



# NOTICE/AGENDA

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**861-0332**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES  
LEGISLATIVE AND PUBLIC POLICY COMMITTEE MEETING  
POSTED AT: [www.scdd.ca.gov](http://www.scdd.ca.gov)**

**DATE:** September 6, 2019

**TIME:** 10:30 AM – 3:30 PM

**MEETING LOCATION:**  
SCDD HQ OFFICE  
3831 North Freeway Blvd. #125  
Sacramento, CA 95834

**TELECONFERENCE LOCATION(S):**  
None

**COMMITTEE CHAIR:** Julie Austin

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**Item 1. CALL TO ORDER**

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**Item 2. ESTABLISH QUORUM**

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**Item 3. WELCOME AND INTRODUCTIONS**

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**Item 4. PUBLIC COMMENTS**

*This item is for members of the public only to provide comments and/or present information to the Committee on matters not on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be read.*

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**Item 5. APPROVAL OF JUNE 2019 MINUTES **

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**Item 6. PEOPLE WITH DISABILITIES IN THE NEWS**  
*Julie Austin, Committee Chair*

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January 16 <sup>th</sup> , March 12 <sup>th</sup> , April 9 <sup>th</sup> , September 20 <sup>th</sup>	
<b>Item 14. ADJOURNMENT</b>	

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**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) 263-7919. 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.

*All times indicated and the order of business are approximate and subject to change.*

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*A call-in phone line will be available so that members of the public can call in and listen to this meeting, provided there are no unforeseen technical difficulties or other limitations. The meeting will not be cancelled if the call-in phone line is not available. If you wish to participate or to have a guaranteed opportunity to observe and participate, please plan to attend at a physical location.*

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**September 6, 2019**

**AGENDA ITEM 5.**

**ACTION ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC**

***Approval of June 2019 Minutes***

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Members will review and approve the June meeting minutes.

***Action Recommended***

Approve the June 19, 2019 minutes.

***Attachment(s)***

June 2019 Meeting Minutes



**DRAFT**

**Legislative and Public Policy Committee  
Meeting Minutes  
June 19, 2019**

**Attending Members**

Connie Lapin (FA)  
Janelle Lewis (FA)  
Julie Austin (FA)  
Wesley Witherspoon (SA)  
Matthew Lagrand (SA)  
Andrea Vergne (FA)

**Members Absent**

Julie Neward (FA)  
Diane Ambrose (FA)

**Others Attending**

Cindy Smith  
Chris Arroyo  
Karen Mulvany  
Leah Hollis  
Michael McNulty  
Robin Maitino-Erben  
Elizabeth (public on phone)

**1. CALL TO ORDER**

Chair Julie Austin (FA) called the meeting to order at 10:03 AM.

**2. ESTABLISH QUORUM**

A quorum was established.

**3. WELCOME/INTRODUCTIONS**

Members and others in attendance then introduced themselves.

**4. PUBLIC COMMENTS**

Karen Mulvany provided the following public comment on Accessory Dwelling Unit (ADU) bills that were not listed on the agenda.

- AB 68 requires ministerial permitting of Junior Accessory Dwelling Units (JADU), among other things.
- AB 69 requires the creation of new lower cost building codes suitable for ADUs.
- AB 670 voids any provision in “governing documents” such as Covenants, Conditions & Restrictions (CC&Rs) that prohibits the formation of an ADU or JADU.
- AB 881 removes owner occupancy requirement for newly permitted ADUs until 2025.

- SB 13 eliminates owner occupancy for parcels with ADUs retroactively and in the future. Ms. Mulvany stated that there are concerns in the assembly with the mandated permit fee discounts in this bill.

## 5. APPROVAL OF THE MAY 2019 MEETING MINUTES

Members were presented with the draft meeting minutes. Ms. Mulvany provided public comment requesting that the following changes be made on the May minutes.

1. Have the minutes reflect that she requested an update on finalization of Strategic Housing Framework.
2. Have the minutes reflect that she requested an update on requested notice of meetings per Bagley Keene so that public is directly notified of meeting times, locations, and changes.
3. Have the minutes reflect that she stated how Walmart was revising requirements of jobs formerly held by people with disabilities to include physical tasks that they could not complete, and stated they then laid them off after years of service.
4. Have the minutes reflect that she stated that the Department of Labor's Joint Employment Notice of Proposed Rulemaking will likely increase overtime exposure for Self-Determination Participants who are using both IHSS and other regional center funded services such as SLS and that the proposed rule clarifies that as a joint employer, consumers will become personally liable for their government funded direct care benefits.

It was moved/seconded (Lapin [FA]/Witherspoon [SA]) and carried to adopt the May 8, 2019 meeting minutes as amended. Unanimous (See page one for a record of members present.)

## 6. PEOPLE WITH DISABILITIES IN THE NEWS

Committee Chair Austin reported that a bill that would amend the Higher Education Act of 1965 to provide students with disabilities and their families with access to critical information needed to select the right college and succeed once enrolled was introduced in Congress. This bill is known as the RISE Act of 2019. Committee Chair Austin also reported there was legislation pending to fully fund the Individuals with Disabilities Education Act (IDEA).

## 7. FEDERAL LEGISLATIVE AND REGULATORY UPDATES

Deputy Director Cindy Smith provided a brief update on federal funding and the budget stating that funding is still pending and that budget caps have been reached.

Deputy Director Smith reported that the U.S. Department of Labor's Office of Disability Employment Policy (ODEP) was hosting a national online dialogue to gather perspectives on Section 14(c) of the Fair Labor Standards Act. Due to the deadline to submit comments, Committee members requested that the chairs of the Council and Legislative and Public Policy Committee use their delegated authority to direct staff to submit public comment on behalf of the Council. Committee members also directed staff to use delegated authority to comment on the draft Office of Management and Budget's (OMB) poverty measure since OMB is looking at revising the methodology for adjusting the official poverty threshold.

## 8. STATE LEGISLATIVE UPDATE

Deputy Director Cindy Smith provided updates on the bills contained within the legislative chart, including AB 34, AB 477 and AB 68. She reported that the chairs of the Council and Legislative and Public Policy Committee used their delegated authority to support these bills. An update was also given on AB 640 which had previously been a watch bill, members discussed whether they wanted to change their position from watch to support. Due to legislative timelines, Committee members acted to request that the chairs of the Council and Legislative and Public Policy Committee use their delegated authority to support AB 640.

Following the legislative updates, Ms. Mulvany provided public comments and Committee member Diane Ambrose's were read since she was unable to attend the meeting.

It was moved/seconded (Lewis/Witherspoon[SA]) and carried to request that the chairs of the Council and Legislative and Public Policy Committee use their delegated authority to support AB 640. Unanimous (See page one for a record of members present.)

Deputy Director Cindy Smith reported on the state budget. The report was focused on the Department of Developmental Services' trailer bill which included implementation direction on the rate study outcomes.

## 9. SCDD'S POLICY ACTIVITIES IN 2020

Committee members began activity planning for the 2020 State Plan Workplan by taking part in an interactive process to identify possible activities that are supported by the Council's current legislative priorities. Some examples of possible identified activities included the following:

### **Council Priority 1 – Protecting and Enhancing Civil Rights**

Activities identified included, but were not limited to, developing and disseminate a Lanterman Act education public service announcement (PSA), more educational trainings with experts in disability rights, and crisis support services which would allow people to remain in their homes.

### **Council Priority 2 – Enhancing Community Living**

Activities identified included, but were not limited to, creating a housing resource list, more education on home and community-based services (HCBS), and providing better housing options by being at the table with builders, landlords, etc.

### **Council Priority 3 – Implementation of Self-Determination Program**

Activities identified included, but were not limited to, more oversight and accountability over the implementation of the program, more training and written materials, and the development of a tutorial DVD to be distributed throughout California on what the Self-Determination program is.

### **Council Priority 4 – Guaranteeing Access to Competitive Integrated Employment (CIE)**

Activities identified included, but were not limited to, more information and guidance on the CIE blueprint implementation, networking with other agencies, data improvement, and working with employers.

### **Council Priority 5 – Ensuring access to the Community**

Activities identified included, but were not limited to, more information accessibility for the community through monthly event notices, etc., more CalABLE training, adequate wages for providers, and restoration of social recreation and camps.

### **Miscellaneous**

Activities identified included, but were not limited to, more system accountability, training on the Regional Center complaint process, and no cost assistance for due process.

10. **UPDATES AND STANDING AGENDA ITEMS**

A copy of the May Council summary was provided as an update for Council activities.

Deputy Director Smith provided status updates on the Select Committee on Intellectual and Developmental Disabilities and the implementation of the SSI/CalFresh cash out reversal policy. Members were also provided an update on the latest activities pertaining to the Self-Determination Program.

Members provided updates on CalABLE and the DDS Safety Net.

11. **MEMBER UPDATES**

Members provided brief updates of local activities taking place in their areas.

12. **FUTURE MEETING DATES**

September 11<sup>th</sup>, 2019.

13. **ADJOURNMENT**

Meeting adjourned at 3:58 PM.

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**September 6, 2019**

**AGENDA ITEM 6.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC**

***People with Disabilities in the News***

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Committee Chair Julie Austin will report on the topic of people with disabilities in the news. This is a discussion item only to assist the Committee in keeping up to date on current affairs related to public policy.

***Attachments***

U.S. Department of Labor Letter: FMLA2019-2-A.

***Handout(s)***

Could be additional handout(s) day of meeting.



FMLA2019-2-A

August 8, 2019

Dear **Name\***:

This letter responds to your request for an opinion on whether an employee may take leave under the Family and Medical Leave Act (FMLA) to attend a Committee on Special Education (CSE) meeting to discuss the Individualized Education Program (IEP) of the employee's son or daughter.<sup>1</sup> This opinion is based exclusively on the facts you have presented. You represent that you do not seek this opinion for any party that the Wage and Hour Division (WHD) is currently investigating or for use in any litigation that commenced prior to your request.

## BACKGROUND

You represent that your two children have qualifying serious health conditions under the FMLA.<sup>2</sup> You state that your wife has received a certification from your children's doctors supporting your wife's need to take intermittent leave to care for your children and that her employer has approved her taking FMLA leave intermittently to bring the children to medical appointments. You state that your wife's employer has not, however, approved her request to take FMLA leave intermittently to attend CSE/IEP meetings.

You explain that your children receive pediatrician-prescribed occupational, speech, and physical therapy provided by their school district, and that four times a year their school holds CSE/IEP meetings to review their educational and medical needs, well-being, and progress.<sup>3</sup> You explain that these meetings include participation by "a speech pathologist, school psychologist, occupational therapist and/or physical therapist employed or contracted by the school district to provide services to the ... child under the child's IEP," as well as teachers and school administrators. These participants provide updates regarding your children's progress and areas of concern; review recommendations made by your children's doctors; review any new test

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<sup>1</sup> The Individuals with Disabilities Education Act (IDEA) requires public schools to develop an IEP for a son or daughter who receives special education and related services with input from the child and the child's parents, teachers, school administrators, and related services personnel. Under the IDEA, "related services" include such services as audiology services, counseling services, medical services, physical therapy, psychological services, speech-language pathology services, rehabilitation counseling services, among others. *See* A Guide to the Individualized Education Program, U.S. Department of Education (July 2000), available at <https://www2.ed.gov/parents/needs/speced/iepguide/index.html>; *see also* 34 C.F.R. § 300.320 (defining an IEP).

<sup>2</sup> *See* 29 U.S.C. § 2611(11) (defining serious health condition).

<sup>3</sup> Your letter refers to these meetings as "Committee on Special Education (CSE)" meetings, but the analysis and conclusion in this opinion letter apply to any meetings held pursuant to the IDEA, and any applicable state or local law, regardless of the term used for such meetings.

results; and may make recommendations for additional therapy. You ask if your wife may use intermittent FMLA leave for the care of a child to attend these meetings.

## GENERAL LEGAL PRINCIPLES

The FMLA defines a “serious health condition” as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider and provides, in relevant part, that an eligible employee of a covered employer may take up to twelve weeks of job-protected, unpaid FMLA leave per year “to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.” 29 U.S.C. § 2612(a)(1)(C); *see also* 29 U.S.C. § 2611(11) (defining serious health condition); 29 C.F.R. § 825.112–.115. Care for a family member includes “both physical and psychological care” and “mak[ing] arrangements for changes in care ....” 29 C.F.R. § 825.124(a)–(b).

An employee may use FMLA leave intermittently or on a reduced leave schedule when medically necessary because of a family member’s serious health condition. *See* 29 U.S.C. § 2612(b)(1); 29 C.F.R. § 825.202. However, an employer may require an employee to timely provide a copy of a certification—issued by a health care provider and meeting certain criteria—supporting his or her request to take such leave. *See* 29 U.S.C. § 2613(a)–(b); 29 C.F.R. § 825.305–.306.

## OPINION

Based on the facts you provided, your wife’s need to attend CSE/IEP meetings addressing the educational and special medical needs of your children—who have serious health conditions as certified by a health care provider—is a qualifying reason for taking intermittent FMLA leave.

Your wife’s attendance at these CSE/IEP meetings is “care for a family member ... with a serious health condition.” 29 C.F.R. § 825.100(a); *see also* 29 U.S.C. § 2612(a)(1)(C); 29 C.F.R. § 825.112(a)(3). As noted above, “to care for” a family member with a serious health condition includes “to make arrangements for changes in care.” 29 C.F.R. § 825.124(b). This includes taking leave to help make medical decisions on behalf of a hospitalized parent or to make arrangements to find suitable childcare for a child with a disability. *See Romans v. Michigan Dep’t of Human Servs.*, 668 F.3d 826, 840–41 (6th Cir. 2012) (holding that an employee was entitled to take FMLA leave to join his sister at a hospital to make decision regarding whether to keep their mother on life support); *Wegelin v. Reading Hosp. & Med. Ctr.*, 909 F. Supp. 2d 421, 429–30 (E.D. Pa. 2012) (holding that an employee was entitled to take FMLA leave to find a daycare to care for her daughter with an autism spectrum disorder and a visual impairment); *see also Ballard v. Chicago Park Dist.*, 741 F.3d 838, 840 (7th Cir. 2014) (noting that the FMLA “speaks in terms of ‘care,’ not ‘treatment’”). Additionally, an employee may “make arrangements for changes in care,” even if that care does not involve a facility that provides medical treatment. *Wegelin*, 909 F. Supp. 2d at 430 (quoting 29 C.F.R. § 825.124).

This conclusion is consistent with existing WHD policy. In a previous opinion letter, WHD stated that an employee was entitled to take FMLA leave to attend “[c]are [c]onferences related to her mother’s health condition,” because her attendance at these conferences was “clearly

essential to the employee's ability to provide appropriate physical or psychological care" to her mother. WHD Opinion Letter FMLA-94, 1998 WL 1147751, at \*1 (Feb. 27, 1998). Similarly here, it appears that your wife's attendance at IEP meetings is "essential to [her] ability to provide appropriate physical or psychological care" to your children. *Id.* Your wife attends these meetings to help participants make medical decisions concerning your children's medically-prescribed speech, physical, and occupational therapy; to discuss your children's well-being and progress with the providers of such services; and to ensure that your children's school environment is suitable to their medical, social, and academic needs. Your child's doctor need not be present at CSE/IEP meetings in order for your spouse's leave to qualify for intermittent FMLA leave.

We trust that this letter is responsive to your inquiry.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl M. Stanton". The signature is written in a cursive style.

Cheryl M. Stanton  
Administrator

**\*Note: The actual name(s) was removed to protect privacy in accordance with 5 U.S.C. § 552(b)(6).**

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**September 6, 2019**

**AGENDA ITEM 7.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC**

***Federal Legislative and Regulatory Updates***

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The goal of this agenda item is to provide an update on the latest federal legislative and regulatory issues including the final comments submitted to the U.S. Department of Labor's Office of Disability Employment Policy (ODEP) on Section 14(c) of the Fair Labor Standards Act and comments submitted on the Consumer Inflation Measures produced by Federal Statistical Agencies (Directive No. 14), 84 Fed. Reg. 19961.

***Attachments***

Final ODEP Comments

Final Consumer Inflation Measure Comments

The California State Council on Developmental Disabilities fully supports competitive integrated employment (CIE) and robust implementation of the Workforce Innovation Opportunity Act in California. The Council also supports the full and robust implementation of California's Employment First Law adopted in 2013 and the phase out and elimination of sub-minimum wage employment allowed under 14(c) of the Fair Labor Standards Act and/or segregated employment for all Californians with developmental disabilities. The Employment First Policy makes it the highest priority of the State of California to ensure that it provides opportunities for CIE for all people with developmental disabilities regardless of severity of disability (CAL. WIC § 4868).

In California, the American Community Survey reports that in 2017, the employment rate of working-age people (ages 21 to 64) with disabilities living in the community in California was 36.8 percent compared to 77.3 percent of working-aged people without disabilities living in the community. In 2016, the California Department of Developmental Services reports that only 14.2 percent of people with developmental disabilities who are receiving services through the Regional Centers are working.

The California Departments of Education, Rehabilitation and Developmental Disabilities have committed to successfully implementing the Employment First Policy by issuing the California Competitive Integrated Employment (CIE) Blueprint (<https://www.chhs.ca.gov/wp-content/uploads/2017/06/CIE/California-Competitive-Integrated-Employment-Blueprint.docx>). This voluntary five-year plan is currently being implemented. The outcomes of these efforts are reported in the Competitive Integrated Employment Blueprint Annual Report 2018 (<https://www.chhs.ca.gov/wp-content/uploads/2019/04/Competitive-Integrated-Employment-Blueprint-Annual-Report-2018-1.docx>). In addition, the Council believes that policies and practices must set expectations for integrated employment, microenterprise training, self-employment, and promote collaboration between local agencies, state agencies, and remove barriers to CIE through access to information, benefits counseling, job training, inclusive postsecondary education, and appropriate provider rates that incentivize quality employment outcomes.

The State Council performs extensive work in the community to address the challenges faced by people with developmental disabilities seeking CIE through its 12 regional offices in the State and the Employment First Committee created as part of the Employment First Policy. The Committee is charged with, "identifying strategies, best practices, and incentives for increasing integrated employment and gainful employment opportunities for people with developmental disabilities, including, but not limited to, ways to improve the transition planning process for students 14 years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers" (CAL. WIC § 4868). In FFY 2018, the Council hosted or was involved in 230 events directed at persons with developmental disabilities, their families, providers, businesses and other stakeholders.

While it was a revolutionary policy development when signed into law in 1938, Section 14(c) of the Fair Labor Standards Act currently negatively impacts the opportunity for people with developmental disabilities to become economically self-sufficient. CIE provides every person a chance to build relationships with co-workers, be a part of the community, and contribute to the local economies. It reduces poverty and reliance on state support and leads to greater self-sufficiency. The Council is committed to ensuring the approximately 630,000 people with developmental disabilities in California are able to work in CIE.



June 21, 2019

The Honorable Nancy Potok, Chief Statistician  
Office of Management and Budget  
725 17th St. NW  
Washington, DC 20006

Submitted via regulations.gov: <https://www.regulations.gov/docket?D=OMB-2019-0002>

**RE: Request for Comment on the Consumer Inflation Measures Produced by Federal Statistical Agencies (Directive No. 14), 84 Fed. Reg. 19961 (May 7, 2019).**

Dear Dr. Potok,

The State Council on Developmental Disabilities (SCDD) appreciates the opportunity to provide feedback to the Office of Management and Budget (OMB) notice for comment on consumer inflation measures. SCDD has significant concern with revising the methodology for adjusting the official poverty measure (OPM) or poverty thresholds because of the potential significant impact on the health, economic security and well-being of persons with intellectual and developmental disabilities.

Most individuals with developmental disabilities receive services with eligibility requirements based in part or in full on the federal poverty measure. People with disabilities live in poverty at more than twice the rate of people without disabilities; while people with disabilities make up approximately 12 percent of the U.S. working-age population, they account for more than half of those living in long-term poverty<sup>1</sup>. More than 65 percent of the 17.9 million working-age adults with disabilities participate in at least one safety net or income support program.<sup>2</sup>

SCDD understands that OMB at this time is not seeking comment on the poverty guidelines or the impact of changes to those guidelines. However, SCDD believes that any proposed change must go through the full notice and public comment process and a robust analysis because of the magnitude of the change for people receiving SNAP, TANF, housing subsidies, SSI, Medicaid, Medicare, free and reduced price school meals, LIHEAP, Head Start, WIC, and numerous other federal, state, and local services. SCDD believes that people with disabilities would be disproportionately impacted by any change to the poverty guidelines and the use of many of the indices used to inflate the official poverty measure.

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<sup>1</sup> National Council on Disability, 2017 Progress Report (2017): <https://ncd.gov/newsroom/2017/disability-poverty-connection-2017-progress-report-release>.

<sup>2</sup> Id.



Changing the index used to inflate the official poverty measure will not change the inaccuracy of the measure it is inflating but will certainly impact the poverty guidelines and program eligibility for the programs partially listed above and the people who utilize those programs. It is documented that the official poverty measure has a multitude of accuracy problems that are unrelated to the index used for inflation. The official poverty measure has been the subject of extensive analysis, discussion, and debate since it was first published.<sup>3</sup> The Federal government has devoted extensive resources to analyzing and discussing these challenges and publishes the Supplemental Poverty Measure (SPM) which “developed after decades of research focused on overcoming the limitations of the official poverty measure.”<sup>4</sup> This research has also identified other challenges such as “the valuation of noncash benefits such as subsidized healthcare.”<sup>5</sup>

SCDD believes that OMB and other agencies must engage in the complicated analysis necessary to make the official poverty measure more accurate and to reflect the needs of people with disabilities and other disproportionately impacted populations. Before any new indices are adopted, OMB and other agencies must carefully analyze the effects of any change on programs, including how many individuals will lose access to services or benefits under a change and if those changes will disproportionately impact certain groups of people, including low-income people and people with disabilities. SCDD believes this analysis must demonstrate how any impacts will change over time.

Close to 50 years ago, Congress established the State Councils in every state and territory. The Councils are authorized in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to ensure that individuals with developmental disabilities and their families design and can access services and supports that “promote self-determination, independence, productivity, and integration and inclusion” in community life. The Lanterman Act establishes the SCDD in California to be comprised of 31 members appointed by the Governor, including individuals with disabilities, their families, other partners and state agencies. The SCDD develops a five-year state plan to implement the DD Act through the work of 12 regional offices in California. The plan is developed with stakeholder input and is focused on addressing systemic barriers to employment, housing, education, community supports, health and safety for persons with developmental disabilities.

Sincerely,  
Sandra Smith, Chairperson

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<sup>3</sup> Bureau of Labor Statistics, *Observations from the Interagency Technical Working Group on Developing a Supplemental Poverty Measure* (2010): [https://www.bls.gov/pir/spm/spm\\_twg\\_observations.pdf](https://www.bls.gov/pir/spm/spm_twg_observations.pdf).

<sup>4</sup> See e.g., *Id.*; Congressional Research Service R45031, [supra note 3](#).

<sup>5</sup> *Id.*

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**September 6, 2019**

**AGENDA ITEM 8.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC**

***State Legislative Update***

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The goal of this agenda item is to provide an update on the final status of the sponsored, supported, opposed, and watch bills during the 2019 State legislative cycle.

***Attachment(s)***

Bill Summary Chart (as of August 20, 2019)

***Handout(s)***

Updated Legislative Bill Chart (as of September 4, 2019)

**SIGNED INTO LAW**

<b>AB 781</b>	Maenschein (D)	Current law provides that pediatric day health care is a covered benefit under the Medi-Cal program and that pediatric day health care does not include inpatient long-term care or family respite care. This bill would specify that pediatric day health care services may be provided at any time of the day and on any day of the week, so long as the total number of authorized hours is not exceeded.	Health & Safety	Watch
<b>AB 1019</b>	Frazier (D)	Current law establishes the Interagency Advisory Committee on Apprenticeship (committee) within the Division of Apprenticeship Standards within the Department of Industrial Relations, and requires that committee to provide advice and guidance to the Administrator of Apprenticeship and the Chief of the Division of Apprenticeship Standards on apprenticeship programs, standards, and agreements, as well as pre-apprenticeship, certification, and on-the-job training and retraining programs, in nonbuilding trades industries. This bill would add to the ex officio members of the committee the Director of Rehabilitation and the executive director of the State Council on Developmental Disabilities.	Employment	Support

**STILL ACTIVE AS OF 8/19/2018**

<b>AB 23</b>	Burke (D)	Would establish a Deputy of Business and Workforce Coordination in the Office of Small Business Advocate, to be appointed by the Director of the Governor's Office of Business and Economic Development. The bill would require the deputy to collaborate and coordinate with the Labor and Workforce Development Agency, State Department of Education, and Office of the Chancellor of the California Community Colleges to engage industry and business to better align career technical education courses, workforce training programs, and pre-apprenticeship and apprenticeship programs with regional and local labor market demand.	Employment	Watch
<b>AB 365</b>	Garcia, C. (D)	Under current state civil service law, the Department of Human Resources administers the Limited Examination and Appointment Program (LEAP) to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Until January 1, 2021, the program includes persons with a developmental disability, as defined. Current law, until January 1, 2021, specifies that LEAP is a voluntary, additional method of applying for state employment and is not a mandate on any state agency employer or job applicant, except as specified. Current law also, until January 1, 2021, requires the department to develop and create an internship program, in coordination with specified state entities, and establish several related requirements to that effect. This bill would extend all of the above described LEAP program provisions indefinitely.	Employment	Support DRC Sponsored

<b>AB 1558</b>	Ramos (D)	Current law provides for the establishment of apprenticeship programs in various trades, to be approved by the Chief of the Division of Apprenticeship Standards within the Department of Industrial Relations in any trade in the state or in a city or trade area whenever the apprentice training needs justify the establishment. This bill would require a school district or school to notify each apprenticeship program in the same county as the school district or school of a career or college fair it is planning to hold, as specified.	Employment	Watch
<b>AB 34</b>	Ramos (D)	Would, commencing with the 2020–21 academic year, require each local educational agency, as defined, to ensure that specified information on bullying and harassment prevention is readily accessible in a prominent location on the local agency's existing internet website in a manner that is easily accessible to parents or guardians and pupils. The bill would require local educational agencies to include specified State Department of Education policies and the policies adopted by a local educational agency relating to hate violence, bullying, harassment, discrimination, and suicide prevention and resources relating to these topics.	Education	Support (Using Delegated Authority)
<b>AB 236</b>	Garcia, E. (D)	Would revise and recast provisions related to Family Empowerment Centers on Disability, including requiring the State Department of Education to give priority to grant applicants in those of the 32 regions in the state that do not have a center, increasing the minimum base rate for each center awarded a grant from \$150,000 to \$237,000 commencing with the start of the fiscal year after a center has been established in each of the 32 regions, and, commencing with the 2022–23 fiscal year, providing for an annual cost-of-living adjustment of the grant amount, as specified. The bill would also increase the base amount to be made available annually to the council from \$150,000 to \$237,000.	Education	Watch
<b>AB 428</b>	Medina (D)	Current law requires the Superintendent of Public Instruction to determine the amount of funding to be provided for each special education local plan area in accordance with specified calculations. Current law requires the Superintendent, for the 2013–14 fiscal year, to compute an equalization adjustment for each special education local plan area for purposes of increasing the funding rates for special education local plan areas with funding rates below the 90th percentile, as specified. This bill would increase that percentile to the 95th percentile and would require the Superintendent to compute that equalization adjustment commencing with the first fiscal year after funds are apportioned pursuant to a specified formula and for each fiscal year thereafter in which an equalization appropriation is made, as specified.	Education	Watch
<b>AB 605</b>	Maenschien (D)	Would require a local educational agency, including a charter school, as defined, to provide, on a case-by-case basis pursuant to federal law, the use of school-purchased assistive technology devices in a child's home or in other settings if the child's individualized education program team determines that the child needs access to those devices in order to receive a free appropriate public education. The bill would also require a local educational agency to be responsible for	Education	Watch

			providing an individual with exceptional needs who requires the use of an assistive technology device with continued access to that device, or to a comparable device when that individual, due to graduation or enrollment in another local educational agency, ceases to be enrolled in that local educational agency.		
<b>AB 1172</b>	Frazier (D)		Current law authorizes a master contract for special education and related services provided by a nonpublic, nonsectarian school or agency only if the school or agency has been certified as meeting specified standards. Current law sets forth the certification process and procedures for the nonpublic, nonsectarian schools or agencies that seek certification from the Superintendent of Public Instruction. This bill would require a contracting local educational agency to also pay to the nonpublic, nonsectarian school or agency any applicable fees for individuals with exceptional needs who are enrolled in programs provided pursuant to a contract.	Education	Support (Using Delegated Authority)
<b>AB 68</b>	Ting (D)		The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and sets forth required ordinance standards, including, among others, lot coverage. This bill would delete the provision authorizing the imposition of standards on lot coverage and would prohibit an ordinance from imposing requirements on minimum lot size.	Housing	Watch
<b>AB 587</b>	Friedman (D)		Current property tax law establishes a welfare exemption under which property is exempt from taxation if the property is owned and operated by a nonprofit corporation that is organized and operated for the purpose of building and rehabilitating single-family or multifamily residences for sale, as provided, at cost to low-income families. This bill would authorize a local agency to allow, by ordinance, an accessory dwelling unit that was created pursuant to the process described above to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met.	Housing	Watch
<b>SB 6</b>	Beall (D)		Would require the Department of Housing and Community Development to furnish the Department of General Services with a list of local lands suitable and available for residential development as identified by a local government as part of the housing element of its general plan. The bill would require the Department of General Services to create a database of that information and information regarding state lands determined or declared excess and to make this database available and searchable by the public by means of a link on its internet website.	Housing	Watch

<b>SB 329</b>	Mitchell (D)	Current law defines the term "source of income" for purposes of the provisions relating to discrimination in housing accommodations as specified, to mean lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant. This bill would instead define the term for purposes of those provisions, to mean verifiable income paid directly to a tenant, or paid to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance and housing subsidies, as specified.	Housing	Support (Using Delegated Authority)
<b>SB 611</b>	Caballero (D)	Would establish the Master Plan for Aging Housing Task Force, chaired by the director or their designee, and composed of specified stakeholders and representatives of government agencies to, among other things, make recommendations to the Legislature for legislation that will help increase the supply of affordable housing for older adults and reduce barriers to providing health care and social services to older adults in affordable housing.	Housing	Watch
<b>AB 300</b>	Chu (D)	Would require a law enforcement agency's informational, incident, and crime reports to include a check box indicating whether the underlying incident in the report is a hate crime or hate incident, as defined. The bill would require a law enforcement agency to complete for each hate crime or hate incident, a supplemental hate crime or hate incident report form that indicates the type of bias motivation and any other identifying information to assist in the prosecution of the hate crime or hate incident.	Health & Safety	Watch
<b>AB 406</b>	Limón (D)	Current law establishes, within the state disability insurance program administered by the Employment Development Department, 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. This bill, beginning January 1, 2025, would require the department to distribute the application for family temporary disability insurance benefits, in addition to the application in English, in all non-English languages spoken by a substantial number of non-English-speaking applicants.	Health & Safety	Watch
<b>AB 640</b>	Frazier (D)	Current law requires the Office of Emergency Services to establish an advisory committee to develop a training course for district attorneys in the investigation and prosecution of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases, including training in the unique emotional trauma experienced by victims of those crimes. This bill would require that training course to also cover the investigation and prosecution of sexual abuse cases involving victims with developmental disabilities.	Health & Safety	Support (Using Delegated Authority)

<b>SB 338</b>	Hueso (D)	Would eliminate the duty imposed on long-term care ombudsman programs to revise or include in their policy manuals specified information regarding elder and dependent adult abuse. The bill would also authorize local law enforcement agencies to adopt a policy regarding senior and disability victimization, as defined. The bill would require, if a local law enforcement agency adopts or revises a policy regarding senior and disability victimization on or after October 1, 2020, that the policy include specified provisions, including those related to enforcement and training.	Health & Safety	Support (Using Delegated Authority)  ARC Sponsored
<b>SB 512</b>	Pan (D)	Would establish the California Long-Term Services and Supports Benefits Board (LTSS Board), to be composed of 9 specified members, including, among others, the Treasurer as chair, the Secretary of the California Health and Human Services Agency as vice chair, and 3 members to be appointed by the Governor. The bill would require the LTSS Board to manage and invest revenue deposited in the California Long-Term Services and Supports Benefits Trust Fund (LTSS Trust), which the bill would create in the State treasury, to, upon appropriation, finance long-term services and supports for eligible individuals.	Health & Safety	Support (Using Delegated Authority)  DRC Sponsored
<b>SB 398</b>	Durazo (D)	Would make various changes to the protection and advocacy agencies access to facilities, program, and records by, among other things, authorizing the protection and advocacy agency to monitor a facility, program, or service providers compliance with respect to the rights and safety of individuals with disabilities, requiring a facility, program, or service provider to provide immediate access to interview any individual with a disability unless providing immediate access would interfere with treatment or therapy to be provided to the individual, and providing the protection and advocacy agency with additional access to the records of persons with a disability if the protection and advocacy agency determines that there is probable cause to believe that the health or safety of an individual is in serious and immediate jeopardy.	Health & Safety	Support  DRC Sponsored
<b>AB 477</b>	Cervantes (D)	The California Emergency Services Act creates, within the office of the Governor, the Office of Emergency Services, which is responsible for addressing natural, technological, or manmade disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property. Existing law authorizes cities, counties, and counties to create disaster councils, by ordinance, to develop plans for meeting any condition constituting a local emergency or state of emergency, including, but not limited to, earthquakes, natural or manmade disasters specific to that jurisdiction, or state of war emergency. This bill would require a county, or a city and county, to include representatives from the access and functional needs population, as defined, in the next regular update to its emergency plan, as specified.	Health & Safety	Support (Using Delegated Authority)

AB 526	Petrie-Norris (D)	<p>Current law requires the former Managed Risk Medical Insurance Board and former State Department of Health Services, in collaboration with program offices for the WIC Program and other designated entities, to design, promulgate, and implement policies and procedures for an automated enrollment gateway system, subject to appropriation, allowing children applying to the WIC Program to obtain presumptive eligibility for, and to facilitate application for enrollment in, the Medi-Cal program or the former Healthy Families Program, to the extent federal financial participation is available, as specified. This bill would delete the above-described provisions relating to the automated enrollment gateway system and would instead require the State Department of Health Care Services, in collaboration with the same designated entities, to design, promulgate, and implement policies and procedures for an automated enrollment pathway, designating the WIC Program and its local WIC agencies as Express Lane agencies and using WIC eligibility determinations to meet Medi-Cal eligibility requirements.</p>	Formal & Informal Community Supports	Watch
AB 627	Frazier (D)	<p>Would require the Director of Developmental Services to identify regional centers that are in need of satellite offices in rural catchment areas. The bill would require the director, on or before July 1, 2020, to consult with each regional center identified by the department for a satellite office to determine an appropriate location for the satellite office. The bill would require a regional center that is identified to open a satellite office, to inform the public of its plans to open a satellite office, and to offer services to individuals with developmental disabilities at that satellite office on or before January 1, 2021.</p>	Formal & Informal Community Supports	Watch
AB 1199	Petrie-Norris (D)	<p>Current law authorizes the Director of General Services, with the consent of the State Department of Developmental Services, to let to a nonprofit corporation, for a period not to exceed 55 years, up to 5 acres of real property located within the grounds of the Fairview State Hospital, which is also known as the Fairview Developmental Center, for specified purposes and subject to certain conditions. This bill would require, if land within the grounds of the Fairview Developmental Center is reported as excess and the department determines that the land is needed by more than one state agency, that the department conduct a public hearing and receive public input regarding the use of the land before transferring it to any state agency.</p>	Formal & Informal Community Supports	No Position/Watch Using Delegated Authority
AB 1287	Nazarian (D)	<p>Current law, including, among others, the Mello-Granlund Older Californians Act, provides various programs to assist older adults and people with disabilities. These programs include the Aging and Disability Resource Connection program established to provide information to consumers and their families on available long-term services and supports (LTSS) programs and to assist older adults, caregivers, and persons with disabilities in accessing LTSS programs at the local level. This bill would require the California Department of Aging, in partnership with other specified departments and in consultation with stakeholders, to develop a plan and strategy for a phased statewide implementation of the No Wrong Door system, as described, on or before July 1, 2020.</p>	Formal & Informal Community Supports	Watch

SB 412	Stone (R)	<p>Current law requires a regional center to assess an annual family program fee, as specified, from parents whose adjusted gross family income is at or above 400% of the federal poverty level and who have a child meeting prescribed requirements, including receiving specified services from a regional center. Current law provides that an annual program fee shall not be assessed or collected if the child receives any respite, daycare, or camping services, and a cost for participation is assessed under the Family Cost Participation Program. This bill would repeal those provisions relating to regional center fees. The bill would make technical, conforming changes and other non-substantive changes.</p>	Formal & Informal Community Supports	Support (Using Delegated Authority)  ARCA Sponsored
SB 683	Grove (R)	<p>Would, on or before July 1, 2020, require the State Department of Developmental Services, in consultation with stakeholders, to determine the most appropriate machine-readable format to be used when disclosing numeric data and would, on or before January 1, 2021, require the department and regional centers to provide all numeric data disclosed to the public in that format. The bill would also, on or before July 1, 2020, require the department to develop, in consultation with stakeholders, transparency guidelines for the disclosure of information that regional centers are required to post on their internet websites.</p>	Formal & Informal Community Supports	Watch

**FAILED DEADLINES - 2 Year Bills**

	Frazier (D)	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. Current law authorizes a consumer to choose a tailored day service or vouchered community-based training service, in lieu of any other regional center vendored day program, look-alike day program, supported employment program, or work activity program. This bill would authorize a consumer in a supported employment program or work activity program who has the stated goal of integrated competitive employment in their IPP to request to use tailored day services in conjunction with their existing program to achieve that goal, if specified criteria are met, including that the type, amount, and provider of tailored day service allowed under these provisions is determined through the IPP process. The bill would specify the maximum hours of tailored day services that may be authorized in conjunction with existing services under these provisions.	Employment	Watch
<b>AB 641</b>	Frazier (D)	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. Current law authorizes a consumer to choose a tailored day service or vouchered community-based training service, in lieu of any other regional center vendored day program, look-alike day program, supported employment program, or work activity program. This bill would authorize a consumer in a supported employment program or work activity program who has the stated goal of integrated competitive employment in their IPP to request to use tailored day services in conjunction with their existing program to achieve that goal, if specified criteria are met, including that the type, amount, and provider of tailored day service allowed under these provisions is determined through the IPP process. The bill would specify the maximum hours of tailored day services that may be authorized in conjunction with existing services under these provisions.	Employment	Watch
<b>AB 721</b>	Grayson (D)	Would require the California Workforce Development Board, in partnership with the State Department of Social Services and the Office of the Chancellor of the California Community Colleges, to establish and administer the Lifting Families Out of Poverty Workforce Training Supportive Services Program. The bill would require the board, upon appropriation by the Legislature for that purpose, to make \$50,000,000 in grants available to consortia, composed of combinations of local workforce development boards, county welfare departments, community colleges, or other stakeholders, that apply for funding to provide supportive services, as defined, and are approved in accordance with the bill.	Employment	Watch
<b>AB 216</b>	Weber (D)	Would limit an educational provider's use of seclusion or behavioral restraint to only control unpredictable and spontaneous behavior by a pupil that poses a clear and present danger of serious physical harm to the pupil or others, and when the behavior cannot be immediately prevented by a response that is less restrictive. The bill would require local educational agencies and nonpublic schools and agencies to implement positive behavioral intervention and supports, as defined, on all school sites, and would prohibit an educational provider from using seclusion or behavioral restraint before the provider receives emergency behavioral intervention training.	Education	Support (Using Delegated Authority)  DRC Sponsored
<b>AB 878</b>	Committee on Education	Current law establishes a system of elementary and secondary education in this state under which local educational agencies provide instruction and other services to pupils in kindergarten and grades 1 to 12, inclusive, at school sites throughout the state. This bill would express the intent of the Legislature to enact future omnibus legislation relating to elementary and secondary education.	Education	Watch

AB 1021	Frazier (D)	Current law requires that every individual with exceptional needs, as defined, who is eligible be provided with educational instruction, services, or both, at no cost to the pupil's parent or guardian or, as appropriate, to the pupil. A free appropriate public education is required to be made available to individuals with exceptional needs in accordance with specified federal regulations adopted pursuant to the federal Individuals with Disabilities Education Act. This bill would require school districts to provide summer school instruction for pupils with intellectual disabilities or autism on weekdays from the last day of the regular school year to the first day of summer school and from the last day of summer school to the first day of the regular school year.	Education	Watch
AB 1536	Gray (D)	Would, no later than November 30, 2020, require the Office of Planning and Research to develop standards for the formation of Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts. The bill would require that these standards encourage equitable development in location-efficient areas adjacent to public transit investments in passenger rail in order to refocus growth toward city centers while reducing greenhouse gas emissions and reinforcing community resilience.	Housing	Watch
AB 1562	Burke (D)	Would require the Department of Housing and Community Development to prepare the guidebook for use following the 2020 Census of Population and Housing and would require the guidebook to be completed by December 31, 2023.	Housing	Watch
SB 4	McGuire (D)	Would authorize a development proponent of a neighborhood multifamily project or eligible transit-oriented development (TOD) project located on an eligible parcel to submit an application for a streamlined, ministerial approval process that is not subject to a conditional use permit. The bill would define a "neighborhood multifamily project" to mean a project to construct a multifamily unit of up to 2 residential dwelling units in a nonurban community, as defined, or up to 4 residential dwelling units in an urban community, as defined, that meets local height, setback, and lot coverage zoning requirements as they existed on July 1, 2019.	Housing	Watch
SB 15	Portantino (D)	Would establish the Local-State Sustainable Investment Program, which would be administered by the Department of Finance. The bill would authorize a city, a county, or a specified joint powers agency that meets specified eligibility criteria to apply to the Department of Finance for funding for projects that further certain purposes, including increasing the availability of affordable housing. The bill would require that funding under the program be provided by an allocation of ad valorem property tax revenues, as provided, and would limit the amount of funding approved under the program to \$200,000,000 per fiscal year and \$1,000,000,000 total.	Housing	Watch

<b>SB 50</b>	Wiener (D)	Would require a city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project, as those terms are defined; the site does not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law.	Housing	Support (Using Delegated Authority)
<b>SB 384</b>	Morrell (R)	CEQA requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would establish specified procedures for the administrative and judicial review of the environmental review and approvals granted for housing development projects with 50 or more residential units.	Housing	Watch
<b>AB 196</b>	Gonzalez (D)	Would revise the formula for determining benefits available pursuant to the family temporary disability insurance program, for periods of disability commencing after January 1, 2020, by redefining the weekly benefit amount to be equal to 100% of the wages paid to an individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest, divided by 13, but not exceeding the maximum workers' compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations.	Health & Safety	Watch
<b>AB 301</b>	Chu (D)	Would require the Department of Justice to carry out various duties relating to documenting and responding to hate crimes, including conducting reviews of all law enforcement agencies every 3 years to evaluate the accuracy of hate crime data provided and agencies' hate crime policies, implementing a school-based program in conjunction with school districts and local law enforcement agencies aimed at educating students regarding how to report all suspected hate crimes to prevent future hate crimes, and submitting specified hate crime reports to the Federal Bureau of Investigation for inclusion in the national crime repository for crime data. The bill would also include a statement of legislative findings and declarations.	Health & Safety	Watch

<b>AB 536</b>	Frazier (D)	Current law under the Lanterman Developmental Disabilities Services Act defines a "developmental disability" as a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for the individual. This bill would modify that definition to mean a disability that originates before an individual attains 22 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for the individual. The bill would make various technical and nonsubstantive changes.	Health & Safety	Support
<b>AB 667</b>	Muratsuchi (D)	Current law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income individuals receive healthcare services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Under current law, healthcare, as administered under the Medi-Cal program, is considered a component of public social services. This bill would make technical, nonsubstantive changes to those provisions.	Health & Safety	Watch (Spot)
<b>AB 823</b>	Arambula (D)	Current law requires the State Department of Developmental Services to establish policies and procedures for the development of an annual community placement plan by regional centers. Current law requires those policies to address statewide priorities, plan requirements, and the statutory roles of regional centers, developmental centers, and regional resource development projects in the process of assessing consumers for community living and in the development of community resources. This bill would expressly include mobile crisis services and paid employment for service providers as a means for which the department is authorized to establish guidelines for the usage of community placement funds.	Health & Safety	Support (Using Delegated Authority) DRC Sponsor
<b>AB 1764</b>	Carrillo (D)	Would establish the Forced or Involuntary Sterilization Compensation Program, to be administered by the California Victim Compensation Board for the purpose of providing victim compensation to survivors of state-sponsored sterilization conducted pursuant to eugenics laws that existed in California between 1909 and 1979 and to survivors of coerced sterilizations of people in prisons after 1979.	Health & Safety	Support (Using Delegated Authority)
<b>SB 135</b>	Jackson (D)	Current law prohibits an employer with 50 or more employees in a 75-mile radius to refuse to grant an employee a request to take up to 12 weeks of unpaid leave for family care and medical leave if the employee worked 1,250 hours in the prior 12 months. Current law includes within "family care and medical leave" the birth, adoption, or foster care placement of a child and the serious health condition of the employee's child, parent, or spouse. This bill would expand the scope of those provisions to instead prohibit an employer with 5 or more employees to refuse to grant an employee a request to take up to 12 weeks of unpaid leave for family care and medical leave if the employee had 180 days of service with the employer.	Health & Safety	Watch

<b>AB 261</b>	Mathis (R)	Current law requires the State Department of Developmental Services, in consultation with stakeholders, to develop an alternative service delivery model that provides an Individual Choice Budget and suspends a regional center's authority to purchase certain services, including, camping services and associated travel expenses, social recreation activities, educational services, and nonmedical therapies, as specified, pending implementation of the Individual Choice Budget and certification that the Individual Choice Budget has been implemented and will result in state budget savings, as specified. This bill would repeal the above-described suspension of a regional center's authority to purchase camping services and associated travel expenses, or social recreation activities.	Formal & Informal Community Supports	Support
<b>AB 229</b>	Nazarian (D)	Current 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, and transcriptions or captioning of videos, in languages spoken by a substantial number of providers of in-home supportive services in California. The bill would permit the department to work with counties and the County Welfare Directors Association of California to repurpose existing, county-produced translations of written content and videos.	Formal & Informal Community Supports	Watch
<b>AB 311</b>	Frazier (D)	Current law requires the Director of Developmental Services to establish, maintain, and revise, as necessary, an equitable process for setting rates of state payment for nonresidential services purchased by regional centers. Current law requires activity centers, adult development centers, behavior management programs, and other look-alike day programs with a daily rate to bill regional centers for services provided to consumers in terms of 1/2 days of service and full days of service, as defined, but authorizes a regional center to change the length of the declared and approved program day for a specific consumer in order to meet the needs of that consumer. This bill would repeal those provisions relating to daily rate billing.	Formal & Informal Community Supports	Watch
<b>AB 438</b>	Frazier (D)	The Lanterman Developmental Disabilities Services Act requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. Current law prohibits a regional center from compensating designated programs and transportation vendor services for providing any service to a consumer on 11 specified holidays, including July 4, Thanksgiving Day, and the 4 business days between December 25 and January 1. This bill would repeal that prohibition, thereby allowing a regional center to compensate those designated programs and transportation vendor services for providing services on any of those 11 holidays.	Formal & Informal Community Supports	Watch

<b>AB 812</b>	Frazier (D)	Would require the State Department of Developmental Services, on or before July 1, 2020, to convene a working group of consumers, consumer representatives, and representatives of specified agencies to examine topics related to oversight and accountability of the developmental services system. The bill would require the department, on or before January 1, 2021, to report to the Legislature any findings and policy recommendations resulting from working group's examination.	Formal & Informal Community Supports	Watch
<b>AB 813</b>	Frazier (D)	Would require each regional center to establish a dispute resolution program to hear and decide disputes between the regional center and consumers regarding the provision of services and eligibility for services. The bill would authorize the State Department of Developmental Services to establish a grant program to provide funding to regional centers to establish the dispute resolution programs and enable regional centers to operate the dispute resolution programs, as specified.	Formal & Informal Community Supports	Support (Using Delegated Authority)
<b>AB 999</b>	Patterson (R)	Current law imposes minimum statutory damages for construction-related accessibility claims if the violation of a construction-related accessibility standard denied the plaintiff full and equal access to the place of public accommodation on a particular occasion, including by causing difficulty, discomfort, or embarrassment. Current law, for claims filed on or after a specified date, presumes that certain technical violations do not cause a person difficulty, discomfort, or embarrassment for these purposes where the defendant is a small business and has corrected all of the technical violations that are the basis of the claim within specified time periods. Under existing law, these technical violations include the order in which parking signs are placed or the exact location or wording of parking signs, provided that the parking signs are clearly visible and indicate the location of accessible parking and van-accessible parking. This bill would specify that the design of parking signs is a technical violation under this latter provision.	Formal & Informal Community Supports	Oppose (Using Delegated Authority)
<b>AB 1136</b>	Nazarian (D)	Would establish the California Department of Community Living within the California Health and Human Services Agency to consolidate leadership on issues and programs serving California's older adults, people with disabilities, and caregivers. The bill would prescribe the duties of the department, including assisting older adults and people with disabilities in connecting to specified services including care coordination, health insurance counseling, peer-based programs, and community transition services.	Formal & Informal Community Supports	Watch

AB 1170	Frazier (D)	<p>Current law requires the Commission on Peace Officer Standards and Training to establish a continuing education classroom training course related to law enforcement interaction with mentally disabled persons and to make the course available to law enforcement agencies in California. This bill would require the commission, on or before January 1, 2021, and in consultation with the State Department of Developmental Services, the State Council on Developmental Disabilities, and representatives of community colleges, to incorporate in-person training provided by individuals with intellectual and developmental disabilities into that training course.</p>	Formal & Informal Community Supports	Support (Using Delegated Authority)
AB 1295	Quirk-Silva (D)	<p>Would require the California Health and Human Services Agency, in consultation with specified stakeholders, to, upon the closure of the Fairview Developmental Center, operate at the site of the former Fairview Developmental Center a temporary housing program for individuals with severe mental illness who are experiencing homelessness. The bill would require the program to accommodate up to 200 individuals and provide program participants with access to housing and onsite services, as specified.</p>	Formal & Informal Community Supports	Watch
AB 1643	Garcia (D)	<p>Current law requires a service agency, defined, in part, as a developmental center or regional center, to have a fair hearing procedure that meets prescribed requirements, including adequate notice standards, to resolve conflicts between the service provider and recipients of, or applicants for, service. Existing law provides that adequate notice be sent to the applicant or recipient and the authorized representative in specified circumstances, including if the service agency makes certain decisions, such as to reduce, to terminate, or to change services described in an individual program plan, without the mutual consent of the service recipient or authorized representative. This bill would instead require the service agency to provide adequate notice to the above-specified individuals if the service agency makes specified decisions relating to services, irrespective of whether the service agency makes this decision without mutual consent of the service recipient or authorized representative.</p>	Formal & Informal Community Supports	Support (As introduced) (Using Delegated Authority)  DRC Sponsore d

**FAILED DEADLINES / DEAD**

	Frazier (D)		Employment	Support
<b>AB 1169</b>		The Personal Income Tax Law allows various credits against the taxes imposed by that law. This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2020, and before January 1, 2025, in an amount equal to 40% of the amount paid or incurred by a qualified taxpayer during the taxable year for qualified wages of qualified employees, not to exceed \$6,000 per qualified employee. The bill would define "qualified employee" to mean an employee who is hired on or after January 1, 2019, and who is a vocational rehabilitation referral, qualified SSI recipient, or qualified SSDI recipient.		
<b>AB 36</b>	Bloom (D)	The Costa-Hawkins Rental Housing Act prescribes statewide limits on the application of local rent control with regard to certain properties. This bill would modify those provisions to authorize an owner of residential real property to establish the initial and all subsequent rental rates for a dwelling or unit that has been issued its first certificate of occupancy within 20 years of the date upon which the owner seeks to establish the initial or subsequent rental rate, or for a dwelling or unit that is alienable separate from the title to any other dwelling unit or is a subdivided interest in a subdivision and the owner is a natural person who owns 10 or fewer residential units within the same jurisdiction as the dwelling or unit for which the owner seeks to establish the initial or subsequent rental rate, subject to certain exceptions.	Housing	Watch
<b>AB 192</b>	Mathis (R)	Would establish the California Integrated Community Living Program in the State Department of Developmental Services. The program would provide deferred payment loans to finance capital and other specified costs for permanent supportive housing for individuals who are regional center clients in order to maximize affordable integrated community living opportunities within communities for people with intellectual and developmental disabilities.	Housing	Support
<b>AB 416</b>	Fong (R)	Would, for each taxable year beginning on or after January 1, 2020, and before January 1, 2025, allow a deduction in computing adjusted gross income in an amount equal to the amount contributed by a taxpayer during the taxable year to a CalABLE account.	Formal & Informal Community Supports	Watch
<b>AB 736</b>	Inwin (D)	Would, for taxable years beginning on or after January 1, 2019, and before January 1, 2026, would conform to those changes made by the Tax Cuts and Jobs Act with respect to rollovers to ABLE accounts from a qualified tuition program account.	Formal & Informal Community Supports	Watch

AB 1434	Kalfra (D)	<p>Current 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. This bill would reinstate the cost-of-living adjustment beginning January 1 of the 2020 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 2019 federal poverty level to be increased to an amount that equals 100% of the federal poverty level.</p>	Formal & Informal Community Supports	Support (Using Delegated Authority)
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**September 6, 2019**

**AGENDA ITEM 9.**

**ACTION ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC**

***Update Legislative Platform***

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The goal of this agenda item is to have Committee members review the Platform language and recommend changes, if needed.

The Platform provides the foundation for the Council’s policy activities. It is used when the Council establishes its legislative priorities and decides its positions. The Council reviews the language periodically to see if there are changes/revisions needed.

***Recommended Action***

Recommend Council approve the revised Legislative Platform with any suggested revisions.

***Attachment(s)***

Proposed Staff Edits to the Legislative Platform.



# LEGISLATIVE PLATFORM 2019-2020

## ABOUT THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Close to fifty years ago, the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) established in federal statute, State Councils on Developmental Disabilities in each of the 56 states and territories to “promote self-determination, independence, productivity, integration, and inclusion in all aspects of community life” for people with intellectual and developmental disabilities (I/DD) and their families [through advocacy, capacity building, and systems change](#). The Lanterman Act established the California State Council on Developmental Disabilities (Council) to fulfill those rights [through advocacy, capacity building, and systems change](#).

The Council is comprised of 31 members appointed by the Governor, including individuals with disabilities and their families, and representatives from the DD Act partners (Disability Rights California, the 3 University Centers for Excellence in Developmental Disabilities), and mandated state agencies that provide services and supports to people with I/DD.

To implement the rights in the DD Act, the Council develops and implements a five-year state plan that contains goals, objectives, and strategies designed to improve and enhance the availability and quality of services and supports. In addition to the Council’s Sacramento headquarters, regional offices support individuals with I/DD and their families through activities such as advocacy, training, monitoring, and disseminating and collecting public information. The Council works with policymakers and other stakeholders to ensure policies pertaining to the rights of individuals are protected and enhanced by ensuring people with I/DD can experience equality of opportunity, full participation, independent living, and economic self-sufficiency. These four pillars are enshrined in the Americans with Disabilities Act of 1990 (ADA). The Council supports the full and robust implementation and enhancement of recent federal policies that enshrine the values of the ADA, such as the Workforce Innovation and Opportunities Act (WIOA), Home and Community-Based Services Setting Rule (HCBS), Every Student Succeeds Act (ESSA) and Achieving Better Life Experience (ABLE) Act.

The Council believes that individuals with I/DD and their families must be included and consulted in all aspects of the policy making process to ensure their needs are adequately and appropriately addressed. The Council works to address disparities in access, outcomes, and quality for all services and supports. The Council believes in ensuring transparency and accountability for state and federal programs providing services and supports to people with I/DD. Furthermore, the Council believes that complexities in the service delivery system must be reduced, and that assistance in navigating services and supports should be provided to people

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with I/DD and their families. The State of California must ensure that funding is used to achieve positive outcomes for individuals with I/DD and their families.

Disparities in services and supports can result in severe health, economic, and quality of life consequences. Accordingly, services and supports must be distributed equitably so that individual needs are met in a culturally appropriate and linguistically competent manner, regardless of race, ethnicity, income, intellectual ability, age, and geographic location. Materials shall be provided in plain language.

### PROMISE OF THE LANTERMAN ACT

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

### SELF-DETERMINATION

Individuals with I/DD and their families must be given the option to control their service dollars and their services through Self-Determination. The person with I/DD is in charge. With the support of those they choose and trust, people with I/DD and their families are empowered to develop their own unique needs, develop their own life goals, and construct those services and supports most appropriate to reach their full potential. The process begins with a Person Centered Plan (PCP) which details their unique needs, competencies, and aspirations. Self-Determination gives individuals the tools and the basic human right to pursue life, liberty, and happiness in the ways that they choose.

### SELF-ADVOCACY

Individuals with I/DD must be in charge of their lives and be respected for the choices made. They must be provided the opportunity and support to be heard and be leaders in the service system and society including voting and other civic responsibilities. Self-advocates must have access to training, plain language materials, and opportunities to participate in the policy making opportunities process.

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## EMPLOYMENT AND ECONOMIC SELF-SUFFICIENCY

Employment in the community, at least minimum wage or above, is known as competitive integrated employment (CIE). CIE is the priority outcome for working age individuals with I/DD, regardless of the severity of their disability. CIE provides every person a chance to build relationships with co-workers, be a part of the community, and contribute to the local economies. It reduces poverty and reliance on state support and leads to greater self-sufficiency. The Council supports the full and robust implementation of California's Employment First Law.

Transition planning should begin as early as possible. Policies and practices must set expectations for integrated employment, microenterprise training, self-employment, and promote collaboration between local agencies, state agencies, and remove barriers to CIE through access to information, benefits counseling, job training, inclusive postsecondary education, and appropriate provider rates that incentivize quality employment outcomes. The Council supports the phasing out and elimination of subminimum wage and/or segregated employment for all individuals with I/DD.

## TRANSPORTATION

Access to transportation is essential to the education, employment, and inclusion [in the community](#) of individuals with disabilities. Timely accommodations must be available to [persons with the I/DD community](#) that are available to the public at-large. Mobility training must be a standard program among transportation providers to increase the use of available transportation and reduce reliance on costlier segregated systems. Barriers between geographic areas and transportation systems must be addressed so people with I/DD can travel as safely and easily as people without disabilities.

## HEALTH CARE

Every person must have access to comprehensive, timely, quality, affordable health care, dental care, and wellness services, and access to plain language information and supports to make informed decisions about their health care. This requires informed consent, individualized, appropriate medication, treatments, and an adequate network of health professionals. It also includes people with multiple health care needs, those who require routine preventative care, mental and/or behavioral health treatment, dental care, durable medical equipment, and reproductive health needs. Service system complexities must not delay, reduce or deny access to services. Individuals must be reimbursed for insurance co-pays, co-insurance, and

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deductibles when their health insurance covers therapies that are on their Individual Program Plans (IPPs).

## EDUCATION

Every student has the right to be safe in school and to receive a quality education with their peers that prepares them for post-secondary education and/or meaningful employment in the community. Schools must ensure robust implementation of the Individuals with Disabilities Education Act (IDEA), Every Student Succeeds Act (ESSA), and other federal and state laws and regulations, to ensure that students with I/DD receive a free appropriate public education (FAPE).

Students with disabilities will-must be educated alongside their peers without disabilities in the least restrictive environment. Comprehensive transition planning must be considered part of the IEP process. School districts and other educational agencies must be held accountable for implementing the letter and the intent of all state and federal laws. Parents and students must have equal participation in the Individual Education Program (IEP) process, including the ability to give informed consent.

Teachers, school leaders, paraprofessionals and other school-based professionals must be trained to use valid, positive, and proactive practices, such as individualized school-wide positive behavior interventions and supports, with fidelity. The needs of the student must not impact the child's placement in the least restrictive environment. The Council opposes the use of all forms of seclusion and restraint.

## HOUSING

Statewide community integrated living options for individuals with I/DD must be increased and enhanced through access to housing programs, and subsidies. Community education and integration must be provided to reduce discrimination. Permanent, affordable, accessible, and sustained housing options must be continually developed to meet both current and future needs.

## COMMUNITY PARTICIPATION

Individuals with I/DD must have access to and be fully supported to fully participate in their communities, with their peers without disabilities, through opportunities in all areas of community life including education, employment, recreation, organizational affiliations, spiritual development, and civic responsibilities.

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## TRANSITION TO ADULT LIFE

All services, including education, rehabilitation, [independent living](#) and regional center services, must support students to transition to competitive integrated employment, post-secondary education or other opportunities that will lead to meaningful employment in the community. Transition services must be considered at the earliest possible opportunity and across the lifespan. Adults with I/DD must have access to meaningful activities of their choice with the appropriate services and supports.

## SAFETY

All people have a right to be safe. People with I/DD need emergency preparedness training. Individuals with I/DD experience a much greater rate of victimization and a far lower rate of prosecution for crimes against them. The same level of due process protections must be provided to all people. Individuals with I/DD should be trained in personal safety, how to protect themselves against becoming victims of crime, and how their participation in identification and prosecution can make a difference. In addition, too many interactions between law enforcement and people with I/DD end in avoidable tragedy. Law enforcement personnel, first responders, and the judicial system must be trained in how to work with people with I/DD during the course of their duties, including those who are suspects, victims or witnesses of crimes.

## QUALITY AND RATES FOR SERVICES AND SUPPORTS

Having access to and receiving quality services and supports is the cornerstone for people with I/DD to be safe, healthy, and to promote self-determination, [interdependence](#), and inclusion in [all aspects of community life the community](#). An adequate safety net must be in place to quickly and timely address medical, mental health, behavioral, residential, staffing, equipment, or other needs when those services or supports fail, are interrupted, are not available, or additional services and supports are necessary for urgent or immediate need.

The state must streamline burdensome and duplicative regulations and processes that do not lead to positive outcomes for people with I/DD and their families. Quality and timely assessment and oversight must be provided. It must measure what matters, be administered in a culturally competent manner, and the results made public and used to improve the system of services and supports.

The state must restore rates to adequately support the availability of quality services for people with I/DD. A planned and systematic approach to rate adjustments must prioritize and incentivize services and supports [that promote inclusion in the community](#).

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**September 6, 2019**

**AGENDA ITEM 10.**

**ACTION ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC**

***Potential Sponsored Legislation for 2020***

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The goal of this agenda item is for Committee members to finalize recommendations for potential legislation for 2020.

Per Council Bylaws, one of the tasks the Committee is charged with is to recommend legislation, regulations, policies, procedures and/or practices consistent with Council’s responsibilities and objectives. Deputy Director Cindy Smith will present the Committee with a list of recommendations that have been suggested by LPPC in August and received from other committees, SSAN and staff. The Committee will vet the different recommendations and determine which, if any, they wish to possibly pursue.

To assist the Committee in this discussion, staff has included the Legislative Platform and approved Policy Priorities for 2019-20. Any actions should reflect these documents.

***Recommended Action***

Approve a set of 3-5 suggestions and direct staff to investigate feasibility of each possible option in 2020.

***Attachment(s)***

Legislative Platform  
Policy Priorities  
Assembly Bill 1169



# LEGISLATIVE PLATFORM 2019-2020

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The Council believes that individuals with I/DD and their families must be included and consulted in all aspects of the policy making process to ensure their needs are adequately and appropriately addressed. The Council works to address disparities in access, outcomes, and quality for all services and supports. The Council believes in ensuring transparency and accountability for state and federal programs providing services and supports to people with I/DD. Furthermore, the Council believes that complexities in the service delivery system must be reduced, and that assistance in navigating services and supports should be provided to people

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## SELF-DETERMINATION

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relationships with co-workers, be a part of the community, and contribute to the local economies. It reduces poverty and reliance on state support and leads to greater self-sufficiency. The Council supports the full and robust implementation of California's Employment First Law.

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## EDUCATION

Every student has the right to be safe in school and to receive a quality education with their peers that prepares them for post-secondary education and/or meaningful employment in the community. Schools must ensure robust implementation of the Individuals with Disabilities

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Education Act (IDEA), Every Student Succeeds Act (ESSA), and other federal and state laws and regulations, to ensure that students with I/DD receive a free appropriate public education (FAPE).

Students with disabilities will be educated alongside their peers without disabilities in the least restrictive environment. Comprehensive transition planning must be considered part of the IEP process. School districts and other educational agencies must be held accountable for implementing the letter and the intent of all state and federal laws. Parents and students must have equal participation in the Individual Education Program (IEP) process, including the ability to give informed consent.

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## SAFETY

All people have a right to be safe. People with I/DD need emergency preparedness training. Individuals with I/DD experience a much greater rate of victimization and a far lower rate of prosecution for crimes against them. The same level of due process protections must be provided to all people. Individuals with I/DD should be trained in personal safety, how to protect themselves against becoming victims of crime, and how their participation in identification and prosecution can make a difference. In addition, to many interactions between law enforcement and people with I/DD end in avoidable tragedy. Law enforcement personnel, first responders, and the judicial system must be trained in how to work with people with I/DD during the course of their duties, including those who are suspects, victims or witnesses of crimes.

## QUALITY AND RATES FOR SERVICES AND SUPPORTS

Having access to and receiving quality services and supports is the cornerstone for people with I/DD to be safe, healthy, and to promote self-determination, independence, and inclusion in all aspects of community life. An adequate safety net must be in place to quickly and timely address medical, mental health, behavioral, residential, staffing, equipment, or other needs when those services or supports fail, are interrupted, are not available, or additional services and supports are necessary for urgent or immediate need.

The state must streamline burdensome and duplicative regulations and processes that do not lead to positive outcomes for people with I/DD and their families. Quality and timely assessment and oversight must be provided.; It must measure what matters, be administered in a culturally competent manner, and the results made public and used to improve the system of services and supports.

The state must restore rates to adequately support the availability of quality services for people with all disabilities. A planned and systematic approach to rate adjustments must prioritize and incentivize services and supports.



## POLICY PRIORITIES 2019-2020

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### PROTECTING AND ENHANCING CIVIL RIGHTS

Every person with intellectual and developmental disabilities (I/DD) has the right to equality of opportunity, full participation, independent living, and economic self-sufficiency. People with I/DD have the right to be safe at school, work, and in the community. Disparities in access, outcomes, and quality for all services and supports must be addressed. Federal and state programs providing services and supports to people with I/DD must be transparent and accountable. Complexities in the service delivery system must be reduced, and assistance in navigating services and supports should be provided to people with I/DD and their families.

*The Council will work to ensure civil rights are protected in federal and state policies. The Council will work to ensure the full and robust implementation and enhancement of recent federal policies that enshrine the values of the ADA including the Workforce Innovation and Opportunities Act (WIOA), Home and Community-Based Services Setting Rule (HCBS), Every Student Succeeds Act (ESSA), and Achieving Better Life Experience (ABLE) Act.*

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### ENHANCING COMMUNITY LIVING

Statewide community-based integrated living options for individuals with I/DD must be increased and enhanced through access to housing programs and subsidies. Community education and integration must be provided. Permanent, affordable, accessible, and sustained housing options must be continually developed to meet both current and future needs. In California, it is estimated that 74 percent of people with I/DD live with family. On average, 138 percent of a person's SSI payment is needed to afford a 1 bedroom apartment.

*The Council will work to improve options by implementing the SCDD Housing Framework. The Council will work to ensure money from closures of the Developmental Centers remains in a dedicated housing fund to support integrated community housing for people with intellectual and developmental disabilities.*





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## IMPLEMENTATION OF SELF-DETERMINATION PROGRAM

Individuals with I/DD and their families must have the option to control their service dollars and their services. The Self-Determination Program (SDP) gives individuals the tools and the basic human right to pursue life, liberty, and happiness in the ways that they choose. The process begins with a Person-Centered Plan which details the individual's unique needs, competencies, and aspirations.

*The Council will support, monitor, and evaluate the implementation of the SDP.*

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## GUARANTEEING ACCESS TO COMPETITIVE INTEGRATED EMPLOYMENT

Every person with I/DD must be provided with opportunities for competitive integrated employment (CIE). In California, CIE is the priority outcome for working age individuals with I/DD, regardless of the severity of their disability. Data shows that only 13.6 percent of Californians with I/DD between the ages of 16 – 64 are employed in CIE (compared to the employment rate of the general population in the same age range at 75.7 percent). Policies and practices must promote collaboration between local and state agencies. Policies and practices must remove barriers to CIE through promoting access to information, benefits counseling, job training, inclusive postsecondary education, and ensuring appropriate provider rates that incentivize quality employment outcomes.

*The Council will work to ensure full and robust implementation of California's Employment First Law and the implementing of the Blueprint for Change. The Council will work to ensure that policies and practices set expectations for CIE, microenterprise training, and self-employment. The Council will work to incentivize employers and contractors for hiring employees with I/DD.*

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## ENSURING ACCESS TO THE COMMUNITY

Every person with I/DD must have access to and be fully supported to fully participate in their communities. Community based programs must be funded. Adequate services and supports in the community rely on having adequate wages for providers. The state must increase rates to adequately support the availability of quality services and supports. A planned and systematic approach to rate adjustments must prioritize and incentivize services and supports.

*The Council will work to restore the Department of Developmental Services programs that were cut in 2009 including camp and social recreation. The Council will support efforts to provide adequate wages (which is being examined by the Department of Developmental Services' Rate Study). The Council will also work to ensure adequate services and supports by working to ensure effective implementation of the new eligibility for receiving benefits from the CalFresh program.*

**For more information, contact:**

Cindy Smith, Deputy Director for Policy and Public Affairs

Cindy.Smith@scdd.ca.gov

916-263-8113

www.scdd.ca.gov



AMENDED IN ASSEMBLY MAY 7, 2019  
AMENDED IN ASSEMBLY APRIL 23, 2019  
AMENDED IN ASSEMBLY MARCH 21, 2019  
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1169**

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**Introduced by Assembly Member Frazier**

February 21, 2019

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An act to add and repeal Section 17053.75-~~to~~ of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1169, as amended, Frazier. Personal income taxes: credit: employer: qualified wages.

The Personal Income Tax Law allows various credits against the taxes imposed by that law. Existing law requires any bill authorizing a new tax credit to contain, among other things, specific goals, purposes, and objectives—that the tax credit will achieve, detailed performance indicators, and data collection requirements.

This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2020, and before January 1, 2025, in an amount equal to 40% of the amount paid or incurred by a qualified taxpayer during the taxable year for qualified wages of qualified employees, not to exceed \$6,000 per qualified employee. The bill would define “qualified employee” to mean an employee who is hired on or after January 1, ~~2019~~, 2020, and who is a vocational rehabilitation referral, qualified SSI recipient, or qualified SSDI recipient. The bill would also include additional information required for any bill authorizing a new income tax credit.

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This bill would take effect immediately as a tax levy.

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 17053.75 is added to the Revenue and  
2 Taxation Code, to read:

3 17053.75. (a) For each taxable year beginning on or after  
4 January 1, 2020, and before January 1, 2025, there shall be allowed  
5 as a credit against the “net tax,” as defined in Section 17039, an  
6 amount equal to 40 percent of the amount paid or incurred by a  
7 qualified taxpayer during the taxable year for qualified wages of  
8 qualified employees, not to exceed six thousand dollars (\$6,000)  
9 per qualified employee.

10 (b) For purposes of this section:

11 (1) “Qualified employee” means an employee that meets both  
12 of the following criteria:

13 (A) Was hired on or after January 1, ~~2019~~. 2020.

14 (B) Is one of the following:

15 (i) A vocational rehabilitation referral.

16 (ii) A qualified SSI recipient.

17 (iii) A qualified SSDI recipient.

18 (2) “Qualified SSI recipient” means an individual who is  
19 receiving supplemental security income benefits under Title XVI  
20 of the Social Security Act, including supplemental security income  
21 benefits of the type described in Section 1616 of the Social Security  
22 Act (42 U.S.C. Sec. 1382e) or Section 212 of Public Law 93-66,  
23 for any month ending within 60 days of the date that the qualified  
24 taxpayer hired the qualified employee.

25 (3) “Qualified SSDI recipient” means any individual who is  
26 certified by a designated local agency as receiving disability  
27 insurance benefits under Section 223 of the Social Security Act  
28 (42 U.S.C. Sec. 423) for any month ending within 60 days of the  
29 date that the qualified taxpayer hired the qualified employee.

30 (4) “Qualified taxpayer” means a taxpayer that operates a  
31 business and does not hold a certificate pursuant to subsection (c)  
32 of Section 214 of Title 29 of the United States Code.

1 (5) “Qualified wages” means wages for work performed in  
2 California for the first 12 months that a qualified employee is  
3 employed by the qualified taxpayer.

4 (6) “Vocational rehabilitation referral” means an individual who  
5 is certified by the Department of Rehabilitation as having both of  
6 the following:

7 (A) A physical or mental disability that constitutes or results in  
8 a substantial handicap to employment.

9 (B) A referral to the employer upon completion of or while  
10 receiving rehabilitative services pursuant to any of the following:

11 (i) An individualized written plan for employment under  
12 California’s plan for vocational rehabilitation services approved  
13 under the Rehabilitation Act of 1973 (19 U.S.C. Sec. 701).

14 (ii) A program of vocational rehabilitation carried out under  
15 Chapter 31 of Title 38 of the United States Code.

16 (iii) An individual work plan developed and implemented by  
17 an employment network pursuant to subsection (g) of Section 1148  
18 of the Social Security Act (42 U.S.C. Sec. 1320b-19).

19 (c) In the case where the credit allowed by this section exceeds  
20 the “net tax,” the excess may be carried over to reduce the “net  
21 tax” in the following taxable year, and succeeding years if  
22 necessary, until the credit is exhausted.

23 (d) The Employment Development Department, the Department  
24 of Rehabilitation, the California Workforce Development Board,  
25 and the State Council on Developmental Disabilities shall carry  
26 out their existing mandates to notify employers of the availability  
27 of the credit.

28 (e) (1) For the purposes of complying with Section 41, the  
29 Legislature finds and declares the following:

30 (A) Individuals with disabilities have historically been  
31 unemployed or underemployed compared to individuals without  
32 disabilities.

33 (B) Additional incentives must be provided to incentivize  
34 employers to hire employees with disabilities.

35 (2) The goal of this credit is to encourage employers to hire  
36 individuals with disabilities, as specified in subparagraph (B) of  
37 paragraph (1) of subdivision (b), who are seeking employment.

38 (3) On or before March 1, 2021, and annually thereafter, the  
39 Franchise Tax Board shall submit a report, in compliance with  
40 Section 9795 of the Government Code, to the Joint Legislative

1 Budget Committee related to the goals, purposes, objectives,  
2 performance indicators, and data collection requirements for this  
3 credit, that includes all of the following for the prior taxable year:  
4 (A) The total dollar amount of the credit claimed.  
5 (B) A comparison of the total dollar amount of the credit claimed  
6 to the Franchise Tax Board’s prior estimate of the total dollar  
7 amount of the credit expected to be claimed in that fiscal year.  
8 (C) The number of qualified taxpayers claiming the credit and  
9 the number of qualified employees represented in those claims.  
10 (4) On or before October 1, 2021, and annually thereafter, the  
11 Employment Development Department shall submit a report, in  
12 compliance with Section 9795 of the Government Code, to the  
13 Joint Legislative Budget Committee related to the goals, purposes,  
14 objectives, performance indicators, and data collection  
15 requirements for this credit, that includes all of the following for  
16 the prior taxable year:  
17 (A) The percentage of newly hired employees in the state that  
18 are qualified employees.  
19 (B) The distribution of qualified taxpayers based on industry  
20 sectors.  
21 (C) The distribution of qualified employees based on industry  
22 sectors.  
23 (f) This section shall remain in effect only until December 1,  
24 2025, and as of that date is repealed.  
25 SEC. 2. This act provides for a tax levy within the meaning of  
26 Article IV of the California Constitution and shall go into  
27 immediate effect.

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**September 6, 2019**

**AGENDA ITEM 11.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC**

***Updates and Standing Agenda Items***

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The goal of this agenda item is for Committee members to provide updates on the following items and be updated on the actions of the Council:

- a. Council Meeting Summary
- b. SSI/CalFresh
- c. Self-Determination Program
- d. CalABLE
- e. DS Taskforce

***Attachment(s)***

July 2019 Council Summary  
CalFresh Implementation Update  
DDS SDP Newsletter  
SDP Budget Calculator



Ensure that Californians with developmental disabilities are guaranteed the same full and equal opportunities for life, liberty, and the pursuit of happiness as all Americans.

## July 16, 2019 State Council Meeting Summary

### SIGNIFICANT ITEMS

- The Council experienced a change in membership and leadership. Governor Newsom appointed six new members on June 14, 2019, four of which replaced members that were sitting in expired terms. As a result, the Council had vacancies in its Chairperson and Vice Chairperson positions. Newly appointed Councilmembers were ceremonially sworn in by Executive Director Aaron Carruthers. The Council received nominations for the offices of interim Chair and Vice Chair. Maria Marquez was elected as Interim Chair, and Julie Austin was elected as Interim Vice Chair.
- Former Councilmembers that had previously served were recognized by the Executive Director for their contributions to the Council. Several current members expressed their gratitude for the work of those members.
- During Public Comment, Debra Potts presented a short video produced by her daughter, Councilmember Nicole Adler.
- Deputy Director of Regional Office Operations Vicki Smith and Councilmember Kilolo Brodie presented the State Plan Committee's report and recommendations for Cycle 42 grants. Councilmembers engaged in questions and discussion before voting to adopt the recommendations of the State Plan Committee and the proposed projects for Cycle 42 grants with the condition that SCDD staff provide more information to the Council about the use of these grant funds in the near future.

- Vicki Smith and Kilolo Brodie also gave a presentation on the proposed timeline for the 2022-2026 State Plan as well as a draft of the proposed State Plan community survey. The Council voted to approve the timeline and survey.
- Interim Vice Chair Julie Austin and Deputy Director of Policy and Public Affairs Cindy Smith provided a presentation on legislative and public policy updates.
- SCDD Projects of Excellence were presented by managers Tamica Foots-Rachal and Yolanda Cruz.
  - San Bernardino Regional Office: Disaster and Emergency Preparedness
  - Sequoia Regional Office: Law Enforcement and You

### SUMMARY OF COUNCIL ACTIONS

The Council:

- Voted for Interim Chair and Vice Chair officers
- Approved the May 2019 minutes
- Voted to review confidentiality of bids for grants and report back to the Council
- Approved staff recommendations for the Cycle 42 grants, conditional upon receipt of more details about the proposals
- Approved the State Plan timeline and community survey draft

### FUTURE MEETING DATE

- September 17, 2019 – Hilton Sacramento Arden-West – 10:00 a.m. - 4:00 p.m.

# Expanding CalFresh to Older Adults & People with Disabilities Receiving SSI Implementation Update – June 2019



*Mission: Reducing hunger and poverty in California for older adults and people with disabilities.  
Vision: Excellent customer service and access to CalFresh food benefits for all.*

## June 1<sup>st</sup> GO LIVE!

For the first time ever in California, hundreds of thousands of older adults and people with disabilities who receive Supplemental Security Income/State Supplemental Payment (SSI/SSP) benefits may now also receive CalFresh food benefits. **There is no change or reduction to SSI/SSP.** Cash Assistance Program for Immigrants (CAPI) recipients will receive a \$10 per person grant increase for equity with SSI/SSP. People who are part of a household already receiving CalFresh food benefits may receive new state funded Supplemental Nutrition Benefits (SNB) or Transitional Nutrition Benefits (TNB) to help mitigate the potential loss of CalFresh benefits from counting the SSI/SSP income in their household budget. For more background information on the expansion of CalFresh to SSI recipients, visit [www.cdss.ca.gov/CalFreshSSI](http://www.cdss.ca.gov/CalFreshSSI).

## CLIENT VOICES



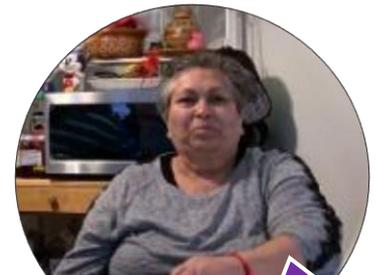
“Dear staff: this program is a great benefit for many of us... thank you.”



“With this program, I don’t have to worry about food... and that’s something I can really use.”



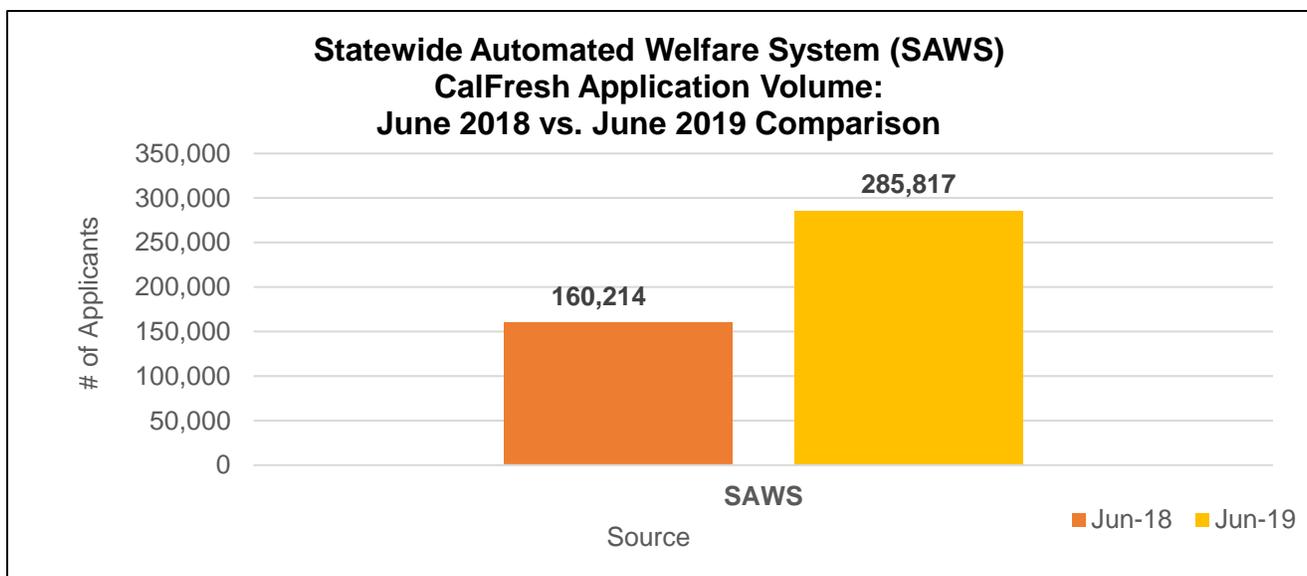
“It’s amazing how difficult it used to be, for so many, to apply for food assistance.”

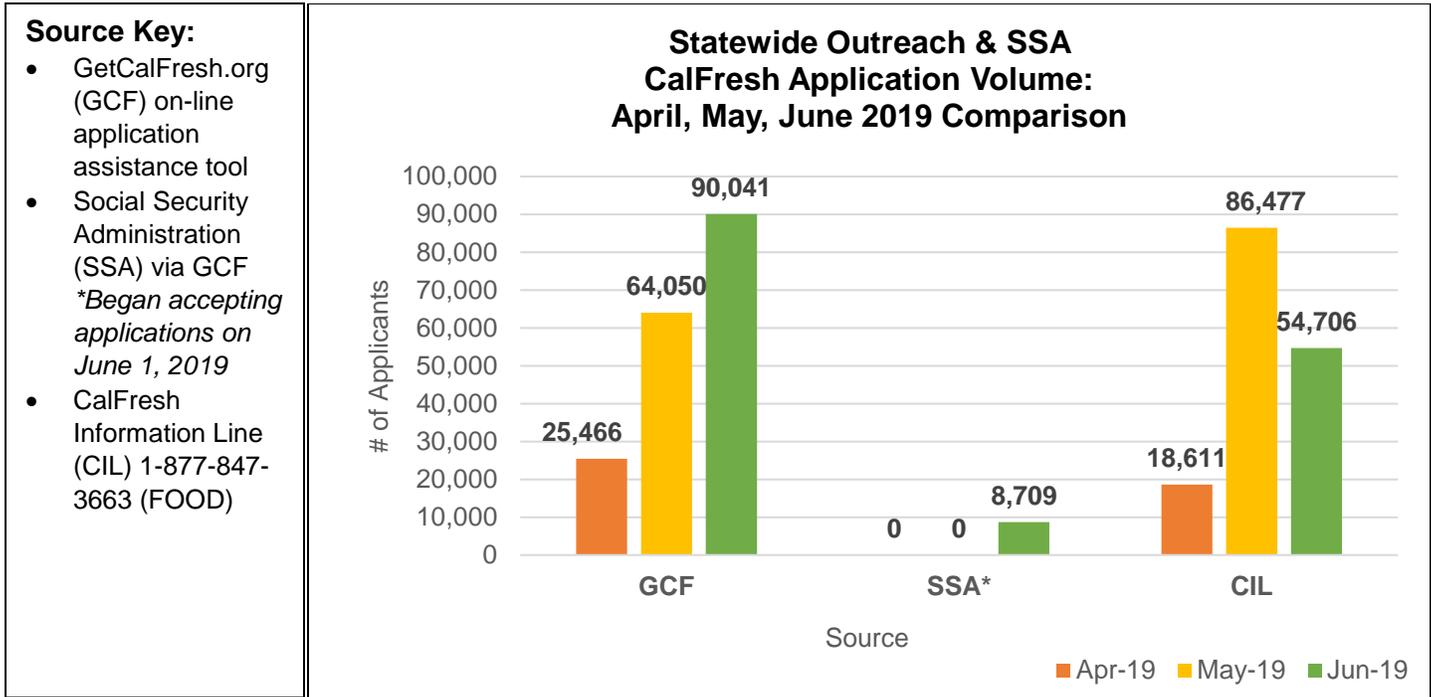


“I think I’m going to go crazy at the store...I’m just so happy right now.”

Quotes provided by [Code for America](#), [The Ukiah Daily Journal](#), and [California Healthline](#).

## CLIENT NUMBERS





## SUCSESSES & CHALLENGES

- High Volume: CDSS posted a message on the [CalFresh SSI stakeholder web page](#) to address high volume and timeliness standards; counties using “all hands on deck” approach, including overtime
- Outreach: 1.2 million [postcards](#) mailed to SSI recipients statewide; For clients, [CalFreshFood.org](#) “Click, Call, Come-in” page translated into [Spanish](#) and [Chinese](#); For partners, [Outreach Tool Kit](#) translated materials available in English, Spanish, Chinese, Russian, and Vietnamese; Social media video with California HHS Agency Secretary Dr. Mark Ghaly; plus additional resources, like EBT scam prevention flyers posted

## NEXT STEPS

- Data on Outcomes: Monitoring application volume, EBT issuances, and timeliness; June data posted to the CDSS [CalFresh Data Dashboard](#) in July; new data analysis beginning and will focus on CalFresh/SSI, SNB, and TNB benefit trends
- Customer Experience Continuous Improvement: All County Operations Roundtable two-day convening for peer-to-peer learning in July; ongoing one-on-one technical assistance by CDSS TA team
- Targeted Outreach: American Sign Language video log (vlog); Radio ads in underserved communities; Op-eds by trusted voices; and targeted outreach materials (for example, materials promoting farmers market “Market Match” for those receiving minimum benefit (\$15) to provide additional money for produce and use of medical deduction so food benefits reflect health costs.)

## IMPORTANT DATES

### Expanding CalFresh/Reversing SSI Cash-Out All-Stakeholder Implementation Meeting #7

Date: Tuesday, July 23, 2019

Time: 1:00pm – 2:30pm

Location: CDSS Headquarters, 744 P Street, Sacramento, CA 95814; OB9, Auditorium

Register via [WEBINAR](#) or [IN-PERSON](#) meeting

DAIL IN ONLY: 1-631-992-3221; Access Code: 918-209-916

More information, including meeting materials: [www.cdss.ca.gov/CalFreshSSI](http://www.cdss.ca.gov/CalFreshSSI)

Questions? Email: [CalFreshSSI@dss.ca.gov](mailto:CalFreshSSI@dss.ca.gov)

## Budget Tool Available

The Department of Developmental Services (DDS) has developed an Individual Budget Calculation and Certification tool to assist in calculating the individual budget for participants of the Self-Determination Program (SDP.) The tool is available on the DDS website Self-Determination page at: <https://www.dds.ca.gov/SDP/programDirectives.cfm>

The requirements for determining the amount of the individual budget are outlined in the Lanterman Act as well as in a January 11, 2019 DDS directive to regional centers on individual budget development.

Read about the Self-Determination Program in the Lanterman Act on the DDS website at [http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=WIC&sectionNum=4685.8.#content\\_anchor](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC&sectionNum=4685.8.#content_anchor)

Read the DDS directive on individual budget development at [https://www.dds.ca.gov/SDP/docs/IndividualBudget\\_Jan19.pdf](https://www.dds.ca.gov/SDP/docs/IndividualBudget_Jan19.pdf)



## Local Advisory Committee “Meet and Mingle”

The San Diego Regional Center Local Advisory Committee recently hosted a “Meet and Mingle” at which SDP participants were invited to come and meet with other participants in order to share information and resources, discuss their needs and challenges, develop support and learn together. Discussion tables focused on person-centered planning, developing the spending plan, resources, and other topics.

## Question of the Day

**Q. I am excited to be selected for the initial implementation of SDP, how do I know what to do first?**

**A.** Getting started with the new Self-Determination Program (SDP) is not exactly a “linear” or step by step process. Some activities, such as planning and individual budget certification can be happening at the same time or one can happen before the other. Everyone, from participants to the people who support them, is learning together at this time. It helps to have something to guide the process and remind all parties of the steps involved in getting started with SDP. DDS has developed a flow chart to support this process. This flow chart is now available in English and Spanish on the DDS website Self-Determination page at: <https://www.dds.ca.gov/SDP/sdpEnrollment.cfm>

Additional languages will be posted once available.



## WANT MORE INFORMATION ABOUT SELF -DETERMINATION?

- ◆ Visit the Self-Determination Page of the DDS website at <https://www.dds.ca.gov/SDP/>
- ◆ Attend a Self-Determination Local Advisory Committee Meeting, contact your Regional Center or Local State Council on Developmental Disabilities (SCDD) Regional Office

# Self-Determination Program

## Individual Budget Calculation and Certification Tool

Participant:  
UCI #:  
Date of Birth (M/D/Y):  
Regional Center:  
Service Coordinator:  
Prior 12 Month Period:

This tool is intended to guide you through building the individual budget for a participant in the Self-Determination Program (SDP). It is structured as a series of tables that will allow you to calculate a final budget amount. The individual budget should be calculated and certified in conjunction with, or prior to, development of the Individual Program Plan (IPP) and Spending Plan for SDP.

This is a protected document intended to preserve formulas in the tables. Enter amounts into the grey areas within the tables, as applicable. There are some fields that require manual calculations. Totals will automatically calculate in the tables as you move through the document. Automatically calculated fields appear orange and cannot be edited.

Upon completion of the individual budget calculation, please sign the form to reflect Regional Center (RC) certification and participant review.

Please email [sdp@dds.ca.gov](mailto:sdp@dds.ca.gov) for questions regarding the use of this tool and/or the development of the individual budget.

**1. Baseline Amount: Determine the baseline annual expenditures: How much was spent in the most recent 12 months?**

The individual budget amount is based on the most recent 12 months of all regional center expenditures used to purchase services in the IPP. Enter the total amount paid by a Regional Center using the 12-month expenditure report. An updated report can be generated from SANDIS (contact RC SANDIS representative if clarification is needed) or from UFS (instructions are located on the DDS AST website at <https://www.dds.ca.gov/AST/docs/sdp12MonthExpenditureReport.pdf>).

Please attach a copy of the report used to this document.

<b>Total amount on report</b>	
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## Self-Determination Program Individual Budget Calculation and Certification Tool

2. **Annualization Table: Determine the costs for services that should be annualized:** These are services identified in the current IPP and in the Baseline Amount reflecting less than 12 months of payment made to the provider; or where no payment has yet been made to the provider. Reasons may include but are not limited to: services that were provided but not yet billed by the provider, mid-year service start, long-term consumer illness, and/or unavailable service providers due to reasons such as distance or language. Leave this table blank if this does not apply.

Service Provided/Funded for less than 12 months	Service Code	Does this service require an "annualized" cost to determine the SDP budget? *(yes/no)	How many months was the service <u>unfunded</u> (not provided)?	Rate/month	Show calculation to determine total cost for <u>unfunded</u> months (rate multiplied by number of unfunded months)	Total cost for <u>unfunded</u> months
<b>TOTAL</b>						<b>\$0.00</b>

\*If no, skip the next 4 columns on the right in this table

3. **Group Contract Table: Determine costs of services purchased under group contract:** Regional Center fiscal department should be able to generate a report on the monthly costs of group contracts. An example would be transportation services. Leave this table blank if this does not apply.

Type/Description of Service	Agency Name	Monthly Group Cost	Number of individuals served	Show calculation to determine adjusted annual cost (monthly group cost divided by number of individuals served, multiplied by 12 months)	Adjusted Cost for 12 months of service
<b>TOTAL</b>					<b>\$0.00</b>

## Self-Determination Program Individual Budget Calculation and Certification Tool

4. **Newly Identified Needs Table: Determine the cost for newly identified needs and services:** These are services that were recently identified and not recorded in previous tables. Reasons may include a change in life circumstances. The rate for these services is based on what would have been spent in the traditional service delivery system. If these services include residential facility (ARM, ARFPSHN, or Negotiated Non-ARFPSHN), use the rate less the SSI amount. Leave this table blank if this does not apply.

Describe Change in Circumstance / New Need	Service Code that <u>would</u> have addressed the need (ex: 862)	Amount & Billing Unit <i>hours, sessions, month, etc (ex: 20 hrs/month)</i>	Average Rate <i>(ex: \$16.50/hr, \$65/day, etc)</i>	Determine the <u>frequency</u> of service for 1 month of use <i>(ex: hourly- hours per day, days per month; daily-days per month)</i>	Show calculation to determine cost for 12 months of service <i>(rate multiplied by frequency of service for 1 month, multiplied by 12 months)</i>	Cost for 12 months of service
<b>TOTAL</b>						<b>\$0.00</b>

5. **Calculate the Budget Subtotal:** Adding the total amounts from all previous tables.

Baseline Amount	\$ 0.00
Annualization Table Total	\$ 0.00
Group Contract Table Total	\$ 0.00
Newly Identified Needs Table Total	\$ 0.00
<b>SUBTOTAL</b>	<b>\$0.00</b>

6. **Non-Continuing Services: Determine the cost of services that are not expected to continue, regardless of participation in the SDP:** These services can include but are not limited to: initial person-centered planning services for transition into SDP, home modification, auto modification, durable medical equipment, or services that were included in the Baseline Amount but are no longer needed, regardless of participation in the SDP. Leave this table blank if this does not apply.

Service Description	Amount
<b>TOTAL</b>	<b>\$0.00</b>

## Self-Determination Program Individual Budget Calculation and Certification Tool

7. **Continuing Services Handled Outside of the Individual Budget: Determine the cost of services that are on-going but will be handled outside of the individual budget or the spending plan:** These services are limited to: Competitive Integrated Employment (CIE) Incentives, Paid Internship Program (PIP) payments, SSI/SSP restoration payments, and costs for insurance co-payments, deductibles or co-insurance. If these items were included in the Baseline Amount, enter them here. Leave this table blank if this does not apply.

Service Description	Amount
<b>TOTAL</b>	<b>\$0.00</b>

8. **Calculate the annual individual budget:** This table pulls the subtotaled amount from #5 and subtracts the subtotal of the amounts in #6 and #7.

Subtotal in #5	\$ 0.00
Non-Continuing Services Total	\$ 0.00
Continuing Services Not a Part of the Individual Budget Total	\$ 0.00
SUBTOTAL	\$0.00
<b>Self-Determination Annual Individual Budget</b>	<b>\$0.00</b>

**Self-Determination Program  
Individual Budget Calculation and Certification Tool**

**9. Signatures**

The Self Determination Annual Individual Budget for \_\_\_\_\_ is \$ 0.00

**Regional Center**

I certify that the regional center expenditures for this individual budget, including any adjustment, would have occurred regardless of the individual's participation in the Self-Determination Program per Welfare and Institutions Code 4685.8 (n)(1).

\_\_\_\_\_  
Regional Center Representative Printed Name

\_\_\_\_\_  
Regional Center Representative Signature

\_\_\_\_\_  
Date

**Participant or Legal Representative**

The individual budget document calculation and certification has been reviewed with me.

\_\_\_\_\_  
Participant or Legal Representative Printed Name

\_\_\_\_\_  
Participant or Legal Representative Signature

\_\_\_\_\_  
Date

**10. Rights**

Participants enrolled in the Self-Determination Program have the same rights established under the traditional service model (e.g. appeals, eligibility determinations, and all other rights associated with the individual program plan process).

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**September 6, 2019**

**AGENDA ITEM 12.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – LPPC**

***Member Updates***

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The goal of this agenda item is to allow Committee members time to provide local updates from their community on policy related issues not included in the agenda.

***Attachment(s)***

None.