

AMENDED IN SENATE SEPTEMBER 2, 2009

AMENDED IN SENATE AUGUST 17, 2009

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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 *Blumenfield*, Buchanan, Chesbro,
Eng, Fuentes, Krekorian, Portantino, and Yamada)
(Coauthor: Senator Alquist)

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~~ *encourage* 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 *team to discuss school-to-work opportunities for consumers commencing at 14 years of age.*

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 an Employment First Policy and by July 1, 2011, and annually thereafter, report to the Legislature and the Governor describing 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~~

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

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

12 ~~(4) When developing an individual program plan for a transition~~
13 ~~age youth or working age adult, the regional center shall be guided~~
14 ~~by the Employment First Policy set forth in Chapter 14~~
15 ~~(commencing with Section 4868).~~

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

26 ~~(6) When agreed to by the consumer, the parents or legally~~
27 ~~appointed guardian of a minor consumer, or the legally appointed~~
28 ~~conservator of an adult consumer or the authorized representative,~~
29 ~~including those appointed pursuant to subdivision (d) of Section~~
30 ~~4548 and subdivision (c) of Section 4705, a review of the general~~
31 ~~health status of the consumer including a medical, dental, and~~
32 ~~mental health needs shall be conducted. This review shall include~~
33 ~~a discussion of current medications, any observed side effects, and~~
34 ~~the date of last review of the medication. Service providers shall~~
35 ~~cooperate with the planning team to provide information necessary~~
36 ~~to complete the health status review. If concerns are noted during~~
37 ~~the review, referrals shall be made to regional center clinicians or~~
38 ~~to the consumer's physician, as appropriate. Documentation of~~
39 ~~health status and referrals shall be made in the consumer's record~~
40 ~~by the service coordinator.~~

1 ~~(7) A schedule of regular periodic review and reevaluation to~~
2 ~~ascertain that planned services have been provided, that objectives~~
3 ~~have been fulfilled within the times specified, and that consumers~~
4 ~~and families are satisfied with the individual program plan and its~~
5 ~~implementation.~~

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

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

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

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

27 ~~SECTION 1. The Legislature finds and declares all of the~~
28 ~~following:~~

29 ~~(a) Working age people with disabilities are among the most~~
30 ~~unemployed and underemployed members of society.~~

31 ~~(b) People with developmental disabilities are an important and~~
32 ~~largely untapped employment resource.~~

33 ~~(c) Research demonstrates that wages and hours worked~~
34 ~~increase dramatically as individuals move from facility-based to~~
35 ~~integrated employment, and suggests that other benefits include~~
36 ~~expanded social relationships, heightened self-determination, and~~
37 ~~more typical job acquisition and job roles.~~

38 ~~(d) Recent data indicate that, with 13 percent of working age~~
39 ~~individuals with developmental and intellectual disabilities in~~

1 *competitive or supported employment, California ranks 41st when*
2 *compared with other states.*

3 *(e) Because the likelihood of individuals with developmental*
4 *disabilities obtaining employment is greater if they move directly*
5 *from school to work, education programs should prepare transition*
6 *age students for employment in community settings.*

7 *(f) Increasing integrated and gainful employment opportunities*
8 *for people with developmental disabilities requires collaboration*
9 *and cooperation by state and local agencies, including, but not*
10 *limited to, the State Department of Developmental Services and*
11 *regional centers, the State Council on Developmental Disabilities,*
12 *the Department of Rehabilitation, the State Department of*
13 *Education and local school districts, and the Employment*
14 *Development Department.*

15 *(g) The Legislature places a high priority on providing*
16 *supported employment and other integrated employment*
17 *opportunities for working-age adults with developmental*
18 *disabilities.*

19 *(h) In developing the individual program plan pursuant to*
20 *Section 4646.5 of the Welfare and Institutions Code, planning*
21 *teams are encouraged to discuss school-to-work opportunities*
22 *during individual program plan meetings beginning when a*
23 *consumer reaches 14 years of age, and regional center*
24 *representatives are encouraged to inform the consumer, parent,*
25 *legal guardian, or conservator that the regional center is available,*
26 *upon request, to participate in the consumer's individualized*
27 *education plan meetings to discuss transition planning.*

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

30

31

CHAPTER 14. EMPLOYMENT ~~FIRST POLICY~~

32

33

~~4868. This chapter shall be known, and may be cited, as the~~
34 ~~Employment First Policy.~~

35

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

36

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

38

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

1 ~~(e) Research demonstrates that wages and hours worked increase~~
2 ~~dramatically as individuals move from facility-based to integrated~~
3 ~~employment, and suggests that other benefits include expanded~~
4 ~~social relationships, heightened self-determination, and more~~
5 ~~typical job acquisition and job roles.~~

6 ~~(d) Recent data indicate that, with 13 percent of working-age~~
7 ~~individuals with developmental and intellectual disabilities in~~
8 ~~competitive or supported employment, California ranks 41st when~~
9 ~~compared with other states.~~

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

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

22 ~~4868.3. For purposes of this chapter, the following definitions~~
23 ~~shall apply:~~

24 ~~(a) “Committee” means the Employment First Committee~~
25 ~~established pursuant to Section 4868.7.~~

26 ~~(b) “Integrated employment” shall have the same definition as~~
27 ~~“integrated work” as defined in subdivision (o) of Section 4851.~~

28 ~~4868.5. (a) The Legislature places a high priority on providing~~
29 ~~supported employment and other integrated employment~~
30 ~~opportunities for working-age adults with developmental~~
31 ~~disabilities. Integrated employment is the primary service option~~
32 ~~for working-age adults upon completion of their formal education,~~
33 ~~including postsecondary education or vocational training.~~

34 ~~(b) The intended outcome of the Employment First Policy is a~~
35 ~~significant increase in the number of individuals with~~
36 ~~developmental disabilities who engage in integrated employment,~~
37 ~~self-employment, and microenterprises, and in the number of~~
38 ~~individuals who earn wages at or above minimum wage. The~~
39 ~~Employment First Policy is in furtherance of the intent of this~~
40 ~~division that services and supports be available to enable persons~~

1 with developmental disabilities to approximate the pattern of
2 everyday living available to people without disabilities of the same
3 age and that support their integration into the mainstream life of
4 the community, and that those services and supports result in more
5 independent, productive, and normal lives for the persons served.

6 ~~(e) In furtherance of the Employment First Policy, the~~
7 ~~Legislature intends that, beginning when a consumer is 14 years~~
8 ~~of age, planning teams discuss school-to-work opportunities during~~
9 ~~individual program plan meetings, and that the regional center~~
10 ~~representatives inform the consumer, parent, legal guardian, or~~
11 ~~conservator that the regional center is available, upon request, to~~
12 ~~participate in the consumer's individualized education plan~~
13 ~~meetings to discuss transition planning.~~

14 ~~(d) Nothing in this section is intended to limit service and~~
15 ~~support options otherwise available to consumers, or the rights of~~
16 ~~consumers, or, where appropriate, parents, legal guardians, or~~
17 ~~conservators to make choices in their own lives.~~

18 ~~4868.7.~~

19 4868. (a) The State Council on Developmental Disabilities
20 shall form a standing Employment First Committee consisting of
21 the following members:

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

25 (2) A member of the consumer advisory committee of the state
26 council.

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

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

37 (1) Identifying the respective roles and responsibilities of state
38 and local agencies in enhancing integrated and gainful employment
39 opportunities for people with developmental disabilities.

1 (2) Identifying strategies, best practices, and incentives for
2 increasing integrated employment and gainful employment
3 opportunities for people with developmental disabilities, including,
4 but not limited to, ways to improve the transition planning process
5 for students 14 years of age or older, and to develop partnerships
6 with, and increase participation by, public and private employers
7 and job developers.

8 (3) Identifying existing sources of employment data and
9 recommending goals for, and approaches to measuring progress
10 in, increasing integrated employment and gainful employment of
11 people with developmental disabilities.

12 (4) Recommending legislative, regulatory, and policy changes
13 for increasing the number of individuals with developmental
14 disabilities in integrated employment, self-employment, and
15 microenterprises, and who earn wages at or above minimum wage,
16 *including, but not limited to, recommendations for improving*
17 *transition planning and services for students with developmental*
18 *disabilities who are 14 years of age or older. This shall include,*
19 *but shall not be limited to, the development of an Employment*
20 *First Policy, the intended outcome of which is a significant increase*
21 *in the number of individuals with developmental disabilities who*
22 *engage in integrated employment, self-employment, and*
23 *microenterprises, and in the number of individuals who earn wages*
24 *at or above minimum wage. This proposed policy shall be in*
25 *furtherance of the intent of this division that services and supports*
26 *be available to enable persons with developmental disabilities to*
27 *approximate the pattern of everyday living available to people*
28 *without disabilities of the same age and that support their*
29 *integration into the mainstream life of the community, and that*
30 *those services and supports result in more independent, productive,*
31 *and normal lives for the persons served. The proposed Employment*
32 *First Policy shall not limit service and support options otherwise*
33 *available to consumers, or the rights of consumers, or, where*
34 *appropriate, parents, legal guardians, or conservators to make*
35 *choices in their own lives.*

36 (d) For purposes of this chapter, “integrated employment” shall
37 have the same definition as “integrated work” as defined in
38 subdivision (o) of Section 4851.

39 (e)

1 (e) The committee, ~~no later than~~ by July 1, 2011, and annually
2 thereafter, shall provide a report to the appropriate policy
3 committees of the Legislature and to the Governor describing its
4 work and recommendations. *The report due by July 1, 2011, shall*
5 *include the proposed Employment First Policy described in*
6 *paragraph (4) of subdivision (c).*

O