

AMENDED IN ASSEMBLY MAY 21, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 287

Introduced by Assembly Member Beall
(Coauthors: Assembly Members *Fuentes Buchanan, Eng, Fuentes,*
***Portantino, and Yamada*)**

February 13, 2009

An act to amend Section 4646.5 of, and to add Chapter 14 (commencing with Section 4868) to Division 4.5 of, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 287, as amended, Beall. Persons with developmental disabilities: employment.

Existing law, the Lanterman Developmental Disabilities Services Act, grants persons with developmental disabilities the right to receive services and supports to meet their needs. Existing law requires that the State Department of Developmental Services contract with private nonprofit corporations for the operation of regional centers to obtain services and supports for an individual with a developmental disability in accordance with his or her individual program plan (IPP).

Existing law establishes an independent State Council on Developmental Disabilities to, among other things, develop and implement the state plan required by the federal government.

This bill would require 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: 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
22 shall be stated in terms that allow measurement of progress or

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

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

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

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

30 (6) When agreed to by the consumer, the parents or legally
31 appointed guardian of a minor consumer, or the legally appointed
32 conservator of an adult consumer or the authorized representative,
33 including those appointed pursuant to subdivision (d) of Section
34 4548 and subdivision (e) of Section 4705, a review of the general
35 health status of the consumer including a medical, dental, and
36 mental health needs shall be conducted. This review shall include
37 a discussion of current medications, any observed side effects, and
38 the date of last review of the medication. Service providers shall
39 cooperate with the planning team to provide information necessary
40 to complete the health status review. If concerns are noted during

1 the review, referrals shall be made to regional center clinicians or
2 to the consumer's physician, as appropriate. Documentation of
3 health status and referrals shall be made in the consumer's record
4 by the service coordinator.

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

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

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

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

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

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

33
34 CHAPTER 14. EMPLOYMENT FIRST POLICY
35

36 4868. This chapter shall be known, and may be cited, as the
37 Employment First Policy.

38 4868.1. The Legislature finds and declares all of the following:

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

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

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

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

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

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

24 4868.3. For purposes of this chapter, the following definitions
25 shall apply:

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

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

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

34 4868.5. (a) The Legislature places a high priority on providing
35 supported employment and other integrated employment
36 opportunities for working age adults with developmental
37 disabilities. Integrated employment is the primary service option
38 for working age adults upon completion of their formal education,
39 including postsecondary education or vocational training.

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

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

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

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

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

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

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

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

1 (3) Identifying existing sources of employment data and
2 recommending goals for, and approaches to measuring progress
3 in, increasing integrated employment and gainful employment of
4 people with developmental disabilities.

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

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