

AMENDED IN ASSEMBLY MAY 25, 2018

AMENDED IN ASSEMBLY APRIL 30, 2018

AMENDED IN ASSEMBLY APRIL 16, 2018

AMENDED IN ASSEMBLY APRIL 4, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2171

Introduced by Assembly Member Frazier

February 12, 2018

An act to amend Sections 56345 and 56475 of, and to add Section 56461.5 to, the Education Code, and to amend Sections 4646.5, 19013, and 19104 of the Welfare and Institutions Code, relating to individuals with disabilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2171, as amended, Frazier. Individuals with disabilities: special education and related services.

(1) 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.

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.

This bill would provide that the Legislature recognizes that the Superintendent, the Director of Developmental Services, and the Director of Rehabilitation have developed an agreement to ensure the seamless and coordinated delivery of services and supports to individuals with disabilities who are eligible for special education services or who are 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 provide that it is the intent of the Legislature that, in implementing any efforts resulting from that agreement, the State Department of Education ensures that those efforts result in ~~the creation of certain components:~~ *a plan for strengthening the person-centered planning processes across all 3 of those departments to further the Employment First Policy.* The bill would require the Superintendent, the Director of Developmental Services, and the Director of Rehabilitation to ~~establish a stakeholder workgroup, with a specified membership, and to regularly consult with the workgroup on the agreement and the implementation of the agreement.~~ *pupils and adults with developmental disabilities, parents of individuals with developmental disabilities, organizations representing individuals with developmental disabilities, and the Employment First Committee established by the State Council on Developmental Disabilities on the agreement and the implementation of the agreement.* The bill would require the Superintendent, the Director of Developmental Services, and the Director of Rehabilitation to submit a report ~~on~~ *on, among other things,* the implementation of the agreement to the appropriate policy and fiscal committees of the Legislature on or before January 1, 2020.

~~(2) 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.~~

~~This~~

~~The bill would require the State Board of Education, on or before July 1, 2019, and the Department of Rehabilitation, to adopt the Employment First Policy, as provided.~~

~~(3)~~

~~(2) Existing law requires local educational agencies to identify, locate, and assess individuals with exceptional needs and to provide those~~

pupils with a free appropriate public education in the least restrictive environment, with special education and related services as reflected in an individualized education program. Existing law requires the individualized education program to include appropriate measurable postsecondary goals based upon age-appropriate transition assessments and the transition services needed to assist the pupil in reaching those goals, as provided. Existing law defines “transition services” to mean a coordinated set of activities for an individual with exceptional needs that, among other things, facilitates the movement of the pupil from school to postschool activities, including postsecondary education, vocational education, integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation, as provided.

This bill would require, in furtherance of the goals of the Employment First Policy, the individualized education program of a pupil who qualifies, or is expected to qualify, for services through the State Department of Developmental Services or the Department of Rehabilitation, or both departments, to include a subsection created by the local educational agency within the transition planning section of the individualized education program that specifies how the local educational agency will support the pupil in obtaining or retaining competitive and integrated employment, as specified.

(4)

(3) 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, including supported living services, to individuals with developmental disabilities and their families. The services and supports to be provided to a regional center consumer are contained in an individual program plan, developed in accordance with prescribed requirements. Existing law requires the planning team to consider the Employment First Policy when developing an individual program plan for a ~~transition-age~~ *transition-age* youth or ~~working-age~~ *working-age* adult.

This bill would require a regional center, in furtherance of the goals of the Employment First Policy, to include within the individual program plan for a ~~transition-age~~ *transition-age* youth or ~~working-age~~ *working-age* adult a section that specifies how the regional center will support the individual in obtaining or retaining competitive integrated employment, including the accommodations that it will provide to the individual.

(5)

(4) Existing law establishes the Department of Rehabilitation to provide vocational rehabilitation services to individuals with disabilities. Existing law requires an individualized plan for employment to be developed for each individual determined to be eligible for vocational rehabilitation services, as provided.

This bill would require the Department of Rehabilitation, in furtherance of the goals of the Employment First Policy, to include within an individualized plan for employment a section that specifies how the Department of Rehabilitation will support the individual in obtaining or retaining competitive integrated employment, including the accommodations that it will provide to the individual, in cooperation and collaboration with the other departments.

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

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

- 1 SECTION 1. Section 56345 of the Education Code is amended
- 2 to read:
- 3 56345. (a) The individualized education program is a written
- 4 statement for each individual with exceptional needs that is
- 5 developed, reviewed, and revised in accordance with this section,
- 6 as required by Section 1414(d) of Title 20 of the United States
- 7 Code, and that includes the following:
- 8 (1) A statement of the individual’s present levels of academic
- 9 achievement and functional performance, including the following:
- 10 (A) The manner in which the disability of the individual affects
- 11 his or her involvement and progress in the general education
- 12 curriculum.
- 13 (B) For preschool children, as appropriate, the manner in which
- 14 the disability affects his or her participation in appropriate
- 15 activities.
- 16 (C) For individuals with exceptional needs who take alternate
- 17 assessments aligned to alternate achievement standards, a
- 18 description of benchmarks or short-term objectives.
- 19 (2) A statement of measurable annual goals, including academic
- 20 and functional goals, designed to do the following:

1 (A) Meet the needs of the individual that result from the
2 disability of the individual to enable the pupil to be involved in
3 and make progress in the general education curriculum.

4 (B) Meet each of the other educational needs of the pupil that
5 result from the disability of the individual.

6 (3) A description of the manner in which the progress of the
7 pupil toward meeting the annual goals described in paragraph (2)
8 will be measured and when periodic reports on the progress the
9 pupil is making toward meeting the annual goals, such as through
10 the use of quarterly or other periodic reports, concurrent with the
11 issuance of report cards, will be provided.

12 (4) A statement of the special education and related services
13 and supplementary aids and services, based on peer-reviewed
14 research to the extent practicable, to be provided to the pupil, or
15 on behalf of the pupil, and a statement of the program modifications
16 or supports for school personnel that will be provided to enable
17 the pupil to do the following:

18 (A) To advance appropriately toward attaining the annual goals.

19 (B) To be involved in and make progress in the general
20 education curriculum in accordance with paragraph (1) and to
21 participate in extracurricular and other nonacademic activities.

22 (C) To be educated and participate with other individuals with
23 exceptional needs and nondisabled pupils in the activities described
24 in this subdivision.

25 (5) An explanation of the extent, if any, to which the pupil will
26 not participate with nondisabled pupils in the regular class and in
27 the activities described in subparagraph (C) of paragraph (4).

28 (6) (A) A statement of individual appropriate accommodations
29 that are necessary to measure the academic achievement and
30 functional performance of the pupil on state and districtwide
31 assessments consistent with Section 1412(a)(16)(A) of Title 20 of
32 the United States Code.

33 (B) If the individualized education program team determines
34 that the pupil shall take an alternate assessment instead of a
35 particular state or districtwide assessment of pupil achievement,
36 a statement of the following:

37 (i) The reason why the pupil cannot participate in the regular
38 assessment.

39 (ii) The reason why the particular alternate assessment selected
40 is appropriate for the pupil.

1 (7) The projected date for the beginning of the services and
2 modifications described in paragraph (4), and the anticipated
3 frequency, location, and duration of those services and
4 modifications.

5 (8) Beginning not later than the first individualized education
6 program to be in effect when the pupil is 16 years of age, or
7 younger if determined appropriate by the individualized education
8 program team, and updated annually thereafter, the following
9 information:

10 (A) Appropriate measurable postsecondary goals based upon
11 age-appropriate transition assessments related to training,
12 education, employment, and where appropriate, independent living
13 skills.

14 (B) The transition services, as defined in Section 56345.1,
15 including courses of study, needed to assist the pupil in reaching
16 those goals.

17 (C) In furtherance of the goals of the Employment First Policy
18 in Section 4869 of the Welfare and Institutions Code, for transition
19 age pupils who qualify, or are expected to qualify, for services
20 through the State Department of Developmental Services or the
21 Department of Rehabilitation, or both departments, a subsection
22 created by the local educational agency within the transition
23 planning section of the individualized education program that
24 specifies how the local educational agency will support the pupil
25 in obtaining or retaining competitive and integrated employment,
26 as defined in subdivision (d) of Section 4868 of the Welfare and
27 Institutions Code, including what accommodations the local
28 educational agency will provide to the pupil, in cooperation and
29 collaboration with other local agencies and state departments.

30 (b) If appropriate, the individualized education program shall
31 also include, but not be limited to, all of the following:

32 (1) For pupils in grades 7 to 12, inclusive, any alternative means
33 and modes necessary for the pupil to complete the prescribed
34 course of study of the district and to meet or exceed proficiency
35 standards for graduation.

36 (2) For individuals whose native language is other than English,
37 linguistically appropriate goals, objectives, programs, and services.

38 (3) Pursuant to Section 300.106 of Title 34 of the Code of
39 Federal Regulations, extended school year services shall be
40 included in the individualized education program and provided to

1 the pupil if the individualized education program team of the pupil
2 determines, on an individual basis, that the services are necessary
3 for the provision of a free appropriate public education to the pupil.

4 (4) Provision for the transition into the regular class program if
5 the pupil is to be transferred from a special class or nonpublic,
6 nonsectarian school into a regular class in a public school for any
7 part of the schoolday, including the following:

8 (A) A description of activities provided to integrate the pupil
9 into the regular education program. The description shall indicate
10 the nature of each activity, and the time spent on the activity each
11 day or week.

12 (B) A description of the activities provided to support the
13 transition of pupils from the special education program into the
14 regular education program.

15 (5) For pupils with low-incidence disabilities, specialized
16 services, materials, and equipment, consistent with guidelines
17 established pursuant to Section 56136.

18 (c) It is the intent of the Legislature in requiring individualized
19 education programs, that the local educational agency is responsible
20 for providing the services delineated in the individualized education
21 program. However, the Legislature recognizes that some pupils
22 may not meet or exceed the growth projected in the annual goals
23 and objectives of the individualized education program of the
24 pupil.

25 (d) Consistent with Section 56000.5 and Section
26 1414(d)(3)(B)(iv) of Title 20 of the United States Code, it is the
27 intent of the Legislature that, in making a determination of the
28 services that constitute an appropriate education to meet the unique
29 needs of a deaf or hard-of-hearing pupil in the least restrictive
30 environment, the individualized education program team shall
31 consider the related services and program options that provide the
32 pupil with an equal opportunity for communication access. The
33 individualized education program team shall specifically discuss
34 the communication needs of the pupil, consistent with “Deaf
35 Students Education Services Policy Guidance” (57 Fed. Reg. 49274
36 (October 1992)), including all of the following:

37 (1) The pupil’s primary language mode and language, which
38 may include the use of spoken language with or without visual
39 cues, or the use of sign language, or a combination of both.

1 (2) The availability of a sufficient number of age, cognitive,
2 and language peers of similar abilities, which may be met by
3 consolidating services into a local plan areawide program or
4 providing placement pursuant to Section 56361.

5 (3) Appropriate, direct, and ongoing language access to special
6 education teachers and other specialists who are proficient in the
7 pupil's primary language mode and language consistent with
8 existing law regarding teacher training requirements.

9 (4) Services necessary to ensure communication-accessible
10 academic instructions, school services, and extracurricular activities
11 consistent with the federal Vocational Rehabilitation Act of 1973
12 (29 U.S.C. Sec. 794 et seq.) and the federal Americans with
13 Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).

14 (5) In accordance with Section 300.113 of Title 34 of the Code
15 of Federal Regulations, each public agency shall ensure that hearing
16 aids worn in school by children with hearing impairments,
17 including deafness, are functioning properly.

18 (6) Subject to paragraph (7), each public agency, pursuant to
19 Section 300.113(b) of Title 34 of the Code of Federal Regulations,
20 shall ensure that external components of surgically implanted
21 medical devices are functioning properly.

22 (7) For a child with a surgically implanted medical device who
23 is receiving special education and a service under Section 56363,
24 a public agency is not responsible for the postsurgical maintenance,
25 programming, or replacement of the medical device that has been
26 surgically implanted, or of an external component of the surgically
27 implanted medical device.

28 (e) State moneys appropriated to districts or local educational
29 agencies may not be used for any additional responsibilities and
30 services associated with paragraphs (1) and (2) of subdivision (d),
31 including the training of special education teachers and other
32 specialists, even if those additional responsibilities or services are
33 required pursuant to a judicial or state agency determination. Those
34 responsibilities and services shall only be funded by a local
35 educational agency as follows:

36 (1) The costs of those activities shall be funded from existing
37 programs and funding sources.

38 (2) Those activities shall be supported by the resources otherwise
39 made available to those programs.

1 (3) Those activities shall be consistent with Sections 56240 to
2 56243, inclusive.

3 (f) It is the intent of the Legislature that the communication
4 skills of teachers who work with hard-of-hearing and deaf children
5 be improved. This section does not remove the discretionary
6 authority of the local educational agency in regard to in-service
7 activities.

8 (g) Beginning not later than one year before the pupil reaches
9 the age of 18 years, a statement that the pupil has been informed
10 of the pupil's rights under this part, if any, that will transfer to the
11 pupil upon reaching the age of 18 years pursuant to Section
12 56041.5.

13 (h) The individualized education program team is not required
14 to include information under one component of a pupil's
15 individualized education program that is already contained under
16 another component of the individualized education program.

17 (i) This section does not require that additional information,
18 beyond that explicitly required by Section 1414 of Title 20 of the
19 United States Code and this part, be included in the individualized
20 education program of a pupil.

21 SEC. 2. Section 56461.5 is added to the Education Code, to
22 read:

23 56461.5. (a) On or before July 1, 2019, the board shall adopt
24 the Employment First Policy described in Section 4869 of the
25 Welfare and Institutions Code with respect to ~~transition-age~~
26 *transition-age* pupils who qualify, or are expected to qualify, for
27 services through the State Department of Developmental Services
28 or the Department of Rehabilitation, or through both departments.

29 (b) After the board adopts the Employment First Policy pursuant
30 to subdivision (a), the department shall apply that policy to all
31 transition-related services and supports, in accordance with Section
32 1414(d)(1)(A)(i)(VIII) of Title 20 of the United States Code, to
33 which pupils who qualify, or are expected to qualify, for services
34 through the State Department of Developmental Services, the
35 Department of Rehabilitation, or both, are entitled, or may be
36 entitled.

37 (c) The Legislature recognizes that the Employment First Policy
38 in subdivision (a) of Section 4869 of the Welfare and Institutions
39 Code provides that postsecondary education, technical or vocational
40 training, and internship programs may be considered as a means

1 to achieve integrated competitive employment or career
2 advancement.

3 SEC. 3. Section 56475 of the Education Code is amended to
4 read:

5 56475. (a) The Superintendent and the directors of the State
6 Department of Health Care Services, the State Department of
7 Developmental Services, the State Department of Social Services,
8 the Department of Rehabilitation, the Department of Corrections
9 and Rehabilitation, Division of Juvenile Facilities, and the
10 Employment Development Department shall develop written
11 interagency agreements or adopt joint regulations that include
12 responsibilities, in accordance with Section 1412(a)(12) of Title
13 20 of the United States Code and Section 300.154 of Title 34 of
14 the Code of Federal Regulations, for the provision of special
15 education and related services to individuals with exceptional
16 needs in the State of California.

17 (b) (1) The Legislature recognizes that, consistent with Section
18 4869 of the Welfare and Institutions Code, the Superintendent, the
19 Director of Developmental Services, and the Director of
20 Rehabilitation have developed an agreement to ensure the seamless
21 and coordinated delivery of services and supports to individuals
22 with disabilities who are eligible for services pursuant to Section
23 56031 or who are eligible for services provided by the State
24 Department of Education, the State Department of Developmental
25 Services, or the Department of Rehabilitation for individuals with
26 developmental disabilities.

27 (2) It is the intent of the Legislature that, in implementing any
28 efforts resulting from the agreement described in paragraph (1),
29 the State Department of Education ensures, to the extent possible
30 under its authority, that those efforts result in ~~all of the following:~~

31 ~~(A) A~~ a plan for strengthening the person-centered planning
32 processes across all three departments described in this subdivision,
33 to further the Employment First Policy in Section 4869 of the
34 Welfare and Institutions Code.

35 ~~(B) A data collection method that establishes a uniform~~
36 ~~identifying code for each individual receiving services from one~~
37 ~~or more of the departments described in this subdivision, and that~~
38 ~~facilitates data collection and data sharing across those departments~~
39 ~~to improve coordination and collaboration to achieve competitive~~
40 ~~integrated employment, to the extent permitted under applicable~~

1 ~~state and federal statutes and regulations related to privacy. The~~
2 ~~purpose of the uniform identifying code is to effectively track~~
3 ~~integrated competitive employment outcomes across those~~
4 ~~departments while protecting individuals' privacy.~~

5 ~~(C) A streamlined mechanism that will provide an eligible~~
6 ~~individual, or the individual's parent, the ability to independently~~
7 ~~access and review the individual's records that are held by each~~
8 ~~department described in this subdivision, to the extent permitted~~
9 ~~under applicable state and federal statutes and regulations related~~
10 ~~to privacy. The purpose of the mechanism is to promote~~
11 ~~self-advocacy and enable the individual and the individual's parent~~
12 ~~to review the individual's records and share those records at their~~
13 ~~discretion among the departments described in this subdivision,~~
14 ~~for the purpose of facilitating collaboration and coordination in~~
15 ~~the planning for, and delivery of, services and accommodations.~~

16 ~~(D) A description of any other mechanisms that can potentially~~
17 ~~be used to share information across the three departments with the~~
18 ~~consent of the eligible individual and the individual's parent.~~

19 ~~(c) The Superintendent, the Director of Developmental Services,~~
20 ~~and the Director of Rehabilitation shall establish a stakeholder~~
21 ~~workgroup and shall regularly consult with the workgroup on the~~
22 ~~agreement described in paragraph (1) of subdivision (b) and the~~
23 ~~implementation of that agreement. The workgroup shall be~~
24 ~~composed of pupils with developmental disabilities, adults with~~
25 ~~developmental disabilities, parents of individuals with~~
26 ~~developmental disabilities, organizations representing individuals~~
27 ~~with developmental disabilities, and state agencies, including, at~~
28 ~~a minimum, the Department of Rehabilitation, the State Department~~
29 ~~of Education, the State Department of Developmental Services,~~
30 ~~and the *Employment First Committee* established by the State~~
31 ~~Council on Developmental Disabilities. *Disabilities pursuant to*~~
32 ~~*subdivision (a) of Section 4868 of the Welfare and Institutions*~~
33 ~~*Code on the agreement described in paragraph (1) of subdivision*~~
34 ~~*(b) and the implementation of that agreement.*~~

35 ~~(d) The Legislature recognizes that the Employment First Policy~~
36 ~~in subdivision (a) of Section 4869 provides that postsecondary~~
37 ~~education, technical or vocational training, and internship programs~~
38 ~~may be considered as a means to achieve integrated competitive~~
39 ~~employment or career advancement.~~

1 (e) (1) On or before January 1, 2020, the Superintendent, the
2 Director of Developmental Services, and the Director of
3 Rehabilitation shall submit *to the appropriate policy and fiscal*
4 *committees of the Legislature* a report on the implementation of
5 the agreement described in paragraph (1) of subdivision (b) ~~to the~~
6 ~~appropriate policy and fiscal committees of the Legislature, in~~
7 ~~compliance with Section 9795 of the Government Code. and on~~
8 *the progress made to facilitate data collection and data sharing*
9 *across those departments to improve coordination and*
10 *collaboration to achieve competitive integrated employment, to*
11 *the extent permitted under applicable state and federal law related*
12 *to privacy.*

13 (2) Pursuant to Section 10231.5 of the Government Code, the
14 requirement for submitting a report imposed by this subdivision
15 is inoperative on January 1, 2024.

16 (f) The Superintendent shall develop interagency agreements
17 with other state and local public agencies, as deemed necessary
18 by the Superintendent, to carry out the provisions of state and
19 federal law.

20 SEC. 4. Section 4646.5 of the Welfare and Institutions Code
21 is amended to read:

22 4646.5. (a) The planning process for the individual program
23 plan described in Section 4646 shall include all of the following:

24 (1) Gathering information and conducting assessments to
25 determine the life goals, capabilities and strengths, preferences,
26 barriers, and concerns or problems of the person with
27 developmental disabilities. For children with developmental
28 disabilities, this process should include a review of the strengths,
29 preferences, and needs of the child and the family unit as a whole.
30 Assessments shall be conducted by qualified individuals and
31 performed in a natural environment whenever possible. Information
32 shall be taken from the consumer, his or her parents and other
33 family members, his or her friends, advocates, authorized
34 representative, if applicable, providers of services and supports,
35 and other agencies. The assessment process shall reflect awareness
36 of, and sensitivity to, the lifestyle and cultural background of the
37 consumer and the family.

38 (2) A statement of goals, based on the needs, preferences, and
39 life choices of the individual with developmental disabilities, and
40 a statement of specific, time-limited objectives for implementing

1 the person’s goals and addressing his or her needs. These objectives
2 shall be stated in terms that allow measurement of progress or
3 monitoring of service delivery. These goals and objectives should
4 maximize opportunities for the consumer to develop relationships,
5 be part of community life in the areas of community participation,
6 housing, work, school, and leisure, increase control over his or her
7 life, acquire increasingly positive roles in community life, and
8 develop competencies to help accomplish these goals.

9 (3) When developing individual program plans for children,
10 regional centers shall be guided by the principles, process, and
11 services and support parameters set forth in Section 4685.

12 (4) When developing an individual program plan for a ~~transition~~
13 ~~age transition-age~~ youth or ~~working-age~~ *working-age* adult, the
14 planning team shall consider the Employment First Policy
15 described in Section 4869. In furtherance of the goals in the
16 Employment First Policy, the regional center shall include within
17 the individual program plan a section that specifies how the
18 regional center will support the individual in obtaining or retaining
19 competitive integrated employment, including the accommodations
20 that the regional center will provide to the individual.

21 (5) A schedule of the type and amount of services and supports
22 to be purchased by the regional center or obtained from generic
23 agencies or other resources in order to achieve the individual
24 program plan goals and objectives, and identification of the
25 provider or providers of service responsible for attaining each
26 objective, including, but not limited to, vendors, contracted
27 providers, generic service agencies, and natural supports. The
28 individual program plan shall specify the approximate scheduled
29 start date for services and supports and shall contain timelines for
30 actions necessary to begin services and supports, including generic
31 services. In addition to the requirements of subdivision (h) of
32 Section 4646, each regional center shall offer, and upon request
33 provide, a written copy of the individual program plan to the
34 consumer, and, when appropriate, his or her parents, legal guardian
35 or conservator, or authorized representative within 45 days of their
36 request in a threshold language, as defined by paragraph (3) of
37 subdivision (a) of Section 1810.410 of Title 9 of the California
38 Code of Regulations.

39 (6) When agreed to by the consumer, the parents, legally
40 appointed guardian, or authorized representative of a minor

1 consumer, or the legally appointed conservator of an adult
2 consumer or the authorized representative, including those
3 appointed pursuant to subdivision (a) of Section 4541, subdivision
4 (b) of Section 4701.6, and subdivision (e) of Section 4705, a review
5 of the general health status of the adult or child, including medical,
6 dental, and mental health needs, shall be conducted. This review
7 shall include a discussion of current medications, any observed
8 side effects, and the date of the last review of the medication.
9 Service providers shall cooperate with the planning team to provide
10 any information necessary to complete the health status review. If
11 any concerns are noted during the review, referrals shall be made
12 to regional center clinicians or to the consumer’s physician, as
13 appropriate. Documentation of health status and referrals shall be
14 made in the consumer’s record by the service coordinator.

15 (7) (A) The development of a transportation access plan for a
16 consumer when all of the following conditions are met:

17 (i) The regional center is purchasing private, specialized
18 transportation services or services from a residential, day, or other
19 provider, excluding vouchered service providers, to transport the
20 consumer to and from day or work services.

21 (ii) The planning team has determined that a consumer’s
22 community integration and participation could be safe and
23 enhanced through the use of public transportation services.

24 (iii) The planning team has determined that generic
25 transportation services are available and accessible.

26 (B) To maximize independence and community integration and
27 participation, the transportation access plan shall identify the
28 services and supports necessary to assist the consumer in accessing
29 public transportation and shall comply with Section 4648.35. These
30 services and supports may include, but are not limited to, mobility
31 training services and the use of transportation aides. Regional
32 centers are encouraged to coordinate with local public
33 transportation agencies.

34 (8) A schedule of regular periodic review and reevaluation to
35 ascertain that planned services have been provided, that objectives
36 have been fulfilled within the times specified, and that consumers
37 and families are satisfied with the individual program plan and its
38 implementation.

39 (b) For all active cases, individual program plans shall be
40 reviewed and modified by the planning team, through the process

1 described in Section 4646, as necessary, in response to the person's
2 achievement or changing needs, and no less often than once every
3 three years. If the consumer or, where appropriate, the consumer's
4 parents, legal guardian, authorized representative, or conservator
5 requests an individual program plan review, the individual program
6 shall be reviewed within 30 days after the request is submitted.

7 (c) (1) The department, with the participation of representatives
8 of a statewide consumer organization, the Association of Regional
9 Center Agencies, an organized labor organization representing
10 service coordination staff, and the state council, shall prepare
11 training material and a standard format and instructions for the
12 preparation of individual program plans, which embody an
13 approach centered on the person and family.

14 (2) Each regional center shall use the training materials and
15 format prepared by the department pursuant to paragraph (1).

16 (3) The department shall biennially review a random sample of
17 individual program plans at each regional center to ensure that
18 these plans are being developed and modified in compliance with
19 Section 4646 and this section.

20 SEC. 5. Section 19013 of the Welfare and Institutions Code is
21 amended to read:

22 19013. (a) (1) The department may cooperate with other
23 departments, agencies, and institutions, both public and private,
24 in providing the services authorized by this division to individuals
25 with disabilities, in studying the problems involved therein, and
26 in establishing, developing, and providing, in conformity with the
27 purposes of this division, such programs, facilities, and services
28 as may be necessary or desirable.

29 (2) Cooperation may include contracts and cost-sharing
30 agreements, to the extent permitted by the Rehabilitation Act of
31 1973 (Public Law 93-112), as amended, and the implementing
32 federal regulations.

33 (3) Within the scope of the federal Rehabilitation Act, through
34 cooperative agreements with other public agencies, the department
35 shall maximize the resources of each agency to better mutually
36 serve individuals with disabilities through enhanced services. To
37 provide these services, within the provisions of federal law, the
38 department and other agencies shall share facilities, utilize existing
39 eligibility and assessment information, participate in cross-training
40 for agencies participating in cooperative programs, and engage in

1 other cooperative activities to reduce duplication of services and
2 to provide a new enhanced pattern of services for individuals with
3 disabilities.

4 (b) The department may cooperate with the State Department
5 of Education and with the state public postsecondary education
6 system to provide instruction, individual counseling and guidance,
7 and related rehabilitation services for eligible students with
8 disabilities.

9 (c) The department may cooperate with school districts, with
10 public secondary schools, and with the state public postsecondary
11 education system to employ personnel to assist in the vocational
12 orientation of students with disabilities.

13 (d) The department shall adopt the Employment First Policy
14 described in Section 4869 and shall apply it to all transition- or
15 employment-related services and supports an individual with
16 disabilities is entitled to, or may be entitled to, from the department.

17 SEC. 6. Section 19104 of the Welfare and Institutions Code is
18 amended to read:

19 19104. (a) Subject to the limitation of Section 19102 and to
20 the extent federal funds are available, an individualized plan for
21 employment shall be developed for each individual determined to
22 be eligible under this chapter.

23 (b) The individualized plan for employment shall do all of the
24 following:

25 (1) Be designed to achieve the employment objective of the
26 individual, consistent with the unique strengths, resources,
27 priorities, concerns, abilities, and capabilities of the individual,
28 and, to the maximum extent appropriate, to include placement in
29 integrated settings.

30 (2) Be jointly developed and agreed upon by the eligible
31 individual, or when appropriate the individual’s parent, family
32 member, guardian, advocate, or authorized representative, and the
33 department. In developing the program, the department shall inform
34 the individual about and involve the individual in choosing among
35 alternative goals, objectives, available services, entities providing
36 the services, and the methods used to provide or procure the
37 services.

38 (3) Contain all of the information required by federal law and
39 regulations, including a statement of the specific vocational goods
40 and services, as defined in Section 19150, to be provided and the

1 terms and conditions under which available goods and services
2 will be provided, to the extent federal funds are available, to the
3 individual in the most integrated setting.

4 (4) To the extent possible, utilize the information specified in
5 Section 19100.

6 (5) In furtherance of the goals in the Employment First Policy
7 specified in Section 4869, the department shall create within the
8 individualized plan for employment a section that specifies how
9 the department will support the individual in obtaining or retaining
10 competitive integrated employment, including the accommodations
11 that the department will provide to the individual, in cooperation
12 and collaboration with other state departments.