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AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 287

Introduced by Assembly Member Beall
(Coauthors: Assembly Members Buchanan, Chesbro, Eng, Fuentes,
Krekorian, and ~~Portantino~~ Portantino, and Yamada)
(Coauthor: Senator Alquist)

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.

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 the committee's 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
23 monitoring of service delivery. These goals and objectives should

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

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

9 (4) When developing an individual program plan for a transition
10 age youth or working age adult, the regional center shall be guided
11 by the Employment First Policy set forth in Chapter 14
12 (commencing with Section 4868).

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

23 (6) When agreed to by the consumer, the parents or legally
24 appointed guardian of a minor consumer, or the legally appointed
25 conservator of an adult consumer or the authorized representative,
26 including those appointed pursuant to subdivision (d) of Section
27 4548 and subdivision (e) of Section 4705, a review of the general
28 health status of the consumer including a medical, dental, and
29 mental health needs shall be conducted. This review shall include
30 a discussion of current medications, any observed side effects, and
31 the date of last review of the medication. Service providers shall
32 cooperate with the planning team to provide information necessary
33 to complete the health status review. If concerns are noted during
34 the review, referrals shall be made to regional center clinicians or
35 to the consumer's physician, as appropriate. Documentation of
36 health status and referrals shall be made in the consumer's record
37 by the service coordinator.

38 (7) A schedule of regular periodic review and reevaluation to
39 ascertain that planned services have been provided, that objectives
40 have been fulfilled within the times specified, and that consumers

1 and families are satisfied with the individual program plan and its
2 implementation.

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

11 (c) (1) The department, with the participation of representatives
12 of a statewide consumer organization, the Association of Regional
13 Center Agencies, an organized labor organization representing
14 service coordination staff, and the Organization of Area Boards
15 shall prepare training material and a standard format and
16 instructions for the preparation of individual program plans, which
17 embodies an approach centered on the person and family.

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

20 (3) The department shall biennially review a random sample of
21 individual program plans at each regional center to ensure that
22 these plans are being developed and modified in compliance with
23 Section 4646 and this section.

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

26
27 CHAPTER 14. EMPLOYMENT FIRST POLICY
28

29 4868. This chapter shall be known, and may be cited, as the
30 Employment First Policy.

31 4868.1. The Legislature finds and declares all of the following:

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

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

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

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

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

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

17 4868.3. For purposes of this chapter, the following definitions
18 shall apply:

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

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

25 ~~(c)~~

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

28 4868.5. (a) The Legislature places a high priority on providing
29 supported employment and other integrated employment
30 opportunities for working age adults with developmental
31 disabilities. Integrated employment is the primary service option
32 for working age adults upon completion of their formal education,
33 including postsecondary education or vocational training.

34 (b) The intended outcome of the Employment First Policy is a
35 significant increase in the number of individuals with
36 developmental disabilities who engage in integrated ~~and gainful~~
37 ~~employment~~ employment, self-employment, and microenterprises,
38 ~~and in the number of individuals who earn wages at or above~~
39 ~~minimum wage.~~ The Employment First Policy is in furtherance of
40 the intent of this division that services and supports be available

1 to enable persons with developmental disabilities to approximate
2 the pattern of everyday living available to people without
3 disabilities of the same age and that support their integration into
4 the mainstream life of the community, and that those services and
5 supports result in more independent, productive, and normal lives
6 for the persons served.

7 (c) In furtherance of the Employment First Policy, the
8 Legislature intends that, beginning when a consumer is 14 years
9 of age, planning teams discuss school-to-work opportunities during
10 individual program plan meetings, and that the regional center
11 representatives inform the consumer, parent, legal guardian, or
12 conservator that the regional center is available, upon request, to
13 participate in the consumer's individualized education plan
14 meetings to discuss transition planning.

15 (d) *Nothing in this section is intended to limit service and*
16 *support options otherwise available to consumers, or the rights*
17 *of consumers, or, where appropriate, parents, legal guardians, or*
18 *conservators to make choices in their own lives.*

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

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

25 (2) A member of the consumer advisory committee of the state
26 council.

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

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

37 (1) Identifying the respective roles and responsibilities of state
38 and local agencies in enhancing integrated and gainful employment
39 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.

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

(4) ~~Recommending legislative, regulatory, and policy changes for increasing the percentage of people with developmental disabilities in integrated and gainful employment, including, but~~ *for increasing the number of individuals with developmental disabilities in integrated employment, self-employment, and microenterprises, and who earn wages at or above minimum wage,* not limited to, recommendations for improving transition planning and services for students with developmental disabilities who are 14 years of age or older.

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

CORRECTIONS:

Coauthors—Page 1.