

AMENDED IN SENATE JUNE 10, 2009

AMENDED IN ASSEMBLY MAY 21, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 287

Introduced by Assembly Member Beall
(Coauthors: Assembly Members Buchanan, Chesbro, Eng, Fuentes,
Krekorian, Portantino, and Yamada)

February 13, 2009

An act to amend Section 4646.5 of, and to add Chapter 14 (commencing with Section 4868) to Division 4.5 of, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 287, as amended, Beall. Persons with developmental disabilities: employment.

Existing law, the Lanterman Developmental Disabilities Services Act, grants persons with developmental disabilities the right to receive services and supports to meet their needs. Existing law requires that the State Department of Developmental Services contract with private nonprofit corporations for the operation of regional centers to obtain services and supports for an individual with a developmental disability in accordance with his or her individual program plan (IPP).

Existing law establishes an independent State Council on Developmental Disabilities to, among other things, develop and implement the state plan required by the federal government.

This bill would require the individual program planning process for transition age youth and working age adults to be guided by the

Employment First Policy, as established by the bill. ~~Additionally, the bill would require, beginning when the consumer is 14 years of age, that the planning team discuss school-to-work opportunities during individual program plan meetings and the regional center representative to inform the consumer, parent, legal guardian, or conservator that the regional center is available, upon request, to participate in the consumer's individualized education plan meetings to discuss transition planning.~~

This bill would establish the Employment First Policy, as described, and would require the State Council on Developmental Disabilities to form a standing Employment First Committee, as specified, to implement that policy and, no later than July 1, 2011, and annually thereafter, report to the Legislature and the Governor describing *its* ~~the committee's~~ work and recommendations.

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 4646.5 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 4646.5. (a) The planning process for the individual program
- 4 plan described in Section 4646 shall include all of the following:
- 5 (1) Gathering information and conducting assessments to
- 6 determine the life goals, capabilities and strengths, preferences,
- 7 barriers, and concerns or problems of the person with
- 8 developmental disabilities. For children with developmental
- 9 disabilities, this process should include a review of the strengths,
- 10 preferences, and needs of the child and the family unit as a whole.
- 11 Assessments shall be conducted by qualified individuals and
- 12 performed in natural environments whenever possible. Information
- 13 shall be taken from the consumer, his or her parents and other
- 14 family members, his or her friends, advocates, providers of services
- 15 and supports, and other agencies. The assessment process shall
- 16 reflect awareness of, and sensitivity to, the lifestyle and cultural
- 17 background of the consumer and the family.
- 18 (2) A statement of goals, based on the needs, preferences, and
- 19 life choices of the individual with developmental disabilities, and
- 20 a statement of specific, time-limited objectives for implementing
- 21 the person's goals and addressing his or her needs. These objectives

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

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

11 (4) When developing an individual program plan for a transition
12 age youth or working age adult, the regional center shall be guided
13 by the Employment First Policy set forth in Chapter 14
14 (commencing with Section 4868). ~~Beginning when a consumer is~~
15 ~~14 years of age, the planning team shall discuss school-to-work~~
16 ~~opportunities during individual program plan meetings, and the~~
17 ~~regional center representative shall inform the consumer, parent,~~
18 ~~legal guardian, or conservator that the regional center is available,~~
19 ~~upon request, to participate in the consumer's individualized~~
20 ~~education plan meetings to discuss transition planning.~~

21 (5) A schedule of the type and amount of services and supports
22 to be purchased by the regional center or obtained from generic
23 agencies or other resources in order to achieve the individual
24 program plan goals and objectives, and identification of the
25 provider or providers of service responsible for attaining each
26 objective, including, but not limited to, vendors, contracted
27 providers, generic service agencies, and natural supports. The plan
28 shall specify the approximate scheduled start date for services and
29 supports and shall contain timelines for actions necessary to begin
30 services and supports, including generic services.

31 (6) When agreed to by the consumer, the parents or legally
32 appointed guardian of a minor consumer, or the legally appointed
33 conservator of an adult consumer or the authorized representative,
34 including those appointed pursuant to subdivision (d) of Section
35 4548 and subdivision (e) of Section 4705, a review of the general
36 health status of the consumer including a medical, dental, and
37 mental health needs shall be conducted. This review shall include
38 a discussion of current medications, any observed side effects, and
39 the date of last review of the medication. Service providers shall
40 cooperate with the planning team to provide information necessary

1 to complete the health status review. If concerns are noted during
2 the review, referrals shall be made to regional center clinicians or
3 to the consumer’s physician, as appropriate. Documentation of
4 health status and referrals shall be made in the consumer’s record
5 by the service coordinator.

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

11 (b) For all active cases, individual program plans shall be
12 reviewed and modified by the planning team, through the process
13 described in Section 4646, as necessary, in response to the person’s
14 achievement or changing needs, and no less often than once every
15 three years. If the consumer or, where appropriate, the consumer’s
16 parents, legal guardian, or conservator requests an individual
17 program plan review, the individual program shall be reviewed
18 within 30 days after the request is submitted.

19 (c) (1) The department, with the participation of representatives
20 of a statewide consumer organization, the Association of Regional
21 Center Agencies, an organized labor organization representing
22 service coordination staff, and the Organization of Area Boards
23 shall prepare training material and a standard format and
24 instructions for the preparation of individual program plans, which
25 embodies an approach centered on the person and family.

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

28 (3) The department shall biennially review a random sample of
29 individual program plans at each regional center to ~~assure~~ ensure
30 that these plans are being developed and modified in compliance
31 with Section 4646 and this section.

32 SEC. 2. Chapter 14 (commencing with Section 4868) is added
33 to Division 4.5 of the Welfare and Institutions Code, to read:

34
35 CHAPTER 14. EMPLOYMENT FIRST POLICY

36
37 4868. This chapter shall be known, and may be cited, as the
38 Employment First Policy.

39 4868.1. The Legislature finds and declares all of the following:

1 (a) Working age people with disabilities are among the most
2 unemployed and underemployed members of society.

3 (b) People with developmental disabilities are an important and
4 largely untapped employment resource.

5 (c) Research demonstrates that wages and hours worked increase
6 dramatically as individuals move from facility-based to integrated
7 employment, and suggests that other benefits include expanded
8 social relationships, heightened self-determination, and more
9 typical job acquisition and job roles.

10 (d) Recent data indicate that, with 13 percent of working age
11 individuals with developmental and intellectual disabilities in
12 competitive or supported employment, California ranks 41st when
13 compared with other states.

14 (e) Because the likelihood of individuals with developmental
15 disabilities obtaining employment is greater if they move directly
16 from school to work, education programs must prepare transition
17 age students for employment in community settings.

18 (f) Increasing integrated and gainful employment opportunities
19 for people with developmental disabilities requires collaboration
20 and cooperation by state and local agencies, including, but not
21 limited to, the State Department of Developmental Services and
22 regional centers, the State Council on Developmental Disabilities,
23 the Department of Corrections and Rehabilitation, the State
24 Department of Education and local school districts, and the
25 Employment Development Department.

26 4868.3. For purposes of this chapter, the following definitions
27 shall apply:

28 (a) “Committee” means the Employment First Committee
29 established pursuant to Section 4868.7.

30 (b) “Gainful employment” means work where the individual
31 with a developmental disability earns minimum wage or higher.
32 Gainful employment also includes self-employment and
33 microenterprises.

34 (c) “Integrated employment” shall have the same definition as
35 “integrated work” as defined in subdivision (o) of Section 4851.

36 4868.5. (a) The Legislature places a high priority on providing
37 supported employment and other integrated employment
38 opportunities for working age adults with developmental
39 disabilities. Integrated employment is the primary service option

1 for working age adults upon completion of their formal education,
 2 including postsecondary education or vocational training.

3 (b) The intended outcome of the Employment First Policy is a
 4 significant increase in the number of individuals with
 5 developmental disabilities who engage in integrated and gainful
 6 employment. The Employment First Policy is in furtherance of
 7 the intent of this division that services and supports be available
 8 to enable persons with developmental disabilities to approximate
 9 the pattern of everyday living available to people without
 10 disabilities of the same age and that support their integration into
 11 the mainstream life of the community, and that those services and
 12 supports result in more independent, productive, and normal lives
 13 for the persons served.

14 (c) *In furtherance of the Employment First Policy, the*
 15 *Legislature intends that, beginning when a consumer is 14 years*
 16 *of age, planning teams discuss school-to-work opportunities during*
 17 *individual program plan meetings, and that the regional center*
 18 *representatives inform the consumer, parent, legal guardian, or*
 19 *conservator that the regional center is available, upon request, to*
 20 *participate in the consumer’s individualized education plan*
 21 *meetings to discuss transition planning.*

22 4868.7. (a) The State Council on Developmental Disabilities
 23 shall form a standing Employment First Committee consisting of
 24 the following members:

25 (1) One designee of each of the members of the state council
 26 specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph
 27 (2) of subdivision (b) of Section 4521.

28 (2) A member of the consumer advisory committee of the state
 29 ~~counsel~~ *council*.

30 (b) In carrying out the requirements of this section, the
 31 committee shall meet and consult, as appropriate, with other state
 32 and local agencies and organizations, including, but not limited
 33 to, the Employment Development Department, the Association of
 34 Regional Center Agencies, one or more supported employment
 35 provider organizations, an organized labor organization
 36 representing service coordination staff, and one or more consumer
 37 family member organizations.

38 (c) The responsibilities of the committee shall include, but need
 39 not be limited to, all of the following:

- 1 (1) Identifying the respective roles and responsibilities of state
2 and local agencies in enhancing integrated and gainful employment
3 opportunities for people with developmental disabilities.
- 4 (2) Identifying strategies, best practices, and incentives for
5 increasing integrated employment and gainful employment
6 opportunities for people with developmental disabilities, including,
7 but not limited to, ways to improve the transition planning process
8 for students 14 years of age or older, and to develop partnerships
9 with, and increase participation by, public and private employers
10 and job developers.
- 11 (3) Identifying existing sources of employment data and
12 recommending goals for, and approaches to measuring progress
13 in, increasing integrated employment and gainful employment of
14 people with developmental disabilities.
- 15 (4) Recommending legislative, regulatory, and policy changes
16 for increasing the percentage of people with developmental
17 disabilities in integrated and gainful employment, including, but
18 not limited to, recommendations for improving transition planning
19 and services for students with developmental disabilities who are
20 14 years of age or older.
- 21 (d) The committee, no later than July 1, 2011, and annually
22 thereafter, shall provide a report to the appropriate policy
23 committees of the Legislature and to the Governor describing its
24 work and recommendations.

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