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AMENDED IN SENATE SEPTEMBER 2, 2009

AMENDED IN SENATE AUGUST 27, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 1260**

**Introduced by Assembly Member Huffman**

**(Coauthors: Assembly Members Beall, Tom Berryhill, Blumenfield, Buchanan, Carter, Galgiani, Jones, Krekorian, Nava, Portantino, Salas, Silva, and Smyth)**

(Coauthors: Senators DeSaulnier, Pavley, Runner, and Strickland)

February 27, 2009

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An act to amend Section 95020 of the Government Code, and to amend Sections 4685, 4686.5, 4688.1, 4688.2, and 4692 4686.5 and 4688.1 of the Welfare and Institutions Code, relating to developmental services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1260, as amended, Huffman. Developmental services: regional centers.

Existing law, the California Early Intervention Services Act, provides a statewide system of coordinated, comprehensive, family-centered, multidisciplinary, and interagency programs that are responsible for providing appropriate early intervention services and support to all eligible infants and toddlers, as defined, and their families. Existing law requires a written individualized family service plan (IFSP) that includes, among other things, a statement of the specific early

intervention services necessary to meet the unique needs of the infant or toddler, including, but not limited to, the frequency, intensity, location, duration, and method of delivering the services, and ways of providing services in natural generic environments, including group training for parents on behavioral intervention techniques in lieu of some or all of the in-home parent training component of the behavior intervention services, and purchase of neighborhood preschool services and needed qualified personnel in lieu of infant development programs. After July 1, 2009, existing law requires the regional center to consider the use of group training for parents on behavior intervention techniques in lieu of some or all of the in-home parent training component of the behavior intervention services at the time of the development, review, or modification of an infant's or toddler's IFSP.

This bill would allow group training using designated personnel and materials to be given in lieu of some or all of the in-home parent training component of the behavior intervention services. The bill would also require the IFSP team to consider, at the time of development, review, or modification of an infant's or toddler's IFSP, group training using the designated personnel and materials in lieu of some or all of the in-home parent training component of the behavior intervention services.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is responsible for providing various services and supports to individuals with developmental disabilities through contracts with local, nonprofit regional centers. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements. Those services and supports include, among other things, respite services, alternative senior programs, and alternative customized programs.

*Under existing law, a regional center is prohibited from purchasing more than 21 days of out-of-home respite services in a fiscal year and more than 90 hours of in-home respite services in a quarter.*

This bill would, *instead*, prohibit the regional centers from purchasing more than 98% of the annualized volume of in-home and out-of-home respite services utilized by a consumer who received those services in the 2008–09 fiscal year. The bill would also require the regional centers to take appropriate steps to make sure that sufficient program capacity exists to meet the individual needs of consumers wishing to enroll in alternative senior programs or alternative customized programs that are consistent with the individual's IPP.

Existing law requires vendors of prescribed services to offer an alternative senior program component ~~and an alternative customized program~~, as described.

This bill would, instead, permit ~~these components~~ *this component* to be offered. *The bill would require the programs to be offered within the provider’s existing capacity and would allow vendors to formulate agreements to meet the program needs. The bill would also require the regional centers to take appropriate steps to make sure that sufficient program capacity exists to meet the individual needs of consumers wishing to enroll in alternative senior programs that are consistent with the individual’s IPP.*

~~Existing law prohibits regional centers from compensating various specified programs for providing services to a consumer, and from compensating transportation to those services, on specified holidays, including November 11 and the 4 business days between December 25 and January 1. Under existing law, if the holiday falls on a Saturday or a Sunday, the following Monday is deemed the holiday in lieu of the day observed.~~

~~This bill would remove the November 11 holiday from the above prohibition, add the day after Thanksgiving Day, and remove the prohibition with regard to the four business days between December 25 and January 1 after July 1, 2011. Additionally, the bill would make the Friday before the holiday the observed day if the holiday falls on a Saturday.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . 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 95020 of the Government Code is~~
- 2 ~~amended to read:~~
- 3 95020. (a) ~~An eligible infant or toddler shall have an~~
- 4 ~~individualized family service plan. The individualized family~~
- 5 ~~service plan shall be used in place of an individualized education~~
- 6 ~~program required pursuant to Sections 4646 and 4646.5 of the~~
- 7 ~~Welfare and Institutions Code, the individualized program plan~~
- 8 ~~required pursuant to Section 56340 of the Education Code, or any~~
- 9 ~~other applicable service plan.~~

1     ~~(b) For an infant or toddler who has been evaluated for the first~~  
2 ~~time, a meeting to share the results of the evaluation, to determine~~  
3 ~~eligibility and, for children who are eligible, to develop the initial~~  
4 ~~individualized family service plan shall be conducted within 45~~  
5 ~~calendar days of receipt of the written referral. Evaluation results~~  
6 ~~and determination of eligibility may be shared in a meeting with~~  
7 ~~the family prior to the individualized family service plan. Written~~  
8 ~~parental consent to evaluate and assess shall be obtained within~~  
9 ~~the 45-day timeline. A regional center, local educational agency,~~  
10 ~~or the designee of one of those entities shall initiate and conduct~~  
11 ~~this meeting. Families shall be afforded the opportunity to~~  
12 ~~participate in all decisions regarding eligibility and services.~~

13     ~~(c) Parents shall be fully informed of their rights, including the~~  
14 ~~right to invite another person, including a family member, an~~  
15 ~~advocate, a peer parent, or any or all of them, to accompany them~~  
16 ~~to any or all individualized family service plan meetings. With~~  
17 ~~parental consent, a referral shall be made to the local family~~  
18 ~~resource center or network.~~

19     ~~(d) The individualized family service plan shall be in writing~~  
20 ~~and shall address all of the following:~~

21     ~~(1) A statement of the infant's or toddler's present levels of~~  
22 ~~physical development including vision, hearing, and health status,~~  
23 ~~cognitive development, communication development, social and~~  
24 ~~emotional development, and adaptive developments.~~

25     ~~(2) With the concurrence of the family, a statement of the~~  
26 ~~family's concerns, priorities, and resources related to meeting the~~  
27 ~~special developmental needs of the eligible infant or toddler.~~

28     ~~(3) A statement of the major outcomes expected to be achieved~~  
29 ~~for the infant or toddler and family where services for the family~~  
30 ~~are related to meeting the special developmental needs of the~~  
31 ~~eligible infant or toddler.~~

32     ~~(4) The criteria, procedures, and timelines used to determine~~  
33 ~~the degree to which progress toward achieving the outcomes is~~  
34 ~~being made and whether modifications or revisions are necessary.~~

35     ~~(5) (A) A statement of the specific early intervention services~~  
36 ~~necessary to meet the unique needs of the infant or toddler as~~  
37 ~~identified in paragraph (3), including, but not limited to, the~~  
38 ~~frequency, intensity, location, duration, and method of delivering~~  
39 ~~the services, and ways of providing services in natural~~  
40 ~~environments, including group training for parents on behavioral~~

1 ~~intervention techniques using personnel and materials consistent~~  
2 ~~with those in use prior to August 1, 2009, in lieu of some or all of~~  
3 ~~the in-home parent training component of the behavior intervention~~  
4 ~~services, and purchase of neighborhood preschool services and~~  
5 ~~needed qualified personnel in lieu of infant development programs.~~

6 ~~(B) Effective July 1, 2009, at the time of development, review,~~  
7 ~~or modification of an infant's or toddler's individualized family~~  
8 ~~service plan, the individual family service planning team shall~~  
9 ~~consider both of the following:~~

10 ~~(i) The use of group training using personnel and materials~~  
11 ~~consistent with those in use prior to August 1, 2009, for parents~~  
12 ~~on behavior intervention techniques, in lieu of some or all of the~~  
13 ~~in-home parent training component of the behavior intervention~~  
14 ~~services.~~

15 ~~(ii) The purchase of neighborhood preschool services and needed~~  
16 ~~qualified personnel, in lieu of infant development programs.~~

17 ~~(C) Nothing in this section shall prevent or replace the in-home~~  
18 ~~parent training necessary for the health or safety of the consumer~~  
19 ~~or family.~~

20 ~~(6) A statement of the agency responsible for providing the~~  
21 ~~identified services.~~

22 ~~(7) The name of the service coordinator who shall be responsible~~  
23 ~~for facilitating implementation of the plan and coordinating with~~  
24 ~~other agencies and persons.~~

25 ~~(8) The steps to be taken to ensure transition of the infant or~~  
26 ~~toddler upon reaching three years of age to other appropriate~~  
27 ~~services. These may include, as appropriate, special education or~~  
28 ~~other services offered in natural environments.~~

29 ~~(9) The projected dates for the initiation of services in paragraph~~  
30 ~~(5) and the anticipated duration of those services.~~

31 ~~(e) Each service identified on the individualized family service~~  
32 ~~plan shall be designated as one of three types:~~

33 ~~(1) An early intervention service, as defined in subsection (4)~~  
34 ~~of Section 1432 of Title 20 of the United States Code, and~~  
35 ~~applicable regulations, that is provided or purchased through the~~  
36 ~~regional center, local educational agency, or other participating~~  
37 ~~agency. The State Department of Health Care Services, State~~  
38 ~~Department of Social Services, State Department of Mental Health,~~  
39 ~~and State Department of Alcohol and Drug Programs shall provide~~  
40 ~~services in accordance with state and federal law and applicable~~

1 regulations, and up to the level of funding as appropriated by the  
2 Legislature. Early intervention services identified in an  
3 individualized family service plan that exceed the funding,  
4 statutory, and regulatory requirements of these departments shall  
5 be provided or purchased by regional centers or local educational  
6 agencies under subdivisions (b) and (c) of Section 95014. The  
7 State Department of Health Care Services, State Department of  
8 Social Services, State Department of Mental Health, and State  
9 Department of Alcohol and Drug Programs shall not be required  
10 to provide early intervention services over their existing funding,  
11 statutory, and regulatory requirements.

12 (2) Another service, other than those specified in paragraph (1),  
13 which the eligible infant or toddler or his or her family may receive  
14 from other state programs, subject to the eligibility standards of  
15 those programs.

16 (3) A referral to a nonrequired service that may be provided to  
17 an eligible infant or toddler or his or her family. Nonrequired  
18 services are those services that are not defined as early intervention  
19 services or do not relate to meeting the special developmental  
20 needs of an eligible infant or toddler related to the disability, but  
21 that may be helpful to the family. The granting or denial of  
22 nonrequired services by a public or private agency is not subject  
23 to appeal under this title. Notwithstanding any other provision of  
24 law or regulation to the contrary, effective July 1, 2009, with the  
25 exception of durable medical equipment, regional centers shall not  
26 purchase nonrequired services, but may refer a family to a  
27 nonrequired service that may be available to an eligible infant or  
28 toddler or his or her family.

29 (f) An annual review, and other periodic reviews, of the  
30 individualized family service plan for an infant or toddler and the  
31 infant's or toddler's family shall be conducted to determine the  
32 degree of progress that is being made in achieving the outcomes  
33 specified in the plan and whether modification or revision of the  
34 outcomes or services is necessary. The frequency, participants,  
35 purpose, and required processes for annual and periodic reviews  
36 shall be consistent with the statutes and regulations under Part C  
37 of the federal Individuals with Disabilities Education Act (20  
38 U.S.C. Sec. 1431 et seq.) and this title, and shall be specified in  
39 regulations adopted pursuant to Section 95028.

1     ~~SEC. 2.— Section 4685 of the Welfare and Institutions Code is~~  
2     ~~amended to read:~~

3     ~~4685. (a) Consistent with state and federal law, the Legislature~~  
4     ~~finds and declares that children with developmental disabilities~~  
5     ~~most often have greater opportunities for educational and social~~  
6     ~~growth when they live with their families. The Legislature further~~  
7     ~~finds and declares that the cost of providing necessary services~~  
8     ~~and supports that enable a child with developmental disabilities~~  
9     ~~to live at home is typically equal to or lower than the cost of~~  
10    ~~providing out-of-home placement. The Legislature places a high~~  
11    ~~priority on providing opportunities for children with developmental~~  
12    ~~disabilities to live with their families, when living at home is the~~  
13    ~~preferred objective in the child's individual program plan.~~

14    ~~(b) It is the intent of the Legislature that regional centers provide~~  
15    ~~or secure family support services that do all of the following:~~

16    ~~(1) Respect and support the decisionmaking authority of the~~  
17    ~~family.~~

18    ~~(2) Be flexible and creative in meeting the unique and individual~~  
19    ~~needs of families as they evolve over time.~~

20    ~~(3) Recognize and build on family strengths, natural supports,~~  
21    ~~and existing community resources.~~

22    ~~(4) Be designed to meet the cultural preferences, values, and~~  
23    ~~lifestyles of families.~~

24    ~~(5) Focus on the entire family and promote the inclusion of~~  
25    ~~children with disabilities in all aspects of school and community.~~

26    ~~(c) In order to provide opportunities for children to live with~~  
27    ~~their families, the following procedures shall be adopted:~~

28    ~~(1) The department and regional centers shall give a very high~~  
29    ~~priority to the development and expansion of services and supports~~  
30    ~~designed to assist families that are caring for their children at home,~~  
31    ~~when that is the preferred objective in the individual program plan.~~  
32    ~~This assistance may include, but is not limited to, specialized~~  
33    ~~medical and dental care, special training for parents, infant~~  
34    ~~stimulation programs, respite for parents, homemaker services,~~  
35    ~~camping, day care, short-term out-of-home care, child care,~~  
36    ~~counseling, mental health services, behavior modification~~  
37    ~~programs, special adaptive equipment such as wheelchairs, hospital~~  
38    ~~beds, communication devices, and other necessary appliances and~~  
39    ~~supplies, and advocaey to assist persons in securing income~~

1 maintenance, educational services, and other benefits to which  
2 they are entitled.

3 (2) ~~When children with developmental disabilities live with  
4 their families, the individual program plan shall include a family  
5 plan component which describes those services and supports  
6 necessary to successfully maintain the child at home. Regional  
7 centers shall consider every possible way to assist families in  
8 maintaining their children at home, when living at home will be  
9 in the best interest of the child, before considering out-of-home  
10 placement alternatives. When the regional center first becomes  
11 aware that a family may consider an out-of-home placement, or  
12 is in need of additional specialized services to assist in caring for  
13 the child in the home, the regional center shall meet with the family  
14 to discuss the situation and the family's current needs, solicit from  
15 the family what supports would be necessary to maintain the child  
16 in the home, and utilize creative and innovative ways of meeting  
17 the family's needs and providing adequate supports to keep the  
18 family together, if possible.~~

19 (3) (A) ~~To ensure that these services and supports are provided  
20 in the most cost-effective and beneficial manner, regional centers  
21 may utilize innovative service-delivery mechanisms, including,  
22 but not limited to, vouchers; alternative respite options such as  
23 foster families, vacant community facility beds, and crisis child  
24 care facilities; group training for parents on behavioral intervention  
25 techniques using personnel and materials consistent with those in  
26 use prior to August 1, 2009, in lieu of some or all of the in-home  
27 parent training component of the behavioral intervention services;  
28 purchase of neighborhood preschool services and needed qualified  
29 personnel in lieu of infant development programs; and alternative  
30 child care options such as supplemental support to generic child  
31 care facilities and parent child care cooperatives.~~

32 (B) ~~Effective July 1, 2009, at the time of development, review,  
33 or modification of a child's individualized family service plan or  
34 individual program plan, the regional center shall consider both  
35 of the following:~~

36 (i) ~~The use of group training for parents on behavioral  
37 intervention techniques using personnel and materials consistent  
38 with those in use prior to August 1, 2009, in lieu of some or all of  
39 the in-home parent training component of the behavioral  
40 intervention services.~~

1 ~~(ii) The purchase of neighborhood preschool services and needed~~  
2 ~~qualified personnel in lieu of infant development programs.~~

3 ~~(C) Nothing in this section shall prevent or replace the in-home~~  
4 ~~parent training necessary for the health or safety of the consumer~~  
5 ~~or family.~~

6 ~~(4) If the parent of a child receiving services and supports from~~  
7 ~~a regional center believes that the regional center is not offering~~  
8 ~~adequate assistance to enable the family to keep the child at home,~~  
9 ~~the parent may initiate a request for fair hearing as established in~~  
10 ~~this division. A family shall not be required to start a placement~~  
11 ~~process or to commit to placing a child in order to receive requested~~  
12 ~~services.~~

13 ~~(5) Nothing in this section shall be construed to encourage the~~  
14 ~~continued residency of adult children in the home of their parents~~  
15 ~~when that residency is not in the best interests of the person.~~

16 ~~(6) When purchasing or providing a voucher for day care~~  
17 ~~services for parents who are caring for children at home, the~~  
18 ~~regional center may pay only the cost of the day care service that~~  
19 ~~exceeds the cost of providing day care services to a child without~~  
20 ~~disabilities. The regional center may pay in excess of this amount~~  
21 ~~when a family can demonstrate a financial need and when doing~~  
22 ~~so will enable the child to remain in the family home.~~

23 ~~(7) A regional center may purchase or provide a voucher for~~  
24 ~~diapers for children three years of age or older. A regional center~~  
25 ~~may purchase or provide vouchers for diapers under three years~~  
26 ~~of age when a family can demonstrate a financial need and when~~  
27 ~~doing so will enable the child to remain in the family home.~~

28 ~~SEC. 3.~~

29 *SECTION 1.* Section 4686.5 of the Welfare and Institutions  
30 Code is amended to read:

31 4686.5. (a) Effective July 1, 2009, notwithstanding any other  
32 provision of law or regulation to the contrary, all of the following  
33 shall apply:

34 (1) A regional center may only purchase respite services when  
35 the care and supervision needs of a consumer exceed that of an  
36 individual of the same age without developmental disabilities.

37 (2) For a consumer who received respite services during the  
38 2008–09 fiscal year, a regional center shall not purchase more than  
39 98 percent of the annualized volume of in-home and out-of-home  
40 respite services utilized by that consumer in that fiscal year.

1 (3) (A) A regional center may grant an exemption to the  
2 requirements set forth in paragraphs (1) and (2) if it is demonstrated  
3 that the intensity of the consumer’s care and supervision needs are  
4 such that additional respite is necessary to maintain the consumer  
5 in the family home, or there is an extraordinary event that impacts  
6 the family member’s ability to meet the care and supervision needs  
7 of the consumer.

8 (B) For purposes of this section, “family member” means an  
9 individual who:

10 (i) Has a consumer residing with him or her.

11 (ii) Is responsible for the 24-hour care and supervision of the  
12 consumer.

13 (iii) Is not a licensed or certified residential care facility or foster  
14 family home receiving funds from a public agency or regional  
15 center for the care and supervision provided. Notwithstanding this  
16 provision, a relative who receives foster care funds shall not be  
17 precluded from receiving respite.

18 (4) A regional center shall not purchase day care services to  
19 replace or supplant respite services. For purposes of this section,  
20 “day care” is defined as regularly provided care, protection, and  
21 supervision of a consumer living in the home of his or her parents,  
22 for periods of less than 24 hours per day, while the parents are  
23 engaged in employment outside of the home or educational  
24 activities leading to employment, or both.

25 (5) A regional center shall only consider in-home supportive  
26 services a generic resource when the approved in-home supportive  
27 services meets the respite need as identified in the consumer’s  
28 individual program plan (IPP) or individualized family service  
29 plan (IFSP).

30 (b) For consumers receiving respite services on July 1, 2009,  
31 as part of their IPP or IFSP, subdivision (a) shall apply on August  
32 1, 2009.

33 (c) This section shall remain in effect until implementation of  
34 the individual choice budget pursuant to Section 4648.6 and  
35 certification by the Director of Developmental Services that the  
36 individual choice budget has been implemented and will result in  
37 state budget savings sufficient to offset the costs associated with  
38 the repeal of this section. This section shall be repealed on the date  
39 of certification.

1 ~~SEC. 4.~~

2 *SEC. 2.* Section 4688.1 of the Welfare and Institutions Code  
3 is amended to read:

4 4688.1. (a) Notwithstanding any other provision of law or  
5 regulation to the contrary, vendors of behavior management,  
6 activity center, and adult development center day programs, social  
7 recreation programs, socialization training programs, community  
8 integration training programs, community activities support  
9 programs, creative art programs, and work activity programs may  
10 offer an alternative senior program component focused on the  
11 needs of individuals with developmental disabilities who are over  
12 50 years of age, at a rate not to exceed the lesser of thirty-five  
13 dollars (\$35) per day or the vendor's existing daily rate. The  
14 alternative senior program component shall be provided at a ratio  
15 of no more than eight consumers to one staff member.

16 (b) Effective July 1, 2009, at the time of development, review,  
17 or modification of an eligible consumer's individual program plan,  
18 regional centers, as appropriate, shall provide information about  
19 and offer an alternative senior program. The alternative senior  
20 program ~~shall~~ *may* be offered to eligible consumers who want to  
21 transition to a program component focused on the needs and  
22 interests of seniors.

23 (c) *Consistent with the intent of this division, the alternative*  
24 *senior program component shall be offered within the provider's*  
25 *existing vendored capacity as reflected in its program design or*  
26 *licensed capacity. In order to meet consumer demand for this*  
27 *option, vendors may formulate agreements to meet the objectives*  
28 *of this section.*

29 (e)

30 (d) Regional centers shall take appropriate steps to ensure that  
31 sufficient program capacity exists to meet the individual needs of  
32 consumers wishing to enroll in an alternative senior program that  
33 is consistent with the individual's individual program plan.

34 ~~SEC. 5.~~ Section 4688.2 of the Welfare and Institutions Code  
35 is amended to read:

36 ~~4688.2.~~ (a) ~~Notwithstanding any other provision of law or~~  
37 ~~regulation to the contrary, vendors of behavior management,~~  
38 ~~activity center, and adult development center adult day programs,~~  
39 ~~community integration training programs, and community activities~~  
40 ~~support services programs may offer an alternative customized~~

1 ~~program component with an appropriate staffing component to~~  
2 ~~meet individualized consumer needs.~~

3 ~~(1) Regional centers shall take all appropriate steps to make~~  
4 ~~sure that sufficient program capacity with appropriate staffing~~  
5 ~~components exists to meet the individual needs of consumers~~  
6 ~~wishing to enroll in an alternative customized program that is~~  
7 ~~consistent with the individual's individual program plan.~~

8 ~~(2) The regional center shall fund customized programs based~~  
9 ~~on the vendor's existing rate and only fund those hours provided.~~

10 ~~(b) Effective July 1, 2009, at the time of development, review,~~  
11 ~~or modification of a consumer's individual program plan, regional~~  
12 ~~centers, as appropriate, shall provide information about and make~~  
13 ~~available the customized program option.~~

14 ~~(1) The alternative customized program component shall be~~  
15 ~~offered to individuals with developmental disabilities who want a~~  
16 ~~program focused on their individualized needs and interests to~~  
17 ~~develop or maintain employment or volunteer activities in lieu of~~  
18 ~~their current program.~~

19 ~~(2) Total hours of service for this alternative customized~~  
20 ~~program shall range between 20 and 80 hours per month, per~~  
21 ~~person, depending on the support needs of the individual.~~

22 ~~SEC. 6. Section 4692 of the Welfare and Institutions Code is~~  
23 ~~amended to read:~~

24 ~~4692. (a) Effective August 1, 2009, subject to subdivisions~~  
25 ~~(c) and (e), regional centers shall not compensate a work activity~~  
26 ~~program, activity center, adult development center, behavior~~  
27 ~~management program, social recreation program, adaptive skills~~  
28 ~~trainer, infant development program, program support group (day~~  
29 ~~service), socialization training program, client/parent support~~  
30 ~~behavior intervention training program, community integration~~  
31 ~~training program, community activities support service, or creative~~  
32 ~~arts program, as defined in Title 17 of the California Code of~~  
33 ~~Regulations, for providing service to a consumer on any of the~~  
34 ~~following holidays:~~

35 ~~(1) January 1.~~

36 ~~(2) The third Monday in January.~~

37 ~~(3) The third Monday in February.~~

38 ~~(4) March 31.~~

39 ~~(5) The last Monday in May.~~

40 ~~(6) July 4.~~

- 1 ~~(7) The first Monday in September.~~
- 2 ~~(8) Thanksgiving Day.~~
- 3 ~~(9) The day after Thanksgiving Day.~~
- 4 ~~(10) December 25.~~
- 5 ~~(11) Until July 1, 2011, the four business days between~~
- 6 ~~December 25 and January 1.~~

7 ~~(b) Effective August 1, 2009, subject to subdivisions (c) and~~  
 8 ~~(c), regional centers shall not compensate a transportation~~  
 9 ~~vendor/family member, transportation company,~~  
 10 ~~transportation/additional component vendor, transportation broker,~~  
 11 ~~transportation assistant/vendor, transportation vendor/auto driver,~~  
 12 ~~or transportation vendor/public or rental car agency or taxi, in~~  
 13 ~~accordance with Title 17 of the California Code of Regulations,~~  
 14 ~~for transporting a consumer to receive services from the vendors~~  
 15 ~~specified in subdivision (a) for the holidays set forth in paragraphs~~  
 16 ~~(1) to (11), inclusive, of subdivision (a).~~

17 ~~(e) If a holiday listed in this section falls on a Saturday, the~~  
 18 ~~previous Friday shall be deemed the holiday in lieu of the day~~  
 19 ~~observed. If a holiday listed in this section falls on a Sunday, the~~  
 20 ~~following Monday shall be deemed to be the holiday in lieu of the~~  
 21 ~~day observed.~~

22 ~~(d) Contracts between the vendors described in this section and~~  
 23 ~~regional centers shall reflect the holiday closures set forth in this~~  
 24 ~~section and shall be renegotiated accordingly, as necessary.~~

25 ~~(e) The department may adjust the holidays set forth in~~  
 26 ~~subdivision (a) through a program directive. This directive shall~~  
 27 ~~be provided to the regional centers and posted on the department's~~  
 28 ~~Internet Web site at least 60 days prior to the effective date of the~~  
 29 ~~change in holiday.~~

30 ~~SEC. 7.~~

31 ~~SEC. 3.~~ This act is an urgency statute necessary for the  
 32 immediate preservation of the public peace, health, or safety within  
 33 the meaning of Article IV of the Constitution and shall go into  
 34 immediate effect. The facts constituting the necessity are:

35 In order to preserve needed services for persons with  
 36 developmental disabilities, it is necessary for this act to take effect  
 37 immediately.

O