

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 287**

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**Introduced by Assembly Member Beall**  
**(Coauthors: Assembly Members Fuentes and Yamada)**

February 13, 2009

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*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~~ *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 state the intent of the Legislature to enact legislation that would result in a significant increase in the number of individuals with developmental disabilities who engage in gainful employment, including integrated employment require the individual program planning process for transition age youth and working age adults to~~

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

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

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

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

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

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

21 (4)

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

32 (5)

33 (6) When agreed to by the consumer, the parents or legally  
34 appointed guardian of a minor consumer, or the legally appointed  
35 conservator of an adult consumer or the authorized representative,  
36 including those appointed pursuant to subdivision (d) of Section  
37 4548 and subdivision (e) of Section 4705, a review of the general  
38 health status of the ~~adult or child~~ *consumer* including a medical,  
39 dental, and mental health needs shall be conducted. This review  
40 shall include a discussion of current medications, any observed

1 side effects, and the date of last review of the medication. Service  
2 providers shall cooperate with the planning team to provide ~~any~~  
3 information necessary to complete the health status review. If ~~any~~  
4 concerns are noted during the review, referrals shall be made to  
5 regional center clinicians or to the consumer's physician, as  
6 appropriate. Documentation of health status and referrals shall be  
7 made in the consumer's record by the service coordinator.

8 (6)

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

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

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

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

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

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

CHAPTER 14. EMPLOYMENT FIRST POLICY

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

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

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

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

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

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

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

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

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

(a) "Committee" means the Employment First Committee established pursuant to Section 4868.7.

(b) "Gainful employment" means work where the individual with a developmental disability earns minimum wage or higher. Gainful employment also includes self-employment and microenterprises.

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

1 4868.5. (a) The Legislature places a high priority on providing  
2 supported employment and other integrated employment  
3 opportunities for working age adults with developmental  
4 disabilities. Integrated employment is the primary service option  
5 for working age adults upon completion of their formal education,  
6 including postsecondary education or vocational training.

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

18 4868.7. (a) The State Council on Developmental Disabilities  
19 shall form a standing Employment First Committee consisting of  
20 the following members:

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

24 (2) A member of the consumer advisory committee of the state  
25 counsel.

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

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

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

38 (2) Identifying strategies, best practices, and incentives for  
39 increasing integrated employment and gainful employment  
40 opportunities for people with developmental disabilities, including,

1 but not limited to, ways to improve the transition planning process  
2 for students 14 years of age or older, and to develop partnerships  
3 with, and increase participation by, public and private employers  
4 and job developers.

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

9 (4) Recommending legislative, regulatory, and policy changes  
10 for increasing the percentage of people with developmental  
11 disabilities in integrated and gainful employment, including, but  
12 not limited to, recommendations for improving transition planning  
13 and services for students with developmental disabilities who are  
14 14 years of age or older.

15 (d) The committee, no later than July 1, 2011, and annually  
16 thereafter, shall provide a report to the appropriate policy  
17 committees of the Legislature and to the Governor describing its  
18 work and recommendations.

19 ~~SECTION 1. It is the intent of the Legislature to enact~~  
20 ~~legislation that would result in a significant increase in the number~~  
21 ~~of individuals with developmental disabilities who engage in~~  
22 ~~gainful employment, including integrated employment.~~