonsubstantive changes to those provisions. Is Urgency: N Is Fiscal: N</td>
<td></td>
</tr>
<tr>
<td>AB 3127</td>
<td>Acosta (R)</td>
<td>Summary: The Personal Income Tax Law and the Corporation Tax Law allow various credits against the taxes imposed by those laws. This bill, for taxable years beginning on and after January 1, 2019, and before January 1, 2024, would allow a credit under those laws to a qualified employer that pays or incurs to a qualified employee a wage equal to or exceeding the minimum wage during the taxable year, as provided. The bill would define a qualified employee as an individual with a disability who may be paid a special minimum wage under existing state or federal law. Is Urgency: Y Is Fiscal: Y</td>
<td></td>
</tr>
</tbody>
</table>
AB 2840  (Rubio D)  Employment opportunities.

Status

2/17/2018 - From printer. May be heard in committee March 19.

Summary

Existing law establishes various programs for job training and employment development, including, among others, establishing the California Workforce Development Board as the body responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment. This bill would declare the intent of the Legislature to enact legislation that would create a 5-year pilot program for the purposes of increasing long-term employment opportunities for young adults with autism and other intellectual and developmental disabilities. The bill would also declare the intent of the Legislature that the pilot program be administered by the California Workforce Development Board and accomplish specified goals. (Based on text date 2/16/2018)

Bill Text

02/16/2018    Introduced
View Bill Text

Analysis

View Analysis

Votes

View Votes

History

02/17/2018    From printer. May be heard in committee March 19.
02/16/2018    Read first time. To print.

2/21/2018 1:29:14 PM
AB 2840 Employment opportunities. (2017-2018)

CALIFORNIA LEGISLATURE—2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 2840

Introduced by Assembly Member Rubio

February 16, 2018

An act relating to employment.

LEGISLATIVE COUNSEL’S DIGEST

AB 2840, as introduced, Rubio. Employment opportunities.

Existing law establishes various programs for job training and employment development, including, among others, establishing the California Workforce Development Board as the body responsible for assisting the Governor in the development, oversight, and continuous improvement of California’s workforce investment.

This bill would declare the intent of the Legislature to enact legislation that would create a 5-year pilot program for the purposes of increasing long-term employment opportunities for young adults with autism and other intellectual and developmental disabilities. The bill would also declare the intent of the Legislature that the pilot program be administered by the California Workforce Development Board and accomplish specified goals.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. It is the intent of the Legislature to enact legislation that would create a five-year pilot program for the purposes of increasing long-term employment opportunities for young adults with autism and other intellectual and developmental disabilities. It is also the intent of the Legislature that the pilot program would be administered by the California Workforce Development Board, and would accomplish all the following goals:

(a) Create a curriculum to train employers in building workplace capacity for individuals with intellectual and developmental disabilities, in collaboration with stakeholders and direct input from young adults with autism and other disabilities.
(b) Implement free employer trainings to be led by young adults with intellectual and developmental disabilities in three counties in California, based on a developed curriculum.

(c) Provide workforce and higher education stipends to participating young adults with intellectual and developmental disabilities.
AB 3074  (Frazier D) Developmental disabilities.

Status

2/17/2018 - From printer. May be heard in committee March 19.

Summary

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. Existing law, until January 1, 2025, requires the department to conduct a 4-year demonstration project to determine whether community-based vocational development services increase integrated competitive employment outcomes and reduce purchase of service costs for working age adults. This bill would make technical, nonsubstantive changes to those provisions. (Based on text date 2/16/2018)

Bill Text

02/16/2018 Introduced

View Bill Text

Analysis

View Analysis

Votes

View Votes

History

02/17/2018 From printer. May be heard in committee March 19.
02/16/2018 Read first time. To print.
AB-3074 Developmental disabilities. (2017-2018)

CALIFORNIA LEGISLATURE—2017-2018 REGULAR SESSION

ASSEMBLY BILL

No. 3074

Introduced by Assembly Member Frazier

February 16, 2018

An act to amend Section 4850.3 of the Welfare and Institutions Code, relating to developmental disabilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 3074, as introduced, Frazier. Developmental disabilities.

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. Existing law, until January 1, 2025, requires the department to conduct a 4-year demonstration project to determine whether community-based vocational development services increase integrated competitive employment outcomes and reduce purchase of service costs for working age adults.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. Section 4850.3 of the Welfare and Institutions Code is amended to read:

4850.3. (a) The Legislature intends—It is the intent of the Legislature that in order to increase effectiveness and opportunity to gain meaningful integrated competitive employment opportunities, pursuant to paragraph (1) of subdivision (a) of Section 4869, habilitation services shall also provide community-based vocational development services to enhance community employment readiness, develop social skills necessary for successful community employment, and build a network of community and employment opportunities for individuals with developmental disabilities.
(b) The department shall conduct a four-year demonstration project, pursuant to paragraph (1) of subdivision (a) of Section 4869, to determine whether community-based vocational development services increase integrated competitive employment outcomes and reduce purchase of service costs for working age adults.

(1) For purposes of this section,"community-based vocational development services" means all of the following:

(A) Services provided to enhance community employment readiness, which may include the use of discovery and job exploration opportunities.

(B) Social skill development services necessary to obtain and maintain community employment.

(C) Services to use internship, apprenticeship, and volunteer opportunities to provide community-based vocational development skills development opportunities.

(D) Services to access and participate in postsecondary education or career technical education.

(E) Building a network of community and employment opportunities.

(2) If community-based vocational development services are determined to be a necessary step to achieve a supported employment outcome, a plan shall be developed and may include, but is not limited to, all of the following:

(A) An inventory of potential employment interests.

(B) Preferences for types of work environments or situations.

(C) Identification of any training or education needed for the consumer's desired job.

(D) Opportunities to explore jobs or self-employment as a means to meet the consumer's desired employment outcome.

(E) Identification of any personal or family networks the consumer may use to achieve his or her desired employment outcomes.

(3) The habilitation service provider and the regional center shall review the plan developed pursuant to paragraph (2) semiannually to document progress towards objectives, additional barriers, and other changes that impact the consumer's desired employment outcome.

(4) The hourly rate for community-based vocational development services, for the purposes of this section, shall be forty dollars ($40) per hour for a maximum of 75 hours per calendar quarter for all services identified and provided in the community-based vocational development plan as developed pursuant to paragraphs (2) and (3). Prior to the Implementation of community-based vocational development services, the department shall secure federal Medicaid funding for this service.

(5) Hours of participation in community-based vocational development services may be provided in lieu of hours of participation in other community-based day program services, as determined by the consumer's individual program planning team, for up to two years. Community-based vocational development services may be authorized for an additional two years, if the consumer's individual program planning team determines and documents at each semiannual review that the consumer is making significant progress toward the habilitation services objectives. A consumer's participation in community-based vocational development services shall not exceed a total of four years.

(c) The department shall select up to five volunteer regional centers that reflect the geographic diversity of California to participate in the demonstration project.

(d) The department shall publish a notice on the department's Internet Web site when the demonstration project has been implemented.

(e) (1) After conclusion of the demonstration project, the department shall review the effectiveness of the demonstration project and make determinations whether community-based vocational development services—can do all of the following:

(A) Increase employment outcomes; (B) Reduce outcomes.

(B) Reduce purchase of service costs, and (C) may be costs.
(C) Be implemented on a statewide basis.

(2) The department shall notify the appropriate fiscal and policy committees of both houses of the Legislature of the determinations made pursuant to this subdivision.

(f) This section shall be implemented only to the extent that federal financial participation is available and any necessary federal approvals have been obtained.

(g) This section shall remain in effect only until January 1, 2025, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2025, deletes or extends that date.

(g) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.
AB 3127  (Acosta R) Income taxes: credit: employees with disabilities.

Status

2/17/2018 - From printer. May be heard in committee March 19.

Summary

The Personal Income Tax Law and the Corporation Tax Law allow various credits against the taxes imposed by those laws. This bill, for taxable years beginning on and after January 1, 2019, and before January 1, 2024, would allow a credit under those laws to a qualified employer that pays or incurs to a qualified employee a wage equal to or exceeding the minimum wage during the taxable year, as provided. The bill would define a qualified employee as an individual with a disability who may be paid a special minimum wage under existing state or federal law. The credit would be allowed in an amount equal to the difference between the special minimum wage and the minimum wage, multiplied by the hours worked by the qualified employee. The bill would require the Franchise Tax Board to submit a report containing specified data relating to these credits to the Legislature by June 1, 2024.

This bill contains other related provisions.

(Based on text date 2/16/2018)

Bill Text

02/16/2018   Introduced
View Bill Text

Analysis

View Analysis

Votes

View Votes

History

02/17/2018   From printer. May be heard in committee March 19.
02/16/2018   Read first time. To print.
An act to add and repeal Sections 17053.75 and 23675 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL’S DIGEST

AB 3127, as introduced, Acosta. Income taxes: credit: employees with disabilities.

The Personal Income Tax Law and the Corporation Tax Law allow various credits against the taxes imposed by those laws.

This bill, for taxable years beginning on and after January 1, 2019, and before January 1, 2024, would allow a credit under those laws to a qualified employer that pays a qualified employee a wage during the taxable year that equals or exceeds the minimum wage. The bill would define a qualified employee as an individual with a disability who may be paid a special minimum wage under existing state or federal law. The credit would be allowed in an amount equal to the difference between the special minimum wage and the minimum wage, multiplied by the hours worked by the qualified employee. The bill would require the Franchise Tax Board to submit a report containing specified data relating to these credits to the Legislature by June 1, 2024.

This bill would take effect immediately as a tax levy.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 17053.75 is added to the Revenue and Taxation Code, to read:

17053.75. (a) For taxable years beginning on or after January 1, 2019, and before January 1, 2024, there shall be allowed a credit against the "net tax," as defined by Section 17039, in an amount as set forth in subdivision (b), to a qualified employer that pays a qualified employee a wage during the taxable year that equals or exceeds the minimum wage.
(b) The credit shall be in an amount that is equal to the difference between the special minimum wage paid or incurred to the qualified employee and the minimum wage, multiplied by the number of hours worked by the qualified employee for the qualified employer during the taxable year.

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

(1) "Minimum wage" means the wage established by the Industrial Welfare Commission as provided for in Chapter 1 (commencing with Section 1171) of Part 4 of Division 2 of the Labor Code.

(2) "Qualified employee" means an individual who may be paid a special minimum wage pursuant to Section 214 (c) of Title 29 of the United States Code or Section 1191 or 1191.5 of the Labor Code that is subject to withholding pursuant to Division 6 (commencing with Section 13000) of the Unemployment Insurance Code.

(3) (A) "Qualified employer" means a taxpayer that employs a qualified employee in this state.

(B) In the case of any pass-thru entity, the determination of whether a taxpayer is a qualified employer under this section shall be made at the entity level, and any credit under this section or Section 23675 shall be allowed to the pass-thru entity and passed through to the partners or shareholders in accordance with applicable provisions of this part or Part 11 (commencing with Section 23001). For purposes of this section, the term "pass-thru entity" means any partnership or "S" Corporation.

(d) A qualified employer shall do both of the following:

(1) Obtain from the Industrial Welfare Commission a certification that a qualified employee meets the eligibility requirements of paragraph (2) of subdivision (c). The certification shall include the dollar amount of special minimum wage applicable to each qualified employee.

(2) Retain the certification and provide a copy of it upon request to the Franchise Tax Board.

(e) The Franchise Tax Board may prescribe rules, guidelines, or procedures necessary or appropriate to carry out the purposes of this section. Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to any standard, criterion, procedure, determination, rule, notice, or guideline established or issued by the Franchise Tax Board pursuant to this section.

(f) In the case where any credit allowed by this section exceeds the net "tax," the excess may be carried over to reduce the "net tax" in the following year, and succeeding four years if necessary.

(g) Any deduction otherwise allowed under this part for any amount paid or incurred by the qualified employer upon which the credit is based shall be reduced by the amount of the credit allowed under this section.

(h) On or before June 1, 2024, the Franchise Tax Board shall submit a report to the Legislature in compliance with Section 9795 of the Government Code that contains the following:

(1) The number of Californians with developmental disabilities employed during each year of the operative period of this section and Section 23675.

(2) The number of employers who used and applied for a credit authorized by this section and Section 23675 each year.

(3) The number of employees for whom a credit authorized by this section and Section 23675 was claimed.

(i) This section shall remain in effect only until December 1, 2024, and as of that date is repealed.

SEC. 2. Section 23675 is added to the Revenue and Taxation Code, to read:

23675. (a) For taxable years beginning on or after January 1, 2019, and before January 1, 2024, there shall be allowed a credit against the "tax," as defined by Section 23036, in an amount as set forth in subdivision (b), to a qualified employer that pays a qualified employee a wage during the taxable year that equals or exceeds the minimum wage.

(b) The credit shall be in an amount that is equal to the difference between the special minimum wage paid or incurred to the qualified employee and the minimum wage, multiplied by the number of hours worked by the qualified employee for the qualified employer during the taxable year.

(c) For purposes of this section, the following definitions shall apply:
(1) "Minimum wage" means the wage established by the Industrial Welfare Commission as provided for in Chapter 1 (commencing with Section 1171) of Part 4 of Division 2 of the Labor Code.

(2) "Qualified employee" means an individual who may be paid a special minimum wage pursuant to Section 214 (c) of Title 29 of the United States Code or Section 1191 or 1191.5 of the Labor Code that is subject to withholding pursuant to Division 6 (commencing with Section 13000) of the Unemployment Insurance Code.

(3) (A) "Qualified employer" means a taxpayer that employs a qualified employee in this state.

(B) In the case of any pass-thru entity, the determination of whether a taxpayer is a qualified employer under this section shall be made at the entity level, and any credit under this section or Section 17053.75 shall be allowed to the pass-thru entity and passed through to the partners in accordance with applicable provisions of this part or Part 10 (commencing with Section 17001). For purposes of this section, the term "pass-thru entity" means any partnership.

(d) A qualified employer shall do both of the following:

(1) Obtain from the Industrial Welfare Commission a certification that a qualified employee meets the eligibility requirements of paragraph (2) of subdivision (c). The certification shall include the dollar amount of special minimum wage applicable to each qualified employee.

(2) Retain the certification and provide a copy of it upon request to the Franchise Tax Board.

(e) The Franchise Tax Board may prescribe rules, guidelines, or procedures necessary or appropriate to carry out the purposes of this section. Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to any standard, criterion, procedure, determination, rule, notice, or guideline established or issued by the Franchise Tax Board pursuant to this section.

(f) In the case where any credit allowed by this section exceeds the "tax," the excess may be carried over to reduce the "tax" in the following year, and succeeding four years if necessary.

(g) Any deduction otherwise allowed under this part for any amount paid or incurred by the qualified employer upon which the credit is based shall be reduced by the amount of the credit allowed under this section.

(h) On or before June 1, 2024, the Franchise Tax Board shall submit a report to the Legislature in compliance with Section 9795 of the Government Code that contains the following:

(1) The number of Californians with developmental disabilities employed during each year of the operative period of this section and Section 17053.75.

(2) The number of employers who used and applied for a credit authorized by this section and Section 17053.75 each year.

(3) The number of employees for whom a credit authorized by this section and Section 17053.75 was claimed.

(i) This section shall remain in effect only until December 1, 2024, and as of that date is repealed.

SEC. 3. It is the intent of the Legislature to comply with Section 41 of the Revenue and Taxation Code.

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the California Constitution and shall go into immediate effect.
ISSUE: Employment First Committee Goals and Priorities

BACKGROUND: The Employment First Committee is responsible for identifying and promoting strategies that increase the number of individuals with intellectual and/or developmental disabilities who engage in competitive integrated employment. To assist the Committee in determining its priorities, EFC adopted CECY’s 15 goals with multiple topic areas.

ANALYSIS/DISCUSSION: In October 2017, EFC was presented with a spreadsheet containing the status of each of the goals and priorities previously adopted by the Committee. Following their review, they requested that staff go back and revise the layout of the spreadsheet into topical goal areas.

Pursuant to that request, the goals and priorities contained within the attached spreadsheet have been re-numbered and categorized. No other content was changed from the prior versions. The goal for this meeting is to review the table, determine if any revisions need to be made to the stated goals and their status, and determine which goal(s), EFC wants to pursue in 2018.

COUNCIL STRATEGIC PLAN OBJECTIVE: State Plan Goal 2, Objective 1 and 2.

PRIOR COMMITTEE ACTIVITY: October 26, 2017.

RECOMMENDATION(S): Determine which goal, EFC wants to pursue in 2018, and the best strategies for accomplishing the goal.

ATTACHMENTS(S): Revised Goals and Priorities Spreadsheet

PREPARED BY: Cindy Smith and Robin Maitino
## EFC Current Goals and Priorities

<table>
<thead>
<tr>
<th>Priority Number</th>
<th>Priority</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal: Improve Data on CIE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Establish goals, benchmarks, and measurable outcomes for the implementation of the Employment First Policy</td>
<td>In Progress</td>
</tr>
<tr>
<td>2</td>
<td>Pass Data sharing legislation with EDD</td>
<td>Accomplished</td>
</tr>
<tr>
<td>3</td>
<td>Convene and organize a stakeholder process on measurements and goals</td>
<td>In Progress</td>
</tr>
<tr>
<td><strong>Goal: Create Financial Incentives for CIE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Align and incentivize funding for CIE</td>
<td>In Progress</td>
</tr>
<tr>
<td>5</td>
<td>Incentivize CIE by increasing the rate for Individual Placement in Supported Employment Programs (SEP)</td>
<td>Accomplished</td>
</tr>
<tr>
<td><strong>Goal: Transition from Sheltered Work to CIE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Phase out sheltered work and subminimum wage</td>
<td>In Progress</td>
</tr>
<tr>
<td>7</td>
<td>California should commit to stop new placements of individuals with I/DD in sheltered work</td>
<td>Accomplished</td>
</tr>
<tr>
<td>8</td>
<td>Establish bridge funding for sheltered work facilities to transition to CIE</td>
<td>Remaining</td>
</tr>
<tr>
<td><strong>Goal: Address Legislative Barriers Regarding Day Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Repeal trailer bill language prohibiting Regional Center day services for students 18-22 years old</td>
<td>Remaining</td>
</tr>
<tr>
<td>10</td>
<td>Address barrier in the trailer bill language prohibiting Regional Center day services for students 18-22</td>
<td>Remaining</td>
</tr>
<tr>
<td><strong>Goal: Support Families to Better Understand CIE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Raise and align expectations toward CIE</td>
<td>In Progress</td>
</tr>
<tr>
<td>12</td>
<td>Inform and train individuals with I/DD and their families in the Employment First Policy</td>
<td>In Progress</td>
</tr>
<tr>
<td>13</td>
<td>Develop model training curriculum for special education students that includes Employment First</td>
<td>In Progress</td>
</tr>
<tr>
<td><strong>Goal: Improve Benefits Planning</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Improve availability of benefits planning information</td>
<td>In Progress</td>
</tr>
<tr>
<td>15</td>
<td>Develop a tool on benefits planning resources</td>
<td>Accomplished</td>
</tr>
</tbody>
</table>
ISSUE: 2017 Employment First Report Focus

BACKGROUND: Pursuant to California Welfare and Institutions Code Section 4868 (e), the Employment First Committee (EFC) of the State Council on Developmental Disabilities (the Council) shall produce an annual report to the Legislature describing its work and recommendations. One of the major policy achievements in 2017 was the issuance of the CIE Blueprint to implement the Employment First Policy.

The Employment First Policy (AB 1041) states the EFC is required by July 1, to “provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations”

ANALYSIS/DISCUSSION: On October 26, 2017, EFC met to discuss, what 2017 accomplishes and recommendations the Committee would like to focus on in the 2017 report. Committee members engaged in a discussion around the areas of achievement and progress made in several areas including, data sharing and policy and partnership building. The Committee agreed to make policy and partnership the target focus, making next steps in the process be developing recommendations to include.

COUNCIL STRATEGIC PLAN OBJECTIVE: State Plan Goal 2, Objective 1 and 2.

PRIOR COMMITTEE ACTIVITY: EFC met October 26, 2017, and agreed to have the 2017 Employment First Committee’s report be focused on policy and partnership building. It was further agreed to have the first draft completed by April 2018.


ATTACHMENTS(S): None

PREPARED: Cindy Smith and Robin Maitino, February 7, 2018