

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN ASSEMBLY JUNE 20, 2013

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 555**

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**Introduced by Senator Correa  
(Principal coauthor: Senator Padilla)**

February 22, 2013

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An act to amend Section 95020 of the Government Code, and to amend Sections 4512, 4642, 4643, and 4646 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 555, as amended, Correa. Developmental services: regional centers: individual program plans and individualized family service plans.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services contracts with regional centers to provide services and supports to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP) or individualized family service plan (IFSP), developed in accordance with prescribed requirements. Existing law states that it is the intent of the Legislature to ensure that the individual program plan and provision of services and supports by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual and the family, as specified.

This bill would ~~require, unless it is clearly not feasible to do so,~~ *require* a regional center *to make every reasonable effort* to communicate in the family’s native language during the IFSP planning process and to provide a copy of the IFSP in the family’s native language. The bill would require the family’s native language to be documented in the IFSP. The bill would similarly ~~require, unless it is clearly not feasible to do so,~~ *require* a regional center *to make every reasonable effort* to communicate in the consumer’s native language, or, when appropriate, the native language of his or her family, legal guardian, conservator, or authorized representative, during the IPP planning process and to provide a copy of the IPP in the native language of the consumer or his or her family, legal guardian, conservator, or authorized representative, or both. The bill would require the native language of the consumer or his or her family, legal guardian, or authorized representative, or both, to be documented in the IPP.

Under existing law, a person believed to have a developmental disability or to have a high risk of parenting a developmentally disabled infant is eligible for initial intake and assessment in the regional centers, as specified.

This bill would ~~require, unless it is clearly not feasible to do so,~~ *require* a regional center *to make every reasonable effort* to communicate with the consumer and his or her family pursuant to those provisions in their native language.

This bill would make other conforming changes.

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

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

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) California’s diverse language and ethnic communities
- 3 account for about 60 percent of its population. The number of
- 4 people in the United States who do not speak English as their native
- 5 language has grown 140 percent over the past three decades. In
- 6 California, about 40 percent of Californians speak a language other
- 7 than English at home, and the number of individuals whose first
- 8 language is not English is rapidly growing.
- 9 (b) Health disparities can result in significant health, social, and
- 10 economic consequences. Culturally and linguistically competent
- 11 health care services can assist in achieving health equity. Health

1 literacy plays a central role in promoting quality of life, health  
2 development, and health behaviors across all groups and life stages.  
3 (c) To address any disparities in the regional center system, it  
4 is the intent of the Legislature that the State Department of  
5 Developmental Services and regional centers ensure that all  
6 consumers and their families receive culturally and linguistically  
7 competent information, including written documents, about the  
8 individual program plan and individualized family service plan  
9 processes and procedures.

10 ~~SEC. 2. Section 95020 of the Government Code is amended~~  
11 ~~to read:~~

12 ~~95020. (a) An eligible infant or toddler shall have an~~  
13 ~~individualized family service plan. The individualized family~~  
14 ~~service plan shall be used in place of an individualized education~~  
15 ~~program required pursuant to Sections 4646 and 4646.5 of the~~  
16 ~~Welfare and Institutions Code, the individualized program plan~~  
17 ~~required pursuant to Section 56340 of the Education Code, or any~~  
18 ~~other applicable service plan.~~

19 ~~(b) For an infant or toddler who has been evaluated for the first~~  
20 ~~time, a meeting to share the results of the evaluation, to determine~~  
21 ~~eligibility and, for children who are eligible, to develop the initial~~  
22 ~~individualized family service plan shall be conducted within 45~~  
23 ~~calendar days of receipt of the written referral. Evaluation results~~  
24 ~~and determination of eligibility may be shared in a meeting with~~  
25 ~~the family prior to the individualized family service plan. Written~~  
26 ~~parent consent to evaluate and assess shall be obtained within the~~  
27 ~~45-day timeline. A regional center, local educational agency, or~~  
28 ~~the designee of one of those entities shall initiate and conduct this~~  
29 ~~meeting. Families shall be afforded the opportunity to participate~~  
30 ~~in all decisions regarding eligibility and services. During intake~~  
31 ~~and assessment, but no later than the individualized family service~~  
32 ~~plan meeting, the parents, legal guardian, or conservator shall~~  
33 ~~provide copies of any health benefit cards under which the~~  
34 ~~consumer is eligible to receive health benefits, including, but not~~  
35 ~~limited to, private health insurance, a health care service plan,~~  
36 ~~Medi-Cal, Medicare, and TRICARE. If the individual, or, where~~  
37 ~~appropriate, the parents, legal guardians, or conservators, have no~~  
38 ~~such benefits, the regional center shall not use that fact to~~  
39 ~~negatively impact the services that the individual may or may not~~  
40 ~~receive from the regional center.~~

1 ~~(e) Parents shall be fully informed of their rights, including the~~  
2 ~~right to invite another person, including a family member or an~~  
3 ~~advocate or peer parent, or any or all of them, to accompany them~~  
4 ~~to any or all individualized family service plan meetings. With~~  
5 ~~parental consent, a referral shall be made to the local family~~  
6 ~~resource center or network.~~

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

9 ~~(1) A statement of the infant's or toddler's present levels of~~  
10 ~~physical development including vision, hearing, and health status,~~  
11 ~~cognitive development, communication development, social and~~  
12 ~~emotional development, and adaptive developments.~~

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

16 ~~(3) A statement of the major outcomes expected to be achieved~~  
17 ~~for the infant or toddler and family where services for the family~~  
18 ~~are related to meeting the special developmental needs of the~~  
19 ~~eligible infant or toddler.~~

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

23 ~~(5) (A) A statement of the specific early intervention services~~  
24 ~~necessary to meet the unique needs of the infant or toddler as~~  
25 ~~identified in paragraph (3), including, but not limited to, the~~  
26 ~~frequency, intensity, location, duration, and method of delivering~~  
27 ~~the services, and ways of providing services in natural generic~~  
28 ~~environments, including group training for parents on behavioral~~  
29 ~~intervention techniques in lieu of some or all of the in-home parent~~  
30 ~~training component of the behavior intervention services, and~~  
31 ~~purchase of neighborhood preschool services and needed qualified~~  
32 ~~personnel in lieu of infant development programs.~~

33 ~~(B) Effective July 1, 2009, at the time of development, review,~~  
34 ~~or modification of an infant's or toddler's individualized family~~  
35 ~~service plan, the regional center shall consider both of the~~  
36 ~~following:~~

37 ~~(i) The use of group training for parents on behavior intervention~~  
38 ~~techniques, in lieu of some or all of the in-home parent training~~  
39 ~~component of the behavior intervention services.~~

- 1     ~~(ii) The purchase of neighborhood preschool services and needed~~  
2 ~~qualified personnel, in lieu of infant development programs.~~
- 3     ~~(6) A statement of the agency responsible for providing the~~  
4 ~~identified services.~~
- 5     ~~(7) The name of the service coordinator who shall be responsible~~  
6 ~~for facilitating implementation of the plan and coordinating with~~  
7 ~~other agencies and persons.~~
- 8     ~~(8) The steps to be taken to ensure transition of the infant or~~  
9 ~~toddler upon reaching three years of age to other appropriate~~  
10 ~~services. These may include, as appropriate, special education or~~  
11 ~~other services offered in natural environments.~~
- 12     ~~(9) The projected dates for the initiation of services in paragraph~~  
13 ~~(5) and the anticipated duration of those services.~~
- 14     ~~(e) Each service identified on the individualized family service~~  
15 ~~plan shall be designated as one of three types:~~
- 16         ~~(1) An early intervention service, as defined in subsection (4)~~  
17 ~~of Section 1432 of Title 20 of the United States Code, and~~  
18 ~~applicable regulations, that is provided or purchased through the~~  
19 ~~regional center, local educational agency, or other participating~~  
20 ~~agency. The State Department of Health Care Services, State~~  
21 ~~Department of Social Services, and State Department of Alcohol~~  
22 ~~and Drug Programs shall provide services in accordance with state~~  
23 ~~and federal law and applicable regulations, and up to the level of~~  
24 ~~funding as appropriated by the Legislature. Early intervention~~  
25 ~~services identified on an individualized family service plan that~~  
26 ~~exceed the funding, statutory, and regulatory requirements of these~~  
27 ~~departments shall be provided or purchased by regional centers or~~  
28 ~~local educational agencies under subdivisions (b) and (c) of Section~~  
29 ~~95014. The State Department of Health Care Services, State~~  
30 ~~Department of Social Services, and State Department of Alcohol~~  
31 ~~and Drug Programs shall not be required to provide early~~  
32 ~~intervention services over their existing funding, statutory, and~~  
33 ~~regulatory requirements.~~
- 34         ~~(2) Another service, other than those specified in paragraph (1),~~  
35 ~~which the eligible infant or toddler or his or her family may receive~~  
36 ~~from other state programs, subject to the eligibility standards of~~  
37 ~~those programs.~~
- 38         ~~(3) A referral to a nonrequired service that may be provided to~~  
39 ~~an eligible infant or toddler or his or her family. Nonrequired~~  
40 ~~services are those services that are not defined as early intervention~~

1 ~~services or do not relate to meeting the special developmental~~  
2 ~~needs of an eligible infant or toddler related to the disability, but~~  
3 ~~that may be helpful to the family. The granting or denial of~~  
4 ~~nonrequired services by a public or private agency is not subject~~  
5 ~~to appeal under this title. Notwithstanding any other provision of~~  
6 ~~law or regulation to the contrary, effective July 1, 2009, with the~~  
7 ~~exception of durable medical equipment, regional centers shall not~~  
8 ~~purchase nonrequired services, but may refer a family to a~~  
9 ~~nonrequired service that may be available to an eligible infant or~~  
10 ~~toddler or his or her family.~~

11 ~~(f) An annual review, and other periodic reviews, of the~~  
12 ~~individualized family service plan for an infant or toddler and the~~  
13 ~~infant's or toddler's family shall be conducted to determine the~~  
14 ~~degree of progress that is being made in achieving the outcomes~~  
15 ~~specified in the plan and whether modification or revision of the~~  
16 ~~outcomes or services is necessary. The frequency, participants,~~  
17 ~~purpose, and required processes for annual and periodic reviews~~  
18 ~~shall be consistent with the statutes and regulations under Part C~~  
19 ~~of the federal Individuals with Disabilities Education Act (20~~  
20 ~~U.S.C. Sec. 1431 et seq.) and this title, and shall be specified in~~  
21 ~~regulations adopted pursuant to Section 95028. At the time of the~~  
22 ~~review, the parents, legal guardian, or conservator shall provide~~  
23 ~~copies of any health benefit cards under which the consumer is~~  
24 ~~eligible to receive health benefits, including, but not limited to,~~  
25 ~~private health insurance, a health care service plan, Medi-Cal,~~  
26 ~~Medicare, and TRICARE. If the parents, legal guardian, or~~  
27 ~~conservator have no such benefit cards, the regional center shall~~  
28 ~~not use that fact to negatively impact the services that the individual~~  
29 ~~may or may not receive from the regional center.~~

30 ~~(g) (1) Unless it is clearly not feasible to do so, a regional center~~  
31 ~~shall communicate in the family's native language during the~~  
32 ~~planning process for the individualized family service plan,~~  
33 ~~including during the individualized family service plan meeting.~~

34 ~~(2) Unless it is clearly not feasible to do so, a regional center~~  
35 ~~shall provide a copy of the individualized family service plan in~~  
36 ~~the family's native language.~~

37 ~~(3) The family's native language shall be documented in the~~  
38 ~~individualized family service plan.~~

39 *SEC. 2. Section 95020 of the Government Code is amended to*  
40 *read:*

1 95020. (a) An eligible infant or toddler shall have an  
2 individualized family service plan. The individualized family  
3 service plan shall be used in place of an individualized education  
4 program required pursuant to Sections 4646 and 4646.5 of the  
5 Welfare and Institutions Code, the individualized program plan  
6 required pursuant to Section 56340 of the Education Code, or any  
7 other applicable service plan.

8 (b) For an infant or toddler who has been evaluated for the first  
9 time, a meeting to share the results of the evaluation, to determine  
10 eligibility and, for children who are eligible, to develop the initial  
11 individualized family service plan shall be conducted within 45  
12 calendar days of receipt of the written referral. Evaluation results  
13 and determination of eligibility may be shared in a meeting with  
14 the family prior to the individualized family service plan. Written  
15 parent consent to evaluate and assess shall be obtained within the  
16 45-day timeline. A regional center, local educational agency, or  
17 the designee of one of those entities shall initiate and conduct this  
18 meeting. Families shall be afforded the opportunity to participate  
19 in all decisions regarding eligibility and services. During intake  
20 and assessment, but no later than the ~~IFSP~~ *individualized family*  
21 *service plan* meeting, the parents, legal guardian, or conservator  
22 shall provide copies of any health benefit cards under which the  
23 consumer is eligible to receive health benefits, including, but not  
24 limited to, private health insurance, a health care service plan,  
25 Medi-Cal, Medicare, and TRICARE. If the individual, or, where  
26 appropriate, the parents, legal guardians, or conservators, have no  
27 such benefits, the regional center shall not use that fact to  
28 negatively impact the services that the individual may or may not  
29 receive from the regional center.

30 (c) Parents shall be fully informed of their rights, including the  
31 right to invite another person, including a family member or an  
32 advocate or peer parent, or any or all of them, to accompany them  
33 to any or all individualized family service plan meetings. With  
34 parental consent, a referral shall be made to the local family  
35 resource center or network.

36 (d) The individualized family service plan shall be in writing  
37 and shall address all of the following:

38 (1) A statement of the infant's or toddler's present levels of  
39 physical development including vision, hearing, and health status,

1 cognitive development, communication development, social and  
2 emotional development, and adaptive developments.

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

6 (3) A statement of the major outcomes expected to be achieved  
7 for the infant or toddler and family where services for the family  
8 are related to meeting the special developmental needs of the  
9 eligible infant or toddler.

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

13 (5) (A) A statement of the specific early intervention services  
14 necessary to meet the unique needs of the infant or toddler as  
15 identified in paragraph (3), including, but not limited to, the  
16 frequency, intensity, location, duration, and method of delivering  
17 the services, and ways of providing services in natural generic  
18 environments, including group training for parents on behavioral  
19 intervention techniques in lieu of some or all of the in-home parent  
20 training component of the behavior intervention services, and  
21 purchase of neighborhood preschool services and needed qualified  
22 personnel in lieu of infant development programs.

23 (B) Effective July 1, 2009, at the time of development, review,  
24 or modification of an infant's or toddler's individualized family  
25 service plan, the regional center shall consider both of the  
26 following:

27 (i) The use of group training for parents on behavior intervention  
28 techniques, in lieu of some or all of the in-home parent training  
29 component of the behavior intervention services.

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

32 (6) A statement of the agency responsible for providing the  
33 identified services.

34 (7) The name of the service coordinator who shall be responsible  
35 for facilitating implementation of the plan and coordinating with  
36 other agencies and persons.

37 (8) The steps to be taken to ensure transition of the infant or  
38 toddler upon reaching three years of age to other appropriate  
39 services. These may include, as appropriate, special education or  
40 other services offered in natural environments.

1 (9) The projected dates for the initiation of services in paragraph  
2 (5) and the anticipated duration of those services.

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

5 (1) An early intervention service, as defined in subsection (4)  
6 of Section 1432 of Title 20 of the United States Code, and  
7 applicable regulations, that is provided or purchased through the  
8 regional center, local educational agency, or other participating  
9 agency. The State Department of Health Care Services and the  
10 State Department of Social Services shall provide services in  
11 accordance with state and federal law and applicable regulations,  
12 and up to the level of funding as appropriated by the Legislature.  
13 Early intervention services identified on an individualized family  
14 service plan that exceed the funding, statutory, and regulatory  
15 requirements of these departments shall be provided or purchased  
16 by regional centers or local educational agencies under subdivisions  
17 (b) and (c) of Section 95014. The State Department of Health Care  
18 Services and the State Department of Social Services shall not be  
19 required to provide early intervention services over their existing  
20 funding, statutory, and regulatory requirements.

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

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

38 (f) An annual review, and other periodic reviews, of the  
39 individualized family service plan for an infant or toddler and the  
40 infant's or toddler's family shall be conducted to determine the

1 degree of progress that is being made in achieving the outcomes  
2 specified in the plan and whether modification or revision of the  
3 outcomes or services is necessary. The frequency, participants,  
4 purpose, and required processes for annual and periodic reviews  
5 shall be consistent with the statutes and regulations under Part C  
6 of the federal Individuals with Disabilities Education Act (20  
7 U.S.C. Sec. 1431 et seq.) and this title, and shall be specified in  
8 regulations adopted pursuant to Section 95028. At the time of the  
9 review, the parents, legal guardian, or conservator shall provide  
10 copies of any health benefit cards under which the consumer is  
11 eligible to receive health benefits, including, but not limited to,  
12 private health insurance, a health care service plan, Medi-Cal,  
13 Medicare, and TRICARE. If the parents, legal guardian, or  
14 conservator have no such benefit cards, the regional center shall  
15 not use that fact to negatively impact the services that the individual  
16 may or may not receive from the regional center.

17 *(g) (1) A regional center shall make every reasonable effort to*  
18 *communicate in the family’s native language during the planning*  
19 *process for the individualized family service plan, including during*  
20 *the individualized family service plan meeting.*

21 *(2) A regional center shall make every reasonable effort to*  
22 *provide a copy of the individualized family service plan in the*  
23 *family’s native language.*

24 *(3) The family’s native language shall be documented in the*  
25 *individualized family service plan.*

26 *(4) (A) To ensure compliance with Part C of the federal*  
27 *Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400*  
28 *et seq.) and implementing regulations, “every reasonable effort”*  
29 *shall mean all effort necessary to achieve the stated requirements*  
30 *of this subdivision, unless it is clearly not feasible to do so.*

31 *(B) To ensure compliance with Sections 11135 to 11139.5,*  
32 *inclusive, and implementing regulations, for any requirement other*  
33 *than the requirements under Part C of the federal Individuals with*  
34 *Disabilities Education Act and implementing regulations, “every*  
35 *reasonable effort” shall mean all effort necessary to achieve the*  
36 *stated requirements of this subdivision, unless it is determined that*  
37 *the effort would place an undue hardship on the regional center*  
38 *pursuant to Sections 11135 to 11139.5, inclusive, and implementing*  
39 *regulations. This subdivision shall not limit the procedural*

1 *safeguards provided under Part C of the federal Individuals with*  
2 *Disabilities Education Act and implementing regulations.*

3 SEC. 3. Section 4512 of the Welfare and Institutions Code is  
4 amended to read:

5 4512. As used in this division:

6 (a) “Developmental disability” means a disability that originates  
7 before an individual attains 18 years of age; continues, or can be  
8 expected to continue, indefinitely; and constitutes a substantial  
9 disability for that individual. As defined by the Director of  
10 Developmental Services, in consultation with the Superintendent  
11 of Public Instruction, this term shall include intellectual ~~disability~~  
12 *disability*, cerebral palsy, epilepsy, and autism. This term shall  
13 also include disabling conditions found to be closely related to  
14 intellectual disability or to require treatment similar to that required  
15 for individuals with an intellectual ~~disability~~ *disability*, but shall  
16 not include other handicapping conditions that are solely physical  
17 in nature.

18 (b) “Services and supports for persons with developmental  
19 disabilities” means specialized services and supports or special  
20 adaptations of generic services and supports directed toward the  
21 alleviation of a developmental disability or toward the social,  
22 personal, physical, or economic habilitation or rehabilitation of an  
23 individual with a developmental disability, or toward the  
24 achievement and maintenance of independent, productive, and  
25 normal lives. The determination of which services and supports  
26 are necessary for each consumer shall be made through the  
27 individual program plan process. The determination shall be made  
28 on the basis of the needs and preferences of the consumer or, when  
29 appropriate, the consumer’s family, and shall include consideration  
30 of a range of service options proposed by individual program plan  
31 participants, the effectiveness of each option in meeting the goals  
32 stated in the individual program plan, and the cost-effectiveness  
33 of each option. Services and supports listed in the individual  
34 program plan may include, but are not limited to, diagnosis,  
35 evaluation, treatment, personal care, day care, domiciliary care,  
36 special living arrangements, physical, occupational, and speech  
37 therapy, training, education, supported and sheltered employment,  
38 mental health services, recreation, counseling of the individual  
39 with a developmental disability and of his or her family, protective  
40 and other social and sociolegal services, information and referral

1 services, follow-along services, adaptive equipment and supplies,  
2 advocacy assistance, including self-advocacy training, facilitation  
3 and peer advocates, assessment, assistance in locating a home,  
4 child care, behavior training and behavior modification programs,  
5 camping, community integration services, community support,  
6 daily living skills training, emergency and crisis intervention,  
7 facilitating circles of support, habilitation, homemaker services,  
8 infant stimulation programs, paid roommates, paid neighbors,  
9 respite, short-term out-of-home care, social skills training,  
10 specialized medical and dental care, supported living arrangements,  
11 technical and financial assistance, travel training, training for  
12 parents of children with developmental disabilities, training for  
13 parents with developmental disabilities, vouchers, and  
14 transportation services necessary to ensure delivery of services to  
15 persons with developmental disabilities. Nothing in this subdivision  
16 is intended to expand or authorize a new or different service or  
17 support for any consumer unless that service or support is contained  
18 in his or her individual program plan.

19 (c) Notwithstanding subdivisions (a) and (b), for any  
20 organization or agency receiving federal financial participation  
21 under the federal Developmental Disabilities Assistance and Bill  
22 of Rights Act of 2000, as amended, “developmental disability”  
23 and “services for persons with developmental disabilities” mean  
24 the terms as defined in the federal act to the extent required by  
25 federal law.

26 (d) “Consumer” means a person who has a disability that meets  
27 the definition of developmental disability set forth in subdivision  
28 (a).

29 (e) “Natural supports” means personal associations and  
30 relationships typically developed in the community that enhance  
31 the quality and security of life for people, including, but not limited  
32 to, family relationships, friendships reflecting the diversity of the  
33 neighborhood and the community, associations with fellow students  
34 or employees in regular classrooms and workplaces, and  
35 associations developed through participation in clubs,  
36 organizations, and other civic activities.

37 (f) “Circle of support” means a committed group of community  
38 members, who may include family members, meeting regularly  
39 with an individual with developmental disabilities in order to share  
40 experiences, promote autonomy and community involvement, and

1 assist the individual in establishing and maintaining natural  
2 supports. A circle of support generally includes a plurality of  
3 members who neither provide nor receive services or supports for  
4 persons with developmental disabilities and who do not receive  
5 payment for participation in the circle of support.

6 (g) “Facilitation” means the use of modified or adapted  
7 materials, special instructions, equipment, or personal assistance  
8 by an individual, such as assistance with communications, that  
9 will enable a consumer to understand and participate to the  
10 maximum extent possible in the decisions and choices that effect  
11 his or her life.

12 (h) “Family support services” means services and supports that  
13 are provided to a child with developmental disabilities or his or  
14 her family and that contribute to the ability of the family to reside  
15 together.

16 (i) “Voucher” means any authorized alternative form of service  
17 delivery in which the consumer or family member is provided with  
18 a payment, coupon, chit, or other form of authorization that enables  
19 the consumer or family member to choose his or her own service  
20 provider.

21 (j) “Planning team” means the individual with developmental  
22 disabilities, the parents or legally appointed guardian of a minor  
23 consumer or the legally appointed conservator of an adult  
24 consumer, the authorized representative, including those appointed  
25 pursuant to subdivision (d) of Section 4548 and subdivision (e) of  
26 Section 4705, one or more regional center representatives,  
27 including the designated regional center service coordinator  
28 pursuant to subdivision (b) of Section 4640.7, any individual,  
29 including a service provider, invited by the consumer, the parents  
30 or legally appointed guardian of a minor consumer or the legally  
31 appointed conservator of an adult consumer, or the authorized  
32 representative, including those appointed pursuant to subdivision  
33 (d) of Section 4548 and subdivision (e) of Section 4705, and  
34 including a minor’s, dependent’s, or ward’s court-appointed  
35 developmental services decisionmaker appointed pursuant to  
36 Section 319, 361, or 726.

37 (k) “Stakeholder organizations” means statewide organizations  
38 representing the interests of consumers, family members, service  
39 providers, and statewide advocacy organizations.

1 (l) “Substantial disability” means the existence of significant  
 2 functional limitations in three or more of the following areas of  
 3 major life activity, as determined by a regional center, and as  
 4 appropriate to the age of the person:

- 5 (1) Self-care.
- 6 (2) Receptive and expressive language.
- 7 (3) Learning.
- 8 (4) Mobility.
- 9 (5) Self-direction.
- 10 (6) Capacity for independent living.
- 11 (7) Economic self-sufficiency.

12 Any reassessment of substantial disability for purposes of  
 13 continuing eligibility shall utilize the same criteria under which  
 14 the individual was originally made eligible.

15 (m) “Native language” means the language normally used or  
 16 the preferred language identified by the individual and, when  
 17 appropriate, his or her parent, legal guardian or conservator, or  
 18 authorized representative.

19 *(n) To ensure compliance with Sections 11135 to 11139.5,*  
 20 *inclusive, of the Government Code and implementing regulations,*  
 21 *“every reasonable effort” means all effort necessary to achieve*  
 22 *the stated requirements of the applicable provisions of this division,*  
 23 *unless it is determined that the effort would place an undue*  
 24 *hardship on the regional center pursuant to Sections 11135 to*  
 25 *11139.5, inclusive, of the Government Code and implementing*  
 26 *regulations. This subdivision shall not limit the rights established*  
 27 *in Chapter 7 (commencing with Section 4700).*

28 SEC. 4. Section 4642 of the Welfare and Institutions Code is  
 29 amended to read:

30 4642. (a) (1) Any person believed to have a developmental  
 31 disability, and any person believed to have a high risk of parenting  
 32 a developmentally disabled infant shall be eligible for initial intake  
 33 and assessment services in the regional centers. In addition, any  
 34 infant having a high risk of becoming developmentally disabled  
 35 may be eligible for initial intake and assessment services in the  
 36 regional centers. For purposes of this section, “high-risk infant”  
 37 means a child less than 36 months of age whose genetic, medical,  
 38 or environmental history is predictive of a substantially greater  
 39 risk for developmental disability than that for the general  
 40 population. The department, in consultation with the State

1 Department of Public Health, shall develop specific risk and service  
2 criteria for the high-risk infant program on or before July 1, 1983.  
3 These criteria may be modified in subsequent years based on  
4 analysis of actual clinical experience.

5 (2) Initial intake shall be performed within 15 working days  
6 following request for assistance. Initial intake shall include, but  
7 need not be limited to, information and advice about the nature  
8 and availability of services provided by the regional center and by  
9 other agencies in the community, including guardianship,  
10 conservatorship, income maintenance, mental health, housing,  
11 education, work activity and vocational training, medical, dental,  
12 recreational, and other services or programs that may be useful to  
13 persons with developmental disabilities or their families. Intake  
14 shall also include a decision to provide assessment.

15 (b) ~~Unless it is clearly not feasible to do so, a~~ A regional center  
16 shall *make every reasonable effort to* communicate with the  
17 consumer and his or her family pursuant to this section in their  
18 native language.

19 SEC. 5. Section 4643 of the Welfare and Institutions Code is  
20 amended to read:

21 4643. (a) If assessment is needed, the assessment shall be  
22 performed within 120 days following initial intake. Assessment  
23 shall be performed as soon as possible and in no event more than  
24 60 days following initial intake where any delay would expose the  
25 client to unnecessary risk to his or her health and safety or to  
26 significant further delay in mental or physical development, or the  
27 client would be at imminent risk of placement in a more restrictive  
28 environment. Assessment may include collection and review of  
29 available historical diagnostic data, provision or procurement of  
30 necessary tests and evaluations, and summarization of  
31 developmental levels and service needs and is conditional upon  
32 receipt of the release of information specified in subdivision (b).

33 (b) In determining if an individual meets the definition of  
34 developmental disability contained in subdivision (a) of Section  
35 4512, the regional center may consider evaluations and tests,  
36 including, but not limited to, intelligence tests, adaptive functioning  
37 tests, neurological and neuropsychological tests, diagnostic tests  
38 performed by a physician, psychiatric tests, and other tests or  
39 evaluations that have been performed by, and are available from,  
40 other sources.

1 (c) At the time of assessment, the individual, or, where  
2 appropriate, the parents, legal guardian, or conservator, shall  
3 provide copies of any health benefit cards under which the  
4 consumer is eligible to receive health benefits, including, but not  
5 limited to, private health insurance, a health care service plan,  
6 Medi-Cal, Medicare, and TRICARE. If the individual, or where  
7 appropriate, the parents, legal guardians, or conservators, have no  
8 such benefits, the regional center shall not use that fact to  
9 negatively impact the services that the individual may or may not  
10 receive from the regional center.

11 (d) ~~Unless it is clearly not feasible to do so, a~~A regional center  
12 shall *make every reasonable effort to* communicate with the  
13 consumer and his or her family pursuant to this section in their  
14 native language.

15 SEC. 6. Section 4646 of the Welfare and Institutions Code is  
16 amended to read:

17 4646. (a) It is the intent of the Legislature to ensure that the  
18 individual program plan and provision of services and supports  
19 by the regional center system is centered on the individual and the  
20 family of the individual with developmental disabilities and takes  
21 into account the needs and preferences of the individual and the  
22 family, where appropriate, as well as promoting community  
23 integration, independent, productive, and normal lives, and stable  
24 and healthy environments. It is the further intent of the Legislature  
25 to ensure that the provision of services to consumers and their  
26 families be effective in meeting the goals stated in the individual  
27 program plan, reflect the preferences and choices of the consumer,  
28 and reflect the cost-effective use of public resources.

29 (b) The individual program plan is developed through a process  
30 of individualized needs determination. The individual with  
31 developmental disabilities and, where appropriate, his or her  
32 parents, legal guardian or conservator, or authorized representative,  
33 shall have the opportunity to actively participate in the development  
34 of the plan.

35 (c) An individual program plan shall be developed for any  
36 person who, following intake and assessment, is found to be  
37 eligible for regional center services. These plans shall be completed  
38 within 60 days of the completion of the assessment. At the time  
39 of intake, the regional center shall inform the consumer and, where  
40 appropriate, his or her parents, legal guardian or conservator, or

1 authorized representative, of the services available through the  
2 local area board and the protection and advocacy agency designated  
3 by the Governor pursuant to federal law, and shall provide the  
4 address and telephone numbers of those agencies.

5 (d) Individual program plans shall be prepared jointly by the  
6 planning team. Decisions concerning the consumer's goals,  
7 objectives, and services and supports that will be included in the  
8 consumer's individual program plan and purchased by the regional  
9 center or obtained from generic agencies shall be made by  
10 agreement between the regional center representative and the  
11 consumer or, where appropriate, the parents, legal guardian,  
12 conservator, or authorized representative at the program plan  
13 meeting.

14 (e) Regional centers shall comply with the request of a  
15 consumer, or when appropriate, the request of his or her parents,  
16 legal guardian, conservator, or authorized representative, that a  
17 designated representative receive written notice of all meetings to  
18 develop or revise his or her individual program plan and of all  
19 notices sent to the consumer pursuant to Section 4710. The  
20 designated representative may be a parent or family member.

21 (f) If a final agreement regarding the services and supports to  
22 be provided to the consumer cannot be reached at a program plan  
23 meeting, then a subsequent program plan meeting shall be  
24 convened within 15 days, or later at the request of the consumer  
25 or, when appropriate, the parents, legal guardian, conservator, or  
26 authorized representative or when agreed to by the planning team.  
27 Additional program plan meetings may be held with the agreement  
28 of the regional center representative and the consumer or, where  
29 appropriate, the parents, legal guardian, conservator, or authorized  
30 representative.

31 (g) An authorized representative of the regional center and the  
32 consumer or, when appropriate, his or her parent, legal guardian,  
33 conservator, or authorized representative shall sign the individual  
34 program plan prior to its implementation. If the consumer or, when  
35 appropriate, his or her parent, legal guardian, conservator, or  
36 authorized representative, does not agree with all components of  
37 the plan, he or she may indicate that disagreement on the plan.  
38 Disagreement with specific plan components shall not prohibit the  
39 implementation of services and supports agreed to by the consumer  
40 or, when appropriate, his or her parent, legal guardian, conservator,

1 or authorized representative. If the consumer or, when appropriate,  
2 his or her parent, legal guardian, conservator, or authorized  
3 representative, does not agree with the plan in whole or in part, he  
4 or she shall be sent written notice of the fair hearing rights, as  
5 required by Section 4701.

6 (h) (1) ~~Unless it is clearly not feasible to do so, a~~ A regional  
7 center shall *make every reasonable effort to* communicate in the  
8 consumer’s native language, or, when appropriate, the native  
9 language of his or her family, legal guardian, conservator, or  
10 authorized representative, during the planning process for the  
11 individual program plan, including during the program plan  
12 meeting.

13 (2) ~~Unless it is clearly not feasible to do so, a~~ A regional center  
14 shall *make every reasonable effort to* provide a copy of the  
15 individual program plan in the native language of the consumer  
16 or his or her family, legal guardian, conservator, or authorized  
17 representative, or both.

18 (3) The native language of the consumer or his or her family,  
19 legal guardian, conservator, or authorized representative, or both,  
20 shall be documented in the individual program plan.