

AMENDED IN SENATE JANUARY 4, 2012

**SENATE BILL**

**No. 683**

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**Introduced by Senator Correa**

February 18, 2011

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An act to amend Section 21177 of the Public Resources Code, relating to the environment add Section 7574 to the Government Code, relating to children's services.

LEGISLATIVE COUNSEL'S DIGEST

SB 683, as amended, Correa. ~~Environment: California Environmental Quality Act: noncompliance allegations: public comment. Early intervention services: assessments.~~

*Existing law, the California Early Intervention Services Act, is administered jointly by the Secretary of the California Health and Human Services Agency and the Superintendent of Public Instruction, with the State Department of Developmental Services as the lead agency responsible for administration and coordination of the statewide system of services for the enhancement of the development of children who have disabilities or who are at risk of having disabilities and to minimize the potential for delays in their development. Under existing law, these provisions are in effect only until the state terminates its participation in prescribed components of the federal Individuals with Disabilities Education Act.*

*This bill would require the secretary and the Superintendent of Public Instruction to, among other things, require the use of an interagency electronic integrated assessment for these purposes. The bill would also establish the Special Children's Electronic Integrated Assessment Instrument Fund in the State Treasury to be made available, upon appropriation, for the implementation of this bill. The bill would require*

*the Director of Finance to file a prescribed notice if sufficient moneys are available in the fund to implement the bill.*

~~The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also 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 provides for a public review period for the public to review a draft EIR, proposed negative declaration, or proposed mitigated negative declaration. CEQA requires a lead agency to evaluate and respond to comments on a draft EIR, proposed negative declaration, or proposed mitigated negative declaration made during the public review period and authorizes a lead agency to evaluate and respond to comments made on a draft EIR when the comments are submitted after the public review period. CEQA requires an action or proceeding alleging noncompliance with its requirements to be based on grounds that were presented to the public agency orally or in writing by any person unless the person objected to the approval of the project orally or in writing, during the public comment period provided under CEQA or prior to the close of the public hearing on the project before the issuance of the notice of determination.~~

~~This bill instead would prohibit these actions or proceedings unless the oral or written presentation or objection occurs during the public comment period provided under CEQA or prior to the close of the public hearing on the project before the filing, rather than issuance, of the notice of determination.~~

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

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

- 1     SECTION 1. Section 7574 is added to the Government Code,
- 2     to read:
- 3     7574. (a) The Legislature finds and declares all of the
- 4     following:

1 (1) Children receiving special education and related services  
2 are often clients of a regional center and of the California  
3 Children’s Services program, and recipients of county health or  
4 mental health services, as well as the beneficiary of private,  
5 commercial, or other nongovernment insurance.

6 (2) Each organization that provides these services may require  
7 separate assessments annually and may require parents to provide  
8 the same information multiple times on separate required forms.

9 (3) Multiple assessments can be a burden on families and  
10 children who must find the time and resources to travel to several  
11 different locations each year for multiple assessments.

12 (b) With the goal of finding ways to consolidate assessments  
13 and the attendant paperwork, the Secretary of the California Health  
14 and Human Services Agency and the Superintendent of Public  
15 Instruction, or their designees, shall do all of the following:

16 (1) Require the use of an interagency electronic integrated  
17 assessment instrument (EIAI) by all authorized, qualified personnel  
18 of the state and local agencies that provide services, the treating  
19 therapists, physicians, service providers, governmental employees,  
20 nonpublic agencies, and other qualified private health practitioners  
21 and education professionals, when conducting an assessment.

22 (2) Ensure that authorization for access to the child’s medical  
23 records contained on the EIAI is with the consent of the parents  
24 or other legal guardian, or by the adult consumer, and in  
25 conformance with federal Health Insurance Portability and  
26 Accountability Act laws.

27 (3) Implement a process whereby all of the following occur:

28 (A) A comprehensive assessment is completed at least annually  
29 to meet the needs of every agency that is required to conduct an  
30 assessment.

31 (B) The comprehensive assessment is completed by a qualified  
32 health practitioner or education professional of each relevant  
33 discipline.

34 (C) The comprehensive assessment findings are input and stored  
35 in the EIAI for access by all authorized persons.

36 (4) Coordinate the agencies responsible for providing services  
37 to children with disabilities in utilizing the EIAI and prorate each  
38 share of the costs of the special needs assessment among the  
39 governmental and private agencies responsible for the assessment  
40 in accordance with the agency’s percentage of responsibility for

1 *the assessment, and any applicable private insurance carriers of*  
 2 *the child.*

3 *(5) Further the maximum utilization of all state and federal*  
 4 *resources available to provide a child with a disability a free,*  
 5 *appropriate public education and related services by limiting*  
 6 *assessments, at the discretion of the parent, to one annual*  
 7 *interagency assessment per relevant discipline, in lieu of requiring*  
 8 *a duplication of assessments within the same discipline.*

9 *(c) (1) There is hereby created the Special Children’s Electronic*  
 10 *Integrated Assessment Instrument (“EIAI”) Fund in the State*  
 11 *Treasury.*

12 *(2) The fund shall contain donations that have been collected*  
 13 *and deposited for the purposes of this section, as well as any*  
 14 *federal funds made available for purposes of this section.*  
 15 *Notwithstanding Section 16305.7, the fund shall also contain any*  
 16 *interest and dividends earned on moneys in the fund. No state*  
 17 *funds shall be used to implement subdivision (b) of this section.*

18 *(3) Subject to paragraph (4), moneys in the Special Children’s*  
 19 *EIAI Fund shall be available, upon appropriation by the*  
 20 *Legislature, for implementation of subdivision (b) of this section.*

21 *(4) No moneys shall be expended from the fund until the Director*  
 22 *of Finance determines that sufficient moneys are in the fund to*  
 23 *implement subdivision (b) of this section. If sufficient moneys are*  
 24 *in the fund, the Director of Finance shall file a written notice*  
 25 *thereof with the Secretary of State. Subdivision (b) shall not be*  
 26 *implemented until moneys in the fund are appropriated for*  
 27 *purposes of this section.*

28 ~~SECTION 1. Section 21177 of the Public Resources Code, as~~  
 29 ~~amended by Section 11 of Chapter 496 of the Statutes of 2010, is~~  
 30 ~~amended to read:~~

31 ~~21177. (a) An action or proceeding shall not be brought~~  
 32 ~~pursuant to Section 21167 unless the alleged grounds for~~  
 33 ~~noncompliance with this division were presented to the public~~  
 34 ~~agency orally or in writing by any person during the public~~  
 35 ~~comment period provided by this division or prior to the close of~~  
 36 ~~the public hearing on the project before the filing of the notice of~~  
 37 ~~determination pursuant to Sections 21108 and 21152.~~

38 ~~(b) A person shall not maintain an action or proceeding unless~~  
 39 ~~that person objected to the approval of the project orally or in~~  
 40 ~~writing during the public comment period provided by this division~~

1 or prior to the close of the public hearing on the project before the  
2 filing of the notice of determination pursuant to Sections 21108  
3 and 21152.

4 (e) ~~This section does not preclude any organization formed after~~  
5 ~~the approval of a project from maintaining an action pursuant to~~  
6 ~~Section 21167 if a member of that organization has complied with~~  
7 ~~subdivisions (a) and (b). The grounds for noncompliance may have~~  
8 ~~been presented directly by a member or by a member agreeing~~  
9 ~~with or supporting the comments of another person.~~

10 (d) ~~This section does not apply to the Attorney General.~~

11 (e) ~~This section does not apply to any alleged grounds for~~  
12 ~~noncompliance with this division for which there was no public~~  
13 ~~hearing or other opportunity for members of the public to raise~~  
14 ~~those objections orally or in writing prior to the approval of the~~  
15 ~~project, or if the public agency failed to give the notice required~~  
16 ~~by law.~~

17 (f) ~~This section shall remain in effect only until January 1, 2016,~~  
18 ~~and as of that date is repealed, unless a later enacted statute, that~~  
19 ~~is enacted before January 1, 2016, deletes or extends that date.~~

20 ~~SEC. 2. Section 21177 of the Public Resources Code, as added~~  
21 ~~by Section 12 of Chapter 496 of the Statutes of 2010, is amended~~  
22 ~~to read:~~

23 ~~21177. (a) An action or proceeding shall not be brought~~  
24 ~~pursuant to Section 21167 unless the alleged grounds for~~  
25 ~~noncompliance with this division were presented to the public~~  
26 ~~agency orally or in writing by any person during the public~~  
27 ~~comment period provided by this division or prior to the close of~~  
28 ~~the public hearing on the project before the filing of the notice of~~  
29 ~~determination pursuant to Sections 21108 and 21152.~~

30 (b) ~~A person shall not maintain an action or proceeding unless~~  
31 ~~that person objected to the approval of the project orally or in~~  
32 ~~writing during the public comment period provided by this division~~  
33 ~~or prior to the close of the public hearing on the project before the~~  
34 ~~filing of notice of determination pursuant to Sections 21108 and~~  
35 ~~21152.~~

36 (e) ~~This section does not preclude any organization formed after~~  
37 ~~the approval of a project from maintaining an action pursuant to~~  
38 ~~Section 21167 if a member of that organization has complied with~~  
39 ~~subdivision (b).~~

40 (d) ~~This section does not apply to the Attorney General.~~

- 1     ~~(e) This section does not apply to any alleged grounds for~~
- 2     ~~noncompliance with this division for which there was no public~~
- 3     ~~hearing or other opportunity for members of the public to raise~~
- 4     ~~those objections orally or in writing prior to the approval of the~~
- 5     ~~project, or if the public agency failed to give the notice required~~
- 6     ~~by law.~~
- 7     ~~(f) This section shall become operative on January 1, 2016.~~