



NOTICE/AGENDA

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COUNCIL MEETING NOTICE/AGENDA

POSTED AT: www.scdd.ca.gov

DATE: March 20, 2018

TIME: 10:00 AM – 5:00 PM

MEETING LOCATION:

Crowne Plaza Sacramento Northeast
5321 Date Avenue
Sacramento, CA 95841

COUNCIL CHAIR:

April Lopez

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 two minutes to speak. Written requests, if any, will be considered first.

Item 6. CHAIR REPORT

Item 7. EXECUTIVE DIRECTOR REPORT

Page 15

A. 2018 Federal Programs and Landscape

STAFF REPORTS

- A. Deputy Director of Policy Report
 - B. Deputy Director Regional Office Operations Report
 - C. CRA/VAS Update Report
 - D. Developmental Center Closure Update
 - E. QA Project Update Report
-

Item 8. CLOSED SESSION – INFORMATION ITEM

Discussion regarding the appointment, employment, and evaluation of performance of a civil service Council employee. (See Government Code section 11126(a)(1).)

Presented by: Neill

Item 9. RECONVENE OPEN SESSION

Pursuant to Government Code Section 11126.3, there will be an announcement of any action(s) taken during closed session.

Presented by: Neill

Item 10. REVIEW OF POLICIES AND PROCEDURES

Item 11. LPPC RECOMMENDATIONS ON INTRODUCED BILLS

Page 41



Presented by Janelle Lewis (FA) and Cindy Smith, Deputy Director of Policy

A. Sponsored Legislation

<u>Bill Number</u>	<u>Author</u>
AB 2171	Frazier
SB 1274	McGuire

Item 11. LPPC RECOMMENDATIONS (CONTINUED)

B. Other Introduced Legislation

1. Goal 4 (Health & Safety)

<u>Bill Number</u>	<u>Author</u>	<u>Position</u>
AB 2331	Weber	Support
AB 2430	Arambula	Support

2. Goal 5 (Early Intervention, Educaiton, Transition & Post-Secondary Education)

<u>Bill Number</u>	<u>Author</u>	<u>Position</u>
AB 2291	Chiu	Support
AB 2657	Weber	Support

3. Goal 6 (Formal & Informal Community Supports)

<u>Bill Number</u>	<u>Author</u>	<u>Position</u>
AB 1909	Nazarian	Support
AB 2244	Acosta	Support
AB 2587	Levine	Support
AB 2623	Holden	Support
AB 3158	Mathis	Oppose
AB 3200	Kalra	Support

Item 12. EXECUTIVE DIRECTOR SALARY 

Item 13. DISABILITY SPOTLIGHT: CEREBRAL PALSY

Item 14. REVIEW OF DRAFT SCDD 2018-19 BUDGET Page 101
Presented by: Aaron Carruthers, Executive Director

Item 15. SPONSORSHIP REQUESTS  Page 107
A. Disability Sports Festival
B. Exceptional Family Center

Item 16. SECRETARY'S TASK FORCE REPORT

Item 17. COMMITTEE REPORTS

Page 123

- C. Executive Committee Update
 - 1. Travel Policy 
 - 2. Sexual Harassment Training Policy 
 - D. Administrative Committee
 - E. Membership Committee
 - F. Legislative & Public Policy Committee
 - G. Employment First Committee
 - H. Self-Advocates Advisory Committee
 - I. State Self-Determination Advisory Committee
-
-

Item 18. NEXT MEETING DATE & ADJOURNMENT

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.

**APPROVAL OF
JANUARY 2018
MINUTES**



DRAFT

**Council Meeting Minutes
January 18, 2018**

Members Present

Alfredo Rubalcava (FA)
Andrea Vergne (FA)
April Lopez (FA)
Carmela Garnica (FA)
Catherine Blakemore
Charles Nutt (SA)
David Forderer (SA)
Elena Gomez
Eric Gelber
Francis Lau (FA)
Janelle Lewis (FA)
Jonathan Lee
Julie Austin (FA)
Kecia Weller (SA)
Kilolo Brodie (FA)
Kris Kent
Larry Yin
Maria Marquez (SA)
Ning Yang (SA)
Olivia Raynor
Pete Sanchez (FA)
Rebecca Donabed (SA)
Robert Taylor (SA)
Sandra Aldana (SA)
Sandra Smith (FA)
Sarah Eberhardt-Rios
Shari Presnall

Members Absent

Jacqueline Nguyen (FA)
Jeana Eriksen (SA)
Robin Hansen

Others Attending

Aaron Carruthers
Angela Lewis
Carlyn Meshack
Chris Snyder
Cindy Smith
Dena Hernandez
Gabriel Rogin
Joseph Hernandez
Lisa Plank (DOJ)
Lisa Hooks
Mary Ellen Stives
Natalie Bocanegra
Riana Hardin
Rihana Ahmad
Ruby Villanueva
Sarah May
Sarah Wasiak
Sheraden Nicholau
Sonya Bingaman
Vicki Smith
Wayne Glusker
Yolanda Cruz

1. CALL TO ORDER

Chairperson April Lopez (FA) called the meeting to order at 10:12 a.m.

2. ESTABLISHMENT OF QUORUM

Chair Lopez (FA) established a quorum.

Legend:
SA = Self-Advocate
FA = Family Advocate

3. **WELCOME AND INTRODUCTIONS**

Councilmembers and others in attendance introduced themselves.

4. **APPROVAL OF NOVEMBER MEETING MINUTES**

Corrections to page 2, Item 4: "Approval of September Meeting Minutes", Councilmember Aldana (SA) stated she was present for the first closed session vote, not the second closed session. This change is to be reflected on the September Council meeting voting log as well.

Action 1

It was moved/seconded (Nutt [SA]/Weller [SA]) and carried to approve the November 30, 2017 Council meeting minutes with corrections. (See page 8 for the voting record of member's present.)

5. **PUBLIC COMMENT**

None

6. **CHAIR REPORT**

Chair Lopez shared an update on Self-Determination, she stated that DDS and CMS agree that California's waiver is getting stronger and they are optimistic about submitting the waiver by the end of the month.

Chair Lopez explained that the U.S. Department of Justice rescinded some guidelines related to integrated employment. The Council signed onto the National letter that tells the Federal Government why this is concerning.

Chair Lopez spoke of several conversations she has had with the Treasurer's office since November. CalABLE has a new Executive Director, Dante Allen, who is passionate, driven, and comes from Sierra Health Foundation as a Consultant for DPH and Chief of Staff for Kaiser. The Treasurer is planning to launch CalABLE in March. There is an advocacy group, we will need individuals, self-advocates to be part of the group.

7. **CLOSED SESSION – PENDING LITIGATION**

The Council went into closed session.

8. **RECONVENE OPEN SESSION**

Pursuant to Government Code Section 11126.3 (f), the Council reported that there was no action taken in closed session.

9. **CLOSED SESSION – PERSONNEL**

The Council went into closed session.

10. **RECONVENE OPEN SESSION**

Pursuant to Government Code Section 11126.3 (f), the Council reported that there was no action taken in closed session.

11. **EXECUTIVE DIRECTOR REPORT**

Executive Director Aaron Carruthers informed the Council and meeting attendees that Chief Deputy Director Gabriel Rogin has accepted the position of Director of North Bay Regional Center.

Executive Director Carruthers announced that SCDD has been removed from high risk designated status. This is after four years of a Corrective Action Plan (CAP), with the submission of the 11th and final report on December 28, 2017, AIDD removed the “high risk designation” from SCDD’s grant. Executive Director Carruthers expressed gratitude to the Governor, Legislature, State Agency and Departments, Federal Partners, Councilmembers, and Staff for making the needed changes and ensuring that we became compliant with Federal law.

12. **2018-19 GOVERNOR’S PROPOSED BUDGET**

Councilmembers Kristopher Kent and Eric Gelber provided an overview of the Governor’s January Proposed Budget as it relates to persons with developmental disabilities and their families.

This overview highlighted community service programs; developmental centers; and DDS headquarters support. A detailed breakdown of these budget highlights can be found at: <http://www.dds.ca.gov/Budget/Home.cfm>.

13. **2017 PROGRAM PERFORMANCE REPORT**

Councilmember Sandra Smith and Executive Director Carruthers provided a detailed presentation of the work reported throughout the state that was captured in the 2017 PPR. The presentation included information on the State Plan goals, objectives and activities supporting them, including trainings, events, materials created and distributed, as well as electronic information distributed. The Council reached 2,571,311 individuals through in-person contact, legislative change, eBlast and technical assistance.

Action 2

It was moved/seconded (Aldana [SA]/Lewis [FA]) and carried to approve the 2017 Program Performance Report. (See page 8 for the voting record of member's present.)

14. **CYCLE 41 GRANT PROCESS**

Councilmember Sandra Smith presented the proposed Grant Cycle 41 process outline and timeline to the Council for consideration. The presentation beginning on page 81 of the packet, outlines in detail what the Council's responsibilities are as well as the process used in awarding a grant.

Action 3

It was moved/seconded (Nutt [SA]/Weller [SA]) and carried to approve the funding priorities, process and timeline as presented. (See page 8 for the voting record of member's present.)

15. **CONFLICT OF INTEREST WAIVER REQUESTS**

Staff Counsel Natalie Bocanegra presented the following COI waiver requests to the Council for review and consideration:

Far Northern Regional Center (FNRC) – Board Member Suzette Serrano

Ms. Serrano is a member of the FNRC Board and a FNRC consumer. She works part-time for the We Care A Lot Foundation and ARC of Butte County, as part of her employment services received through the regional center.

Action 4

It was moved/seconded (Forderer [SA]/Nutt [SA]) and carried to approve Ms. Serrano's waiver request, provided she does not participate in any decision that impacts her employers and also complies with requirements of W&I Code Section 4622(k), since the proposed plan otherwise mitigates the opportunity for a resulting conflict of interest. (See page 8 for the voting record of member's present.)

Westside Regional Center (WRC) – Board Member Elizabeth Espinosa

Ms. Espinosa is a member of the WRC Board. She is employed by 24 Hour Homecare, a WRC vendor, to provide personal assistance services solely to her brother who is a regional center consumer.

Action 5

It was moved/seconded (Nutt [SA]/Forderer [SA]) and carried to approve Ms. Espinosa's waiver request, provided she also complies with the requirements of W&I Code Section 4622(k), since the proposed plan otherwise mitigates the opportunity for a resulting conflict of interest. (See page 8 for the voting record of member's present.)

Westside Regional Center (WRC) – Zoe Giesberg

Ms. Giesberg is a member of the WRC Board. She is employed as a Community Outreach Assistant by Focus on All Child Therapies (FACT), a regional center provider. FACT provides Behavior Management Services, Counseling Services, Community Integration Services and Supported Living Services.

Action 6

It was moved/seconded (Nutt [SA]/Marquez [SA]) and carried to approve Ms. Giesberg's waiver request, provided she also complies with the requirements of W&I Code Section 4622(k), since the proposed plan otherwise mitigates the opportunity for a resulting conflict of interest. (See page 9 for the voting record of member's present.)

Westside Regional Center (WRC) – Board Member Betty Pearson-Grimble

Ms. Pearson-Grimble is a member of the WRC Board. Her daughter is employed by Premier Healthcare Services (Premier), a regional center provider, to provide respite care and day care services solely to Ms. Pearson-Grimble's son, a regional center consumer.

Action 7

It was moved/seconded (Nutt [SA]/Donabed [SA]) and carried to approve Ms. Pearson-Grimble's waiver request, since the proposed plan otherwise mitigates the opportunity for a resulting conflict of interest. (See page 9 for the voting record of member's present.)

16. SPONSORSHIP REQUEST

Care Parent Network

Care Parent Network requested a sponsorship in the amount of \$990 for their Autism Star Conference, a biennial conference for families of children (birth to 16 years old) with autism in the San Francisco Bay area, primarily Contra Costa and Alameda Counties. The event will be held on March 17,

2018 in Pleasant Hill, CA. SCDD funds would be used to offset the cost of translation of conference materials into Spanish and the cost of translators at the conference.

Action 8

It was moved/seconded (Nutt [SA]/Weller [SA]) and carried to award sponsorship funding in the amount of \$990 to the Care Parent Network in order to offset translation costs. (See page 9 for the voting record of member's present.)

Family Voices of California

Family Voices of California requested a sponsorship in the amount of \$999 for their 2018 Annual Health Summit, an annual event for families and consumers with special needs to hear from State Administration representatives, legislators, staff, and advocates about critical health policy issues that affect their children and communities. The event will be held on February 26, 2018 in Sacramento, CA. SCDD funds would be used to offset the cost of meeting room rental fees and materials for the youth/young adult track.

Action 9

It was moved/seconded (Weller[SA]/Nutt [SA]) and carried to award sponsorship funding in the amount of \$999 to the Family Voices of California in order to offset meeting room and materials costs. (See page 9 for the voting record of member's present.)

17. SECRETARY'S TASK FORCE REPORT

Councilmember Kecia Weller (SA) provided a summary to the Council highlighting the December 14, 2018 meeting. Members discussed DDS Disparities Funding grants, STAR homes, the DDS Vendor Rate Study, and Self-Determination. Councilmember Weller informed meeting attendees that Secretary Diana Dooley announced it was her last Task Force meeting.

18. STATEWIDE SELF-ADVOCACY NETWORK

Meeting attendees were directed to the packet for the Statewide Self-Advocacy Network report.

19. **COMMITTEE REPORTS**

- A. Executive Committee: Meeting attendees were directed to the packet for the Executive Committee report.
- B. Membership Committee: Committee Chair April Lopez (FA) provided an update on the Membership Committee's work on reviewing applications for Council, RAC, and Self-Determination Advisory Committee. A question was raised regarding SCDD Committee appointments, and the process. Chair Lopez stated that a statement would be sent out regarding each committee, what's involved, the time commitment, in order to find out what everyone is interested in.
- C. State Plan Committee: Committee Chair Sandra Smith (FA) provided a summary of the December 12, 2017 meeting, and announced the next meeting will be April 10, 2018, 11:00AM – 2:00PM.
- D. Self-Advocates Advisory Committee: Committee Chair David Forderer (SA) provided a summary of the January 17, 2018 meeting.
- E. Administrative Committee: Committee Chair Charles Nutt (SA) provided a summary of the January 17, 2018 meeting.
- F. Statewide Self-Determination Advisory Committee: Chair Lopez provided an update, explaining that work is being done to plan the next Statewide meeting. A meeting is expected to occur in March.

20. **ADJOURNMENT**

The next meeting is on March 20, 2018 at the Crowne Plaza Hotel in Sacramento. The meeting was adjourned at 3:30p.m.

Name	Action 1	Action 2	Action 3	Action 4	Action 5
Aldana, Sandra	For	For	For	For	For
Austin, Julie	For	For	For	For	For
Blakemore, Catherine	Abstain	Not Present	Not Present	Not Present	Not Present
Brodie, Klolo	For	For	For	For	For
Donabed, Rebecca	For	Not Present	For	For	For
Eberhardt-Rios, Sarah	For	For	For	Abstain	Abstain
Forderer, David	For	For	For	For	For
Garnica, Carmela	For	For	For	For	For
Gelber, Eric	Abstain	For	For	Abstain	Abstain
Gomez, Elena	For	For	For	Abstain	Abstain
Kent, Kris	For	For	For	For	For
Lau, Francis	For	For	For	For	For
Lee, Jonathan	For	For	For	Not Present	Not Present
Lewis, Janelle	For	For	For	For	For
Lopez, April	For	For	For	For	For
Marquez, Maria	Abstain	For	For	For	For
Nutt, Charles	For	For	For	For	For
Presnall, Shari	For	For	For	For	For
Raynor, Olivia	For	For	For	Abstain	Abstain
Rubalcava, Alfredo	For	For	For	For	For
Sanchez, Pedro	Abstain	For	For	For	For
Smith, Sandra	For	For	For	For	For
Taylor, Robert	Abstain	For	For	For	For
Vergne, Andrea	For	For	For	For	For
Weller, Kecia	For	For	For	For	Abstain
Yang, Ning	For	For	For	For	For
Yin, Larry	For	For	For	For	For

Legend:
SA = Self-Advocate
FA = Family Advocate

Name	Action 6	Action 7	Action 8	Action 9
Aldana, Sandra	For	For	For	For
Austin, Julie	For	For	For	For
Blakemore, Catherine	Not Present	Not Present	Not Present	Not Present
Brodie, Kllolo	For	For	For	For
Donabed, Rebecca	For	For	For	For
Eberhardt-Rios, Sarah	Abstain	Abstain	For	Abstain
Forderer, David	For	For	For	For
Garnica, Carmela	For	For	For	For
Gelber, Eric	Abstain	Abstain	For	For
Gomez, Elena	Abstain	Abstain	For	For
Kent, Kris	Abstain	For	For	For
Lau, Francis	For	For	For	For
Lee, Jonathan	Not Present	Abstain	For	For
Lewis, Janelle	Abstain	For	For	For
Lopez, April	For	For	For	For
Marquez, Maria	For	For	For	For
Nutt, Charles	For	For	For	For
Presnall, Shari	For	For	For	For
Raynor, Olivia	Abstain	Abstain	For	For
Rubalcava, Alfredo	For	For	For	For
Sanchez, Pedro	For	For	For	For
Smith, Sandra	For	For	For	For
Taylor, Robert	For	For	For	For
Vergne, Andrea	For	For	For	For
Weller, Kecia	Abstain	Abstain	For	For
Yang, Ning	For	For	For	For
Yin, Larry	For	For	For	For

STAFF REPORTS



REPORT FROM
Vicki L. Smith
DEPUTY DIRECTOR, REGIONAL OFFICE OPERATIONS
TIME PERIOD: January 01, 2018 to February 28, 2018

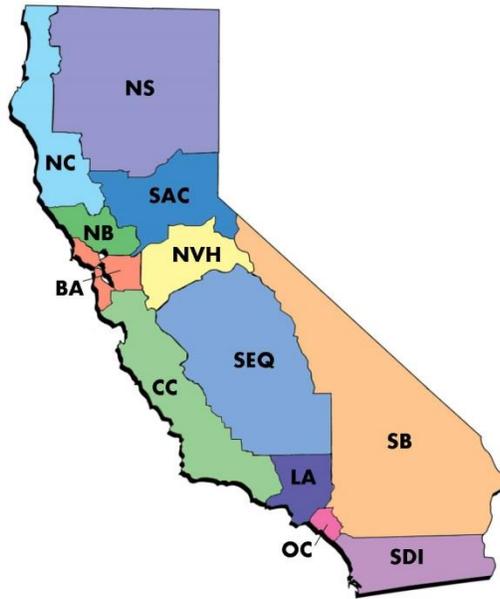
The Deputy Director of Regional Office Operations (DDROO) provides leadership and supervision to the SCDD regional offices and the planning team at Headquarters (which monitors, prepares and reports on the SCDD State Plan).

Regional Operations:

- The twelve regional SCDD offices: Managers finalized the State Plan Work Plan for the next 3 years and it will be presented to the State Plan Committee in April. They had been promoting the Cycle 41 Grants for the SCDD (regional grants) and will be a part of the scoring panel for those grants (due March 6, 2018).
- I am very proud to welcome Christofer Arroyo as the new Manager for your Los Angeles Regional Office. We have recently held interviews for the following regional office vacancies: North Coast Regional Manager and San Bernardino Quality Assessment Coordinator (Part-time QA). We are scheduled for March interviews for Los Angeles Community Program Specialist II (QA), and a Community Program Specialist II (BSG). We have a current posting open for the North Valley Hills Community Program Specialist II (BSG) and once it closes we will work with Human Resources to screen and schedule those interviews for April. Needless to say, we have been very busy with HR on the hiring front.

Planning Team:

- Regarding the development, monitoring, assessment and analysis of the SCDD State Plan, the Planning Team continues to work on the Program Performance Report (PPR) for the 1st year accomplishments of the State Plan. The Administration for Intellectual and Developmental Disabilities delayed the reporting for October 1, 2016 through September 30, 2017. We continue to gather and analyze all the data so that when the reporting platform becomes available from AIDD we are able to input without delay.



Highlights of State Plan Activities (full version posted at www.scdd.ca.gov)
REGIONAL OFFICE AND HEADQUARTER ACTIVITIES FOR:

<u>REGIONAL OFFICE (RO)</u>	<u>MANAGER</u>
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)	Christofer Arroyo
Orange County (OCRO)	Scarlett VonThenen
San Bernardino (SBRO)	Tamica Fooks-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.

- SCDD staff provided a 2-hour training about self-determination (entitled "Autodeterminación: ¿Qué Es? Como Es Diferente de Los Servicios Tradicionales? Será Adecuado Para Mí?") in Spanish on 1/19/18 to parents of children with developmental disabilities. There were 16 attendees and the presentation included, but was not limited to, information about self-determination; the role of the facilitator, financial management service, local self-determination advisory committees, the statewide self-determination advisory committee, and others involved in self-determination; the current status of self-determination; the development of the budget and how to get more bang for your buck; what services may be purchased through self-determination and a discussion of the CMS New Rules; how self-determination differs from traditional services; actions that can be taken now to prepare for self-determination; and how to determine if self-determination may be appropriate for someone. Pre- and post-test results indicated there was significant improvement in the understanding of the subject material by attendees. Lastly, SCDD staff distributed a save the date flyer for a one-day conference supported and sponsored by the SCDD Los Angeles Office as well as a flyer for a seminar conducted by SCDD Los Angeles staff and the University of Southern California's University Center for Excellence on Developmental Disabilities (USC UCEDD) pertaining to regional center disparities. (1/19/18)(16 FA/1 ORG)

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.

- SCDD staff participated in the Self-Determination Conference entitled "Welcome to Your Community" on January 27, 2018 at the ELKS Lodge in Santa Ana, CA. SCDD Orange County was one of the guest agencies represented that day and it was well-attended by around 48 consumers and 35 family members, support staff and professionals. RCOC provided the Self-Determination Informational Training, Coastline Community College presented on their upcoming trade-specific certification classes and SCDD

Orange County Staff presented a summary of the 2017 Self-Advocacy topics covered at the monthly Integrity House meeting. OCRO, gave out handouts at resource table (listed in 4.1 and 6.3). Additionally, five new people were added to the SCDD Orange County email list. (48 SA/10 FA/25 OTH/5 ORG)

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.

- SCDD staff provided technical assistance to the San Bernardino County Workforce Development Board Special Populations Committee meeting held in San Bernardino, CA. Staff provided technical assistance to the group on how to better partner with Workforce Development and improve their services to persons with I/DD in support of competitive integrated employment (CIE). It was discussed that clear identification of the individuals served by special populations needs to be better defined to better serve the group and report on systemic concerns for the I/DD population, so that members can understand the needs of persons with I/DD and educate the employers that participate with the group. Participants in the meeting are the Workforce Development Board, County of San Bernardino, SCDD, Inland Regional Center, Autism Society of the Inland Empire, Goodwill Industries, (3) Employers from the community, Rolling Start of San Bernardino (ILC) The purpose of this group is to increase and promote culturally competent strategies and resources that facilitate competitive integrated employment for persons with a disability throughout the Inland Empire area. The next meeting will be held on March 21, 2018. (3 FA/20 OTH/7 ORG)

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.

- SCDD staff participated and provided SCDD updates at the Regional Association of Service Providers meeting that covers Lake, Mendocino, Humboldt, and Del Norte Counties. Service providers discuss agency issues, promote increasing employment opportunities for people with I/DD and discuss any legislation affecting their programs. Agencies provide updates on issues regarding new employment rules, HCBS, emergency disaster response, Behavior Management, staffing issues and other topics of interest to the group. Redwood Coast gave an update new requirements, CIE, the Paid Internship Program and asked for requests for training from Dr. Lucy

Esralu from service providers. In attendance were 21 people from various agencies. (21 OTH/13 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.

- SCDD staff participated in a roundtable for people with developmental disabilities to discuss the different types of community living options. The roundtable was held at the Creative Center in Visalia, where a total of 100 clients, 15 staff and 12 parents were present. The Sequoia Office discussed the types of community living options available in the City of Visalia. Representatives spoke about housing issues and a non-profit housing program was present to obtain information on the needs of the consumers. This is going to help us all come up with an on-going work group to come up with ideas to assist people with disabilities. (100 SA/12 FA/15 OTH/2 ORG)

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

- SCDD staff attended the quarterly Residential Vendor Forum at Alta CA Regional Center. This Forum was attended by 40 residential care providers and 10 regional center staff. Topics addressed included: HCBS Transition Funding, CalABLE, CCL Email Alerts, P&I Handbook updates. Reimbursement rates for 1:1 services in care homes. HIPAA agreements and Special Incident Reporting to DRC. By attending these Forums, staff is able to meet and talk with residential providers, learn of current trends, issues, and challenges in providing residential supports, and offer SCDD's assistance with trainings and information.

GOAL #3.3: 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 housing for people with I/DD.

- SCDD staff, in Berkeley, provided testimony re the need for housing for people with I/DD in Berkeley as well as the greater Alameda County area. This was a council meeting that covered the appeal of the 2517 San Pablo project, which has 12 set-asides intended for low and very-low income residents with I/DD. Many community members provided testimony, including those opposed to the project because of the waiver requested and

granted by the zoning adjustment board that waives the newly approved requirement for 40% of set asides to house Section 8 voucher holders and 40% to house Shelter + Care residents. After a lengthy testimony and public comment period, the city council voted unanimously for the project to move forward with the waiver, provided that the project feature an on-site manager, provide a 50% subsidy for laundry for those in BMR units, and that the 'Jr. 1-bedrooms' are re-labeled on all docs and planning forms as other terms that don't include 'bedroom' since Berkeley prefers that units labeled with 'bedroom' in the title must have a window in the bedroom area or room, which not all of the ' Jr. 1-bedroom' units have in this project. BARO spoke with stakeholders and with a couple of councilmembers after the meeting, and offered additional data or info about the housing needs of people with I/DD. (PM 1.3.4 – 6 SA/25 FA/40 OTH)

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.

- SCDD staff provided training to 21 people, 16 SAs and 5 Professionals, on Emergency Preparedness in Gridley, California using the Oroville Dam Evacuation situation. Staff used a power point presentation and provided handouts on "Make and Emergency Kit", "The Five P's of Evacuation", "Personal Medication Card", "Emergency Preparedness Checklists", and "Staying Informed During an Emergency." (16 SA/5 OTH/1 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.

- SCDD staff trained 55 Police Officers from the Sacramento County Sheriff Department as part of their 32-hour Crisis Intervention Team (CIT) Training. About 30 were new recruits, only on the job less than a month. A 3-hour training was completed on Intellectual/and Developmental Disabilities and Law Enforcement. SCDD brochures, ACRC Information Sheet, and a Handout on Tips to Identify and Work with Individuals with Autism were distributed to 55 officers. 20 officers joined our email list. About 6 of the 55 law enforcement personnel were also family members of individuals with developmental disabilities. (PM 1.3.4 – 6 FA/49 OTH)

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.

- SCDD staff met with a physician from Eden Medical Services Group, who is working with Children's Hospital Oakland / Benioff. BARO staff learned more about his proposed project for a comprehensive transition program at the Hospital, and assisted him in mapping out the involved parties and ways his proposal could become a pilot project to show proof of concept before securing funding, using interested parties within and outside of the hospital and existing resources. BARO will also provide follow up TA in relation to areas of questioning this physician had. (PM 1.3.2 – 2 OTH)

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.

- SCDD participates in and hosts the Orange County Child Care Inclusion Collaborative, a subcommittee of the Orange County Child Care and Development Planning Council. This subcommittee met on Tuesday, January 23, 2018 at the SCDD OCRO to discuss the following: Mini-Conference Supporting Positive Behaviors; Inclusion Pathway updates; Inclusive Child Care Program Listings (on Planning Council, Quality Start OC, HMG Toolkit websites); Discussion regarding the Child Care Toolkit hosted on the Help Me Grow website developed by the WE CAN Collaboration (of which OCRO staff is a participant/member); Early Childhood Mental Health Collaborative update regarding project beginning early 2018 to provide direct training to staff and families in need of support; Community Care Licensing updates AB752 (no expulsion from CA State Preschools) and SB401 (indoor space required for child care facilities) and the Emergency Child Care Bridge Program for Foster Care implementation in Orange County. The next Inclusion Collaborative meeting will be on March 27, 2018 at the SCDD Orange County Regional Office (16 OTH/10 ORG)

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.

- SCDD staff has been working with Learning Rights Law Center -- a special education public interest law firm that represents individuals on a pro bono basis and works with underserved communities to expand capacity, train families, and increase access to needed special education services -- to host, participate, and teach as part of their TIGER program. The TIGER program (Training Individuals for Grassroots Education Reform) trains individuals through beginner, intermediate, and advanced courses that lasts 11 months and totals approximately 35 hours of training. Homework is assigned and graded, a curriculum is created and followed, and participants are expected to participate, thrive, and learn about all aspects of special education and services for individuals with developmental disabilities. SCDD Los Angeles Regional Office and Learning Rights Law Center collaborated to have SCDD Los Angeles Regional Office staff teach an "Advanced Plus" course, for topics which Learning Rights Law Center does not possess the expertise but SCDD Los Angeles Regional Office staff do. Over 60 participants will learn about topics such as policies, resources, and services impacting special education, regional center, transition services, and adults' services; how to read and understand bills, the Governor's Proposed Budget, and proposed regulations; person centered planning; disparities in the regional center system. Because almost all of the participants are Spanish-speaking, classes are presented in English and simultaneously translated in Spanish; if no English speakers are present, the class is held in Spanish. Learning Rights Law Center provides the structures, trainees, simultaneous translation services, translation of course materials, refreshments, and snacks while SCDD Los Angeles Regional Office provides the training, expertise, subject content, materials, and operations during class time. On 1/16/17, SCDD Los Angeles Regional Office staff provided training for the first class in the SCDD Los Angeles Office. The training was provided to 21 individuals for three hours in English, with simultaneous translation into Spanish for those who needed it, which was the vast majority of the class. The presentation was entitled, "Regional Centers, School Districts, and More: How to Give Testimony & Influence Public Policy". Topics in the training included how public meetings work,

information about California's Sunshine Laws, how to frame one's message, places to go for policy help, and an exercise where participants write their own comments and provide them to the group for constructive criticism. Pre- and post-tests indicated that attendees demonstrated a significant improvement in their knowledge of the subject. The leveraged funds reflect the simultaneous interpretation and the translation of the classroom materials by Learning Rights Law Center. Lastly, SCDD staff distributed a save the date flyer for a one-day conference supported and sponsored by the SCDD Los Angeles Office as well as a flyer for a seminar conducted by SCDD Los Angeles staff and the University of Southern California's University Center for Excellence on Developmental Disabilities (USC UCEDD) pertaining to regional center disparities. (1 SA/15 FA/5 OTH/1 ORG)

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.

- SCDD staff participates at the San Joaquin County SELIT Meeting (Supported Employment/Living Interagency Team) at the San Joaquin County Office of Education. The SELIT group is made up of educators from a variety of school district and SELPAs, day programs, department of rehabilitation, Family Resource Network, VMRC staff and Young Adult Program teachers. There are 15 agencies, 21 Adult Day programs, 23 School personnel and 14 VMRC Transition Unit staff on the committee. At the meeting on January 30, 2018 -there was a mixture and a total of 40 people in attendance. The teachers in the group discuss any students (no names are used to make sure confidentially it honored) who will be leaving the school system and discuss the options presented to the student. There are also reports given by community members on any upcoming activities-including the CHOICES conference. SCDD NVH brought the SCDD brochure, Self-Determination flyers, CHOICES materials and the SAC6 Area Meeting event info. The next meeting will be in May 3, 2018. (3 FA/37 OTH)

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.

- SCDD staff convened the Mendocino Child Care Planning Council at the County Office of Education in Ukiah CA to review the most current Legislative updates, local funding priorities for preschool by zip codes and reviewed the Voluntary Transfer of Funds proposals to other state funded preschool programs. The group reviewed the draft of the strategic planning activities for the five-year plan and discussed legislative bills to watch, support and or to write letters of support to legislators. Other issues addressed at the meeting were preschool, Pre-kindergarten and child care for the families with children with I/DD. There were 3 handouts distributed: Assembly Bill 2023 Child and Dependent Care Expense Credit, AB 2001 Family Child Care Education Networks and AB 605 Integrated Childcare License. (10 OTH/1FA)

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 met with the federal partners on the regional center purchase-of-services description project. The team decided to revamp the database of descriptions to be more question-and-answer format. Next call is in April to review the descriptions of service codes for ages 0-3, transition 14-22 and adults (in addition to those previously developed). (4ORGs)

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.

- SCDD staff provided a presentation to the "Autism of Imperial" family members and self-advocates. There were 12 people in attendance, but the meeting was done via Facebook live, and is banked for people to review at their leisure, so it is unknown as to how many people will actually receive the

information. During the course of the 2 hours, staff provided an overview of the State Council, who we are, what we do, etc. and brochures were distributed in both English and Spanish. The 2017-2021 State Plan Goals were briefly reviewed, the National Core Indicator Project was explained and a brochure disseminated. The System Change information sheet was distributed, and WIOA, Employment First, the ABLE Act, Self-Determination and HCBS were discussed. The group was very interested in more details about Employment First, so that information was shared. In addition, materials were provided on various upcoming events such as the training series beginning on January 24th with a presentation on Benefits, followed by Self-Determination in February, and Transition in March; the Parent Conference that will be October 6, 2018; "A Night to Remember" coming up on February 9, 2018, and the Imperial Valley Self Advocacy Conference scheduled for March 10, 2018. (2 SA/12 FA)

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.

- SCDD staff co-presented part one of a three-part training on facilitating support groups for 21 attendees in English. Co-presenters included staff from the USC UCEDD (University of Southern California University Center for Excellence on Developmental Disabilities). The training lasted six hours and is designed to increase the expertise and effectiveness of those who facilitate parent support groups. Topics from part 1 include an overview of the peer support group project and support groups, an introduction to support groups, the role of the support group facilitator, effective communication strategies, facilitator skills, active listening, why people attend and leave support groups, and support group logistics. The presentation was interactive. Posttest evaluations were collected by the USC UCEDD and indicated there was a great deal of satisfaction and learning occurring as a result of the training. Lastly, SCDD staff distributed a save the date flyer for a one-day conference on special education supported and

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.

- SCDD staff met with Joel Reyna, field representative for Assembly Member Eggman's office. SCDD staff shared the request from SCDD looking for policy maker in writing and or sponsoring bills on a variety of topics selected by the SCDD Legislative Committee. Mr. Reyna took a packet for Senator Galgiani as well since their offices are next to each other in the Stockton District office. On another topic- Mr. Reyna also agreed to asking the legislators to make a proclamation to the Self Advocacy Council 6 and their 25th Anniversary of meeting as self-advocates. The certificate will be given to SAC6 at their February 2, 2018 celebration. (3 OTH)

Clients' Rights Advocate / Volunteer Advocacy Services



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

Connie Wilson, Office Tech
Judi Muirhead, VAS
CRA 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

6 Census as of February 1, 2018

Sonoma DC	157
Porterville DC	274
Fairview DC	136
Canyon Springs CF	48
Total	657

Project Activity for January and February 2018

Sonoma Developmental Center

SDC continues to place individuals at a steady pace although some delays noted. The skilled nursing program is on pace to place all individuals sooner than predicted. Loss of seasoned staff impacts ability to cross train the community vendors. Transportation for skilled nursing units was disrupted since return from evacuation. More appropriate vans have been attained however, they are not in use as of this report. With the reduction in population, several units affected by the fire and smoke closed. Residential units consolidated. VAS and CRA attended 13 IPPs and 91 transition meetings at SDC and 22 transition meetings in the community this period, 2 HRC/BMC meetings, attended court with 5 individuals, attended one Regional Project meeting, reviewed 3 denial of rights, provided 2 employee trainings.

Porterville Developmental Center

SCDD hired a new VAS Coordinator starting February 1, 2018. VAS Coordinator received orientation from SCDD, DDS and cross training with SCDD staff at Fairview DC and Canyon Springs CF. VAS volunteer advocates and Coordinator attended 3 transition and 9 individual program plan meetings in this reporting period. Acting CRA reviewed 7 denial of rights reviews. VAS attended 10 human rights/behavior services committee meetings this period.

Fairview Developmental Center

FDC Staff continue to separate due to impending closure. CRA attended 28 transition mtgs, 5 IPPs or special team meetings; 5 denial of rights meetings, 2 regional project meetings, conducted 6 new employee rights trainings; 8 acute crisis meetings; 6 human rights/behavior support meetings, conducted 1 consumer rights training. Acting VAS Coordinator and advocates attended 22 Transition Planning meetings; 3 IPP and special meetings; 1 denial of right review; CRA assisted with PDC coverage. Recruitment underway to fill vacancy for VAS Coordinator.

Canyon Springs Community Facility

VAS Coordinator and volunteers attended 26 IPP/special team meetings; 6 transition meetings; 2 new client admission meetings, 2 self advocacy meetings. New advocates received orientation from SCDD and CS. VAS assisted with PDC VAS coverage. CRA reviewed 2 denial of rights; participated in 4 IPP meetings, 3 transition meetings, attended 2 human rights meetings, assisted with 1 writ of habeas corpus, facilitated 6 self-advocacy meetings, attended 8 Emerging Risk Notification meetings; assisted 4 clients in court communication, provided 6 rights trainings for CS staff. CS had 3 highly restrictive interventions this reporting period.



Clients' Rights Advocate and Volunteer
Advocacy Services

Developmental Center Closure Update
March 20, 2018

Community Transition Numbers for 2017 and 2018

2017	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	TOTAL number of transitions to community	Dec 1 2017 census
Canyon Springs*	0	2	0	0	0	3	0	0	0	3	2	0	10	45
Fairview	0	4	10	3	12	7	2	3	0	3	3	2	59	141
Porterville*	2	1	2	2	4	6	4	3	4	1	2	6	37	281
Sonoma	11	9	11	7	9	3	1	6	5	44	5	17	191	190

2018	Jan	Feb	TOTAL number of transitions to community for year	Feb 1 2018 census
Canyon Springs*	0	1	1	48
Fairview	3	3	6	136
Porterville*	4	3	7	274
Sonoma	15	14	29	157

**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. Sonoma DC is scheduled to close by December 31, 2018. Fairview Developmental Center is scheduled to close by 2021.*

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

Canyon Springs	CDPH surveyed CS in August 2017. No conditions of participation out pending final findings.
Fairview	CMS settlement agreement extended to December 31 2018 CDPH surveyed ICF on November 1, 2017. CDPH found no conditions of participation out pending final results. Plan of corrections submitted on November 11, 2017.
Porterville	CMS settlement agreement extended to December 31 2018
Sonoma	CMS notified DDS of cancellation of settlement agreement with SDC on 05/13/2016. ICF units were decertified by CMS as of 07/01/2016. CDPH surveyed ICF in December 2017. All conditions met. Plan of corrections submitted.

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 CMS Agreement	Porterville DC – General Treatment Area ICF	Actual ICF Census	Fairview DC ICF	Actual ICF Census
July 2016	105	104	136	128
July 2017	82	80	106	91
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	Transition of in-house trust services at CS is close to completion. Some individuals are admitted to CS without current CA identification card, current insurance information, or medical benefits information. One writ of habeas corpus filed this period.
Fairview	FDC staff continue to separate. Consolidation of another ICF unit occurred in December 2017. CRA involved in all transition meetings. Letters sent to FDC staff potentially impacted by lay offs due to closure sent end of Feb 2018.
Porterville	Recruitment is underway to fill the CRA position. VAS Coordinator hired Feb 1 2018 will be covering CRA duties.
Sonoma	Transition continues at steady pace although some delays in community home openings in recent weeks. Skilled nursing program will consolidate units soon due to faster than anticipated transition of individuals. Decrease in community access noted for SNF clients due to lack of wheel chair accessible vehicles. DDS to acquire more vehicles via contract to increase community access.

SCDD Volunteer Advocacy Services (VAS) community transition current trends

The VAS Project serves approximately 25% 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 serves 42 individuals at CS. VAS Advocates attended meetings for five clients in the community. Two new volunteers trained. VAS is collaborating with CS staff to acquire birth certificates and CA IDs. Advocate is working with CS social worker to create program for in-house DMV visits. Coordinator worked in the community with providers, Regional Center staff and DOR to enhance employment opportunities for CS consumers. Recruitment activities increased as more clients request VAS assistance.
Fairview	VAS Coordinator and advocates attended twenty-two meetings with clients for transition activity. Recruitment efforts underway to fill the VAS Coordinator vacancy.
Porterville	Transition activity into all parts of California noted for General Treatment areas. VAS Coordinator hired on Feb 1 2018. Orientation and cross training provided.
Sonoma	Numerous clients on the VAS program were transitioned early to community placement from fire evacuation site. VAS Coordinator and volunteer advocates continue to follow up transition and care activity for transferred individuals. Advocates attended 101 transition meetings this period both at SDC and in the community. Six VAS consumers transitioned this reporting period. With more SDC staff separating, for many clients VAS advocates retain longest historical knowledge of the client. VAS is collaborating with multiple Regional Centers when clients wish to transition together.

Quality Assessment

A PROJECT OF THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

www.scdd.ca.gov/qap/



In-Person Surveys Continue

Four months into the IPS Cycle, **30% (2,488 interviews)** of In-person Surveys have been completed by approximately 200 independent contractors throughout California, speaking over 15 languages including Spanish, Armenian, Farsi, and Vietnamese .

QA Coordinators continue to support contractors through shadow interviews and technical assistance. Additional online resources are available through the newly created password protected Interviewer Portal that allows access to training videos, manuals, FAQ, forms and survey tools and other valuable resources.

Additionally, SCDD continues to provide interviewer business cards, has expanded the use of badges statewide and added an online Photo Gallery of interviewers so those being surveyed can view the face of the person who will be visiting them before arrival.

Feedback regarding the photo gallery has been especially positive and successful with over 600 page views since it went live at the beginning of the cycle.

For more information on the Quality Assessment Project and National Core Indicators please go to:

www.scdd.ca.gov/qap/

Scan QR Code to go directly to QAP Webpage



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

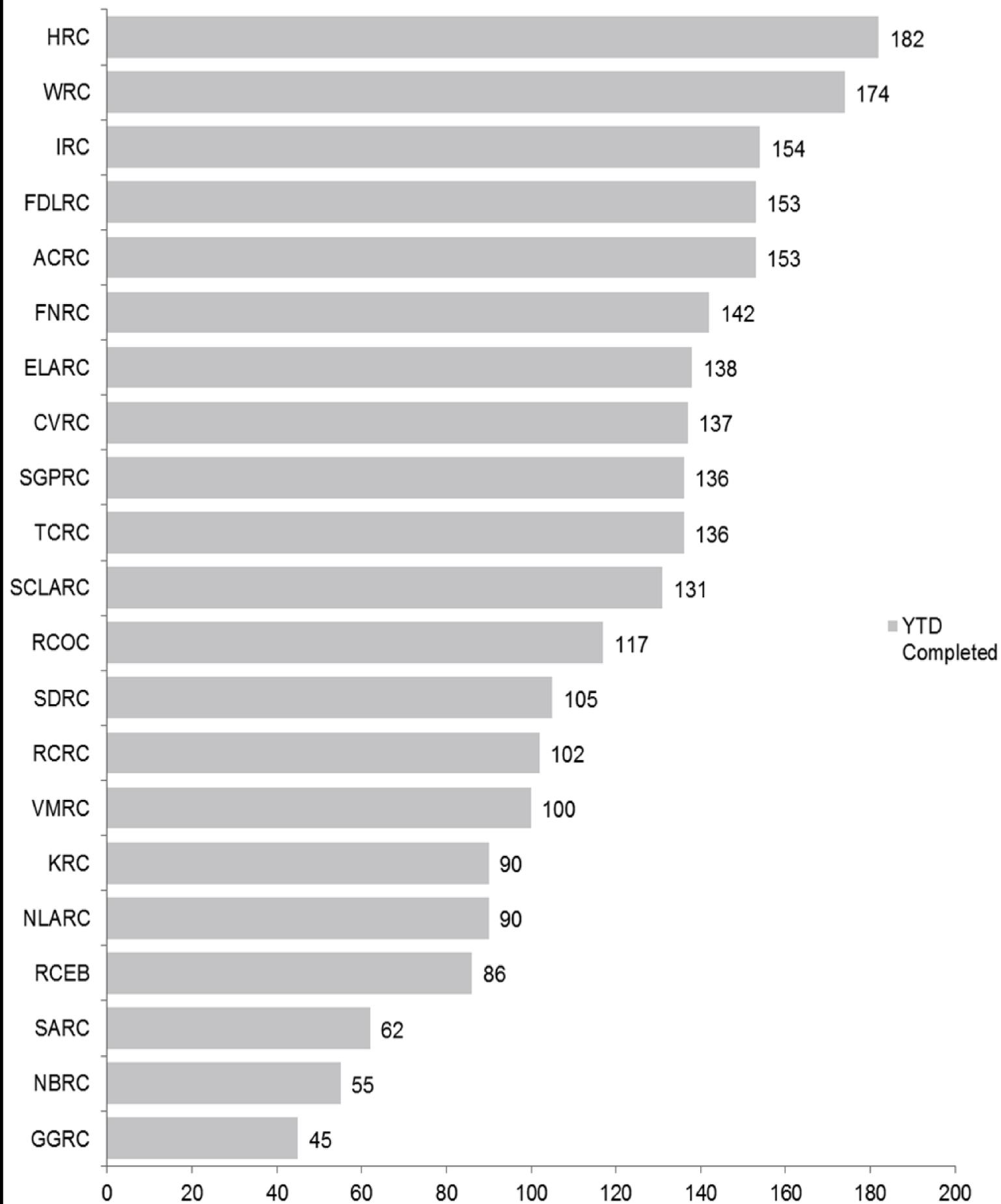
Melody Goodman ▪ Tom Hamlett ▪ Julie Eby-McKenzie
Support Staff: Dinah Pio de Roda ▪ Marina Bchtikian
 East Los Angeles Regional Center
 Frank D. Lanterman Regional Center
 Harbor Regional Center
 North Los Angeles Regional Center
 San Gabriel Pomona Regional Center
 South Central Los Angeles Regional Center
 Westside Regional Center

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

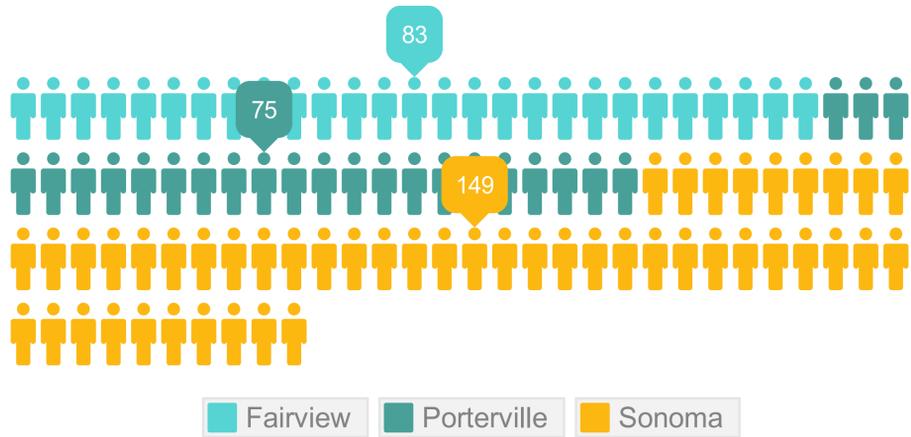
Vacant
 Inland Regional Center
 Tri-Counties Regional Center

IN-PERSON SURVEY (IPS)

**In-Person Survey (IPS)
Year-To-Date Completed (Jan 2018)**



MOVER LONGITUDINAL STUDY

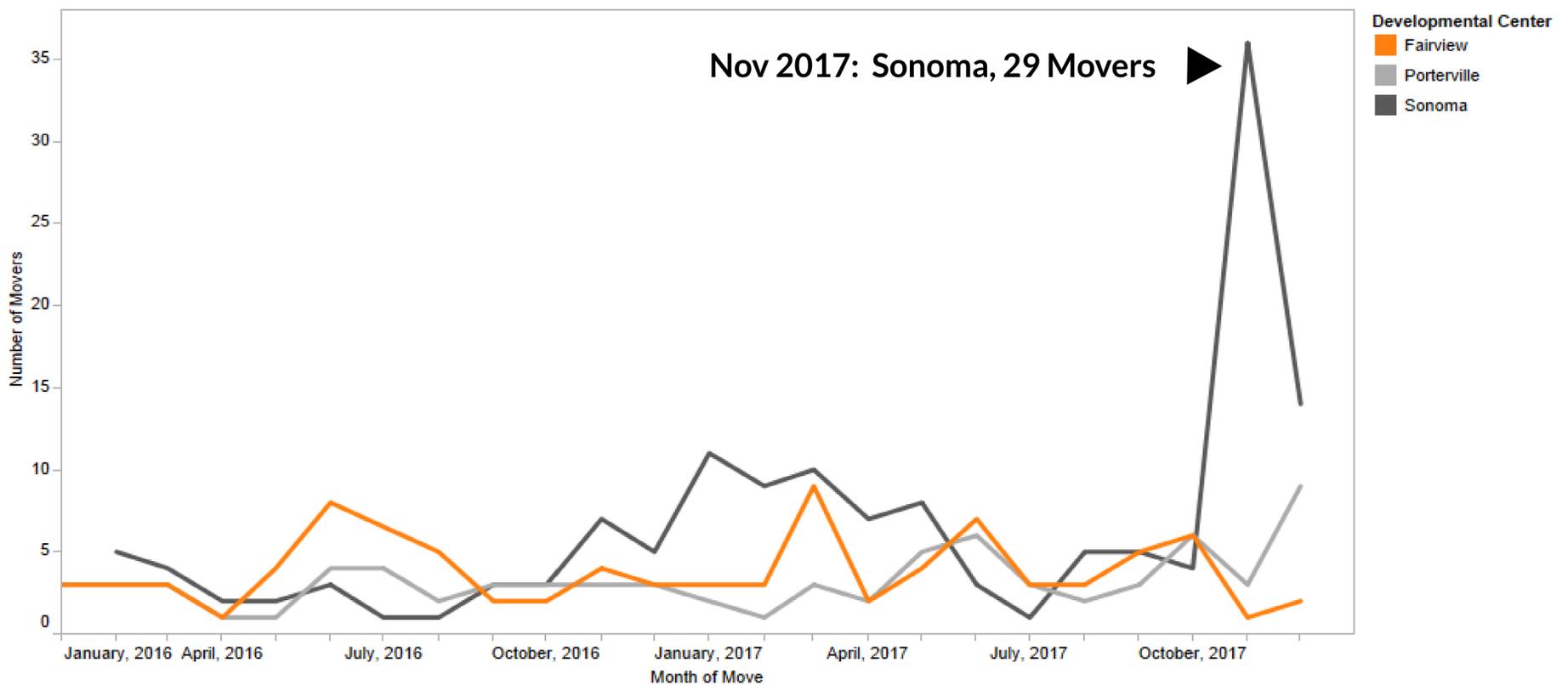


Movers Enrolled (Total = 307)



Surveys Completed Over Time

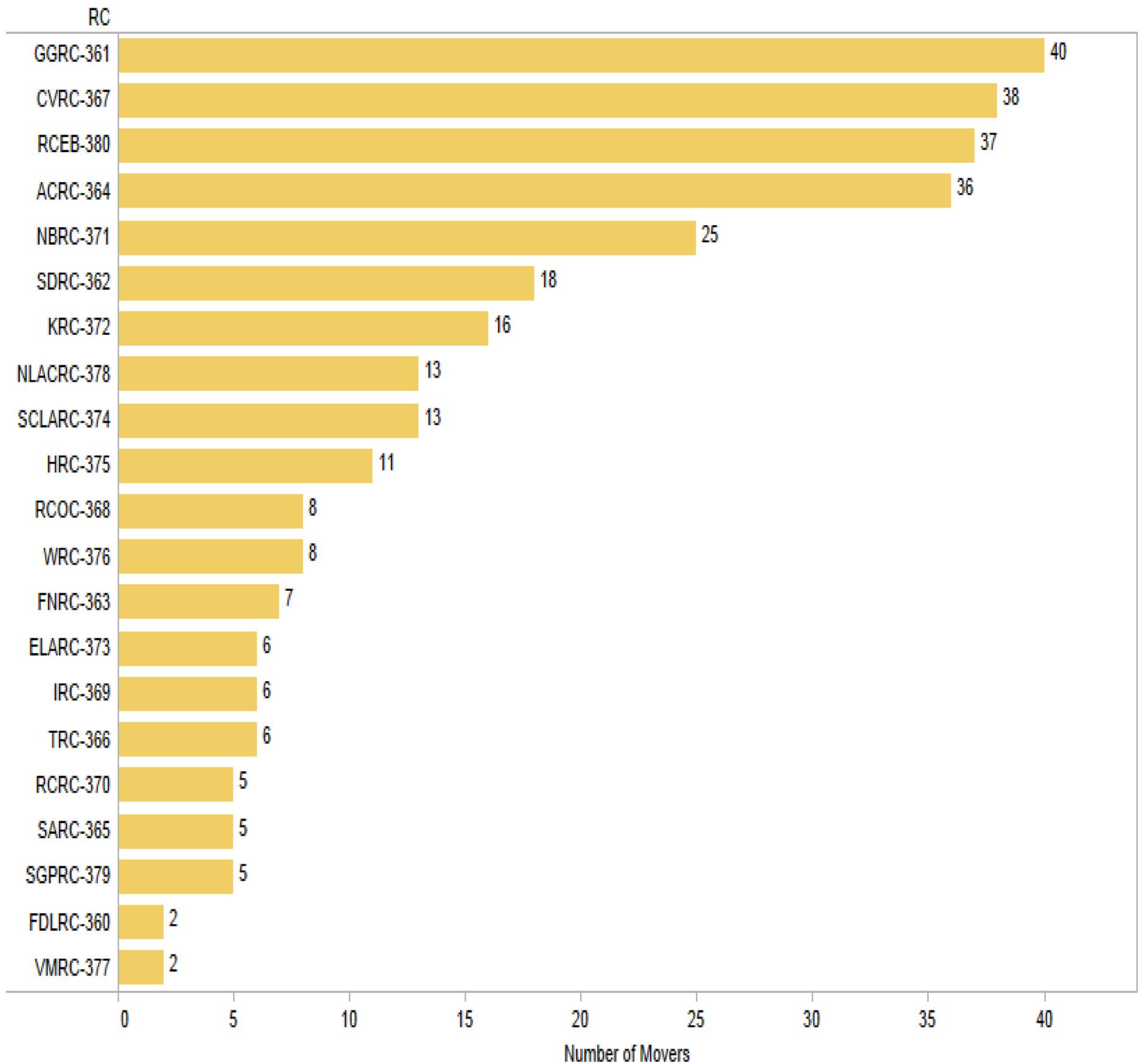
Month of Move



Removed from MLS

Reason								
Deceased	Declined	Hospitalized	Incarcerated	Not Eligible	Removed per DDS (Canyon Springs Mover)	Removed per DDS (Secure Tx Area)	Removed per DDS (Secured Tx Area)	
10	5	5	1	5	13	7	1	

Movers Enrolled by Regional Center



To view reports of past cycles as well as
Regional Center specific reports, go to:

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

Where People Are Moving



Alameda	22
Butte	1
Contra Costa	14
Fresno	12
Kern	19
Los Angeles	63
Marin	6
Mendocino	2
Merced	2
Napa	1
Orange	6
Placer	4
Riverside	3
Sacramento	32
San Bernardino	4
San Diego	16
San Francisco	5
San Joaquin	2
San Luis Obispo	4
San Mateo	28
Santa Clara	5
Shasta	5
Solano	5
Sonoma	19
Tehama	1
Tulare	23
Tuolumne	1
Ventura	2

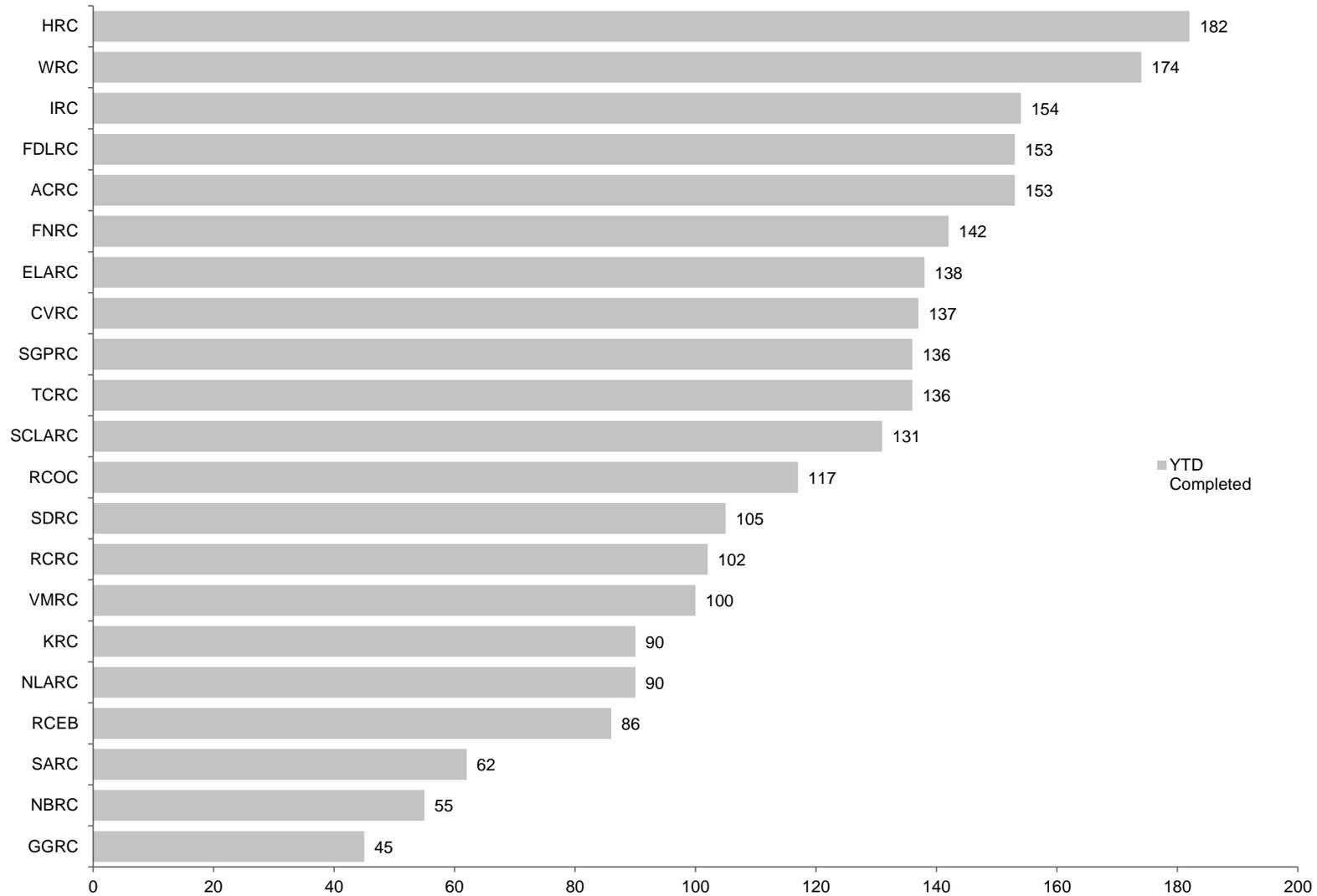
To view reports of past cycles as well as
Regional Center specific reports, go to:

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

Y9 IN-PERSON SURVEY(CS4) FY 2017-2018

RC	Goal	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	July	Aug	YTD Completed	Balance	% Toward Goal	RC
		COMP	COMP	COMP	COMP	COMP	COMP	COMP	COMP	COMP	COMP				
RCRC	400	3	29	70								102	298	26%	RCRC
NBRC	400	0	19	36								55	345	14%	NBRC
ACRC	400	23	42	88								153	247	38%	ACRC
FNRC	400	27	35	80								142	258	36%	FNRC
GGRC	400	3	32	10								45	355	11%	GGRC
RCEB	400	18	36	32								86	314	22%	RCEB
SARC	400	30	15	17								62	338	16%	SARC
VMRC	400	33	28	39								100	300	25%	VMRC
CVRC	400	36	65	36								137	263	34%	CVRC
ELARC	400	39	48	51								138	262	35%	ELARC
FDLRC	400	51	41	61								153	247	38%	FDLRC
HRC	400	40	56	86								182	218	46%	HRC
NLARC	400	17	36	37								90	310	23%	NLARC
SGPRC	400	41	57	38								136	264	34%	SGPRC
SCLARC	400	27	36	68								131	269	33%	SCLARC
TCRC	400	27	53	56								136	264	34%	TCRC
WRC	400	47	54	73								174	226	44%	WRC
IRC	400	12	69	73								154	246	39%	IRC
KRC	400	18	46	26								90	310	23%	KRC
RCOC	400	23	54	40								117	283	29%	RCOC
SDRC	400	33	35	37								105	295	26%	SDRC
	8400	548	886	1054	0	2488	5912	30%							

In-Person Survey (IPS) Year-To-Date Completed (Jan 2018)



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LPPC
RECOMMENDATIONS
ON INTRODUCED
BILLS

Bill Number	Author	Bill Summary Text of Bills, Status and Additional Analysis can be read at https://leginfo.legislature.ca.gov/	Other Comments
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)	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. Is Urgency: N Is Fiscal: Y	<i>Council Sponsored</i>
SB 1274	McGuire (D)	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. Is Urgency: N Is Fiscal: N	<i>Council Sponsored</i>



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AB-2171 Special education and related services: interagency agreements. (2017-2018)

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Date Published: 02/12/2018 09:00 PM

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 State Department of Social 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.

~~(b)~~

(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.



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SB-1274 Developmental services: data exchange. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL
No. 1274
Introduced by Senator McGuire
February 16, 2018

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.

Bill Number	Author	Bill Summary Text of Bills, Status and Additional Analysis can be read at https://leginfo.legislature.ca.gov/	LPPC Recommendation
Goal 4 (Health & Safety): Californians w/ I/DD and their families reflecting the diversity of the state will have increased information to access health, public safety, and related services that meet their needs and health care choices.			
<i>Health-Related</i>			
AB 2331	Weber (D)	<p>Summary: Would require a county to perform a redetermination only every 36 months for a Medi-Cal beneficiary who has a developmental disability and who is determined to be eligible for services by a regional center. The bill would require the State Department of Developmental Services to make available to the State Department of Health Care Services an updated list of individuals who meet this condition.</p> <p><i>Is Urgency: N</i> <i>Is Fiscal: Y</i></p>	Support
AB 2430	Arambula (D)	<p>Summary: Current law requires the department to exercise its option under federal law to implement a program for aged and disabled persons, as described. Current law requires an individual under these provisions to satisfy certain financial eligibility requirements, including, among other things, that his or her countable income does not exceed an income standard equal to 100% of the applicable federal poverty level, plus an income disregard of \$230 for an individual, or \$310 in the case of a couple, except that the income standard determined shall not be less than the SSI/SSP payment level for a disabled individual or couple, as applicable. This bill would instead require, upon receipt of federal approval, all countable income over 100% of the federal poverty level, up to 138% of the federal poverty level, to be disregarded, after taking all other disregards, deductions, and exclusions into account for those persons eligible under the program for aged and disabled persons.</p>	Support



AB-2331 Medi-Cal: redetermination: developmental disability. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 2331

Introduced by Assembly Member Weber

February 13, 2018

An act to amend Section 14005.37 of, and to add Section 14005.38 to, the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 2331, as introduced, Weber. Medi-Cal: redetermination: developmental disability.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law generally requires a county to redetermine a Medi-Cal beneficiary's eligibility to receive Medi-Cal benefits every 12 months and whenever the county receives information about changes in a beneficiary's circumstances that may affect his or her eligibility for Medi-Cal benefits.

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, as defined, and their families.

This bill would instead require a county to perform a redetermination only every 36 months for a Medi-Cal beneficiary who has a developmental disability and who is determined to be eligible for services by a regional center. The bill would require the State Department of Developmental Services to make available to the State Department of Health Care Services an updated list of individuals who meet this condition. The bill would require the State Department of Health Care Services to utilize the list, or any other information available to the department, as specified, in order to verify, every 12 months, the continued eligibility of the beneficiary due to a determination of eligibility for regional center services, until the county is required to perform a redetermination.

The bill would require the implementation of these provisions only if and to the extent that federal financial participation is available and any necessary federal approvals or waivers have been obtained.

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

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

SECTION 1. Section 14005.37 of the Welfare and Institutions Code is amended to read:

14005.37. (a) Except as provided in ~~Section~~ *Sections 14005.38 and* 14005.39, a county shall perform redeterminations of eligibility for Medi-Cal beneficiaries every 12 months and shall promptly redetermine eligibility whenever the county receives information about changes in a beneficiary's circumstances that may affect eligibility for Medi-Cal benefits. The procedures for redetermining Medi-Cal eligibility described in this section shall apply to all Medi-Cal beneficiaries.

(b) Loss of eligibility for cash aid under ~~that~~ *the CalWORKs* program shall not result in a redetermination under this section unless the reason for the loss of eligibility is one that would result in the need for a redetermination for a person whose eligibility for Medi-Cal under Section 14005.30 was determined without a concurrent determination of eligibility for cash aid under the CalWORKs program.

(c) A loss of contact, as evidenced by the return of mail marked in such a way as to indicate that it could not be delivered to the intended recipient or that there was no forwarding address, shall require a prompt redetermination according to the procedures set forth in this section.

(d) Except as otherwise provided in this section, Medi-Cal eligibility shall continue during the redetermination process described in this section and a beneficiary's Medi-Cal eligibility shall not be terminated under this section until the county makes a specific determination based on facts clearly demonstrating that the beneficiary is no longer eligible for Medi-Cal benefits under any basis and due process rights guaranteed under this division have been met. For the purposes of this subdivision, for a beneficiary who is subject to the use of MAGI-based financial methods, the determination of whether the beneficiary is eligible for Medi-Cal benefits under any basis shall include, but is not limited to, a determination of eligibility for Medi-Cal benefits on a basis that is exempt from the use of MAGI-based financial methods only if either of the following occurs:

(A) The county assesses the beneficiary as being potentially eligible under a program that is exempt from the use of MAGI-based financial methods, including, but not limited to, on the basis of age, blindness, disability, or the need for long-term care services and supports.

(B) The beneficiary requests that the county determine whether he or she is eligible for Medi-Cal benefits on a basis that is exempt from the use of MAGI-based financial methods.

(e) (1) For purposes of acquiring information necessary to conduct the eligibility redeterminations described in this section, a county shall gather information available to the county that is relevant to the beneficiary's Medi-Cal eligibility prior to contacting the beneficiary. Sources for these efforts shall include information contained in the beneficiary's file or other information, including more recent information available to the county, including, but not limited to, Medi-Cal, CalWORKs, and CalFresh case files of the beneficiary or of any of his or her immediate family members, which are open, or were closed within the last 90 days, information accessed through any databases accessed under Sections 435.948, 435.949, and 435.956 of Title 42 of the Code of Federal Regulations, and wherever feasible, other sources of relevant information reasonably available to the county or to the county via the department.

(2) In the case of an annual redetermination, if, based upon information obtained pursuant to paragraph (1), the county is able to make a determination of continued eligibility, the county shall notify the beneficiary of both of the following:

(A) The eligibility determination and the information it is based on.

(B) That the beneficiary is required to inform the county via the Internet, by telephone, by mail, in person, or through other commonly available electronic means, in counties where ~~such~~ *that* electronic communication is available, if any information contained in the notice is inaccurate but that the beneficiary is not required to sign and return the notice if all information provided on the notice is accurate.

(3) The county shall make all reasonable efforts not to send multiple notices during the same time period about eligibility. The notice of eligibility renewal shall contain other related information such as if the beneficiary is in a new Medi-Cal program.

(4) In the case of a redetermination due to a change in circumstances, if a county determines that the change in circumstances does not affect the beneficiary's eligibility status, the county shall not send the beneficiary a notice unless required to do so by federal law.

(f) (1) In the case of an annual eligibility redetermination, if the county is unable to determine continued eligibility based on the information obtained pursuant to paragraph (1) of subdivision (e), the beneficiary shall be

so informed and shall be provided with an annual renewal form, at least 60 days before the beneficiary's annual redetermination date, that is prepopulated with information that the county has obtained and that identifies any additional information needed by the county to determine eligibility. The form shall include all of the following:

(A) The requirement that he or she provide any necessary information to the county within 60 days of the date that the form is sent to the beneficiary.

(B) That the beneficiary may respond to the county via the Internet, by mail, by telephone, in person, or through other commonly available electronic means if those means are available in that county.

(C) That if the beneficiary chooses to return the form to the county in person or via mail, the beneficiary shall sign the form in order for it to be considered complete.

(D) The telephone number to call in order to obtain more information.

(2) The county shall attempt to contact the beneficiary via the Internet, by telephone, or through other commonly available electronic means, if those means are available in that county, during the 60-day period after the prepopulated form is mailed to the beneficiary to collect the necessary information if the beneficiary has not responded to the request for additional information or has provided an incomplete response.

(3) If the beneficiary has not provided any response to the written request for information sent pursuant to paragraph (1) within 60 days from the date the form is sent, the county shall terminate his or her eligibility for Medi-Cal benefits following the provision of timely notice.

(4) If the beneficiary responds to the written request for information during the 60-day period pursuant to paragraph (1) but the information provided is not complete, the county shall follow the procedures set forth in paragraph (3) of subdivision (g) to work with the beneficiary to complete the information.

(5) (A) The form required by this subdivision shall be developed by the department in consultation with the counties and representatives of eligibility workers and consumers.

(B) For beneficiaries whose eligibility is not determined using MAGI-based financial methods, the county may use existing renewal forms until the state develops prepopulated renewal forms to provide to beneficiaries. The department shall develop prepopulated renewal forms for use with beneficiaries whose eligibility is not determined using MAGI-based financial methods by January 1, 2015.

(g) (1) In the case of a redetermination due to change in circumstances, if a county cannot obtain sufficient information to redetermine eligibility pursuant to subdivision (e), the county shall send to the beneficiary a form that is prepopulated with the information that the county has obtained and that states the information needed to renew eligibility. The county shall only request information related to the change in circumstances. The county shall not request information or documentation that has been previously provided by the beneficiary, that is not absolutely necessary to complete the eligibility determination, or that is not subject to change. The county shall only request information for nonapplicants necessary to make an eligibility determination or for a purpose directly related to the administration of the state Medicaid plan. The form shall advise the individual to provide any necessary information to the county via the Internet, by telephone, by mail, in person, or through other commonly available electronic means and, if the individual will provide the form by mail or in person, to sign the form. The form shall include a telephone number to call in order to obtain more information. The form shall be developed by the department in consultation with the counties, representatives of consumers, and eligibility workers. A Medi-Cal beneficiary shall have 30 days from the date the form is mailed pursuant to this subdivision to respond. Except as provided in paragraph (2), failure to respond prior to the end of this 30-day period shall not impact his or her Medi-Cal eligibility.

(2) If the purpose for a redetermination under this section is a loss of contact with the Medi-Cal beneficiary, as evidenced by the return of mail marked in such a way as to indicate that it could not be delivered to the intended recipient or that there was no forwarding address, a return of the form described in this subdivision marked as undeliverable shall result in an immediate notice of action terminating Medi-Cal eligibility.

(3) During the 30-day period after the date of mailing of a form to the Medi-Cal beneficiary pursuant to this subdivision, the county shall attempt to contact the beneficiary by telephone, in writing, or other commonly available electronic means, in counties where ~~such~~ *that* electronic communication is available, to request the necessary information if the beneficiary has not responded to the request for additional information or has provided an incomplete response. If the beneficiary does not supply the necessary information to the county within the 30-day limit, a 10-day notice of termination of Medi-Cal eligibility shall be sent.

(h) Beneficiaries shall be required to report any change in circumstances that may affect their eligibility within 10

calendar days following the date the change occurred.

(i) If within 90 days of termination of a Medi-Cal beneficiary's eligibility or a change in eligibility status pursuant to this section, the beneficiary submits to the county a signed and completed form or otherwise provides the needed information to the county, eligibility shall be redetermined by the county and if the beneficiary is found eligible, or the beneficiary's eligibility status has not changed, whichever applies, the termination shall be rescinded as though the form were submitted in a timely manner.

(j) If the information available to the county pursuant to the redetermination procedures of this section does not indicate a basis of eligibility, Medi-Cal benefits may be terminated so long as due process requirements have otherwise been met.

(k) The department shall, with the counties and representatives of consumers, including those with disabilities, and Medi-Cal eligibility workers, develop a timeframe for redetermination of Medi-Cal eligibility based upon disability, including ex parte review, the redetermination forms described in subdivisions (f) and (g), timeframes for responding to county or state requests for additional information, and the forms and procedures to be used. The forms and procedures shall be as consumer-friendly as possible for people with disabilities. The timeframe shall provide a reasonable and adequate opportunity for the Medi-Cal beneficiary to obtain and submit medical records and other information needed to establish eligibility for Medi-Cal based upon disability.

(l) The county shall consider blindness as continuing until the reviewing physician determines that a beneficiary's vision has improved beyond the applicable definition of blindness contained in the plan.

(m) The county shall consider disability as continuing until the review team determines that a beneficiary's disability no longer meets the applicable definition of disability contained in the plan.

(n) In the case of a redetermination due to a change in circumstances, if a county determines that the beneficiary remains eligible for Medi-Cal benefits, the county shall begin a new 12-month eligibility period.

(o) For individuals determined ineligible for Medi-Cal by a county following the redetermination procedures set forth in this section, the county shall determine eligibility for other insurance affordability programs and if the individual is found to be eligible, the county shall, as appropriate, transfer the individual's electronic account to other insurance affordability programs via a secure electronic interface.

(p) Any renewal form or notice shall be accessible to persons who are limited-English proficient and persons with disabilities consistent with all federal and state requirements.

(q) The requirements to provide information in subdivisions (e) and (g), and to report changes in circumstances in subdivision (h), may be provided through any of the modes of submission allowed in Section 435.907(a) of Title 42 of the Code of Federal Regulations, including an Internet Web site identified by the department, telephone, mail, in person, and other commonly available electronic means as authorized by the department.

(r) Forms required to be signed by a beneficiary pursuant to this section shall be signed under penalty of perjury. Electronic signatures, telephonic signatures, and handwritten signatures transmitted by electronic transmission shall be accepted.

(s) For purposes of this section, "MAGI-based financial methods" means income calculated using the financial methodologies described in Section 1396a(e)(14) of Title 42 of the United States Code, and as added by the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and any subsequent amendments.

(t) When contacting a beneficiary under paragraphs (2) and (4) of subdivision (f), and paragraph (3) of subdivision (g), a county shall first attempt to use the method of contact identified by the beneficiary as the preferred method of contact, if a method has been identified.

(u) The department shall seek federal approval to extend the annual redetermination date under this section for a three-month period for those Medi-Cal beneficiaries whose annual redeterminations are scheduled to occur between January 1, 2014, and March 31, 2014.

(v) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department, without taking any further regulatory action, shall implement, interpret, or make specific this section by means of all-county letters, plan letters, plan or provider bulletins, or similar instructions until the time regulations are adopted. The department shall adopt regulations by July 1, 2017, in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. Beginning six months after the effective date of this section, and notwithstanding

Section 10231.5 of the Government Code, the department shall provide a status report to the Legislature on a semiannual basis, in compliance with Section 9795 of the Government Code, until regulations have been adopted.

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

(x) This section shall become operative on January 1, 2014.

SEC. 2. Section 14005.38 is added to the Welfare and Institutions Code, to read:

14005.38. (a) Notwithstanding Section 14005.37, a county shall perform a redetermination of eligibility only every 36 months for a Medi-Cal beneficiary who has a developmental disability, as defined in Section 4512, and who is determined to be eligible for services by a regional center pursuant to Chapter 5 (commencing with Section 4620) of Division 4.5.

(b) The provisions of Section 14005.37, except for the requirement of eligibility redetermination every 12 months, shall continue to apply to the redetermination of eligibility for a Medi-Cal beneficiary described in subdivision (a).

(c) The State Department of Developmental Services shall make available to the department an updated list of individuals who have been determined to be eligible for services by regional centers pursuant to Chapter 5 (commencing with Section 4620) of Division 4.5.

(d) Until the county is required to perform a redetermination of eligibility according to the timeframe described in subdivision (a), the department shall utilize the list described in subdivision (c), or any other information available to the department, for purposes of identifying any change of circumstances, including, but not limited to, those events described in Section 14005.39, in order to verify, every 12 months, the continued eligibility of a Medi-Cal beneficiary due to a determination of eligibility for regional center services pursuant to subdivision (a) without requesting additional information from the beneficiary. Medi-Cal eligibility shall continue during the verification process described in this subdivision, and a beneficiary's Medi-Cal eligibility shall not be terminated as a result of a delay in the verification process.

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

**AB-2430 Medi-Cal: program for aged and disabled persons.** (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL**No. 2430****Introduced by Assembly Member Arambula****February 14, 2018**

An act to amend Section 14005.40 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 2430, as introduced, Arambula. Medi-Cal: program for aged and disabled persons.

Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law requires the department to exercise its option under federal law to implement a program for aged and disabled persons, as described. Existing law requires an individual under these provisions to satisfy certain financial eligibility requirements, including, among other things, that his or her countable income does not exceed an income standard equal to 100% of the applicable federal poverty level, plus an income disregard of \$230 for an individual, or \$310 in the case of a couple, except that the income standard determined shall not be less than the SSI/SSP payment level for a disabled individual or couple, as applicable. Existing law authorizes the department to implement this program by means of all-county letters or similar instructions without taking regulatory action and thereafter requires the department to adopt regulations.

This bill would instead require, upon receipt of federal approval, all countable income over 100% of the federal poverty level, up to 138% of the federal poverty level, to be disregarded, after taking all other disregards, deductions, and exclusions into account for those persons eligible under the program for aged and disabled persons. The bill would provide that the income level determined based on a countable income that does not exceed an income level equal to 100% of the applicable federal poverty level, plus an income disregard of \$230 for an individual, or \$310 in the case of a couple, shall not be less than the SSI/SSP payment level the individual or couple, as applicable, receives or would receive as a disabled or blind individual or couple. The bill would require a specified provision to be implemented after the Director of Health Care Services determines, and communicates that determination in writing to the Department of Finance, that systems have been programmed for implementation of that provision, but no sooner than January 1, 2019.

The bill would authorize the department to implement, interpret, or make specific the above-described program for aged and disabled persons by means of all-county letters, plan or provider bulletins, or similar instructions

until regulations are adopted, and would require the department to adopt regulations no later than July 1, 2021. The bill would require the department to provide a status report on a semiannual basis to the Legislature until regulations have been adopted. The bill would provide that the program shall be implemented only if and to the extent that any necessary federal approvals have been obtained.

Because counties are required to make Medi-Cal eligibility determinations, and this bill would expand Medi-Cal eligibility by increasing the income disregard amounts and would increase the responsibility of counties in determining Medi-Cal eligibility, the bill would impose 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.

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

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

SECTION 1. Section 14005.40 of the Welfare and Institutions Code is amended to read:

14005.40. (a) To the extent federal financial participation is available, the department shall exercise its option under Section 1902(a)(10)(A)(ii)(X) of the federal Social Security Act (42 U.S.C. Sec. ~~1396a(a)(10)(A)(ii)(X); 1396a(a)(10)(A)(ii)(X)~~), to implement a program for aged and disabled persons as described in Section 1902(m) of the federal Social Security Act (42 U.S.C. Sec. 1396a(m)(1)).

(b) To the extent federal financial participation is available, the blind shall be included within the definition of disabled for the purposes of the program established in this section.

(c) An individual shall satisfy the financial eligibility requirement of this program if all of the following conditions are met:

(1) Countable income, as determined in accordance with Section 1902(m) of the federal Social Security Act (42 U.S.C. Sec. 1396a(m)), does not exceed an income ~~standard level~~ equal to 100 percent of the applicable federal poverty ~~level, plus two level~~.

(2) (A) Until such time as the department obtains federal approval for the income disregard described in paragraph (3), countable income shall include an additional two hundred thirty dollars (\$230) for an individual or, in the case of a couple, three hundred ten dollars (~~\$310~~), provided that the income standard so determined shall not be less than the SSI/SSP payment level for a disabled individual or, in the case of a couple, the SSI/SSP payment level for a disabled couple. (\$310).

(B) Upon receipt of federal approval for, and implementation of, paragraph (3), this paragraph shall become inoperative. The director shall execute a declaration, which shall be retained by the director, stating that federal approval for paragraph (3) has been obtained and the date upon which paragraph (3) will be implemented. The director shall post the declaration on the department's Internet Web site.

(3) (A) Pursuant to Section 1902(r)(2) of the federal Social Security Act (42 U.S.C. Sec. 1396a(r)(2)), all countable income over 100 percent of the federal poverty level, up to 138 percent of the federal poverty level, shall be disregarded, after taking all other disregards, deductions, and exclusions into account for those persons eligible pursuant to this section.

(B) The department shall seek federal approval to implement this paragraph.

~~(2)~~

(4) (A) For the purposes of calculating countable income under this section, an income exemption shall be applied as necessary to adjust the SSI/SSP payment level as used in this section so that it is the same as the SSI/SSP payment level that was in place on May 1, 2009.

(B) This additional income exemption shall cease to be implemented when the SSI/SSP payment levels increase beyond those in effect on May 1, 2009.

~~*(C) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall implement this paragraph by means of an all-county letter or similar*~~

~~instruction without taking regulatory action.~~

(C) The income level determined pursuant to paragraphs (1) and (2) shall not be less than the SSI/SSP payment level the individual receives or would receive as a disabled or blind individual or, in the case of a couple, the SSI/SSP payment level the couple receives or would receive as a disabled or blind couple.

~~(3)~~

(5) Countable resources, as determined in accordance with Section 1902(m) of the federal Social Security Act (42 U.S.C. Sec. 1396a(m)), do not exceed the maximum levels established in that section.

(d) The financial eligibility requirements provided in subdivision (c) may be adjusted upwards to reflect the cost of living in California, contingent upon appropriation in the annual Budget Act.

~~(e) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall implement this section by means of all county letters or similar instructions, and without taking regulatory action. Thereafter, the department shall adopt regulations in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The department shall provide a status report to the Legislature on a semiannual basis, in compliance with Section 9795 of the Government Code, until regulations have been adopted.~~
the department, without taking any further regulatory action, shall implement, interpret, or make specific this section by means of all-county letters, plan letters, or provider bulletins, or similar instructions. Thereafter, the department shall adopt regulations no later than July 1, 2021, in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The department shall provide a status report to the Legislature on a semiannual basis, in compliance with Section 9795 of the Government Code, until regulations have been adopted.

(f) For purposes of calculating income under this section during any calendar year, increases in social security benefit payments under Title II of the federal Social Security Act (42 U.S.C. Sec. 401 et seq.) arising from cost-of-living adjustments shall be disregarded commencing in the month that these social security benefit payments are increased by the cost-of-living adjustment through the month before the month in which a change in the federal poverty level requires the department to modify the income ~~standard~~ *level* described in subdivision (c).

(g) (1) For purposes of this section the following definitions apply:

(A) "SSI" means the federal Supplemental Security Income program established under Title XVI of the federal Social Security Act.

~~(B) "Income standard level" means the applicable income standard including the augmentations specified in paragraph (1) of subdivision (c).~~
level specified in subdivision (c).

(C) The board and care "personal care services" or "PCS" deduction refers to an income disregard that is applied to a resident in a licensed community care facility in lieu of the board and care deduction (equal to the amount by which the basic board and care rate exceeds the income ~~standard~~ *level* in subparagraph (B), of paragraph (1) of subdivision (g)) (B) when the PCS deduction is greater than the board and care deduction.

(2) (A) For purposes of this section, the SSI recipient retention amount is the amount by which the SSI maximum payment amount to an individual residing in a licensed community care facility exceeds the maximum amount that the state allows community care facilities to charge a resident who is an SSI recipient.

(B) For the purposes of this section, the personal and incidental needs deduction for an individual residing in a licensed community care facility is either of the following:

(i) If the board and care deduction is applicable to the individual, the amount, not to exceed the amount by which the SSI recipient retention amount exceeds twenty dollars (\$20), nor to be less than zero, by which the sum of the amount which the individual pays to his or her licensed community care facility and the SSI recipient retention amount exceed the sum of the individual's income ~~standard~~ *level*, the individual's board and care deduction, and twenty dollars (\$20).

(ii) If the PCS deduction specified in paragraph (1) of subdivision (g) is applicable to the individual, an amount, not to exceed the amount by which the SSI recipient retention amount exceeds twenty dollars (\$20), nor to be less than zero, by which the sum of the amount which the individual pays to his or her community care facility and the SSI recipient retention amount exceed the sum of the individual's income ~~standard~~ *level*, the individual's PCS ~~deduction~~ *deduction*, and twenty dollars (\$20).

(3) In determining the countable income under this section of an individual residing in a licensed community care facility, the individual shall have deducted from his or her income the amount specified in subparagraph (B) of paragraph (2).

(h) No later than one month after the effective date of subdivision (g), the department shall submit to the federal **medicaid** *Medicaid* administrator a state plan amendment seeking approval of the income deduction specified in paragraph (3) of subdivision (g), and of federal financial participation for the costs resulting from that income deduction.

(i) The deduction prescribed by paragraph (3) of subdivision (g) shall be applied no later than the first day of the fourth month after the month in which the department receives approval for the federal financial participation specified in subdivision (h). Until approval for federal financial participation is received, there shall be no deduction under paragraph (3) of subdivision (g).

(j) This section shall be implemented only if and to the extent that any necessary federal approvals have been obtained.

(k) Paragraph (3) of subdivision (c) shall be implemented after the director determines, and communicates that determination in writing to the Department of Finance, that systems have been programmed for implementation of paragraph (3) of subdivision (c), but no sooner than January 1, 2019.

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.

Bill Number	Author	Bill Summary Text of Bills, Status and Additional Analysis can be read at https://leginfo.legislature.ca.gov/	LPPC Recommendation
Goal 5 (Early Intervention, Education, Transition & Post-Secondary Education): Californians with I/DD and their families reflecting the diversity of the state will have increased information, in order to obtain inclusive education services throughout the lifespan.			
AB 2291	Chiu (D)	Summary: Current law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for each of its schools, and requires the plans to include, among other elements, appropriate strategies that will address the school's procedures for complying with current laws related to school safety, including a discrimination and harassment policy, as specified. Current law provides that the Legislature encourages, as comprehensive school safety plans are reviewed and updated, all plans, to the extent that resources are available, to include policies and procedures aimed at the prevention of bullying. This bill would delete the statement encouraging comprehensive school safety plans to include policies and procedures aimed at the prevention of bullying and instead make it mandatory. <i>Is Urgency: N</i> <i>Is Fiscal: Y</i>	Support
AB 2657	Weber (D)	Summary: Would authorize an educational provider, as defined, to use behavioral restraints, which includes physical and mechanical restraints, or seclusion, as defined, only if a pupil's behavior presents an imminent danger of serious physical harm to the pupil or others, and if other specified conditions are met. The bill would prohibit an educational provider from using a behavioral restraint or seclusion in certain circumstances, including, but not limited to, using seclusion or a behavioral restraint for the purpose of coercion, discipline, convenience, or retaliation, and would prohibit the use of certain restraint and seclusion techniques. <i>Is Urgency: N</i> <i>Is Fiscal: Y</i>	Support DRC Sponsored



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AB-2291 School safety: bullying. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 2291

Introduced by Assembly Member Chiu

February 13, 2018

An act to amend Sections 32282 and 32283.5 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2291, as introduced, Chiu. School safety: bullying.

Existing law, the Safe Place to Learn Act, requires the State Department of Education to assess whether local educational agencies have taken certain actions related to educational equity, including adopting a policy that prohibits discrimination, harassment, intimidation, and bullying based on specified characteristics such as disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, or sexual orientation, or association with a person or group with one or more of the specified characteristics.

Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for each of its schools, and requires the plans to include, among other elements, appropriate strategies that will address the school's procedures for complying with existing laws related to school safety, including a discrimination and harassment policy, as specified. Existing law provides that the Legislature encourages, as comprehensive school safety plans are reviewed and updated, all plans, to the extent that resources are available, to include policies and procedures aimed at the prevention of bullying.

This bill would delete the statement encouraging comprehensive school safety plans to include policies and procedures aimed at the prevention of bullying. The bill would include in the appropriate strategies that will address the school's procedures for complying with existing laws related to school safety, policies and procedures relating to bullying and the prevention of bullying adopted pursuant to the Safe Place to Learn Act. By requiring school districts and county offices of education to include an additional element in comprehensive school safety plans, the bill would impose a state-mandated local program.

Existing law requires the State Department of Education to develop an online training module to assist all school staff, school administrators, parents, pupils, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying.

This bill would require the department to post on its Internet Web site the online training module developed by

the department and an annually updated list of other available online training modules relating to bullying or bullying prevention. The bill would require a school operated by a school district or county office of education and a charter school to annually provide the online training module developed by the department to certificated schoolsite employees. By imposing additional duties on schools operated by a school district or county office of education and charter schools, the bill would impose 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.

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

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

SECTION 1. Section 32282 of the Education Code is amended to read:

32282. (a) The comprehensive school safety plan shall include, but not be limited to, both of the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include the development of all of the following:

(A) Child abuse reporting procedures consistent with Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code.

(B) Disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.). The disaster procedures shall also include, but not be limited to, both of the following:

(i) Establishing an earthquake emergency procedure system in every public school building having an occupant capacity of 50 or more pupils or more than one classroom. A school district or county office of education may work with the Office of Emergency Services and the Alfred E. Alquist Seismic Safety Commission to develop and establish the earthquake emergency procedure system. The system shall include, but not be limited to, all of the following:

(I) A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of pupils and staff.

(II) A drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows. A drop procedure practice shall be held at least once each school quarter in elementary schools and at least once a semester in secondary schools.

(III) Protective measures to be taken before, during, and following an earthquake.

(IV) A program to ensure that pupils and both the certificated and classified staff are aware of, and properly trained in, the earthquake emergency procedure system.

(ii) Establishing a procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The school district or county office of education shall cooperate with the public agency in furnishing and maintaining the services as the school district or county office of education may deem necessary to meet the needs of the community.

(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts ~~which that~~ would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27 of Division 4 of Title 2.

(D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.

(E) A discrimination and harassment policy consistent with the prohibition against discrimination contained in

Chapter 2 (commencing with Section 200) of Part 1.

(F) Policies and procedures relating to bullying and the prevention of bullying adopted pursuant to Section 234.1.

~~(F)~~

(G) The provisions of any schoolwide dress code, pursuant to Section 35183, that prohibits pupils from wearing "gang-related apparel," if the school has adopted that type of a dress code. For those purposes, the comprehensive school safety plan shall define "gang-related apparel." The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. A schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For purposes of this paragraph, "gang-related apparel" shall not be considered a protected form of speech pursuant to Section 48950.

~~(G)~~

(H) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.

~~(H)~~

(I) A safe and orderly environment conducive to learning at the school.

~~(I)~~

(J) The rules and procedures on school discipline adopted pursuant to Sections 35291 and 35291.5.

(b) It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the partnership, pursuant to this chapter. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety.

(c) Each schoolsite council or school safety planning committee, in developing and updating a comprehensive school safety plan, shall, where practical, consult, cooperate, and coordinate with other schoolsite councils or school safety planning committees.

(d) The comprehensive school safety plan may be evaluated and amended, as needed, by the school safety planning committee, but shall be evaluated at least once a year, to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.

~~(e) As comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans, to the extent that resources are available, to include policies and procedures aimed at the prevention of bullying.~~

~~(f)~~

(e) The comprehensive school safety plan, as written and updated by the schoolsite council or school safety planning committee, shall be submitted for approval pursuant to subdivision (a) of Section 32288.

SEC. 2. Section 32283.5 of the Education Code is amended to read:

32283.5. *(a) The department shall develop and post on its Internet Web site an online training module to assist all school staff, school administrators, parents, pupils, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying. The online training module shall include, but is not limited to, identifying an act of bullying or cyberbullying, and implementing strategies to address bullying and cyberbullying.*

(b) The department shall post on its Internet Web site and annually update a list of available online training modules relating to bullying or bullying prevention.

(c) A school operated by a school district or county office of education and a charter school shall annually provide the online training module developed by the department pursuant to subdivision (a) to certificated schoolsite employees.

SEC. 3. 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.

**AB-2657 Pupil discipline: restraint and seclusion.** (2017-2018)

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Date Published: 02/15/2018 09:00 PM

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL**No. 2657****Introduced by Assembly Member Weber****February 15, 2018**

An act to add Article 5.2 (commencing with Section 49005) to Chapter 6 of Part 27 of Division 4 of Title 2 of the Education Code, relating to pupil discipline.

LEGISLATIVE COUNSEL'S DIGEST

AB 2657, as introduced, Weber. Pupil discipline: restraint and seclusion.

Existing law prohibits a person employed by or engaged in a public school to inflict, or cause to be inflicted, corporal punishment upon a pupil.

This bill would authorize an educational provider, as defined, to use behavioral restraints, which includes physical and mechanical restraints, or seclusion, as defined, only if a pupil's behavior presents an imminent danger of serious physical harm to the pupil or others, and if other specified conditions are met. The bill would prohibit an educational provider from using a behavioral restraint or seclusion in certain circumstances, including, but not limited to, using seclusion or a behavioral restraint for the purpose of coercion, discipline, convenience, or retaliation, and would prohibit the use of certain restraint and seclusion techniques. The bill would require an educational provider, as soon as possible, but no later than 2 school days after the use of seclusion or a behavioral restraint, to schedule a debriefing meeting regarding the use of seclusion or a behavioral restraint with the pupil, the pupil's parent or legal guardian, the staff members involved in the incident, and the educational provider's administrator, as specified. Because the requirement to hold a debriefing meeting would impose a new duty on local educational agencies, the bill would impose a state-mandated local program. The bill would require an educational provider to collect and, no later than 3 months after the end of a school year, report to the State Department of Education annually on the use of behavioral restraints and seclusion for pupils enrolled in or served by the educational provider for all or part of the prior school year, as specified. To the extent that the data collection and reporting requirements would impose new duties on local educational agencies not required by federal law, the bill would impose a state-mandated local program.

The bill would state the intent of the Legislature that the data collection and reporting requirements be conducted in compliance with specified federal law, and impose no new duties or higher level of service on local educational agencies.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Article 5.2 (commencing with Section 49005) is added to Chapter 6 of Part 27 of Division 4 of Title 2 of the Education Code, to read:

Article 5.2. Restraint and Seclusion

49005. The following definitions apply to this article:

(a) "Behavioral restraint" means "mechanical restraint" or "physical restraint," as defined in this section, used as an intervention when a pupil presents an immediate danger to self or to others. "Behavioral restraint" does not include postural restraints or devices used to improve a pupil's mobility and independent functioning rather than to restrict movement.

(b) (1) "Educational provider" means an entity or person that does both of the following:

(A) Receives support in any form from a program supported in whole or in part with funds appropriated by the department.

(B) Provides educational or related services, support, or other assistance to individuals in a public or private elementary or secondary school.

(2) "Educational provider" includes all local educational agencies, including school districts, county offices of education, charter schools, the California School for the Deaf, the California School for the Blind, nonpublic schools, and nonpublic agencies, including both in-state and out-of-state nonpublic schools and nonpublic agencies.

(c) "Mechanical restraint" means the use of a device or equipment to restrict a pupil's freedom of movement, which includes, but is not limited to, the use of handcuffs by law enforcement personnel when the pupil is not under arrest. "Mechanical restraint" does not include the use of devices by trained school personnel, or by a pupil, prescribed by an appropriate medical or related services professional, if the device is used for the specific and approved purpose for which the device or equipment was designed, which shall include, but not be limited to, all of the following:

(1) Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports.

(2) Vehicle safety restraints when used as intended during the transport of a pupil in a moving vehicle.

(3) Restraints for medical immobilization.

(4) Orthopedically prescribed devices that permit a pupil to participate in activities without risk of harm.

(d) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a pupil to move his or her torso, arms, legs, or head freely. "Physical restraint" does not include a physical escort, which means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a pupil who is acting out to walk to a safe location.

(e) "Seclusion" means the involuntary confinement of a pupil alone in a room or area from which the pupil is physically prevented from leaving. "Seclusion" does not include a timeout, which is a behavior management technique that is part of an approved program, that involves the monitored separation of the pupil in a nonlocked setting, and is implemented for the purpose of calming.

49005.2. A pupil has the right to be free from the use of seclusion and behavioral restraints of any form imposed as a means of coercion, discipline, convenience, or retaliation by staff. This right includes, but is not limited to,

the right to be free from the use of a drug administered to the pupil in order to control the pupil's behavior or to restrict the pupil's freedom of movement, if that drug is not a standard treatment for the pupil's medical or psychiatric condition.

49005.4. An educational provider may use seclusion or a behavioral restraint only if a pupil's behavior presents an imminent danger of serious physical harm to the pupil or others.

49005.6. An educational provider shall avoid, whenever possible, the use of seclusion or behavioral restraint techniques, using the best practices in early intervention techniques, such as deescalation.

49005.8. (a) An educational provider shall not do any of the following:

(1) Use seclusion or behavioral restraint for the purpose of coercion, discipline, convenience, or retaliation.

(2) Use a physical restraint technique that obstructs a pupil's respiratory airway or impairs the pupil's breathing or respiratory capacity, including techniques in which a staff member places pressure on a pupil's back or places his or her body weight against the pupil's torso or back.

(3) Use a behavioral restraint technique that restricts breathing, including, but not limited to, using a pillow, blanket, or other item to cover a pupil's face.

(4) Use a behavioral restraint on a pupil who has a known medical or physical condition if there is reason to believe that the use of the behavioral restraint would endanger the pupil's life or seriously exacerbate the pupil's medical condition.

(5) (A) Use prone restraint on a pupil at risk for positional asphyxiation as a result of one of the following risk factors that is known to the provider:

(i) Obesity.

(ii) Preexisting heart disease, including, but not limited to, an enlarged heart or other cardiovascular disorders.

(iii) Respiratory conditions, including, but not limited to, emphysema, bronchitis, or asthma.

(iv) Pregnancy.

(v) Exposure to pepper spray.

(vi) Cocaine, methamphetamine, or alcohol intoxication.

(B) If prone restraint techniques are used in an emergency situation, a staff member shall observe the pupil for any signs of physical distress throughout the use of prone restraint. Whenever possible, the staff member monitoring the pupil shall not be involved in restraining the pupil.

(6) Place a pupil in a facedown position with the pupil's hands held or restrained behind the pupil's back.

(7) (A) Use behavioral restraint for more than 15 consecutive minutes, except as authorized pursuant to subparagraph (B).

(B) The department may, by regulation, authorize an exception to the prohibition in subparagraph (A) for circumstances where it is necessary to protect the immediate health and safety of the pupil or others from the risk of imminent serious physical harm and if the use of behavioral restraint conforms to the educational provider's safety plan.

(b) An educational provider shall keep constant, face-to-face human observation of a pupil who is in seclusion.

(c) An educational provider shall afford to pupils who are restrained the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the pupil and others.

49006. (a) An educational provider shall, as soon as possible, but no later than two school days after the use of seclusion or a behavioral restraint, schedule a debriefing meeting regarding the use of seclusion or the behavioral restraint with the pupil, the pupil's parent or legal guardian, the staff members involved in the incident, and the educational provider's administrator, to discuss how to avoid a similar incident in the future. The pupil's participation in the debriefing meeting shall be voluntary. The purposes of the debriefing meeting shall be to do all of the following:

(1) Assist the staff in understanding the events that precipitated the incident and develop alternative methods of helping the pupil avoid or cope with those events.

(2) Assist the pupil in identifying the events that precipitated the use of seclusion or the behavioral restraint and suggest methods to the pupil for more safely and constructively responding to those events.

(3) Assess whether the use of seclusion or the behavioral restraint was necessary and whether it was implemented in a manner consistent with staff training and provider policies.

(4) Help the educational provider's staff devise positive behavioral support interventions to address the root cause of the use of seclusion or the behavioral restraint, and its consequences, and to modify the pupil's education plan.

(b) The educational provider, in the debriefing meeting, shall provide the pupil, the pupil's parent or legal guardian, and staff the opportunity to discuss the circumstances that resulted in the use of seclusion or the behavioral restraint, and strategies to be used by the staff, pupil, or others that could prevent the future use of seclusion or a behavioral restraint.

(c) Staff of the educational provider shall document in the pupil's record that the debriefing meeting took place and any changes to the pupil's education plan that resulted from the debriefing meeting.

49006.2. (a) For purposes of this section, the following definitions apply:

(1) "IDEA pupil" means a pupil who receives services under the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

(2) "Nondisabled pupil" means a pupil who does not receive services under the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794).

(3) "Section 504 pupil" means a pupil who receives services only under Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794).

(b) An educational provider shall collect and, no later than three months after the end of a school year, report to the department annually on the use of behavioral restraints and seclusion for pupils enrolled in or served by the educational provider for all or part of the prior school year.

(c) The report required pursuant to subdivision (b) shall include all of the following information, disaggregated by race or ethnicity, and gender:

(1) The number of pupils subjected to mechanical restraint, with separate counts for Section 504 pupils, IDEA pupils, and nondisabled pupils.

(2) The number of pupils subjected to physical restraint, with separate counts for Section 504 pupils, IDEA pupils, and nondisabled pupils.

(3) The number of pupils subjected to seclusion, with separate counts for Section 504 pupils, IDEA pupils, and nondisabled pupils.

(4) The number of times mechanical restraint was used on pupils, with separate counts for the number of times mechanical restraint was used on Section 504 pupils, IDEA pupils, and nondisabled pupils.

(5) The number of times physical restraint was used on pupils, with separate counts for the number of times physical restraint was used on Section 504 pupils, IDEA pupils, and nondisabled pupils.

(6) The number of times seclusion was used on pupils, with separate counts for the number of times seclusion was used on Section 504 pupils, IDEA pupils, and nondisabled pupils.

(d) Notwithstanding any other law, the data collected and reported pursuant to this section shall be available as a public record pursuant to Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

(e) No later than three months after the report is due to the department pursuant to subdivision (b), the department shall post the data from the report annually on its Internet Web site.

SEC. 2. It is the intent of the Legislature that the data collection and reporting requirements contained in this act be conducted in compliance with the requirements of the Civil Rights Data Collection of the United States Department of Education's Office for Civil Rights imposed pursuant to Sections 100.6(b) and 104.61 of Title 34 of

the Code of Federal Regulations, and impose no new duties or higher level of service on local educational agencies.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act implements a federal law or regulation and results only in costs mandated by the federal government, within the meaning of Section 17556 of the Government Code.

However, if the Commission on State Mandates determines that this act contains other 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.

Bill Number	Author	Bill Summary Text of Bills, Status and Additional Analysis can be read at https://leginfo.legislature.ca.gov/	LPPC Recommendation
<p align="center">Goal 6 (Formal & Informal Community Supports): Formal & Informal Community Supports: Californians with I/DD and their families reflecting the diversity of the state will have increased information and supports to access community-based services available to the general population.</p>			
AB 1909	Nazarian (D)	<p>Summary: Would clarify that the State Department of Social Services is required to provide translations of written content, as defined, in languages spoken by a substantial number of providers of in-home supportive services. The bill would permit the department to work with counties and the County Welfare Directors Association to repurpose existing, county-produced translations of written content.</p> <p><i>Is Urgency: N</i> <i>Is Fiscal: Y</i></p>	Support
AB 2244	Acosta (R)	<p>Summary: Current law prohibits a regional center from paying a greater rate to a provider of certain services or supports, as specified, or from approving a service level for a residential service provider that would result in an increase in state costs, unless the regional center demonstrates that the approval is necessary to protect the consumer's health or safety and the department has granted prior written authorization or, in certain circumstances, unless the increase is required by a contract between the regional center and the vendor, as specified. This bill would deem a request from a regional center for prior written authorization approved by the State Department of Developmental Services if the department does not act on the request within 30 calendar days of receipt of the request, unless the director, in his or her discretion, determines that additional time is reasonably necessary to fully and fairly evaluate the request, as specified.</p> <p><i>Is Urgency: N</i> <i>Is Fiscal: Y</i></p>	Support
AB 2587	Levine (D)	<p>Summary: Current law establishes, within the state disability insurance program, a family temporary disability insurance program, also known as the paid family leave program, for the provision of wage replacement benefits to workers who take time off work to care for a seriously ill family member or to bond with a minor child within one year of birth or placement, as specified. Current law authorizes an employer to require an employee to take up to 2 weeks of earned but unused vacation before, and as a condition of, the employee's initial receipt of these benefits during any 12-month period in which the employee is eligible for these benefits. This bill would eliminate that authorization and related provisions.</p> <p><i>Is Urgency: N</i> <i>Is Fiscal: Y</i></p>	Support

AB 2623	Holden (D)	<p>Summary: Current law authorizes the State Department of Developmental Services to contract with regional centers to provide various services and supports to persons with developmental disabilities. Current law sets forth the department's and the regional center's authority to establish provider rates. Current law prohibits certain provider rate increases, but authorizes increases to those rates as necessary to adjust employee wages to meet the state minimum wage law. Current law further requires the department to adopt regulations that specify rates, calculated on the basis of a cost model, including, among other things, changes in the state or federal minimum wage, for community care facilities serving persons with developmental disabilities, as specified. This bill would require the cost model described above to also include changes in local minimum wage.</p> <p><i>Is Urgency: N</i> <i>Is Fiscal: Y</i></p>	Support
AB 3158	Mathis (R)	<p>Summary: Would prohibit a cause of action on the basis of a construction-related access barrier in an existing public accommodation by an individual who alleges to have been aggrieved by the existence of an access barrier from accruing unless specified conditions are met, including that a written notice has been sent to the owner and operator, as specified. The bill would create a specified 90-day period and an additional 30-day period during which the owner or operator of the public accommodation shall be permitted to remove the barrier or to make substantial progress toward removing the barrier, or to made a good faith effort to remove the barrier, as defined, before a cause of action accrues.</p> <p><i>Is Urgency: N</i> <i>Is Fiscal: N</i></p>	Oppose
AB 3200	Kalra (D)	<p>Summary: Under current law, benefit payments under SSP are calculated by establishing the maximum level of nonexempt income and federal SSI and state SSP benefits for each category of eligible recipient, with an annual cost-of-living adjustment, effective January 1 of each year. Current law prohibits, for each calendar year, commencing with the 2011 calendar year, any cost-of-living adjustment from being made to the maximum benefit payment unless otherwise specified by statute, except for the pass along of any cost-of-living increase in the federal SSI benefits. Current law continuously appropriates funds for the implementation of SSP. This bill would reinstate the cost-of-living adjustment beginning January 1 of the 2019 calendar year.</p> <p><i>Is Urgency: N</i> <i>Is Fiscal: Y</i></p>	Support



AB-1909 In-home supportive services: written content translation. (2017-2018)

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Date Published: 02/27/2018 09:00 PM

AMENDED IN ASSEMBLY FEBRUARY 27, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 1909

Introduced by Assembly Member Nazarian

January 23, 2018

An act to add Section 12300.5 to the Welfare and Institutions Code, relating to in-home supportive services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1909, as amended, Nazarian. In-home supportive services: written content translation.

Existing law requires a state agency that serves a substantial number of non-English-speaking people and provides English language materials explaining services to provide the same type of materials in other languages, as specified. Existing law requires the State Department of Social Services to translate a specified notice of action into all languages spoken by a substantial number of the public receiving in-home supportive services, as specified.

This bill would clarify that the department is required to provide translations of written content, as defined, in languages spoken by a substantial number of providers of in-home supportive services. The bill would permit the department to work with counties and the County Welfare Directors Association to repurpose existing, county-produced translations of written content.

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

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

SECTION 1. Section 12300.5 is added to the Welfare and Institutions Code, to read:

12300.5. (a) For all written content to be mailed to, or electronically viewed by, providers of in-home supportive services, the department shall provide translations of the content in all languages spoken by a substantial number of providers of in-home supportive services, in accordance with Section 7295.2 of the Government Code and related regulations.

(b) To implement this section, the department may work with counties and the County Welfare Directors

Association to repurpose existing, county-produced translations of written content.

(c) For purposes of this section, "written content" ~~includes~~ *includes, but is not limited to*, any informational notice, notice of action, *timesheet*, or form *intended for providers of in-home supportive services that is* required by this ~~article or article, state regulations;~~ *regulations, or other state action.*



AB-2244 Developmental services: regional centers: provider rates. (2017-2018)

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Date Published: 02/13/2018 09:00 PM

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 2244

**Introduced by Assembly Member Acosta
(Principal coauthor: Senator Stone)**

February 13, 2018

An act to amend Sections 4648.4, 4681.5, 4681.6, 4684.55, 4689.8, and 4691.9 of, and to add Section 4671 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2244, as introduced, Acosta. Developmental services: regional centers: provider rates.

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. Existing law sets forth the department's and a regional center's authority to establish provider rates. Existing law prohibits a regional center from paying a greater rate to a provider of certain services or supports, as specified, or from approving a service level for a residential service provider that would result in an increase in state costs, unless the regional center demonstrates that the approval is necessary to protect the consumer's health or safety and the department has granted prior written authorization or, in certain circumstances, unless the increase is required by a contract between the regional center and the vendor, as specified.

This bill would deem a request from a regional center for prior written authorization approved by the department if the department does not act on the request within 30 calendar days of receipt of the request, unless the director, in his or her discretion, determines that additional time is reasonably necessary to fully and fairly evaluate the request, as specified. If the director determines that additional time is necessary, the bill would grant the department an additional 30 calendar days to act on the request. The bill would authorize additional extensions of time only upon agreement of all parties, as specified.

The bill would, for a request from a regional center for prior written authorization involving cases in which there is an imminent and serious threat to the health and safety of the individual consumer, as defined, require the department to notify the regional center of its decision to grant or deny the request within 3 working days from receipt of the request. The bill would authorize the department to request additional information from a regional center under those circumstances, and would prescribe the procedure for making that request. If requested, once that information is provided to the department, the bill would require the department to make a decision to grant

or deny the request within 3 working days.

The bill would also, for a request from a regional center for prior written authorization, require the department to provide receipt of those requests and the contact information of the department representative handling the request to the regional center. The bill would authorize the consumer or the regional center to request a meeting with the department representative handling the request, as prescribed.

The bill would require the department to provide an accounting annually to the Legislature with regard to regional center requests for prior written authorization, as specified.

Existing law prohibits a regional center from negotiating a rate with new residential service providers, new supported living service providers, or other certain service providers, as specified, that is higher than the statewide or regional center's median rate for the same service code and unit of service, whichever is lower.

This bill would make an exception to the above prohibition if the regional center demonstrates that the approval is necessary to protect an individual consumer's health or safety and the department has granted prior written authorization. The bill would also make the 30-day and 3-day time frames described above applicable to these provisions.

Existing law requires the department to promulgate regulations for payment for community-based programs, including a procedure for appealing rates. Existing law prohibits certain rate increases for residential service providers, but, commencing July 1, 2017, authorizes increases to those rates as necessary to adjust employee wages to meet the state minimum wage law.

This bill would, on or before July 1, 2019, require the department to adopt regulations to create a process to review requests from regional centers in order to resolve systemic issues with service provider rates that have the potential to create economic distress for service providers or disrupt services to consumers, including, but not limited to, local minimum wage ordinances. The bill would require the department to include in the review process regulations a requirement that the department render a decision on the requested review no later than 60 calendar days after receipt of the review request unless the director, in his or her discretion, determines that additional time is reasonably necessary to fully and fairly evaluate the request, as specified.

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

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

SECTION 1. Section 4648.4 of the Welfare and Institutions Code is amended to read:

4648.4. (a) Notwithstanding any other ~~provision of~~ law or regulation, commencing July 1, 2006, rates for services listed in paragraphs (1), (2), with the exception of travel reimbursement, (3) to (8), inclusive, (10), and (11) of subdivision (b), shall be increased by 3 percent, subject to funds specifically appropriated for this increase in the Budget Act of 2006. The increase shall be applied as a percentage, and the percentage shall be the same for all providers. Any subsequent change shall be governed by subdivision (b).

(b) Notwithstanding any other ~~provision of~~ law or regulation, except for subdivision (a), ~~no~~ a regional center ~~may~~ *shall not* pay any provider of the following services or supports a rate that is greater than the rate that is in effect on or after June 30, 2008, unless the increase is required by a contract between the regional center and the vendor that is in effect on June 30, 2008, or the regional center demonstrates that the approval is necessary to protect ~~the~~ *an individual* consumer's health or safety and the department has granted prior written authorization:

- (1) Supported living services.
- (2) Transportation, including travel reimbursement.
- (3) Socialization training programs.
- (4) Behavior intervention training.
- (5) Community integration training programs.
- (6) Community activities support services.
- (7) Mobile day programs.
- (8) Creative art programs.

(9) Supplemental day services program supports.

(10) Adaptive skills trainers.

(11) Independent living specialists.

(c) (1) A request from a regional center for prior written authorization, as described in subdivision (b), shall be deemed approved by the department if the department does not act on the request within 30 calendar days of receipt of the request, unless the director, in his or her discretion, determines that additional time is reasonably necessary to fully and fairly evaluate the request and notifies the regional center of that determination. If the director determines that additional time is necessary, the department shall be granted an additional 30 calendar days to act on the request. Additional extensions may be granted only if the consumer, the regional center, and the department all agree to the additional extension.

(2) For a request from a regional center for prior written authorization, as described in subdivision (b), involving cases in which there is an imminent and serious threat to the health and safety of the individual consumer, the department shall notify the regional center of its decision to grant or deny the request within three working days from receipt of the request. If the department requires additional information from the regional center in order to reach a decision, the department may make a single request for that information within three working days of receipt of the regional center's request. In that instance, once the department receives the requested information, the department shall have three working days to reach a decision. For purposes of this paragraph, "imminent and serious threat to the health and safety of the individual consumer" shall include, but not be limited to, the following:

(A) Consumers who are currently placed in, or would otherwise be at risk of admission to, any of the following:

(i) The acute crisis center at Fairview Developmental Center or Sonoma Developmental Center.

(ii) An out-of-state placement.

(iii) An institution for mental disease, as described in Part 5 (commencing with Section 5900) of Division 5.

(iv) A facility utilizing secure perimeters pursuant to Section 1531.15 of the Health and Safety Code.

(B) Consumers who would otherwise be at risk of placement in a more restrictive or less integrated setting.

(d) Upon receipt of either an oral or written request from a regional center for prior written authorization, as described in subdivision (b), the department shall, within three working days of receipt of the request, send a written acknowledgment of receipt to the regional center that includes, at a minimum, the date of receipt of the request and the contact information of the department representative handling the request review. An email from the department shall satisfy this requirement.

(e) The consumer or the regional center may ask for a meeting with the department representative handling the review. If asked, the department shall grant the meeting request and hold the meeting prior to its decision to grant or deny the waiver request. The department may fulfill this meeting requirement through telephone or other electronic means, if the regional center or consumer who requested the meeting has the necessary equipment to conduct the meeting electronically.

(f) The department shall annually provide an accounting of the age of each request that is received from the regional centers during the previous calendar year, as described in subdivision (b) and separated out by each individual regional center, to the relevant policy and fiscal committees of the Legislature. The department shall also make that accounting available on the department's Internet Web site.

SEC. 2. Section 4671 is added to the Welfare and Institutions Code, to read:

4671. On or before July 1, 2019, the department shall adopt regulations to establish a process to review requests from regional centers to resolve systemic issues with service provider rates that have the potential to create economic distress for service providers or disrupt services to consumers, including, but not limited to, local minimum wage ordinances. The department shall include in the review process regulations a requirement that the department render a decision on the requested review no later than 60 calendar days after receipt of the review request, unless the director, in his or her discretion, determines that additional time is reasonably necessary to fully and fairly evaluate the request and notifies the regional center of that determination.

SEC. 3. Section 4681.5 of the Welfare and Institutions Code is amended to read:

4681.5. (a) (1) Notwithstanding any other law or regulation, a regional center shall not approve a service level for a residential service provider, as defined in Section 56002 of Title 17 of the California Code of Regulations, if the approval would result in an increase in state costs or the rate to be paid to the provider that is greater than the rate that is in effect on June 30, 2008, or, for residential service providers subject to subdivision (b), unless the regional center demonstrates to the department that the approval is necessary to protect ~~the~~ *an individual consumer's* health or safety and the department has granted prior written authorization.

(2) A request from a regional center for prior written authorization, as described in paragraph (1), shall be deemed approved by the department if the department does not act on the request within 30 calendar days of receipt of the request, unless the director, in his or her discretion, determines that additional time is reasonably necessary to fully and fairly evaluate the request and notifies the regional center of that determination. If the director determines that additional time is necessary, the department shall be granted an additional 30 calendar days to act on the request. Additional extensions may be granted only if the consumer, the regional center, and the department all agree to the additional extension.

(3) For a request from a regional center for prior written authorization, as described in paragraph (1), involving cases in which there is an imminent and serious threat to the health and safety of the individual consumer, the department shall notify the regional center of its decision to grant or deny the request within three working days from receipt of the request. If the department requires additional information from the regional center in order to reach a decision, the department may make a single request for that information within three working days of receipt of the regional center's request. In that instance, once the department receives the requested information, the department shall have three working days to reach a decision. For purposes of this paragraph, "imminent and serious threat to the health and safety of the individual consumer" shall include, but not be limited to, the following:

(A) Consumers who are currently placed in, or would otherwise be at risk of admission to, any of the following:

(i) The acute crisis center at Fairview Developmental Center or Sonoma Developmental Center.

(ii) An out-of-state placement.

(iii) An institution for mental disease, as described in Part 5 (commencing with Section 5900) of Division 5.

(iv) A facility utilizing secure perimeters pursuant to Section 1531.15 of the Health and Safety Code.

(B) Consumers who would otherwise be at risk of placement in a more restrictive or less integrated setting.

(4) Upon receipt of either an oral or written request from a regional center for prior written authorization, as described in paragraph (1), the department shall, within three working days of receipt of the request, send a written acknowledgment of receipt to the regional center that includes, at a minimum, the date of receipt of the request and the contact information of the department representative handling the request review. An email from the department shall satisfy this requirement.

(5) The consumer or the regional center may ask for a meeting with the department representative handling the review. If asked, the department shall grant the meeting request and hold the meeting prior to its decision to grant or deny the waiver request. The department may fulfill this meeting requirement through telephone or other electronic means, if the regional center or consumer who requested the meeting has the necessary equipment to conduct the meeting electronically.

(6) The department shall annually provide an accounting of the age of each request that is received from the regional centers during the previous calendar year, as described in paragraph (1) and separated out by each individual regional center, to the relevant policy and fiscal committees of the Legislature. The department shall also make that accounting available on the department's Internet Web site.

(b) Notwithstanding subdivision (a) or any other law or regulation, the department shall, effective July 1, 2016, establish a rate schedule for residential community care facilities vendored to provide services to a maximum of four persons with developmental disabilities.

(c) Community care facilities with rates established pursuant to subdivision (b) are subject to the regulatory requirements contained in Subchapter 4 (commencing with Section 56001) of Chapter 3 of Division 2 of Title 17 of the California Code of Regulations.

(d) Rate changes made as a result of implementing the rate schedule established pursuant to subdivision (b) for community care facilities vendored to provide services to a maximum of four persons with developmental disabilities are not subject to the restrictions of subdivision (a) if the approved service level is not higher than the

service level in effect at the time of the change.

(e) No later than February 1, 2017, regional centers shall report to the department on the number of residential community care facilities with rates established pursuant to subdivision (b). The report shall include, but not be limited to, both of the following:

- (1) The number of facilities vendored since July 1, 2016, by service level and vendored capacity.
- (2) The number of facilities vendored prior to July 1, 2016, that have subsequently been approved for a new rate, by service level, vendored capacity, and prior vendored capacity, if applicable.

SEC. 4. Section 4681.6 of the Welfare and Institutions Code is amended to read:

4681.6. (a) Notwithstanding any other law or regulation, commencing July 1, 2008:

(1) A regional center shall not pay an existing residential service provider, for services ~~where~~ *for which* rates are determined through a negotiation between the regional center and the provider, a rate higher than the rate in effect on June 30, 2008, unless the increase is required by a contract between the regional center and the vendor that is in effect on June 30, 2008, or the regional center demonstrates that the approval is necessary to protect ~~the~~ *an individual* consumer's health or safety and the department has granted prior written authorization.

(2) A regional center shall not negotiate a rate with a new residential service provider, for services ~~where~~ *for which* rates are determined through a negotiation between the regional center and the provider, that is higher than the regional center's median rate for the same service code and unit of service, or the statewide median rate for the same service code and unit of service, whichever is ~~lower.~~ *lower, unless the regional center demonstrates that the approval is necessary to protect an individual consumer's health or safety and the department has granted prior written authorization.* The unit of service designation shall conform with an existing regional center designation or, if none exists, a designation used to calculate the statewide median rate for the same service. The regional center shall annually certify to the department its median rate for each negotiated rate service code, by designated unit of service. This certification shall be subject to verification through the department's biennial fiscal audit of the regional center.

(3) A request from a regional center for prior written authorization, as described in paragraph (1) or (2), shall be deemed approved by the department if the department does not act on the request within 30 calendar days of receipt of the request, unless the director, in his or her discretion, determines that additional time is reasonably necessary to fully and fairly evaluate the request and notifies the regional center of that determination. If the director determines that additional time is necessary, the department shall be granted an additional 30 calendar days to act on the request. Additional extensions may be granted only if the consumer, the regional center, and the department all agree to the additional extension.

(4) For a request from a regional center for prior written authorization, as described in paragraph (1) or (2), involving cases in which there is an imminent and serious threat to the health and safety of the individual consumer, the department shall notify the regional center of its decision to grant or deny the request within three working days from receipt of the request. If the department requires additional information from the regional center in order to reach a decision, the department may make a single request for that information within three working days of receipt of the regional center's request. In that instance, once the department receives the requested information, the department shall have three working days to reach a decision. For purposes of this paragraph, "imminent and serious threat to the health and safety of the individual consumer" shall include, but not be limited to, the following:

(A) Consumers who are currently placed in, or would otherwise be at risk of admission to, any of the following:

(i) The acute crisis center at Fairview Developmental Center or Sonoma Developmental Center.

(ii) An out-of-state placement.

(iii) An institution for mental disease, as described in Part 5 (commencing with Section 5900) of Division 5.

(iv) A facility utilizing secure perimeters pursuant to Section 1531.15 of the Health and Safety Code.

(B) Consumers who would otherwise be at risk of placement in a more restrictive or less integrated setting.

(5) Upon receipt of either an oral or written request from a regional center for prior written authorization, as described in paragraph (1) or (2), the department shall, within three working days of receipt of the request, send a written acknowledgment of receipt to the regional center that includes, at a minimum, the date of receipt of the

request and the contact information of the department representative handling the request review. An email from the department shall satisfy this requirement.

(6) The consumer or the regional center may ask for a meeting with the department representative handling the review. If asked, the department shall grant the meeting request and hold the meeting prior to its decision to grant or deny the waiver request. The department may fulfill this meeting requirement through telephone or other electronic means, if the regional center or consumer who requested the meeting has the necessary equipment to conduct the meeting electronically.

(7) The department shall annually provide an accounting of the age of each request that is received from the regional centers during the previous calendar year, as described in paragraph (1) or (2) and separated out by each individual regional center, to the relevant policy and fiscal committees of the Legislature. The department shall also make that accounting available on the department's Internet Web site.

(b) Notwithstanding subdivision (a), commencing January 1, 2017, regional centers may negotiate a rate adjustment with residential service providers regarding rates that are otherwise restricted pursuant to subdivision (a), if the adjustment is necessary in order to pay employees no less than the minimum wage as established by Section 1182.12 of the Labor Code, as amended by Chapter 4 of the Statutes of 2016, and only for the purpose of adjusting payroll costs associated with the minimum wage increase. The rate adjustment shall be specific to the unit of service designation that is affected by the increased minimum wage, shall be specific to payroll costs associated with any increase necessary to adjust employee pay only to the extent necessary to bring pay into compliance with the increased state minimum wage, and shall not be used as a general wage enhancement for employees paid above the minimum wage. Regional centers shall maintain documentation on the process to determine, and the rationale for granting, any rate adjustment associated with the minimum wage increase.

(c) Notwithstanding subdivision (a), commencing July 1, 2015, regional centers may negotiate a rate adjustment with residential service providers regarding rates that are otherwise restricted pursuant to subdivision (a), if the adjustment is necessary to implement Article 1.5 (commencing with Section 245) of Chapter 1 of Part 1 of Division 2 of the Labor Code, as added by Chapter 317 of the Statutes of 2014. The rate adjustment may be applied only if a minimum of 24 hours or three days of paid sick leave per year was not a benefit provided to employees as of June 30, 2015, and shall be specific to payroll costs associated with any increase necessary to compensate an employee up to a maximum of 24 hours or three days of paid sick leave in each year of employment.

(d) For purposes of this section, "residential service provider" includes *an Adult Residential-Facilities Facility* for Persons with Special Health Care Needs, as described in Section 4684.50.

(e) This section shall not apply to those services for which rates are determined by the State Department of Health Care Services, or the State Department of Developmental Services, or are usual and customary.

SEC. 5. Section 4684.55 of the Welfare and Institutions Code is amended to read:

4684.55. (a) ~~No~~*(1) A regional center may shall not* pay a rate to any ARFPSHN for any consumer that exceeds the rate in the State Department of Developmental Services' approved community placement plan for that ~~facility facility~~, unless the regional center demonstrates that a higher rate is necessary to protect ~~a an individual consumer's~~ health and safety, and the department has granted prior written authorization.

(2) A request from a regional center for prior written authorization, as described in paragraph (1), shall be deemed approved by the department if the department does not act on the request within 30 calendar days of receipt of the request, unless the director, in his or her discretion, determines that additional time is reasonably necessary to fully and fairly evaluate the request and notifies the regional center of that determination. If the director determines that additional time is necessary, the department shall be granted an additional 30 calendar days to act on the request. Additional extensions may be granted only if the consumer, the regional center, and the department all agree to the additional extension.

(3) For a request from a regional center for prior written authorization, as described in paragraph (1), involving cases in which there is an imminent and serious threat to the health and safety of the individual consumer, the department shall notify the regional center of its decision to grant or deny the request within three working days from receipt of the request. If the department requires additional information from the regional center in order to reach a decision, the department may make a single request for that information within three working days of receipt of the regional center's request. In that instance, once the department receives the requested information, the department shall have three working days to reach a decision. For purposes of this paragraph, "imminent and serious threat to the health and safety of the individual consumer" shall include, but not be limited to, the

following:

(A) Consumers who are currently placed in, or would otherwise be at risk of admission to, any of the following:

(i) The acute crisis center at Fairview Developmental Center or Sonoma Developmental Center.

(ii) An out-of-state placement.

(iii) An institution for mental disease, as described in Part 5 (commencing with Section 5900) of Division 5.

(iv) A facility utilizing secure perimeters pursuant to Section 1531.15 of the Health and Safety Code.

(B) Consumers who would otherwise be at risk of placement in a more restrictive or less integrated setting.

(4) Upon receipt of either an oral or written request from a regional center for prior written authorization, as described in paragraph (1), the department shall, within three working days of receipt of the request, send a written acknowledgment of receipt to the regional center that includes, at a minimum, the date of receipt of the request and the contact information of the department representative handling the request review. An email from the department shall satisfy this requirement.

(5) The consumer or the regional center may ask for a meeting with the department representative handling the review. If asked, the department shall grant the meeting request and hold the meeting prior to its decision to grant or deny the waiver request. The department may fulfill this meeting requirement through telephone or other electronic means, if the regional center or consumer who requested the meeting has the necessary equipment to conduct the meeting electronically.

(6) The department shall annually provide an accounting of the age of each request that is received from the regional centers during the previous calendar year, as described in paragraph (1) and separated out by each individual regional center, to the relevant policy and fiscal committees of the Legislature. The department shall also make that accounting available on the department's Internet Web site.

(b) The payment rate for ARFPSHN services shall be negotiated between the regional center and the ARFPSHN, and shall be paid by the regional center under the service code "Specialized Residential Facility (Habilitation)."

(c) The established rate for a full month of service shall be made by the regional center when a consumer is temporarily absent from the ARFPSHN 14 days or less per month. When the consumer's temporary absence is due to the need for inpatient care in a health facility, as defined in subdivision (a), (b), or (c) of Section 1250 of the Health and Safety Code, the regional center shall continue to pay the established rate as long as no other consumer occupies the vacancy created by the consumer's temporary absence, or until the individual health care plan team has determined that the consumer will not return to the facility. In all other cases, the established rate shall be prorated for a partial month of service by dividing the established rate by 30.44 then by multiplying the quotient by the number of days the consumer resided in the facility.

SEC. 6. Section 4689.8 of the Welfare and Institutions Code is amended to read:

4689.8. (a) Notwithstanding any other law or regulation, commencing July 1, 2008:

(a)No

(1) A regional center ~~may~~ shall not pay an existing supported living service provider, for services ~~where~~ for which rates are determined through a negotiation between the regional center and the provider, a rate higher than the rate in effect on June 30, 2008, unless the increase is required by a contract between the regional center and the vendor that is in effect on June 30, 2008, or the regional center demonstrates that the approval is necessary to protect ~~the~~ an individual consumer's health or safety and the department has granted prior written authorization.

(b)No

(2) A regional center ~~may~~ shall not negotiate a rate with a new supported living service provider, for services ~~where~~ for which rates are determined through a negotiation between the regional center and the provider, that is higher than the regional center's median rate for the same service code and unit of service, or the statewide median rate for the same service code and unit of service, whichever is ~~lower.~~ lower, unless the regional center demonstrates that the approval is necessary to protect an individual consumer's health or safety and the department has granted prior written authorization. The unit of service designation shall conform with an existing regional center designation or, if none exists, a designation used to calculate the statewide median rate for the same service. The regional center shall annually certify to the State Department of Developmental Services its median rate for each negotiated rate service code, by designated unit of service. This certification shall be subject

to verification through the department's biennial fiscal audit of the regional center.

(e)

(3) Notwithstanding any other law or regulation, commencing July 1, 2016, and to the extent funds are appropriated in the annual Budget Act for this purpose, the rates in effect on June 30, 2016, for supported living services, as defined in Subchapter 19 (*commencing with Section 58600*) of Chapter 3 of Division 2 of Title 17 of the California Code of Regulations, shall be increased by 5 percent. The increase shall be applied as a percentage, and the percentage shall be the same for all providers.

(b) (1) *A request from a regional center for prior written authorization, as described in subdivision (a), shall be deemed approved by the department if the department does not act on the request within 30 calendar days of receipt of the request, unless the director, in his or her discretion, determines that additional time is reasonably necessary to fully and fairly evaluate the request and notifies the regional center of that determination. If the director determines that additional time is necessary, the department shall be granted an additional 30 calendar days to act on the request. Additional extensions may be granted only if the consumer, the regional center, and the department all agree to the additional extension.*

(2) *For a request from a regional center for prior written authorization, as described in subdivision (a), involving cases in which there is an imminent and serious threat to the health and safety of the individual consumer, the department shall notify the regional center of its decision to grant or deny the request within three working days from receipt of the request. If the department requires additional information from the regional center in order to reach a decision, the department may make a single request for that information within three working days of receipt of the regional center's request. In that instance, once the department receives the requested information, the department shall have three working days to reach a decision. For purposes of this paragraph, "imminent and serious threat to the health and safety of the individual consumer" shall include, but not be limited to, the following:*

(A) *Consumers who are currently placed in, or would otherwise be at risk of admission to, any of the following:*

(i) *The acute crisis center at Fairview Developmental Center or Sonoma Developmental Center.*

(ii) *An out-of-state placement.*

(iii) *An institution for mental disease, as described in Part 5 (commencing with Section 5900) of Division 5.*

(iv) *A facility utilizing secure perimeters pursuant to Section 1531.15 of the Health and Safety Code.*

(B) *Consumers who would otherwise be at risk of placement in a more restrictive or less integrated setting.*

(3) *Upon receipt of either an oral or written request from a regional center for prior written authorization, as described in subdivision (a), the department shall, within three working days of receipt of the request, send a written acknowledgment of receipt to the regional center that includes, at a minimum, the date of receipt of the request and the contact information of the department representative handling the request review. An email from the department shall satisfy this requirement.*

(4) *The consumer or the regional center may ask for a meeting with the department representative handling the review. If asked, the department shall grant the meeting request and hold the meeting prior to its decision to grant or deny the waiver request. The department may fulfill this meeting requirement through telephone or other electronic means, if the regional center or consumer who requested the meeting has the necessary equipment to conduct the meeting electronically.*

(5) *The department shall annually provide an accounting of the age of each request that is received from the regional centers during the previous calendar year, as described in subdivision (a) and separated out by each individual regional center, to the relevant policy and fiscal committees of the Legislature. The department shall also make that accounting available on the department's Internet Web site.*

SEC. 7. Section 4691.9 of the Welfare and Institutions Code is amended to read:

4691.9. (a) (1) Notwithstanding any other law or regulation, commencing July 1, 2008:

(±)

(A) A regional center shall not pay an existing service provider, for services ~~where~~ *for which* rates are determined through a negotiation between the regional center and the provider, a rate higher than the rate in effect on June 30, 2008, unless the increase is required by a contract between the regional center and the vendor that is in

effect on June 30, 2008, or the regional center demonstrates that the approval is necessary to protect ~~the~~ *an individual* consumer's health or safety and the department has granted prior written authorization.

~~(2)~~

*(B) A regional center shall not negotiate a rate with a new service provider, for services ~~where~~ for which rates are determined through a negotiation between the regional center and the provider, that is higher than the regional center's median rate for the same service code and unit of service, or the statewide median rate for the same service code and unit of service, whichever is ~~lower~~. *lower, unless the regional center demonstrates that the approval is necessary to protect an individual consumer's health or safety and the department has granted prior written authorization.* The unit of service designation shall conform with an existing regional center designation or, if none exists, a designation used to calculate the statewide median rate for the same service. The regional center shall annually certify to the State Department of Developmental Services its median rate for each negotiated rate service code, by designated unit of service. This certification shall be subject to verification through the department's biennial fiscal audit of the regional center.*

(2) A request from a regional center for prior written authorization, as described in subparagraph (A) or (B) of paragraph (1), shall be deemed approved by the department if the department does not act on the request within 30 calendar days of receipt of the request, unless the director, in his or her discretion, determines that additional time is reasonably necessary to fully and fairly evaluate the request and notifies the regional center of that determination. If the director determines that additional time is necessary, the department shall be granted an additional 30 calendar days to act on the request. Additional extensions may be granted only if the consumer, the regional center, and the department all agree to the additional extension.

(3) For a request from a regional center for prior written authorization, as described in subparagraph (A) or (B) of paragraph (1), involving cases in which there is an imminent and serious threat to the health and safety of the individual consumer, the department shall notify the regional center of its decision to grant or deny the request within three working days from receipt of the request. If the department requires additional information from the regional center in order to reach a decision, the department may make a single request for that information within three working days of receipt of the regional center's request. In that instance, once the department receives the requested information, the department shall have three working days to reach a decision. For purposes of this paragraph, "imminent and serious threat to the health and safety of the individual consumer" shall include, but not be limited to, the following:

(A) Consumers who are currently placed in, or would otherwise be at risk of admission to, any of the following:

(i) The acute crisis center at Fairview Developmental Center or Sonoma Developmental Center.

(ii) An out-of-state placement.

(iii) An institution for mental disease, as described in Part 5 (commencing with Section 5900) of Division 5.

(iv) A facility utilizing secure perimeters pursuant to Section 1531.15 of the Health and Safety Code.

(B) Consumers who would otherwise be at risk of placement in a more restrictive or less integrated setting.

(4) Upon receipt of either an oral or written request from a regional center for prior written authorization, as described in subparagraph (A) or (B) of paragraph (1), the department shall, within three working days of receipt of the request, send a written acknowledgment of receipt to the regional center that includes, at a minimum, the date of receipt of the request and the contact information of the department representative handling the request review. An email from the department shall satisfy this requirement.

(5) The consumer or the regional center may ask for a meeting with the department representative handling the review. If asked, the department shall grant the meeting request and hold the meeting prior to its decision to grant or deny the waiver request. The department may fulfill this meeting requirement through telephone or other electronic means, if the regional center or consumer who requested the meeting has the necessary equipment to conduct the meeting electronically.

(6) The department shall annually provide an accounting of the age of each request that is received from the regional centers during the previous calendar year, as described in subparagraph (A) or (B) of paragraph (1) and separated out by each individual regional center, to the relevant policy and fiscal committees of the Legislature. The department shall also make that accounting available on the department's Internet Web site.

(b) Notwithstanding subdivision (a), commencing January 1, 2017, regional centers may negotiate a rate adjustment with providers regarding rates if the adjustment is necessary in order to pay employees no less than

the minimum wage as established by Section 1182.12 of the Labor Code, as amended by Chapter 4 of the Statutes of 2016, and only for the purpose of adjusting payroll costs associated with the minimum wage increase. The rate adjustment shall be specific to the unit of service designation that is affected by the increased minimum wage, shall be specific to payroll costs associated with any increase necessary to adjust employee pay only to the extent necessary to bring pay into compliance with the increased state minimum wage, and shall not be used as a general wage enhancement for employees paid above the increased minimum wage. Regional centers shall maintain documentation on the process to determine, and the rationale for granting, any rate adjustment associated with the minimum wage increase.

(c) Notwithstanding any other law or regulation, commencing January 1, 2015, rates for personal assistance and supported living services in effect on December 31, 2014, shall be increased by 5.82 percent, subject to funds specifically appropriated for this increase for costs due to changes in federal regulations implementing the federal Fair Labor Standards Act of 1938 (29 U.S.C. Sec. 201 et seq.). The increase shall be applied as a percentage, and the percentage shall be the same for all applicable providers. As used in this subdivision, both of the following definitions shall apply:

(1) "Personal assistance" is limited only to those services provided by vendors classified by the regional center as personal assistance providers, pursuant to the miscellaneous services provisions contained in Title 17 of the California Code of Regulations.

(2) "Supported living services" are limited only to those services defined as supported living services in Title 17 of the California Code of Regulations.

(d) Notwithstanding subdivision (a), commencing July 1, 2015, regional centers may negotiate a rate adjustment with existing service providers for services for which rates are determined through negotiation between the regional center and the provider, if the adjustment is necessary to implement Article 1.5 (commencing with Section 245) of Chapter 1 of Part 1 of Division 2 of the Labor Code, as added by Chapter 317 of the Statutes of 2014. The rate adjustment may be applied only if a minimum of 24 hours or three days of paid sick leave per year was not a benefit provided to employees as of June 30, 2015, and shall be specific to payroll costs associated with any increase necessary to compensate an employee up to a maximum of 24 hours or three days of paid sick leave in each year of employment.

(e) Notwithstanding any other law or regulation, commencing July 1, 2016, and to the extent funds are appropriated in the annual Budget Act for this purpose, rates for transportation services in effect on June 30, 2016, shall be increased by 5 percent. The increase shall be applied as a percentage to existing rates, and the percentage shall be the same for all applicable providers.

(f) This section shall not apply to those services for which rates are determined by the State Department of Health Care Services, or the State Department of Developmental Services, or are usual and customary.



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AB-2587 Disability compensation: paid family leave. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 2587

Introduced by Assembly Member Levine

February 15, 2018

An act to amend Section 3303.1 of the Unemployment Insurance Code, relating to paid family leave.

LEGISLATIVE COUNSEL'S DIGEST

AB 2587, as introduced, Levine. Disability compensation: paid family leave.

Existing law establishes, within the state disability insurance program, a family temporary disability insurance program, also known as the paid family leave program, for the provision of wage replacement benefits to workers who take time off work to care for a seriously ill family member or to bond with a minor child within one year of birth or placement, as specified.

Existing law authorizes an employer to require an employee to take up to 2 weeks of earned but unused vacation before, and as a condition of, the employee's initial receipt of these benefits during any 12-month period in which the employee is eligible for these benefits.

This bill would eliminate that authorization and related provisions.

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

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

SECTION 1. Section 3303.1 of the Unemployment Insurance Code is amended to read:

3303.1. (a) An individual is not eligible for family temporary disability insurance benefits with respect to any day that any of the following apply:

(1) The individual has received, or is entitled to receive, unemployment compensation benefits under Part 1 (commencing with Section 100) or under an unemployment compensation act of any other state or of the federal government.

(2) The individual has received, or is entitled to receive, "other benefits" in the form of cash benefits as defined in Section 2629.

(3) The individual has received, or is entitled to receive, state disability insurance benefits under Part 2 (commencing with Section 2601) or under a disability insurance act of any other state.

(4) Another family member, as defined in Section 3302, is ready, willing, and able and available for the same period of time in a day that the individual is providing the required care.

(b) An individual who is entitled to leave under the FMLA and the CFRA must take Family Temporary Disability Insurance (FTDI) leave concurrent with leave taken under the FMLA and the CFRA.

~~(c) As a condition of an employee's initial receipt of family temporary disability insurance benefits during any 12-month period in which an employee is eligible for these benefits, an employer may require an employee to take up to two weeks of earned but unused vacation leave prior to the employee's initial receipt of these benefits. If an employer so requires an employee to take vacation leave, that portion of the vacation leave that does not exceed one week shall be applied to the waiting period required under subdivision (b) of Section 3303. This subdivision may not be construed in a manner that relieves an employer of any duty of collective bargaining the employer may have with respect to the subject matter of this subdivision.~~



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AB-2623 Developmental disabilities: regional centers. (2017-2018)

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CALIFORNIA LEGISLATURE—2017–2018 REGULAR SESSION

ASSEMBLY BILL**No. 2623****Introduced by Assembly Member Holden****February 15, 2018**

An act to amend Sections 4681.1, 4681.6, 4691.6, and 4691.9 of the Welfare and Institutions Code, relating to developmental disabilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2623, as introduced, Holden. Developmental disabilities: regional centers.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is responsible for providing various services and supports to persons with developmental disabilities, and for ensuring the appropriateness and quality of those services and supports. Existing law authorizes the department to contract with regional centers to provide these services and supports. Existing law sets forth the department's and the regional center's authority to establish provider rates. Existing law prohibits certain provider rate increases, but authorizes increases to those rates as necessary to adjust employee wages to meet the state minimum wage law. Existing law further requires the department to adopt regulations that specify rates, calculated on the basis of a cost model, including, among other things, changes in the state or federal minimum wage, for community care facilities serving persons with developmental disabilities, as specified. Existing law authorizes the department to approve rate adjustments for a work activity program that demonstrates to the department that the adjustment is necessary, as specified. Existing law authorizes community-based day program and in-home respite services agency providers with temporary payment rates set by the department to seek unanticipated rate adjustments from the department, as specified.

This bill would require the cost model described above to also include changes in local minimum wage. The bill would additionally authorize adjustment of prescribed provider rates if the adjustment is necessary in order to pay employees no less than the minimum wage required to comply with an ordinance that increases the minimum wage, as specified. The bill would provide that these provisions become operative on July 1, 2019.

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

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

SECTION 1. Section 4681.1 of the Welfare and Institutions Code is amended to read:

4681.1. (a) The department shall adopt regulations that specify rates for community care facilities serving persons with developmental disabilities. The implementation of the regulations shall be contingent upon an appropriation in the annual Budget Act for this purpose. These rates shall be calculated on the basis of a cost model designed by the department that ensures that aggregate facility payments support the provision of services to each person in accordance with his or her individual program plan and applicable program requirements. The cost model shall reflect cost elements that shall include, but are not limited to, all of the following:

(1) "Basic living needs" include utilities, furnishings, food, supplies, incidental transportation, housekeeping, personal care items, and other items necessary to ensure a quality environment for persons with developmental disabilities. The amount identified for the basic living needs element of the rate shall be calculated as the average projected cost of these items in an economically and efficiently operated community care facility.

(2) "Direct care" includes salaries, wages, benefits, and other expenses necessary to supervise or support the person's functioning in the areas of self-care and daily living skills, physical coordination mobility, and behavioral self-control, choice making, and integration. The amount identified for direct care shall be calculated as the average projected cost of providing the level of service required to meet each person's functional needs in an economically and efficiently operated community care facility. The direct care portion of the rate shall reflect specific service levels defined by the department on the basis of relative resident need and the individual program plan.

(3) "Special services" include specialized training, treatment, supervision, or other services that a person's individual program plan requires to be provided by the residential facility in addition to the direct care provided under paragraph (2). The amount identified for special services shall be calculated for each individual based on the additional services specified in the person's individual program plan and the prevailing rates paid for similar services in the area. The special services portion of the rate shall reflect a negotiated agreement between the facility and the regional center in accordance with Section 4648.

(4) "Indirect costs" include managerial personnel, facility operation, maintenance and repair, other nondirect care, employee benefits, contracts, training, travel, licenses, taxes, interest, insurance, depreciation, and general administrative expenses. The amount identified for indirect costs shall be calculated as the average projected cost for these expenses in an economically and efficiently operated community care facility.

(5) "Property costs" include mortgages, leases, rent, taxes, capital or leasehold improvements, depreciation, and other expenses related to the physical structure. The amount identified for property costs shall be based on the fair rental value of a model facility that is adequately designed, constructed, and maintained to meet the needs of persons with developmental disabilities. The amount identified for property costs shall be calculated as the average projected fair rental value of an economically and efficiently operated community care facility.

(b) The cost model shall take into account factors that include, but are not limited to, all of the following:

(1) Facility size, as defined by the department on the basis of the number of facility beds licensed by the State Department of Social Services and vendorized by the regional center.

(2) Specific geographic areas, as defined by the department on the basis of cost of living and other pertinent economic indicators.

(3) Common levels of direct care, as defined by the department on the basis of services specific to an identifiable group of persons as determined through the individual program plan.

(4) Positive outcomes, as defined by the department on the basis of increased integration, independence, and productivity at the aggregate facility and individual consumer level.

(5) Owner-operated and staff-operated reimbursement, which shall not differ for facilities that are required to comply with the same program requirements.

(c) The rates established for individual community care facilities serving persons with developmental disabilities shall reflect all of the model cost elements and rate development factors described in this section. The cost model design shall include a process for updating the cost model elements that address variables, including, but not limited to, all of the following:

(1) Economic trends in California.

(2) New state or federal program requirements.

(3) Changes in the state or federal minimum wage.

(4) Commencing July 1, 2019, changes in local minimum wage.

~~(4)~~

(5) Increases in fees, taxes, or other business costs.

~~(5)~~

(6) Increases in federal supplemental security income/state supplementary program for the aged, blind, and disabled payments.

(d) Rates established for persons with developmental disabilities who are also dually diagnosed with a mental health disorder may be fixed at a higher rate. The department shall work with the State Department of Health Care Services to establish criteria upon which higher rates may be fixed pursuant to this subdivision. The higher rate for persons with developmental disabilities who are also dually diagnosed with a mental health disorder may be paid when requested by the director of the regional center and approved by the Director of Developmental Services.

(e) By January 1, 2001, the department shall prepare proposed regulations to implement the changes outlined in this section. The department may use a private firm to assist in the development of these changes and shall confer with consumers, providers, and other interested parties concerning the proposed regulations. By May 15, 2001, and each year thereafter, the department shall provide the Legislature with annual community care facility rates, including any draft amendments to the regulations as required. By July 1, 2001, and each year thereafter, contingent upon an appropriation in the annual Budget Act for this purpose, the department shall adopt emergency regulations that establish the annual rates for community care facilities serving persons with developmental disabilities for each fiscal year.

(f) During the first year of operation under the revised rate model, individual facilities shall be held harmless for any reduction in aggregate facility payments caused solely by the change in reimbursement methodology.

SEC. 2. Section 4681.6 of the Welfare and Institutions Code is amended to read:

4681.6. (a) Notwithstanding any other law or regulation, commencing July 1, 2008:

(1) A regional center shall not pay an existing residential service provider, for services ~~where~~ *for which* rates are determined through a negotiation between the regional center and the provider, a rate higher than the rate in effect on June 30, 2008, unless the increase is required by a contract between the regional center and the vendor that is in effect on June 30, 2008, or the regional center demonstrates that the approval is necessary to protect the consumer's health or safety and the department has granted prior written authorization.

(2) A regional center shall not negotiate a rate with a new residential service provider, for services ~~where~~ *for which* rates are determined through a negotiation between the regional center and the provider, that is higher than the regional center's median rate for the same service code and unit of service, or the statewide median rate for the same service code and unit of service, whichever is lower. The unit of service designation shall conform with an existing regional center designation or, if none exists, a designation used to calculate the statewide median rate for the same service. The regional center shall annually certify to the department its median rate for each negotiated rate service code, by designated unit of service. This certification shall be subject to verification through the department's biennial fiscal audit of the regional center.

(b) *(1)* Notwithstanding subdivision (a), commencing January 1, 2017, regional centers may negotiate a rate adjustment with residential service providers regarding rates that are otherwise restricted pursuant to subdivision (a), if the adjustment is necessary in order to pay employees no less than the minimum wage as established by Section 1182.12 of the Labor Code, as amended by Chapter 4 of the Statutes of 2016, and only for the purpose of adjusting payroll costs associated with the minimum wage increase. The rate adjustment shall be specific to the unit of service designation that is affected by the increased minimum wage, shall be specific to payroll costs associated with any increase necessary to adjust employee pay only to the extent necessary to bring pay into compliance with the increased state minimum wage, and shall not be used as a general wage enhancement for employees paid above the minimum wage. Regional centers shall maintain documentation on the process to determine, and the rationale for granting, any rate adjustment associated with the minimum wage increase.

(2) Notwithstanding subdivision (a), commencing July 1, 2019, a regional center may negotiate a rate adjustment with residential service providers regarding rates that are otherwise restricted pursuant to subdivision (a), if the adjustment is necessary in order to pay employees no less than the minimum wage required to comply with an ordinance that increases the minimum wage, and only for the purpose of adjustment to payroll costs associated

with the minimum wage increase.

(c) Notwithstanding subdivision (a), commencing July 1, 2015, regional centers may negotiate a rate adjustment with residential service providers regarding rates that are otherwise restricted pursuant to subdivision (a), if the adjustment is necessary to implement Article 1.5 (commencing with Section 245) of Chapter 1 of Part 1 of Division 2 of the Labor Code, as added by Chapter 317 of the Statutes of 2014. The rate adjustment may be applied only if a minimum of 24 hours or three days of paid sick leave per year was not a benefit provided to employees as of June 30, 2015, and shall be specific to payroll costs associated with any increase necessary to compensate an employee up to a maximum of 24 hours or three days of paid sick leave in each year of employment.

(d) For purposes of this section, "residential service provider" includes Adult Residential Facilities for Persons with Special Health Care Needs, as described in Section 4684.50.

(e) This section shall not apply to those services for which rates are determined by the State Department of Health Care Services, or the State Department of Developmental Services, or are usual and customary.

SEC. 3. Section 4691.6 of the Welfare and Institutions Code is amended to read:

4691.6. (a) Notwithstanding any other law or regulation, commencing July 1, 2006, the community-based day program, work activity program, and in-home respite service agency rate schedules authorized by the department and in operation June 30, 2006, shall be increased by 3 percent, subject to funds specifically appropriated for this increase in the Budget Act of 2006. The increase shall be applied as a percentage, and the percentage shall be the same for all providers. Any subsequent increase shall be governed by subdivisions (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l), and Section 4691.9.

(b) Notwithstanding any other law or regulation, the department shall not establish any permanent payment rate for a community-based day program or in-home respite service agency provider that has a temporary payment rate in effect on June 30, 2008, if the permanent payment rate would be greater than the temporary payment rate in effect on or after June 30, 2008, unless the regional center demonstrates to the department that the permanent payment rate is necessary to protect the consumers' health or safety.

(c) Notwithstanding any other law or regulation, neither the department nor any regional center shall approve any program design modification or revendorization for a community-based day program or in-home respite service agency provider that would result in an increase in the rate to be paid to the vendor from the rate that is in effect on or after June 30, 2008, unless the regional center demonstrates that the program design modification or revendorization is necessary to protect the consumers' health or safety and the department has granted prior written authorization.

(d) Notwithstanding any other law or regulation, the department shall not approve an anticipated rate adjustment for a community-based day program or in-home respite service agency provider that would result in an increase in the rate to be paid to the vendor from the rate that is in effect on or after June 30, 2008, unless the regional center demonstrates that the anticipated rate adjustment is necessary to protect the consumers' health or safety.

(e) Notwithstanding any other law or regulation, except as set forth in subdivisions (f) and (i), the department shall not approve any rate adjustment for a work activity program that would result in an increase in the rate to be paid to the vendor from the rate that is in effect on or after June 30, 2008, unless the regional center demonstrates that the rate adjustment is necessary to protect the consumers' health and safety and the department has granted prior written authorization.

(f) **(1)** Notwithstanding any other law or regulation, commencing January 1, 2017, the department may approve rate adjustments for a work activity program that demonstrates to the department that the rate adjustment is necessary in order to pay employees who, prior to January 1, 2017, were being compensated at a wage that is less than the minimum wage established on and after January 1, 2017, by Section 1182.12 of the Labor Code, as amended by Chapter 4 of the Statutes of 2016. The rate adjustment pursuant to this subdivision shall be specific to payroll costs associated with any increase necessary to adjust employee pay only to the extent necessary to bring pay into compliance with the increased state minimum wage, and shall not constitute a general wage enhancement for employees paid above the increased minimum wage.

(2) Notwithstanding any other law or regulation, commencing July 1, 2019, the department may approve rate adjustments for a work activity program that demonstrates to the department that the rate adjustment is necessary in order to pay employees no less than the minimum wage required to comply with an ordinance that increases the minimum wage, and only for the purpose of adjustment to payroll costs associated with the minimum wage increase.

(g) (1) Notwithstanding any other law or regulation, commencing January 1, 2017, community-based day program and in-home respite services agency providers with temporary payment rates set by the department may seek unanticipated rate adjustments from the department due to the impacts of the increased minimum wage as established by Section 1182.12 of the Labor Code, as amended by Chapter 4 of the Statutes of 2016. The rate adjustment shall be specific to payroll costs associated with any increase necessary to adjust employee pay only to the extent necessary to bring pay into compliance with the increased state minimum wage, and shall not constitute a general wage enhancement for employees paid above the increased minimum wage.

(2) Notwithstanding any other law or regulation, commencing July 1, 2019, community-based day program and in-home respite services agency providers with payment rates set by the department may seek unanticipated rate adjustments from the department if the community-based day program or in-home respite services agency demonstrates to the department that the rate adjustment is necessary in order to pay employees no less than the minimum wage required to comply with an ordinance that increases the minimum wage, and only for the purpose of adjustment to payroll costs associated with the minimum wage increase.

(h) Notwithstanding any other law or regulation, commencing January 1, 2015, the in-home respite service agency rate schedule authorized by the department and in operation December 31, 2014, shall be increased by 5.82 percent, subject to funds specifically appropriated for this increase for costs due to changes in federal regulations implementing the federal Fair Labor Standards Act of 1938 (29 U.S.C. Sec. 201 et seq.). The increase shall be applied as a percentage, and the percentage shall be the same for all applicable providers.

(i) Notwithstanding any other law or regulation, commencing July 1, 2015, the department may approve rate adjustments for a work activity program that demonstrates to the department that the rate adjustment is necessary to implement Article 1.5 (commencing with Section 245) of Chapter 1 of Part 1 of Division 2 of the Labor Code, as added by Chapter 317 of the Statutes of 2014. The rate adjustment may be applied only if a minimum of 24 hours or three days of paid sick leave per year was not a benefit provided to employees as of June 30, 2015, and shall be specific to payroll costs associated with any increase necessary to compensate an employee up to a maximum of 24 hours or three days of paid sick leave in each year of employment.

(j) Notwithstanding any other law or regulation, commencing July 1, 2015, community-based day program and in-home respite services agency providers with temporary payment rates set by the department may seek unanticipated rate adjustments from the department if the adjustment is necessary to implement Article 1.5 (commencing with Section 245) of Chapter 1 of Part 1 of Division 2 of the Labor Code, as added by Chapter 317 of the Statutes of 2014. The rate adjustment may be applied only if a minimum of 24 hours or three days of paid sick leave per year was not a benefit provided to employees as of June 30, 2015, and shall be specific to payroll costs associated with any increase necessary to compensate an employee up to a maximum of 24 hours or three days of paid sick leave in each year of employment.

(k) Notwithstanding any other law or regulation, commencing July 1, 2016, and to the extent funds are appropriated in the annual Budget Act for this purpose, the in-home respite service agency rate schedule authorized by the department and in operation June 30, 2016, shall be increased by 5 percent. The increase shall be applied as a percentage, and the percentage shall be the same for all providers.

(l) Notwithstanding any other law or regulation, commencing July 1, 2016, and to the extent funds are appropriated in the annual Budget Act for this purpose, the independent living service rate schedule authorized by the department and in operation June 30, 2016, shall be increased by 5 percent. The increase shall be applied as a percentage, and the percentage shall be the same for all providers.

SEC. 4. Section 4691.9 of the Welfare and Institutions Code is amended to read:

4691.9. (a) Notwithstanding any other law or regulation, commencing July 1, 2008:

(1) A regional center shall not pay an existing service provider, for services ~~where~~ *for which* rates are determined through a negotiation between the regional center and the provider, a rate higher than the rate in effect on June 30, 2008, unless the increase is required by a contract between the regional center and the vendor that is in effect on June 30, 2008, or the regional center demonstrates that the approval is necessary to protect the consumer's health or safety and the department has granted prior written authorization.

(2) A regional center shall not negotiate a rate with a new service provider, for services ~~where~~ *for which* rates are determined through a negotiation between the regional center and the provider, that is higher than the regional center's median rate for the same service code and unit of service, or the statewide median rate for the same service code and unit of service, whichever is lower. The unit of service designation shall conform with an existing regional center designation or, if none exists, a designation used to calculate the statewide median rate for the

same service. The regional center shall annually certify to the State Department of Developmental Services its median rate for each negotiated rate service code, by designated unit of service. This certification shall be subject to verification through the department's biennial fiscal audit of the regional center.

(b) *(1)* Notwithstanding subdivision (a), commencing January 1, 2017, regional centers may negotiate a rate adjustment with providers regarding rates if the adjustment is necessary in order to pay employees no less than the minimum wage as established by Section 1182.12 of the Labor Code, as amended by Chapter 4 of the Statutes of 2016, and only for the purpose of adjusting payroll costs associated with the minimum wage increase. The rate adjustment shall be specific to the unit of service designation that is affected by the increased minimum wage, shall be specific to payroll costs associated with any increase necessary to adjust employee pay only to the extent necessary to bring pay into compliance with the increased state minimum wage, and shall not be used as a general wage enhancement for employees paid above the increased minimum wage. Regional centers shall maintain documentation on the process to determine, and the rationale for granting, any rate adjustment associated with the minimum wage increase.

(2) Notwithstanding subdivision (a), effective July 1, 2019, a regional center may negotiate a rate adjustment with providers regarding rates if the adjustment is necessary in order to pay employees no less than the minimum wage required to comply with an ordinance that increases the minimum wage, and only for the purpose of adjustment to payroll costs associated with the minimum wage increase.

(c) Notwithstanding any other law or regulation, commencing January 1, 2015, rates for personal assistance and supported living services in effect on December 31, 2014, shall be increased by 5.82 percent, subject to funds specifically appropriated for this increase for costs due to changes in federal regulations implementing the federal Fair Labor Standards Act of 1938 (29 U.S.C. Sec. 201 et seq.). The increase shall be applied as a percentage, and the percentage shall be the same for all applicable providers. As used in this subdivision, both of the following definitions shall apply:

(1) "Personal assistance" is limited only to those services provided by vendors classified by the regional center as personal assistance providers, pursuant to the miscellaneous services provisions contained in Title 17 of the California Code of Regulations.

(2) "Supported living services" are limited only to those services defined as supported living services in Title 17 of the California Code of Regulations.

(d) Notwithstanding subdivision (a), commencing July 1, 2015, regional centers may negotiate a rate adjustment with existing service providers for services for which rates are determined through negotiation between the regional center and the provider, if the adjustment is necessary to implement Article 1.5 (commencing with Section 245) of Chapter 1 of Part 1 of Division 2 of the Labor Code, as added by Chapter 317 of the Statutes of 2014. The rate adjustment may be applied only if a minimum of 24 hours or three days of paid sick leave per year was not a benefit provided to employees as of June 30, 2015, and shall be specific to payroll costs associated with any increase necessary to compensate an employee up to a maximum of 24 hours or three days of paid sick leave in each year of employment.

(e) Notwithstanding any other law or regulation, commencing July 1, 2016, and to the extent funds are appropriated in the annual Budget Act for this purpose, rates for transportation services in effect on June 30, 2016, shall be increased by 5 percent. The increase shall be applied as a percentage to existing rates, and the percentage shall be the same for all applicable providers.

(f) This section shall not apply to those services for which rates are determined by the State Department of Health Care Services, or the State Department of Developmental Services, or are usual and customary.



AB-3158 Disability access: construction-related access barrier: civil actions. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 3158

**Introduced by Assembly Member Mathis
(Coauthors: Assembly Members Baker and Harper)**

February 16, 2018

An act to add Section 425.49 to the Code of Civil Procedure, and to add Section 19025 to the Welfare and Institutions Code, relating to disability access.

LEGISLATIVE COUNSEL'S DIGEST

AB 3158, as introduced, Mathis. Disability access: construction-related access barrier: civil actions.

Existing law prohibits discrimination on the basis of various specified personal characteristics, including disability. Existing law imposes civil liability upon any person or persons, firm, or corporation who denies or interferes with admittance to or enjoyment of public facilities or otherwise interferes with the rights of an individual with a disability, as specified. The Construction-Related Accessibility Standards Compliance Act establishes standards for making new construction and existing facilities accessible to persons with disabilities and provides for construction-related accessibility claims for violations of those standards.

This bill would prohibit a cause of action on the basis of a construction-related access barrier in an existing public accommodation by an individual who alleges to have been aggrieved by the existence of the access barrier from accruing unless specified conditions are met, including that a written notice has been sent to the owner and operator, as specified. The bill would create a specified 90-day period and an additional 30-day period during which the owner or operator of the public accommodation shall be permitted to remove the barrier or to make substantial progress toward removing the barrier, or to made a good faith effort to remove the barrier, as defined, before a cause of action accrues. The bill would also specify that a cause of action against an owner or operator of a public accommodation on the basis of a construction-related access barrier by an individual who alleges to have been aggrieved by the existence of the access barrier shall not accrue under the Unruh Civil Rights Act, provisions that impose civil liability upon those who deny or interfere with admittance to or enjoyment of public facilities or otherwise interfere with the rights of an individual with a disability, or the Construction-Related Accessibility Standards Compliance Act during a 90-day period, and, if applicable, the additional 30-day period, if a civil action relating to the same construction-related access barrier is pending. The bill would also require the Judicial Council to submit a report to the Legislature on or before January 1, 2021, that analyzes the impact of these provisions, as specified.

Existing law establishes the Department of Rehabilitation in the California Health and Human Services Agency to provide vocational rehabilitation services to individuals with disabilities, and directs the department to cooperate with the federal government in carrying out the purposes of federal statutes pertaining to those individuals. Existing law provides for the inspection of places of public accommodation by certified access specialists to determine if the sites meet all applicable construction-related accessibility standards, and the provision of specified certificates and reports regarding those inspections.

This bill would require the department, on or before January 1, 2020, to develop a program to educate cities, counties, cities and counties, local government agencies, and private property owners on effective and efficient strategies for promoting access to public accommodations for individuals with disabilities by engaging certified access specialists to provide guidance for remediation of potential violations of the federal Americans with Disabilities Act.

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

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

SECTION 1. Section 425.49 is added to the Code of Civil Procedure, to read:

425.49. (a) A cause of action on the basis of a construction-related access barrier in an existing public accommodation, by an individual who alleges to have been aggrieved by the existence of the access barrier shall not accrue unless all of the following conditions are met:

(1) The individual who alleges to have been aggrieved by the existence of an access barrier provided the owner and operator of the public accommodation a written notice by certified mail stating facts sufficient to allow a reasonable person to identify the specific access barrier or barriers the individual encountered or by which the individual alleges he or she was deterred as described in subdivision (b).

(2) The individual who alleges to have been aggrieved by the existence of an access barrier did not send a demand letter, request for settlement, or other communication, other than the communication described in paragraph (1), to the owner or operator of the public accommodation during the 45-day period defined in paragraph (3).

(3) The owner or operator of the public accommodation failed to provide to the individual who alleges to have been aggrieved by the existence of an access barrier a written description of improvements that will be made to remove the barrier during the period beginning on the date that the notice described in paragraph (1) was received by the owner or operator of the public accommodation and ending 45 days later.

(4) The owner or operator of the public accommodation failed to remove the barrier or to make substantial progress toward removing the barrier during the period beginning on the date that the individual who alleges to have been aggrieved by the existence of an access barrier received the written description of improvements to be made to remove the barrier pursuant to paragraph (3) and ending 90 days later.

(b) The written notice required pursuant to paragraph (1) of subdivision (a) stating facts sufficient to allow a reasonable person to identify the specific access barrier or barriers the individual encountered or by which the individual alleges he or she was deterred shall specify all of the following:

(1) The circumstances under which the individual who alleges to have been aggrieved by the existence of an access barrier was actually denied access to the public accommodation.

(2) The address of the public accommodation.

(3) The date and time that the individual who alleges to have been aggrieved by the existence of an access barrier was denied access to, or denied reasonable use of, the public accommodation due to the alleged existence of the barrier.

(4) The specific sections of the federal Americans with Disabilities Act of 1990, Public Law 101-336 (42 U.S.C. Sec. 12102) or of the California Building Code (Part 2 of Title 24 of the California Code of Regulations) that are alleged to have been violated.

(5) Whether a request for assistance in removing the access barrier was made to the owner or operator of the public accommodation, or to their employee, at the time that the individual who alleges to have been aggrieved by the existence of an access barrier was denied access to, or denied reasonable use of, the public accommodation, and, if so, the name of the individual to whom the request was made.

(c) (1) An owner or operator of a public accommodation that provided the individual who alleges to have been aggrieved by the existence of an access barrier a written description of improvements that will be made to remove the barrier pursuant to paragraph (3) of subdivision (a) and made a good faith effort to remove the barrier but failed to do so during the 90-day period described in paragraph (4) of subdivision (a), shall be entitled to an additional 30 days before a cause of action accrues for the individual who alleges to have been aggrieved by the existence of the access barrier.

(2) Whether the owner or operator of the public accommodation made a good faith effort to remove the alleged access barrier within the 90-day period shall be determined by considering whether the owner or operator of the public accommodation did any of the following:

(A) Submitted an application for construction permits, if required, prior to beginning renovations necessary to remove the access barrier or to correct the violation.

(B) Hired a contractor to complete renovations necessary to remove the access barrier or to correct the violation, and secured an estimate for when that construction will be complete.

(C) Started renovations necessary to remove the access barrier or to correct the violation, and worked to minimize delays to complete the construction.

(d) A cause of action against an owner or operator of a public accommodation on the basis of a construction-related access barrier by an individual who alleges to have been aggrieved by the existence of the access barrier shall not accrue under the Unruh Civil Rights Act (Section 51 of the Civil Code), Section 54.3 of the Civil Code, or the Construction-Related Accessibility Standards Compliance Act (Part 2.52 (commencing with Section 55.51) of Division 1 of the Civil Code) during the 90-day period described in paragraph (4) of subdivision (a), and, if applicable, the additional 30-day period described in paragraph (1) of subdivision (c) if a civil action relating to the same construction-related access barrier is pending.

(e) The damages awarded to a plaintiff who brings a cause of action under the Unruh Civil Rights Act (Section 51 of the Civil Code), Section 54.3 of the Civil Code, or the Construction-Related Accessibility Standards Compliance Act (Part 2.52 (commencing with Section 55.51) of Division 1 of the Civil Code) on the basis of a construction-related access barrier in an existing public accommodation shall be limited to the individual who was aggrieved by the existence of the access barrier because he or she was denied access to, or reasonable use of, the public accommodation that is the subject of the action.

(f) (1) On or before January 1, 2021, the Judicial Council shall submit a report to the Legislature analyzing the impact of these provisions that includes all of the following:

(A) The number of individuals in each county who filed 10 or more actions alleging a violation of the Unruh Civil Rights Act (Section 51 of the Civil Code), Section 54.3 of the Civil Code, or the Construction-Related Accessibility Standards Compliance Act (Part 2.52 (commencing with Section 55.51) of Division 1 of the Civil Code) within any 12-month period after the operative date of this section.

(B) Whether this section has affected the number of causes of action on the basis of a construction-related access barrier in an existing public accommodation that are filed by an individual who alleges to have been aggrieved by the existence of the access barrier.

(C) Whether this section has impacted an individual's ability to bring a legitimate, good faith, accessibility claim under the Unruh Civil Rights Act (Section 51 of the Civil Code), Section 54.3 of the Civil Code, or the Construction-Related Accessibility Standards Compliance Act (Part 2.52 (commencing with Section 55.51) of Division 1 of the Civil Code).

(D) Recommendations as to whether a limitation on recoverable attorney fees would reduce the number of actions brought by individual plaintiffs under the Unruh Civil Rights Act (Section 51 of the Civil Code), Section 54.3 of the Civil Code, or the Construction-Related Accessibility Standards Compliance Act (Part 2.52 (commencing with Section 55.51) of Division 1 of the Civil Code).

(2) The report required to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(3) Pursuant to Section 10231.5 of the Government Code, the requirement for submitting a report under this subdivision shall be inoperative on January 1, 2023, pursuant to Section 10231.5 of the Government Code.

SEC. 2. Section 19025 is added to the Welfare and Institutions Code, to read:

19025. (a) On or before January 1, 2020, the department shall develop a program to educate cities, counties, cities and counties, local government agencies, and private property owners on effective and efficient strategies for promoting access to public accommodations for individuals with disabilities, as defined in Sections 51 and 54 of the Civil Code.

(b) The program shall engage certified access specialists to provide guidance for remediation of potential violations under the federal Americans with Disabilities Act of 1990, Public Law 101-336 (42 U.S.C. Sec. 12102).



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AB-3200 Public social services: SSI/SSP. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 3200

Introduced by Assembly Members Kalra, Reyes, and Thurmond
(Coauthors: Assembly Members Caballero, Maienschein, Quirk-Silva, Rubio, and Voepel)
(Coauthors: Senators Beall, Hill, and Wiener)

February 16, 2018

An act to amend Section 12201 of, and to add Section 12200.7 to, the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 3200, as introduced, Kalra. Public social services: SSI/SSP.

Existing law provides for the State Supplementary Program for the Aged, Blind and Disabled (SSP), which requires the State Department of Social Services to contract with the United States Secretary of Health and Human Services to make payments to SSP recipients to supplement Supplemental Security Income (SSI) payments made available pursuant to the federal Social Security Act.

Under existing law, benefit payments under SSP are calculated by establishing the maximum level of nonexempt income and federal SSI and state SSP benefits for each category of eligible recipient, with an annual cost-of-living adjustment, effective January 1 of each year. Existing law prohibits, for each calendar year, commencing with the 2011 calendar year, any cost-of-living adjustment from being made to the maximum benefit payment unless otherwise specified by statute, except for the pass along of any cost-of-living increase in the federal SSI benefits. Existing law continuously appropriates funds for the implementation of SSP.

This bill would reinstate the cost-of-living adjustment beginning January 1 of the 2019 calendar year. The bill would also require a maximum aid payment provided to an individual or a married couple that does not equal or exceed 100% of the 2018 federal poverty level to be increased to an amount that equals 100% of the federal poverty level. By reinstating the cost-of-living adjustment and by increasing the amount of benefits paid under the SSP, this bill would make an appropriation.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 12200.7 is added to the Welfare and Institutions Code, to read:

12200.7. (a) Commencing January 1, 2019, any maximum aid payment provided to an individual pursuant to Section 12200 and adjusted pursuant to Section 12201 that does not equal or exceed 100 percent of the 2018 federal poverty level for a household of one shall be increased to an amount that equals 100 percent of the 2018 federal poverty level for a household of one.

(b) Commencing January 1, 2019, any maximum aid payment provided to a married couple pursuant to Section 12200 and adjusted pursuant to Section 12201 that does not equal or exceed 100 percent of the 2018 federal poverty level for a household of two shall be increased to an amount that equals 100 percent of the 2018 federal poverty level for a household of two.

(c) This section is not intended to result in the reduction of any payment provided to an individual that exceeds 100 percent of the 2018 federal poverty level for a household of one during the 2019 calendar year.

(d) This section is not intended to result in the reduction of any payment provided to a married couple that exceeds 100 percent of the 2018 federal poverty level for a household of two during the 2019 calendar year.

SEC. 2. Section 12201 of the Welfare and Institutions Code is amended to read:

12201. (a) Except as provided in ~~subdivision (d)~~, *subdivisions (d) and (g)*, the payment schedules set forth in Section 12200 shall be adjusted annually to reflect any increases or decreases in the cost of living. Except as provided in subdivision ~~(e), (f), or (g)~~, *(e) or (f)*, these adjustments shall become effective January 1 of each year. The cost-of-living adjustment shall be based on the changes in the California Necessities Index, which as used in this section shall be the weighted average of changes for food, clothing, fuel, utilities, rent, and transportation for low-income consumers. The computation of annual adjustments in the California Necessities Index shall be made in accordance with the following steps:

(1) The base period expenditure amounts for each expenditure category within the California Necessities Index used to compute the annual grant adjustment are:

Food	\$ 3,027
Clothing (apparel and upkeep)	406
Fuel and other utilities	529
Rent, residential	4,883
Transportation	1,757
Total	\$10,602

(2) Based on the appropriate components of the Consumer Price Index for All Urban Consumers, as published by the United States Department of Labor, Bureau of Labor Statistics, the percentage change shall be determined for the 12-month period ~~which that~~ ends 12 months prior to the January in which the cost-of-living adjustment will take effect, for each expenditure category specified in paragraph (1) within the following geographical areas: Los Angeles-Long Beach-Anaheim, San Francisco-Oakland, San Diego, and, to the extent statistically valid information is available from the Bureau of Labor Statistics, additional geographical areas within the state ~~which that~~ include not less than 80 percent of recipients of aid under this chapter.

(3) Calculate a weighted percentage change for each of the expenditure categories specified in paragraph (1) using the applicable weighting factors for each area used by the Department of Industrial Relations to calculate the California Consumer Price Index (CCPI).

(4) Calculate a category adjustment factor for each expenditure category in paragraph (1) by (1) adding 100 to the applicable weighted percentage change as determined in paragraph (2) and (2) dividing the sum by 100.

(5) Determine the expenditure amounts for the current year by multiplying each expenditure amount determined for the prior year by the applicable category adjustment factor determined in paragraph (4).

(6) Determine the overall adjustment factor by dividing (1) the sum of the expenditure amounts as determined in paragraph (4) for the current year by (2) the sum of the expenditure amounts as determined in paragraph (4) for the prior year.

(b) The overall adjustment factor determined by the preceding computational steps shall be multiplied by the

payment schedules established pursuant to Section 12200 as are in effect during the month of December preceding the calendar year in which the adjustments are to occur, and the product rounded to the nearest dollar. The resultant amounts shall constitute the new schedules for the categories given under subdivisions (a), (b), (c), (d), (e), (f), and (g) of Section 12200, and shall be filed with the Secretary of State. The amount as set forth in subdivision (h) of Section 12200 shall be adjusted annually pursuant to this section in the event that the secretary agrees to administer payment under that subdivision. The payment schedule for subdivision (i) of Section 12200 shall be computed as specified, based on the new payment schedules for subdivisions (a), (b), (c), and (d) of Section 12200.

(c) The department shall adjust any amounts of aid under this chapter to ensure that the minimum level required by the Social Security Act in order to maintain eligibility for funds under Title XIX of that act is met.

(d) (1) No adjustment shall be made under this section for the 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 2004, 2006, 2007, 2008, 2009, and 2010 calendar years to reflect any change in the cost of living. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of Section 12201.05, and no further reduction shall be made pursuant to that section.

(2) Any cost-of-living adjustment granted under this section for any calendar year shall not include adjustments for any calendar year in which the cost-of-living adjustment was suspended pursuant to paragraph (1).

(e) For the 2003 calendar year, the adjustment required by this section shall become effective June 1, 2003.

(f) For the 2005 calendar year, the adjustment required by this section shall become effective April 1, 2005.

(g) (1) For the 2011 ~~calendar year and each calendar year thereafter~~, *to the 2018 calendar years, inclusive*, no adjustment shall be made under this section unless otherwise specified by statute.

(2) Notwithstanding paragraph (1), the pass along of federal benefits provided for in Section 12201.05 shall be effective on January 1 of each calendar year.

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**DRAFT SCDD
2018-2019 BUDGET**

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Council Report for FY 16-17
 Expenditures through
February-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	\$ 374,456	\$ 1,856,892	\$ 2,675,023	\$ -188,967
Operating Expenses	\$ 1,748,250	\$ 77,340	\$ 590,810	\$ 1,157,440	\$ 112,632
Grants / Special Items	\$ 200,000	\$ -	\$ -	\$ 200,000	
Total	\$ 6,480,165	\$ 451,796	\$ 2,447,702	\$ 4,032,463	\$ -76,335

QUALITY ASSESSMENT (QA)
 Based on State Fiscal Year

	Annual Budget	Monthly Expenditure	Year-To-Date Expenditure	Balance
Personal Services & Benefits	\$ 1,743,876	\$ 125,068	\$ 1,059,077	\$ 684,799
Operating Expenses	\$ 840,124	\$ 55,181	\$ 272,553	\$ 567,571
Total	\$ 2,584,000	\$ 180,249	\$ 1,331,630	\$ 1,252,370

CRA/VAS
 Based on State Fiscal Year

	Annual Budget	Monthly Expenditure	Year-To-Date Expenditure	Balance
Personal Services & Benefits	\$ 1,219,055	\$ 103,486	\$ 806,054	\$ 413,001
Operating Expenses	\$ 557,945	\$ 26,911	\$ 159,362	\$ 398,583
Total	\$ 1,777,000	\$ 130,397	\$ 965,416	\$ 811,584

Updated 3/9/18

Adopted Structural Deficit Actions for FY 18-19

Recommendation	Status	Projected Savings	Actual Savings	Notes
Co-locate HQ and Sacramento office	In process	\$92,000	N/A	Pre-construction meeting in March. Tentative move-in date May 30, 2018.
Shared Office Technicians	In process	\$20,000	N/A	Abolished 1.5 OT positions. Currently working on Program Technician upgrades.
Keep Office Technicians (HQ) vacant	Completed	\$52,000	\$52,011	Abolished 1 OT position and keep other position vacant.
Down-size San Diego office	Pending	\$50,000	N/A	No lease terms or renewals have been discussed. ADA compliance issues undergoing negotiations.
San Bernardino office move	Completed	\$25,000	\$17,500	Move completed.
"Wanna Get Way Fares"	Pending	\$5,000	N/A	Policy submitted to Council for approval.
iPads in lieu of paper packets	Pending	\$60,000	N/A	iPads ordered. Phase 1 of pilot test launch in June 2018.
TOTAL		\$304,000	\$69,511	



State Council on Developmental Disabilities

State Council Budgeted Base Fiscal Year 2018-19 Budget

Categories	Basic State Grant (BSG) Federal Grants	Clients' Rights Advocates/ Volunteer Advocacy State Grants	Quality Assessment State Grants	TOTAL
<u>1. Personal Services:</u>				
Net Salaries & Wages	\$ 3,412,154	\$ 927,000	\$ 1,339,769	\$ 5,678,923
Temporary Help / Honorarium	\$ 66,500	\$ -	\$ -	\$ 66,500
Worker's Compensation	\$ 55,000	\$ 4,640	\$ 3,360	\$ 63,000
Staff Benefits	\$ 1,851,000	\$ 441,000	\$ 648,353	\$ 2,940,353
Total Personnel Services	<u>\$ 5,384,654</u>	<u>\$ 1,372,640</u>	<u>\$ 1,991,482</u>	<u>\$ 8,749,000</u>
<u>2. Operating Expense and Equipment:</u>				
General Expense	\$ 50,000	\$ 75,000	\$ 36,000	\$ 161,000
Printing	\$ 45,000	\$ 9,000	\$ 170,000	\$ 224,000
Communications	\$ 40,000	\$ 25,000	\$ 10,000	\$ 75,000
Postage	\$ 20,000	\$ 14,000	\$ 251,000	\$ 285,000
Travel-in-State :	\$ 285,000	\$ 64,000	\$ 60,000	\$ 409,000
Out-of-State Travel	\$ 15,000	\$ -	\$ -	\$ 15,000
Training (Tuition and Registration)	\$ 2,000	\$ 15,000	\$ 3,000	\$ 20,000
Facilities Operations (Rent)	\$ 583,000	\$ 24,000	\$ 245,000	\$ 852,000
Utilities	\$ 6,000	\$ -	\$ 2,000	\$ 8,000
Interdepartmental Services:	\$ 411,000	\$ 134,000	\$ 156,000	\$ 701,000
External Contract Services	\$ 5,000	\$ 3,000	\$ 3,000	\$ 11,000
Data Processing (Software, licenses, etc.)	\$ 15,000	\$ 18,000	\$ 10,000	\$ 43,000
Statewide Cost Allocation Plan (SWCAP)	\$ 25,000	\$ -	\$ -	\$ 25,000
Other Items of Expense	\$ 5,000	\$ 91,000	\$ 85,000	\$ 181,000
Total Operating Expense and Equipment	<u>\$ 1,507,000</u>	<u>\$ 472,000</u>	<u>\$ 1,031,000</u>	<u>\$ 3,010,000</u>
3. Community Grants	<u>\$ 240,000</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 240,000</u>
4. Total Council Budget (1 + 2 + 3)	<u>\$ 7,132,000</u>	<u>\$ 1,844,640</u>	<u>\$ 3,022,482</u>	<u>\$ 11,999,000</u>
5. Total Basic State Grant Award	\$ 6,527,000			
6. Difference between Council Budget and Basic State Grant Award	\$ 605,000			
7. Prior Year's Unexpended BSG Savings	\$ 1,488,000			

SPONSORSHIPS

COUNCIL AGENDA ITEM DETAIL SHEET

ISSUE: Sponsorship request from Disability Sports Festival.

BACKGROUND: 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.

ANALYSIS/DISCUSSION: Disability Sports Festival is requesting \$999.00 for the Cal State San Bernardino Disability Sports Adapted Swim Event. The event is scheduled April 6th - June 2nd, 2018.

The CSUSB Disability Sports Adapted Swim Event is a learn-to-swim adaptive program for any person any age and with any disability. They ensure low coach to swimmer ratios where all swimmers have at least one individual instructor.

Swimmers receive instruction from trained students, faculty and professionals in the aquatic therapy/kinesiology discipline to help improve their water and safety skills.

This event provides a fun and healthy way for the participants to exercise and develop skills that increase their health while providing a relatively pain free way to exercise. This event instructs the participants and families on new adapted techniques they can then utilize once the program has ended and continue to further the participant's health and well-being.

As this is an active participation event, they will not have panelist. However, they will be working with groups within their community to train and provide the best adaptive swim methods to their participants and teach the families how to continue the methods on their own.

Per the requestor, this event does not include an educational component.

They are expecting 10-15 individuals with I/DD to participate.

SCDD funds would be used to pay for life guards.

Disability Sports Festival has never requested or received sponsorship from SCDD.

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 2017-18, the Council has awarded \$11,988 in funds for sponsorship requests. The Council allocates \$25,000 per fiscal year for sponsorships. The fiscal year began July 1, 2017.

STAFF RECOMMENDATION: Decline request because sponsorship is for a direct service, for which Council funds cannot be used, but direct staff to reach out to requestor with additional information regarding the Council's goals and objectives so requestor may better identify future events with an opportunity to collaborate with the Council.

ATTACHMENTS(S): Disability Sports Festival's request for sponsorship.

PREPARED: Kristie Allensworth March 8, 2018



DISABILITY
S P O R T S F E S T I V A L
CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO

1/28/2017

SCDD Sponsorship Application/Request

Name of Event: Cal State San Bernardino DisABILITY Sports Adapted Swim Event

Date of Event: April 6th – June 2nd (running multiple sessions Fridays and Saturdays excluding the weekend of May 25th and 26th)

Location of Event: Cal State San Bernardino Aquatic Center, 5500 University Pkwy, San Bernardino, CA 92407.

Description of Event: The CSUSB DisABILITY Sports Adapted Swim Event is a learn-to-swim adaptive program for any person any age and with any disability. We ensure low coach to swimmer ratios where all swimmers have at least one individual instructor if not two.

Swimmers receive instruction from trained students, faculty and professionals in the aquatic therapy/kinesiology discipline to help improve their water and safety skills.

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: This is a threefold answer. First, as most persons with disabilities struggle with mobility and pain, this event provides a fun and healthy way for the participants to exercise and develop skills that increase their health while providing a relatively pain free way to exercise. Second, many families in San Bernardino county struggle with the cost and access to trained instructors that will help their disabled loved ones. This event provides a low-cost solution and instructs the participants and families on new adapted techniques they can then utilize once the program has ended and continue to further the participant's health and well-being. Third, the SCDD funding would be utilized in part to help pay for the use of the facilities, training costs, transportation, cost of certified instructors, life guards, ASL interpreters in both English and Spanish, collateral i.e. flyers, postcards and posters to advertise the event to the local disabled population,

How many presenters or panelists will participate in the event and what number of the presenters or panelists will be consumers: As this is an active participation event, we will not have panelist. However, we will be working with groups within our community to train and provide the best adaptive swim methods to our participants and teach the families how to continue the methods on their own.

We will be collaborating with Dive Warriors who will come and work with our disabled veterans on Friday nights. We will also be working with CSUN to train our students and coaches on proper adaptive swim methods for Saturdays swim sessions.

The number and type of expected attendees (i.e. teachers, providers, including how many of those attendees are expected to be consumers and family members: The Friday portion of the event will be for veterans only and is expected to pull in over 100 participants and family members. As the Saturday event is one to one or one to two, our space is limited to the pool size and the number of sessions we can provide. We will run two 4-week sessions with 2 clinics per session of 25 participants each. Therefore, we will have 100 participants, approx. 200-300 family member, 125-200 student coaches, 20-30 trained coaches, 15 lifeguards, 10 faculty and staff.

How you will conduct outreach to increase consumer and family involvement in the event: Our outreach will consist of emailing prior attendees, posting on social media and our website and partnering with local community supporters such as IEDC, Molina, IEHP, Inland Regional, and SCDD to get the word out with flyers and social media posts.

A list of other SCDD sponsorships and grants you have previously requested and/or received: To our knowledge, the CSUSB Disability Sports Adaptive swim event has not ever requested or received sponsorship from SCDD.



Marketing and Co-Director
CSUSB DisABILITY Sports Festival
California State University, San Bernardino
College of Education
909.537.5659 Direct / 909.856-0685 mobile

Disability Sports Festival

Location: CSUSB Aquatic Center - Main Campus

Expected Number of participants: 200

	Qty x	Price	Projected Budget
Marketing & Promotion			
Office Supplies (ink, paper, binders, tape, sheet protectors, batteries, extension cords)			\$50.00
Flyers	1000	\$0.10	\$100.00
Posters	100	\$2.00	\$200.00
Save the date Postcards	500	\$0.20	\$100.00
CSUSB press Releases and Social Media paid boosts		\$0.00	\$100.00
			\$550.00
Supplies / Misc.			
T-shirts	300	\$6.50	\$1,950.00
Swim equipment (adaptive)			\$300.00
Signage (indoor/outdoor directional)	4	\$5.00	\$20.00
Safety supplies			\$200.00
Ez ups	2	\$100.00	\$200.00
			\$2,670.00
Food			
Water/ Beverages (cases)	20	\$3.00	\$60.00
Pizza Party on the last day	40	\$10.00	\$400.00
Paper Goods	0	\$0.00	\$50.00
			\$510.00
Training / Hotel /Life Guards			
Travel/food for CSUN Trainers	3	\$200.00	\$150.00
Life guard fees - SCDD Contributon			\$1,000.00
Hotel rooms for CSUN Trainers	3	\$100.00	\$240.00
			\$1,390.00
Logistics			
Aquatic Center Rental Fee			\$2,000.00
Facilites fee for trash and clean up			\$800.00
Parking Fee		\$0.00	\$600.00
			\$3,400.00
Misc.			
Photographer			\$300.00
Interpreters ASL	2	\$200.00	\$400.00
			\$700.00
Total Projected Budget			\$9,220.00
Projected Contribution from SCDD			\$1,000.00
Projected income from registration			\$ 6,000.00
Remaining balance needed to fund			\$ 2,220.00

January 28, 2016

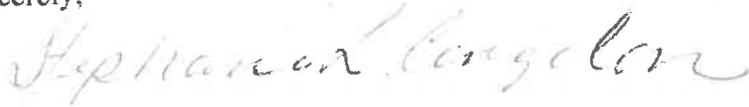
State Council on Developmental Disabilities
Sponsorship Application/Request

To Whom It May Concern,

Thank you for reaching out to the Autism Society of the Inland Empire (ASIE) and having us involved in the Disability Sports Festival – Adaptive Swimming Program. We believe that the proposed goal for introducing sensory friendly swimming sessions, will positively impact the lives of individuals with Autism and their families in the Inland Empire.

As a board member of Autism Society of the Inland Empire, we are always looking for inclusive community activities. These activities help transform, enrich, and improve the quality of life for the children, youth and adults in the Inland Empire with Autism Spectrum Disorder. We are committed to supporting this endeavor and look forward to working collaboratively toward its success.

Sincerely,

A handwritten signature in cursive script that reads "Stephani L. Congdon".

Stephani L. Congdon. ASIE Board Member



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.

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

- Have you included a list of other SCDD sponsorships and grants you have previously requested and/or received
- 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

COUNCIL AGENDA ITEM DETAIL SHEET

ISSUE: Sponsorship request from Exceptional Family Center.

BACKGROUND: The California State Council on Developmental Disabilities (SCDD) supports events that promote self-advocacy, leadership and education, thereby enabling people with developmental disabilities and their family members to expand their knowledge and skills.

ANALYSIS/DISCUSSION: Exceptional Family Center will present its 11th Annual Celebración de Familias Excepcionales Conference for individuals with Intellectual and/or Developmental Disabilities, their parents and the entire community to provide them with the tools, resources and assistance they need to advocate for themselves, family member and help each other attain positive life outcomes.

The conference will take place on Saturday, April 14, 2018 at the Bakersfield Marriot at the Convention Center.

The conference consists of a variety of educational workshops, keynote speakers in various areas of the Intellectual and/or Developmental Disabilities environment and vendor tables in an educational and engaging environment.

The goal of the conference is to educate parents, increase community awareness of Intellectual and/or Developmental Disabilities, increase effective advocacy and create a strong network of support. This year's conference will consist of at least four panelists presenting information that will cater to various age- specific groups, at least one of them will be a consumer to provide a perspective from the consumer's point of view.

The expected number of attendees for this year's conference is in upwards of 400.

SCDD funds would allow Exceptional Family Center to offset some of the costs associated with printing the promotional flyer to advertise the conference, the registration forms and the conference program that will be distributed to the families.

Exceptional Family Center has been the recipient of a Grant awarded by SCDD in 2017. They also received a sponsorship in 2015.

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 2017-18, the Council has awarded \$11,988 in funds for sponsorship requests. The Council allocates \$25,000 per fiscal year for sponsorships. The fiscal year began July 1, 2017.

STAFF RECOMMENDATION: Approve Exceptional Family Center's request for sponsorship.

ATTACHMENTS(S): Exceptional Family Center's request for sponsorship.

PREPARED: Kristie Allensworth March 8, 2018



March 7, 2018

To Whom This May Concern:

On behalf of Exceptional Family Center, a not-for-profit multicultural organization, I hereby, respectfully submit the following request for your kind consideration. The funds, if granted, would allow Exceptional Family Center to offset some of the costs associated with printing the promotional flyer to advertise the conference, the registration forms and the conference program that will be distributed to the families. The amount being requested from SCDD is \$990.00

Exceptional Family Center was founded in 2007 by parents and professionals who recognized the need to have a multicultural agency in Kern County that would address the needs of the diverse community and where families could receive adequate information about services readily available for their loved one with an Intellectual and/or Developmental Disability (I/DD).

Exceptional Family Center (EFC) serves an approximate 500 families per year through various services it provides; Annual Conference, Assistance with Supplemental Security Income application, Parent Advocacy Trainings (IEP clinics) Computer Lab, Educational Workshop for parents and Career and Job Placement in the areas of Technology and Medical Field.

Each year, beginning in 2006, Exceptional Family Center hosts a Spanish Conference dedicated to equipping individuals with Intellectual and/or Developmental Disabilities and their families. The conference consists of a variety of educational workshops, keynote speakers in various areas of the Intellectual and/or Developmental Disabilities environment and vendor tables in an educational and engaging environment.

Exceptional Family Center will present its 11th Annual Celebración de Familias Excepcionales Conference for individuals with Intellectual and/or Developmental Disabilities, their parents and the entire community to provide them with the tools, resources and assistance they need to advocate for themselves, family member and help each other attain positive life outcomes.

The conference will take place on Saturday April 14th, 2018 at the Bakersfield Marriot at the Convention Center, 801 Truxtun Ave, Bakersfield, CA 93301. The conference will run from 7:00 am – 4:00 pm

The goal of the conference is to educate parents, increase community awareness of Intellectual and/or Developmental Disabilities, increase effective advocacy and create a strong network of support. This year's conference will consist of at least 4 panelists presenting information that will cater to various age-specific groups, at least one of them will be a consumer to provide a perspective from the consumer's point of view.

There are various methods employed in marketing and advertising the conference; flyers highlighting the date, theme and place of the conference have been made and will be distributed via regular mail, blast email, social media and, if possible, radio and television advertising, additionally, families that



Exceptional Family Center

Exceptional Family Center-

*A Center for Families of Children with Developmental Disabilities
A 501 © 3 Not-for-Profit Public Charitable Organization*

frequent our center on a regular basis are informed about the conference and encouraged to attend as well.

The expected number of attendees for this year's conference is in upwards of 400, which compared to last year, will be a significant increase. EFC has made the necessary corrections to the venue, format of the conference and theme to cater to the families in attendance and to respond to their feedback regarding topics they would like to see developed.

EFC is fortunate to have some local sponsors that not only value the work of our office, but also support the mission, the purpose of the conference and most importantly, the individuals and families in attendance such as Omni Family Health, Kaiser Permanente, local Law Offices, Central Valley Regional Center and Kern Regional Center.

The total cost of the conference, based on previous year's is around \$25,000 which includes the venue, fees for speakers, and accommodations, food and other costs associated with the registration process.

Exceptional Family Center has been the recipient of a Grant awarded by SCDD in 2017 for Parent Advocacy Training (SCDD Cycle 39 Grants) contract number SCDSQR01

SCDD will be properly acknowledged in all printed material related to the conference, its logo will be placed on the program and will also be displayed on our website.

I thank you in advance for your kind consideration, please feel free to contact me should you have any questions or additional information should be furnished. I can be reached at 661-873-4974 or m.flores@kernefc.org

Respectfully,

Manuel G. Flores

Manuel G. Flores, MBA
Program Director

1th Annual Conference

Projected Expenses and Revenues

Site	Revenues	Expenses
Bakersfield Marriott		\$20,000.00
Total	\$0.00	\$20,000.00

Catering	Revenues	Expenses
Total		\$0.00

Publicity	Revenues	Expenses
Registration Forms & Flyers		\$745.00
Advertising Signs		\$110.00
Promotional Material		\$500.00
Total	\$0.00	\$1,355.00

Registration/POS	Revenues	Expenses
KRC POS	\$20,000.00	
CVRC	\$2,310.00	
Vendors	\$1,085.00	
Total		

Sponsors	Revenues	Expenses
Kaiser Permanente	\$880.00	
OMNI	\$1,000.00	
Chain Cohn	\$100.00	

Program	Revenues	Expenses
Translator		\$240.00
Speakers		\$1,500.00
Postage		\$500.00
Program (Printed)		\$500.00
Total	\$25,375.00	\$2,740.00

Prizes	Revenues	Expenses
Basket Raffles	\$583.00	\$400.00
Total	\$583.00	\$400.00

Total Expenses	Revenues	Expenses
	\$25,958.00	\$24,495.00
Net Income		\$1,463.00



March 6, 2018

BOARD of DIRECTORS

Brian Sabin
Chairman

Ray Karpe
1st Vice-Chair

Sally Rainey
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Eric Almborg
Treasurer

Doug Miller
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Jay Rosenlieb
Director

Nicholas P. Azemika
Director

Dan Gregor
Director

Michael Griffith
Director

Jim Baldwin
BARC President/CEO

Re: Exceptional Family Center-Centro de Familias Exceptionales

To: State Council on Developmental Disabilities

The Bakersfield ARC 's mission is to build stronger community by helping people with intellectual and developmental disabilities achieve goals for a better life, "Giving People Purpose". We have successfully provided services for adults with I/DD in the Greater Bakersfield Community since 1949. As such we would like to endorse Exceptional Family Center-Centro de Familias Exceptionales proposal for funding for their 11th annual conference on April 14, 2018

In accordance with the need for equity in the utilization of Regional Center purchase of services this conference empowers Hispanic individuals and their families to greater understanding of the Lanterman Act's entitlement to services and supports. By learning of the importance of individualized person center planning, families will understand how to advocate for their needs.

BARC strong believes that the power of bringing families together will strengthen the community at large.

Sincerely Yours

Jeffrey Popkin

Jeffrey Popkin LCSW
Senior Vice President, Director of Operations



BARC's Mission is to build a stronger community by helping individuals with Intellectual and Developmental Disabilities achieve individual goals for a better life.

2240 South Union Avenue · Bakersfield, CA 93307 · 661-834-2272 · Fax 661-834-9813

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COMMITTEE REPORTS



DRAFT

**Executive Committee Meeting Minutes
February 15, 2018**

Attending Members

April Lopez (FA)
Charles Nutt (SA)
David Forderer (SA)
Janelle Lewis (FA)
Jenny Yang (SA)
Sandra Smith (FA)

Members Absent

Others Attending

Aaron Carruthers
Kristie Allensworth
Natalie Bocanegra
Nathan Semino
Rihana Ahmad
Robin Maitino
Wayne Glusker

1. CALL TO ORDER

Chairperson Jenny Yang (SA) called the meeting to order at 11:07 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 DECEMBER 2017 MEETING MINUTES

It was moved/seconded (Lewis [FA]/Smith [FA]) and carried to adopt the December 2017 meeting minutes as presented. (For: Forderer, Lewis, Nutt, Smith, Yang; Abstain: Lopez)

6. SCDD BUDGET UPDATE

Executive Director Carruthers presented the proposed 2018-2019 budget to the Committee. It was recommended by Council Member Lopez that acronyms listed on the budget be defined. In addition, Council Member Lopez raised questions regarding the line item "Worker's Compensation Claim" on Page 10 of the packet. This is a past claim, it was suggested

Legend:
SA = Self-Advocate
FA = Family Advocate

that the claim be added to the Structural Deficit and something to look further into. Council Member Lopez also requested that an update on adopted structural deficit items be included in the budget report presented at the next Council meeting, including an update on the HQ office move, and a timeline for the I-Pads.

It was moved/seconded (Nutt [SA]/Forderer [SA]) and carried to move the 2018-2019 budget to the March Council meeting (Unanimous, see attendance list for voting record)

7. **SCDD TRAVEL POLICY**

Executive Director Carruthers presented the draft SCDD Council Member Travel Policy to the Executive Committee for review and approval. The intent of the policy is to ensure Council Member understanding of the State required travel request guidelines as well as rates for which members can be reimbursed. Although this information is provided in numerous, different State documents, SCDD wanted to create one document where all the information can be found for reference and clarity.

Committee members made the following recommendations:

- The language, “whatever is most cost effective per individual location/needs” be added under the heading Transportation, after the words: “Uber/Lyft when possible)”
- Staff draft a list of possible emergency situations, for Council members to discuss, add, or clarify
- Research Southwest Airlines protocol for “Wanna Get Away” fares and restrictions
- A contact from the Hotel be given to Council members in case a room cancellation is needed to be made after hours.

It was moved/seconded (Nutt [SA]/Smith [FA]) and carried to recommend approval of the SCDD Travel Policy (Unanimous, see attendance list for voting record)

8. **COUNCIL MEMBER SEXUAL HARASSMENT PREVENTION POLICY**

Executive Director Carruthers presented details regarding a Sexual Harassment Prevention Policy. SCDD is working with the Department of Social Services (DSS) in providing Sexual Harassment Prevention training online. The online training will be mandatory for SCDD staff.

If adopted by the Council, all SCDD Council Members would also be required to take the EverFi online training within 6 months of their start date and every 2 years thereafter.

The Committee acted to recommend approval pending an amendment to the policy. The amendment would add language that exempts Council Members who already have completed Sexual Harassment Training with their agency.

It was moved/seconded (Nutt [SA]/Smith [FA]) and carried to recommend approval of the Sexual Harassment Prevention Policy (Unanimous, see attendance list for voting record)

9. CONFLICT OF INTEREST WAIVER REQUEST

Tri-Counties Regional Center (TCRC)

Board Member Robyn Adkins

Ms. Robyn Adkins is a member of the TCRC board. Ms. Adkins' mother is employed by Respite Inc., a regional center vendor, to provide services solely to Ms. Adkins' son, a regional center consumer.

It was moved/seconded (Nutt [SA]/Smith [FA]) and carried to adopt staff's recommendation to approve the waiver request and mitigation plans for (Adkins) provided she implements the submitted mitigation plan and does not participate in any decision that impacts her mother's employer.
(Unanimous, see attendance list for voting record)

10. SPONSORSHIP REQUEST

Staff member Kristie Allensworth presented the UCLA/OIC Center for Cerebral Palsy request for \$999.00 in sponsorship funds for their "Family Forum". This event is to take place on Saturday, March 17, 2018 at the UCLA Faculty Center. Council funds will be used towards the costs of the audiovisual services.

It was moved/seconded (Nutt [SA]/Lewis [FA]) and carried to fund the March 17, 2018 UCLA/OIC Center for Cerebral Palsy Family Forum in the amount of \$999.00. (Unanimous, see attendance list for voting record)

11. CLARIFYING ROLES OF STAFF IN RELATION TO COUNCIL BUSINESS

As a follow-up to the question: Is the SCDD attorney, the Council's attorney, or the staff's attorney? Executive Director Carruthers clarified his answer from the January Council closed session. He stated the client is SCDD. The attorney's mission is to protect the State Department. The Executive Director is the supervisor of the Staff Attorney. The attorney does not represent any individual.

At this point, SCDD staff were asked to leave the meeting room, with the exception of staff member Rihana Ahmad who was responsible for taking the minutes.

A. Clarifying roles of Legal Counsel

Committee members requested a current copy of the SCDD organizational chart. Copies were made available at the meeting. Chair Yang suggested Council Members Kris Kent and Catherine Blakemore be added to the Executive Committee, because of their experience. Council Member Lopez volunteered to invite Council Members Kent and Blakemore, due to her close-working relationship with them, to the next meeting.

Council Member Lopez asked to review the job descriptions (job duties) for Legal Counsel (current and prior), change in structure, in addition to looking at other boards and commissions protocol on contacting their attorney, and come back with recommendations to change the job description.

Committee members would like to look at organizational structures from other departments.

Council Member Lopez also raised a hypothetical scenario of concern. Council Member Lopez also expressed concerns that she believes at times the Council has been told "Staff has recommended", and assumed Legal Counsel had reviewed the information. Council Member Lopez wants to make sure Legal Counsel is giving information based on having reviewed information, because she believes it has not always been the case.

Chair Yang reminded committee members that the Executive Committee is to work out concerns then make recommendations to Council, the item was moved to the April agenda in an open session.

B. Concerns how and when council members can contact staff

Council Member Lopez spoke about how when she contacted Orange County Regional Office's current manager, she was unaware the current manager was on maternity leave.

Committee members discussed how to address the scenario, however concerns were raised that it could hinder business operations. Council Member Lopez shared her concerns with having to spend vacation time reviewing an agenda. It was suggested that new staff or extended leaves of absences be shared with all council members via an announcement.

At this point, SCDD staff were allowed back into the room for the remainder of the meeting. Executive Director Carruthers explained the difference between rank and file staff, and the Executive/Deputy Directors. Rank and file staff are contracted to work a specific set of hours and labor laws protect them from working outside those hours. A chart outlining support staff, contact information, and business hours was shared with committee members. Committee members were informed that the Executive/Deputy Directors are available to contact after hours, within reason. It was recommended that Executive Director Carruthers contact info be included in the chart, and handed out to council members at the next Council meeting.

12. EXECUTIVE DIRECTOR EVALUATION PROCESS AND MATERIALS FOR 2018, 2019

Committee members discussed the Executive Director evaluation process. It was noted that Council Member Lopez had recused herself from the process. Committee members felt the timeline used last year was helpful.

13. NEXT MEETING DATE & ADJOURNMENT

The next Executive Committee meeting will be held on April 19th, 10am – 3pm. Meeting adjourned at 2:04pm

SCDD TRAVEL POLICY

The State Council on Developmental Disabilities (SCDD) shall reimburse councilmembers for any actual and necessary expenses incurred in connection with the performance of their duties. (Welf. & Inst. Code § 4550.) Reimbursement rates are limited to those allowed by state rules and regulations such as those contained in the Government code, California Department of Human Resources regulations, and the California State Administrative Manual.

Travel Requests

Council, Committee, and SSAN members who are required to travel on state business (“travelers”) are responsible for submitting all travel requests, via email, to the Travel Coordinator. All travel questions and requests are to be submitted to travelclaims@scdd.ca.gov. Travel requests are to be submitted no less than 14 days prior to the date of the meeting and must contain the following information.

- Three (3) flight/train options in order of preference. The Travel Coordinator will make every attempt to accommodate the traveler’s first preference whenever possible. However, should the first preference be unavailable, the Travel Coordinator will book either the second or third preference.
- Name as it appears on your California I.D., date of birth, Southwest Rapids Rewards and, TSA number (if applicable).

The Travel Coordinator will book travel at least 5 business days prior to meeting or event requiring travel. Upon completion of the reservation, an email confirmation will be sent to the traveler as well as any SCDD staff (when appropriate).

Wanna Get Away Fares and Flight Change Requests

SCDD is required to use “Wanna Get Away” fares whenever possible. These fares are non-refundable and costly to change. Therefore, flight change requests are limited to emergency situations only (e.g. illness, injury, or other serious and urgent personal matters) . In non-emergency situations, the traveler will be responsible for making changes and for any fees and fare difference associated with flight change requests.

Hotel Reservations

Council members typically arrive and depart on the same day of the Council meeting. If it is not reasonable for the traveler to arrive on the day of the meeting, a traveler residing outside a 50 mile radius of Sacramento may request hotel accommodations. Travelers that meet this requirement may request a room for one (1) night prior to meeting date. Hotel room requests must be submitted to the Travel Coordinator at TravelClaims@scdd.ca.gov at least 7 days prior to travel. Any Travelers requesting a room for more than one (1) night must submit their request in writing prior to the meeting. Written requests should include the following information: 1) meeting location, date, and time; 2) nature of request (e.g. “Additional Hotel Stay”); and 3) reason for additional night’s stay. If you require a reasonable accommodation such as a roll-in shower, adjoining room, etc., please include that information in your request.

Room Cancellations

It is the responsibility of the traveler to notify the Travel Coordinator at least 24 hours in advance if you need to cancel your reservation. Should you need to cancel your reservation after regular

business hours, it is the traveler's responsibility to contact the hotel directly to cancel, get a confirmation number for the cancellation, and follow-up with an email informing the Travel Coordinator. Failure to do so, will result in the following actions:

- 1st Occurrence – Traveler will receive a written warning via email.
- 2nd Occurrence – Traveler will receive a formal warning letter from SCDD, and will be responsible for any charges incurred due to the cancellation.
- 3rd Occurrence – Traveler will lose SCDD travel booking privileges for 6 months, and will be responsible for reserving their own hotel rooms and seeking reimbursement after the fact. In addition, the traveler will be responsible for any charges incurred due to the cancellation.

Transportation

Reimbursement for transportation expenses will only be for the method of transportation that is in the best interest of the state considering both direct expense and the traveler's time. When a traveler chooses a method of transportation that is not considered to be in the best interest of the state (i.e. driving a personal vehicle instead of flying or taking a taxi rather than sharing an Uber/Lyft when possible), whatever is most cost effective per individual location/needs, reimbursement will be at the rate of the least expensive option.

Airport Parking

Parking at the airport must be in the best interest of the State. (i.e. parking in long-term lot versus parking in short-term or daily lots). Parking will be reimbursed at the economy lot rate.

Third Party Flight and Lodging Vendors

Expedia.com, Travelocity.com, etc., shall not be used. All reservations must be made through the SCDD Travel Coordinator.

Meals and Incidentals

Reimbursements for each 24-hour period are made using the rates listed on below. The time base for which meal reimbursements are based is also listed in the below table.

Reimbursement Rates and Time Frames

Meal	Trip Begins	Trip Ends	Reimbursement Rate
Breakfast	at or before 6 am	at or after 8 am	\$7.00
Lunch	at or before 11 am	at or after 2 pm	\$11.00
Dinner	at or before 5 pm	at or after 7 pm	\$23.00

Exception: Council members attending a full day meeting will receive lunch reimbursement.

The State does not reimburse for tips (taxi, shuttle, meal, etc.) However, travelers will receive a \$5.00 reimbursement for incidentals for each 24-hours of travel to be used for such items.

Rental Vehicles

Rental cars are generally not used and only authorized on a case by case basis. They require prior approval from the Executive Director or his designee. Rental cars must be booked through SCDD's Travel Coordinator. SCDD contracted base rate per day is \$33.00. Anything exceeding that amount will be at the expense of the traveler. Rental cars must be returned refueled. Only the traveler whose name is on the car rental may claim reimbursement for refueling. Refueling charges/fees from the contracted Rental Car company will not be reimbursed. Travelers who operate vehicles on official state business must have a valid driver's license, insurance, and a good driving record.

Mileage Reimbursement Rates

Travelers may seek reimbursement for mileages when using their personal vehicle to conduct Council business. Effective January 1, 2018, mileage reimbursement rates are \$0.545 per mile. A traveler requesting to use her or his own vehicle must obtain prior approval through the Travel Coordinator to allow for approval to be obtained from the Executive Director and submit a completed Authorization to Use Privately-Owned Vehicle form, STD. 261 before travel.

Submitting Reimbursements

- All travelers shall submit their Travel Expense Claim (TEC) forms and supporting documents no later than 30 days after travel. Incomplete travel claim packages will not be processed. Due to fiscal restrictions, SCDD may be unable to process any travel claims that are received after 30 days.
- Travelers shall complete and submit a TEC form for each trip. It is the responsibility of the traveler to complete all relevant information on this form. Trip start and end times are required. Meal reimbursements are allowed based on the time you leave your home and the time you return home.
- With the exception of meal receipts, travelers shall attach all other original receipts to the Travel Expense Reimbursement form.
- Receipts that are not on 8 ½ by 11 paper (standard paper size) must be taped, not stapled, to an 8 ½ and 11 inch piece of paper.
- TECs that are incomplete will be returned so be sure to complete all information on your form, including your vehicle license plate number (if requesting mileage) and transportation receipts, including bus and rental cars.
- Travel reimbursement checks are issued by the State Controller's Office approximately 6-8 weeks from date of the Travel Coordinator received the travelers TEC. Please plan accordingly.

Helpful Hints

Keep all receipts in an envelope until your claim is filed. **Original receipts** must be submitted with your travel claim. You are responsible for ensuring that all required receipts are included with your TEC and turned into SCDD's Travel Coordinator. All travel and business expenses are to be incurred as a result of conducting state business and are subject to review/verification by the SCDD. Be sure your claim form is complete and submitted on time with all required documents attached to your TEC

Accessibility:

It is the policy of the SCDD to make a reasonable accommodation for any known physical and mental limitations of an otherwise qualified traveler performing duties on behalf of the SCDD, unless making that accommodation would create an undue hardship. Reasonable accommodations needed to fill out travel claim forms and/or prepare supporting documentation are available to travelers upon request by contacting the Travel Coordinator at (916) 322-8481. It is recommended that requests for accommodation are submitted in advance allowing enough time to meet any deadlines.

**ACKNOWLEDGMENT OF RECEIPT AND ACCEPTANCE OF
THE SCDD TRAVEL POLICY**

Receipt and
Acceptance of
Terms

I have received a copy of the SCDD Travel Policy. I understand its contents and agree to abide by its terms and the terms of any subsequent revision to the policy.

Traveler
Signature

Traveler Printed Name

Traveler Signature

Date

EXECUTIVE COMMITTEE AGENDA ITEM DETAIL SHEET

ISSUE: Should Council Members elect to require themselves to complete Sexual Harassment Prevention training?

BACKGROUND: As per Government Code section 12950.1 an employer having 50 or more employees shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees in California within six months of their assumption of a supervisory position. An employer covered by this section shall provide sexual harassment training and education to each supervisory employee in California once every two years.

DISCUSSION: The State Council on Developmental Disabilities (SCDD) is committed to providing a workplace in which all individuals are treated with respect and dignity. Given the current climate facing the Nation with the increasing number of sexual harassment allegations, employers are being proactive in educating staff about behaviors that are acceptable and not acceptable in the workplace to create a more civil, inclusive, discrimination and harassment free workplace. Although sexual harassment prevention training is not mandatory for Council Members, the Council may elect to have a department-wide strategy to provide training to all Council Members. The SCDD is working with the Department of Social Services (DSS) in providing Sexual Harassment Prevention training on-line. DSS has contracted with EverFi who has already developed the on-line training that is anticipated to go live in the early part of 2018. The on-line training will be mandatory for SCDD staff.

STAFF RECOMMENDATION: All SCDD Council Members will be required to take the on-line training within six (6) months of their start date and every two years thereafter. Council Members who have already completed Sexual Harassment Training with their agency/department will be exempt from this requirement. HR will maintain the training records and notify the Council Members when they are required to take the training again. Individuals who believe they have been sexually harassed have a responsibility to immediately report the potential policy violation to either their supervisor, manager or to the SCDD's Equal Employment Opportunity (EEO) Office at (916) 322-5521.

COUNCIL STRATEGIC PLAN OBJECTIVE: None

PRIOR COUNCIL ACTIVITY: None

PREPARED BY: Janet L. Butts, February 2, 2018.

Amended March 8, 2018



DRAFT

**Administrative Committee Meeting Minutes
February 15, 2018**

Attending Members

Charles Nutt (SA)
Jenny Yang (SA)
Sandra Smith (FA)
Eric Gelber
Kris Kent

Members Absent

Others Attending

Aaron Carruthers
Nathan Semino
Rihana Ahmad
Robin Maitino

1. CALL TO ORDER

Chairperson Charles Nutt (SA) called the meeting to order at 10:04 AM.

2. ESTABLISH QUORUM

A quorum was established.

3. WELCOME/INTRODUCTIONS

Executive Director Aaron Carruthers introduced Nathan Semino as SCDD's new intern. Mr. Semino provided Committee members with a brief background on his education and what brought him to SCDD. Committee members and others also introduced themselves.

4. APPROVAL OF THE JANUARY 2018 MEETING MINUTES

It was moved/seconded (Smith [FA]/Yang [SA]) and carried to adopt the January 17, 2018 meeting minutes as presented. (Unanimous, see attendance list for voting record)

5. PUBLIC COMMENTS

There were no public comments.

6. SCDD BUDGET UPDATE

Executive Director Carruthers provided a brief overview of the budget process as well as the current budget pressures the Council is facing. Following the overview, the 2018-2019 Proposed Budget was presented to the Committee.

Legend:
SA = Self-Advocate
FA = Family Advocate

It was moved/seconded (Smith [FA]/Yang [FA]) and carried to move the 2018-2019 proposed budget to the Executive Committee. (Unanimous, see attendance list for voting record)

7. COUNCIL MEMBER SEXUAL HARASSMENT PREVENTION POLICY

Executive Director Carruthers presented details regarding a Sexual Harassment Prevention Policy. SCDD is working with the Department of Social Services (DSS) in providing Sexual Harassment Prevention training online. The online training will be mandatory for SCDD staff.

If adopted by the Council, all SCDD Council members would also be required to take the EverFi online training within 6 months of their start date and every 2 years thereafter.

The Committee acted to recommend approval pending an amendment to the policy. The amendment would add language that exempts Council Members who already have completed Sexual Harassment Training with their agency.

It was moved/seconded (Kent/Smith [FA]) and carried to move the proposed Sexual Harassment Prevention Policy to the Executive Committee pending the above amendment. (Unanimous, see attendance list for voting record)

8. ADJOURNMENT

The meeting was adjourned at 10:35 AM.



DRAFT

**Membership Committee
Meeting Minutes
January 30, 2018**

Attending Members

April Lopez (FA)
Sandra Smith (FA)
David Forderer (SA)
Charles Nutt (SA)

Members Absent

Others Attending

Aaron Carruthers
Christine Tolbert
David Grady
Gabriel Rogin
Lisa Hooks
Robin Maitino
Sheraden Nicholau
Tamica Foots-Rachal
Vicki Smith
Wayne Glusker

1. CALL TO ORDER

Chairperson April Lopez (FA) called the meeting to order at 1:10 PM.

2. ESTABLISH QUORUM

A quorum was established.

3. WELCOME/INTRODUCTIONS

Members and others introduced themselves as indicated.

4. PUBLIC COMMENTS

None

5. APPROVAL OF THE DECEMBER 5, 2017 MEETING MINUTES

It was moved/seconded (Smith [FA]/Nutt [SA]) and carried to approve the December 5, 2017 meeting minutes as presented. (Unanimous, see attendance list for voting record)

6. DEMOGRAPHIC MAP

Executive Director Aaron Carruthers went over a map showing the current demographic makeup of the Council.

7. APPOINTMENT AND VACANCIES TRACKING FORM

Executive Director Carruthers presented the current Appointment and Vacancies Tracking Form to the Committee indicating that there has been no change since the December 5, 2018 Committee meeting.

8. COUNCIL MEMBERSHIP AND EXPIRED TERMS

At the December 5, 2017 Committee meeting, members tabled the discussion on first term reappointments pending the Committee's receipt of additional information on councilmember performance.

Councilmembers that whose first terms are due to expire are:
Sandra Aldana and Francis Lau.

Executive Director Carruthers presented the requested information to the Committee. Following Committee discussion, the following motions were made.

It was moved (Forderer [SA]) to recommend the second term re-appointment of Sandra Aldana to the Governor's Office. No second on motion. *Motion Failed*

It was moved/seconded (Smith [FA]/Nutt [SA]) and carried to recommend the second term re-appointment of Francis Lau to the Governor's Office.
(Unanimous, see attendance list for voting record)

9. APPLICATIONS FOR COUNCIL

a. Report on Interviews: Chair Lopez reported that interviews for the current at-large vacancy had been conducted earlier in the day for applicants: 302, 214, 304, 309, 132, and 312. The interview panel is recommending applicants 302, 304, and 132 to the Governor's Office for appointment consideration. Applicants 309 and 312 are being referred to their local Regional Advisory Committee for consideration and applicant 214 is being put on a future consideration list.

b. Review of Council Applications: This item was tabled.

10. **RAC ROSTER**

The current Regional Advisory Committee roster was provided on page 117 of the packet.

11. **REVIEW RAC APPLICATIONS**

The Committee reviewed Sacramento applications 300 and 311. Following their review, the Committee took the below actions:

It was moved/seconded (Smith [FA]/Nutt [SA]) and carried to -appoint applicant number 300 to the Sacramento Regional Advisory Committee. (Unanimous, see attendance list for voting record)

It was moved/seconded (Smith [FA]/Nutt [SA]) and carried to appoint applicant number 311 to the Sacramento Regional Advisory Committee. (Unanimous, see attendance list for voting record)

12. **REVIEW LOCAL SELF-DETERMINATION ADVISORY COMMITTEE APPLICATIONS (SDAC)**

At the December 5, 2018 Committee meeting, Chair Lopez requested that staff do statewide outreach in order to draw more interest to fill the local SDAC seats throughout the State. Since that time, the Council received 15 additional applications statewide.

Committee members reviewed all local SDAC Regional Center applications contained within the packet that fell in the Council's North Bay, Bay Area, Central Coast, Los Angeles, Orange County, and San Bernardino office catchment areas. Following their review, Chair Lopez requested that an agenda item on *process and protocol* be added to the next Membership Committee agenda. Chair Lopez also asked Committee members to not allow staff's recommendation to be the only opinion considered when appointing members to the local SDACs since staff may not always know what is happening in their community.

North Bay Regional Office Catchment Area

Applicant 24 will be kept on file for future consideration.

It was moved/seconded (Nutt [SA]/Forderer [SA]) and carried to adopt the North Bay Regional Office Managers recommendation to appoint applicants 23, 25, 26, and 27 to the North Bay Regional Center local SDAC. (Unanimous, see attendance list for voting record)

Bay Area Regional Office Catchment Area

Applicant 21 will be kept on file for future consideration.

It was moved/seconded (Smith [FA]/Lopez [FA]) and carried to adopt the Bay Area Regional Office Managers recommendation to appoint applicant 22 to the Golden Gate Regional Center local SDAC.
(Unanimous, see attendance list for voting record)

Central Coast Regional Office Catchment Area

It was moved/seconded (Nutt [SA]/Smith [FA]) and carried to adopt the Central Coast Regional Office Managers recommendation to appoint applicants 10 and 28 to the Tri-Counties Regional Center local SDAC.
(Unanimous, see attendance list for voting record)

Los Angeles Regional Office Catchment Area

Applicants 18 and 19 will be kept on file for future consideration.

It was moved/seconded (Smith [FA]/Nutt [SA]) and carried to adopt the Deputy Director of Regional Office Operations' recommendation to appoint applicants 5 and 6 to the North Los Angeles Regional Center local SDAC. (Unanimous, see attendance list for voting record)

It was moved/seconded (Smith [FA]/Nutt [SA]) and carried to adopt the Deputy Director of Regional Office Operations' recommendation to appoint applicant 12 to the East Los Angeles Regional Center local SDAC. (Unanimous, see attendance list for voting record)

It was moved/seconded (Nutt [SA]/Smith [FA]) and carried to adopt the Deputy Director of Regional Office Operations' recommendation to appoint applicant 13 to the Westside Regional Center local SDAC.
(Unanimous, see attendance list for voting record)

Orange County Regional Office Catchment Area

Applicants 14 and 15 will be kept on file for future consideration.
Applicant 16 withdrew their application due to a conflict of interest.
Chair Lopez requested that applicant 11 be removed from any future consideration.

It was moved/seconded (Lopez [FA]/Nutt [SA]) and carried to adopt Chair Lopez's recommendation to appoint applicant number 17 to the Regional Center of Orange County local SDAC. (Unanimous, see attendance list for voting record)

San Bernardino Regional Office Catchment Area

It was moved/seconded (Lopez [FA]/Forderer [SA]) and carried to adopt the San Bernardino Regional Office Managers recommendation to appoint applicants 9 and 20 to the Inland Regional Center local SDAC. (Unanimous, see attendance list for voting record)

13. ADJOURNMENT

Meeting at adjourned at 2:55 PM.



DRAFT

**Legislative and Public Policy Committee
Meeting Minutes
March 5, 2018**

Attending Members

April Lopez (FA)
David Forderer (SA)
Janelle Lewis (FA)
Lisa Davidson (FA)
Sandra Aldana (SA)

Members Absent

Connie Lapin (FA)

Others Attending

Aaron Carruthers
Cindy Smith
Evelyn Abouhassan
Karen Mulvany
Robin Maitino
Sheraden Nicholau
Wayne Glusker

1. CALL TO ORDER

Chairperson Janelle Lewis (FA) called the meeting to order at 10:40 AM.

2. ESTABLISH QUORUM

A quorum was established.

3. WELCOME/INTRODUCTIONS

Members and others introduced themselves as indicated.

4. PUBLIC COMMENTS

Public member Karen Mulvany provided comment, stating that she believes the hyperlink to submit public comments to on the SCDD website is dead and requested that SCDD consider providing an email address instead. Ms. Mulvany further stated that she has made requests in the past to receive meeting notices yet has still not received them. Committee Chair Lewis and staff agreed to look into the concerns raised. Other comments from Ms. Mulvany included requesting guidance on how to start a conversation with DDS on changing regulations for supported living services in accessory dwelling units and announcing that Alta California Regional Center has moved from median rates to hourly rates.

5. **APPROVAL OF THE NOVEMBER 2017 MEETING MINUTES**

It was moved/seconded (Forderer [SA]/Davidson [FA]) and carried to adopt the November 6, 2017 meeting minutes as amended. (For: Lewis, Davidson; Forderer; Aldana. Abstain: Lopez)

Amendment 1

Page 1 under other attending, correct the spelling of Karen Mulvany's name.

Amendment 2

Page 2, under item 6a., add a sentence explaining what the Governor's intention was behind his statement on AB 973.

Amendment 3

Page 2, under item 6. (b.) (ii.), change the word "Media-Cal" to read "Medi-Cal."

6. **FEDERAL LEGISLATIVE AND REGULATORY UPDATES**

Executive Director Aaron Carruthers and Deputy Director Cindy Smith provided brief updates on federal legislative and regulatory issues.

Deputy Director Smith reported that the government is currently operating under Continued Resolution 4, which is due to end on March 23, 2018. Deputy Director Smith defined a Continued Resolution to mean: "to continue to fund at level funding." She further stated that when the President releases a budget it is used as a blueprint; congress ultimately decides on how to allocate the funds. Executive Director Carruthers expanded on the differences between the State and Federal budget process.

Deputy Director Smith and Evelyn Abouhassan from DRC provided an update on the status of HR 620, the Committee requested that DRC be invited to a future meeting in order to provide a more in-depth update and overview of the intent of HR 620. An update was also provided on a bill known as "Barney Frank bill" that may reappear in the House of Representatives. A hearing was held prior to introduction. It would limit the authority of DRC and other Protection and Advocacy agencies from pursuing class action lawsuits related to Developmental Centers.

7. **LPPC PROCEDURE FOR DETERMINING STATE LEGISLATIVE STRATEGY**

Deputy Director Smith presented the Legislative Strategy detail sheet to the Committee. The detail sheet, which can be found on pages 11-13 of the

packet, outlined a proposed method to prioritize this year's sponsored and introduced legislation.

Deputy Director Smith stated that Committee members, as well as Council members, could still submit additional legislation they wish to be discussed at the April LPPC meeting to her no later than March 12th to be sure it is placed on the agenda.

Executive Director Carruthers and Deputy Director Smith also explained the State's legislative process and how, through the exposure the Council has worked hard to achieve, legislators at the Capitol know who SCDD is and are beginning to reach out which leads to determining a new legislative strategy for 2018 that responds to these changes.

8. STATE LEGISLATIVE UPDATE

Committee members vetted through each of the 31 legislative bills contained within their packet. Out of the 31, the Committee recommended supporting 9 bills, opposing 1 bill relating to accessibility (AB 3158), watching 18 bills, and taking no further action on AB 1785 (Nazarian), since it is not focused on Medi-Cal for persons with disabilities. The final two bills were SCDD sponsored bills relating to State Plan Goal 2, Employment (AB 2171/SB 1274).

It was moved/second (Lopez [FA]/Davidson [FA]) and carried to recommend a support position on AB 2331 (Weber), Medi-Cal redetermination periods.
(For: Davidson, Forderer, Lewis, Lopez. Not present for vote: Aldana)

It was moved/second (Lopez [FA]/Aldana [SA]) and carried to recommend a support position on AB 2430 (Arambula), Medi-Cal financial eligibility requirements. (Unanimous – see first page for a list of members present)

It was moved/second (Aldana [SA]/Lopez [FA]) and carried to recommend a support position on AB 2291 (Chiu), bullying in schools. (For: Davidson, Forderer, Lewis, Lopez. Not present for vote: Aldana)

It was moved/second (Lopez [FA]/Lewis [FA]) and carried to recommend a support position on AB 2657 (Weber), restraints. (For: Davidson, Forderer, Lewis, Lopez. Not present for vote: Aldana)

It was moved/second (Lopez [FA]/Davidson [FA]) and carried to recommend a support position on AB 1909 (Nazarian), translations of written content.
(Unanimous – see first page for a list of members present)

It was moved/second (Forderer [SA]/Aldana [SA]) and carried to recommend a support position on AB 2244 (Acosta), provider service approval process. (Unanimous – see first page for a list of members present)

It was moved/second (Lopez [FA]/Forderer [SA]) and carried to recommend a support position on AB 2587 (Levine), FMLA/SDA rules. (Unanimous – see first page for a list of members present)

It was moved/second (Davidson [FA]/Lewis [FA]) and carried to recommend a support position on AB 2623 (Holden), provider rates. (Unanimous – see first page for a list of members present)

It was moved/second (Forderer [SA]/Davidson [FA]) and carried to recommend a support position on AB 3200 (Kalra), SSP benefit payments. (Unanimous – see first page for a list of members present)

It was moved/second (Forderer [SA]/Lopez [FA]) and carried to recommend an oppose position on AB 3158 (Mathis), building accessibility. (Unanimous – see first page for a list of members present)

9. **UPDATES AND STANDING AGENDA ITEMS**

- a. Self-Determination Waiver Update
- b. CalABLE Update
- c. DDS Safety Net
- d. Funding from DC Properties

10. **MEMBER UPDATES**

Committee members provided updates from their local areas including voting accessibility and meeting outcomes with local Assemblymember Kalra.

11. **2018 FUTURE MEETING DATES**

The next Committee meeting will be held on April 18th, the additional meeting dates on June 11th, August 13th, and October 22nd.

12. **ADJOURNMENT**

Meeting at adjourned at 3:50 PM.