



<h2 style="margin: 0;">Regional Advisory Committee Agenda</h2>
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Date	Tuesday, December 8, 2015
Time	11:00 a.m. – 1:00 p.m.* * Ending time may vary depending on RAC action.
Location	Sacramento Office 2033 Howe Avenue, Ste. 160 Sacramento, CA 95825 (916) 263-3085
Tele-Conference Location	1071 E. San Bernardino Avenue South Lake Tahoe, CA 96150 (530) 577-8012

Pursuant to Government code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact Monique von Schimmelmenn at (916) 263-3085 or by email to: Monique.vonschimmelmenn@scdd.ca.gov. Requests must be received by 5:00 pm, December 3, 2015.

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|-----------|--|-------------------|
| 1) | Call to Order, Chairperson, Dan Clift (FA) | 11:00 a.m. |
| | Welcome & Introductions | |
| 2) | Approval of Agenda, Dan Clift (FA) | (action) |
| 3) | Approval of RAC Meeting Minutes from September 22, 2015, Dan Clift (FA) | (action) |
| 4) | Brief reports from RAC members on issues in their counties | |

5) Public Comment Period

This item is for members of the public only to provide comments and/or present information to the RAC on matters not on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first. The RAC will provide a public comment period, not to exceed a total of seven minutes, for public comment prior to action on each agenda item.

6) Regional Center Report (5 minutes) Peter Tiedemann

7) Regional Office Manager's Report & Discussion Sonya Bingaman

8) Nominations and voting for RAC Chair, Dan Clift (FA) (action)

Break (5 minutes)

9) Presentation: Richard Garret and Dennis Curry, Employment Plus, Video and Discussion

10) Documenting Disability Exhibit will be on Display. Arrive a few minutes early or plan to stay a few minutes late to read poster boards. Or you can see them online at www.documentingdisability.com

11) Adjournment – Dan Clift (FA)

1:00 p.m.



Regional Advisory Committee – Sacramento Office
 Minutes
 September 22, 2015
 Unapproved

<u>Members Present</u>	<u>Members Absent</u>	<u>Others Attending</u>
Dan Clift (FA)	David Kelly (SA)	Sonya Bingaman
Tyler Busselen (SA)	Elaine Linn (FA)	Monique von Schimmelmann
Regina Collins (FA)		Kathy Brian
Christine Hickey (FA)		Sue Anne Bennett
Donnell Kenworthy (FA)		Rachel Anderson
Robert Rogers (SA)		Dana Wentz (SA)
Jane Taylor (FA)		Lori Wentz (FA)
		Antonio Biondi (SA)
		Joyce McNair (FA)
		Sandra Smith (FA)
		John Rogers (SA)

- 1) Call to Order/Establishment of quorum.
 Chairperson Dan Clift (FA) called meeting to order at 11:05 a.m. and a quorum was established. Members and others attending introduced themselves.

- 2) Approval of Agenda (action) Dan Clift (FA)
It was moved/seconded (Chris Hickey (FA) / Jane Taylor (FA)) and carried to approve the agenda. (No Abstentions)

- 3) Approval of Board Meeting Minutes from July 28, 2015 (action) Dan Clift (FA)

It was moved/seconded (Jane Taylor (FA)/ (Donnell Kenworthy (FA)) and carried to approve meeting minutes as presented. (No Abstention)

4) Brief reports from RAC members on issues in their counties:

- Donnell Kenworthy (FA) reported that People First Language may be adopted by Yolo County Office of Education; they are encouraging all districts to participate.
- Robert Rogers (SA) was proud to announce that People First of Grass Valley received a PADS Grant to have an Emergency Preparedness booth at the Nevada County Fair. They will also be a part of the Emergency Preparedness presentation coordinated by SCDD Sacramento, at the Supported Life Conference, on October 8-9.

5) Public Comment Period

- Joyce McNair (FA) asked that people sign up for the Outreach Workgroup of the Self-Determination Advisory Committee to help inform the 20,000 consumers in our 10-county area about Self-Determination. The meeting will be held October 14, 2015 from 10-12 at Alta Regional.

6) Regional Center Report (5 minutes) Peter Tiedemann – Did not attend

7) Staff Reports

Sonya Bingaman updated the RAC on meetings, trainings, resource fairs and activities of the Sacramento Regional Office over the past two months.

- Empowering Self-Advocacy Workshop took place on September 11th with 15 leaders of agencies, trainers, advocates, and self-advocates. Speaking and presentation skills were worked on as well as methods to increase the training of self-advocacy skills.
- Nevada County Fair. Staffed an information table and informed consumers and family members about Employment First and Self-Determination. Staff also networked with many local providers of service and learned about current issues in the area.
- Speak for Justice Rally March. This was a well attended Rally and summaries of “where we are” with additional funding for the DD

Legend

SA = Self – Advocate

FA = Family Advocate

System are included in the packet. At this point there has been no increase to funding.

- The Little Hoover Commission meets September 24th at 9:30 a.m. at the Capitol. SCDD staff will give public input. They will be using some of our collected stories as a background to their report. Everyone is encouraged to attend and give public input.
- State Plan Surveys. Now available in English, Spanish, Arabic, Farsi, Eastern Armenian, Cantonese, Mandarin, Hindi, Hmong, Vietnamese, Khmer, Korean, Russian, Tagalog, and Urdu. Please help us reach some of these communities!
- Supported Life Conference is coming up; they will be having a raffle and are looking for un-used items that could be donated. The due date for donations is September 30th.
- There was a public hearing in Sonoma on September 21, 2015. DDS posted their closure plan for Sonoma DC. There were many worried and concerned families in attendance, they had a chance to speak and be heard.
- Alta Regional Center organized a meeting with families of the 50 residents living at SDC. The message was to encourage families to assist with the transition and let the Regional Center know their preferences. RFPs are posted that will develop 80+ beds in this area.
- Bingaman also reported that we are currently working on collaborating with Disability Rights California (DRC) and Ruderman & Knox to schedule a series of Special Education trainings.
- Sue Anne Bennett gave a presentation of what it is like to be an NCI interviewer. She was able to observe the impact of budget cuts on consumers over the years. She is excited about the statistical data collected by NCI in hopes it will identify needed services. In general, her observation is that most consumers are satisfied with their services. The need for improved transition to adulthood, meaningful employment, and socialization programs has been observed.

Break (5 minutes)

Legend

SA = Self – Advocate

FA = Family Advocate

- Rachel Anderson from Ability Tools gave a presentation about the Device Lending Library. It is a statewide program, all of their resources are free, the agency loans out equipment for a 30 day trial period. Ability Tools will assist with locating or referring individuals to obtain funding for long term AT needs. They accept donations of items.

Adjournment – Dan Clift (FA)

12:52 p.m.

IEP VS. 504



What is an IEP and Who Qualifies?

IDEA (Individuals with Disabilities Education Act) provides federal funds to state and local agencies to guarantee special education and related services to children with disabilities. To be eligible for an **IEP** under this law, your child must meet these criteria:

- Be between the ages of 3 and 21
- Have an identified disability that impedes learning to the point that the child needs specialized instruction in order to close the gap between the child's own academic achievement and that of his/her age peers. Whether your child has a qualifying disability is determined at an **IEP** meeting, using the results of standardized assessments as well as other informal and formal data collection. It requires unanimous agreement from the members of a multidisciplinary team that includes one or more of the following: special educator, psychologist, parent, related service provider, and general education teacher.

Additional members of the team include other individuals with knowledge or expertise regarding the child, and a representative of the local school agency who is qualified to provide or supervise specially designed instruction for children with disabilities. The team must agree that your child's disability falls under one of the 13 federally mandated categories and that it interferes with the child's education and performance.

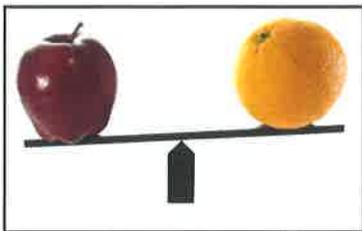
What is a 504 Plan and Who Qualifies?

As part of the Rehabilitation Act of 1973, Congress passed Section 504. This civil rights law protects people with disabilities by eliminating barriers and allowing full participation in areas of life such as education and the workplace. Section 504 is intended to prohibit disability discrimination by recipients of federal financial assistance and by public entities.

A **504 Plan** is for students who have a disability, have a record of a disability, or are treated as having a disability but do not qualify for special education services under **IDEA**.

It is important to realize that eligibility under Section 504 isn't a consolation prize for students who do not qualify for special education services under **IDEA**. Before deciding whether a student is eligible for this type of plan, the child must be assessed and the school team must agree that the child has a substantial and pervasive impairment in order to be eligible under this federal law. The purpose of a **504 Plan** is to level the playing field and allow a child to get the accommodations and modifications needed to access the curriculum at the same level as his/her peers.

How Does an IEP Compare with a 504 Plan?

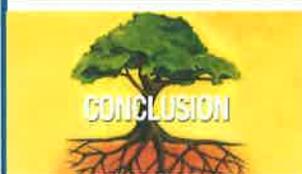


The contents of an IEP are specified by law. This type of plan must contain:

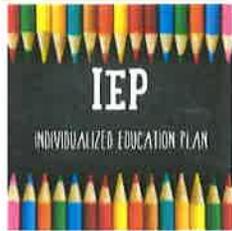
- A statement of the student's present level of performance
- A statement to address how the child's disability affects participation in the general education curriculum
- Measurable annual goals and objectives related to the child's needs resulting from the child's disability
- A statement of special education-related services, supplementary aids, and other services to be provided
- Descriptions of program modifications and supports for school personnel
- Explanation of the extent, if any, to which the child will not participate with non-disabled children
- Explanation as to how the parents of the child will regularly be informed of the child's progress toward annual goals
- A statement of whether the child will take district or state-wide achievement tests and if those tests will be taken with or without accommodations or modifications
- Explanation of why the child will not participate in such assessments if the IEP team makes that decision
- A statement of how the student will be tested if the district or state-wide tests are not used
- Projected date for initiating services and modifications and the frequency, duration, and location of those services and modifications
- The need for an extended school year
- Transition requirements for students aged 14 and older. Unlike the IEP for special education, there are no legal requirements for what should be included in the **504 Plan**. Providing a free appropriate public education (FAPE) under Section 504 often means identifying reasonable accommodations to help the student succeed in the classroom.

A 504 accommodation plan usually addresses the following:

- Nature of the disability and major life activity it limits
- Basis for determining the disability
- Educational impact of the disability
- Necessary accommodations
- Placement in the least restrictive environment (LRE).



In summary, both documents (an IEP and a **504 Plan**) are federally mandated and require the school system to implement them and adhere to their provisions. However, the federal guidelines are oftentimes vague at best. To complicate matters even more, each state and local school agency has its own interpretations regarding the implementation of these federal laws. The decision as to which, if either, of the documents discussed here would best fit with the needs of your child is one that requires research. Take the time to learn about your parental rights and to fully understand the process of qualifying for either an IEP or a **504 Plan**. If you are still unsure whether an IEP or **504** best meets the needs of your child, seek the services of a professional skilled in this area.



I.E.P. BASICS



The I.E.P. Meeting

Your child should have an Individualized Education Plan (I.E.P.) meeting every year in order to review and/or develop the following:

- Present Levels of performance
- Measurable annual goals (SMART Goals)
- Special education services provided
- Related services being provided
- Determination of the Least Restrictive Environment
- Program modifications or accommodations
- Transition goals and services, if the child is 16 years or older



SMART I.E.P. GOALS ARE:

- Specific
- Measurable
- Action-Driven (use action words)
- Realistic and relevant
- Time-limited

Example:

By October 15, 2015, John will add single-digit numbers with 85% accuracy in 8 out of 10 trials using touch math.

Related Services

- Speech and language therapy
- Occupational therapy
- Physical therapy
- Audiological services
- Vision therapy
- Orientation and mobility instruction
- Adapted Physical Education (APE)
- Mental Health services
- Health and nursing services
- Assistive technology
- Transportation
- Social skills training
- Behavior intervention services (ABA)

Least Restrictive Environment

- General Education/Full Inclusion: Child is in a regular education classroom with non-disabled peers 100% of the time
- Mainstreaming: child spends some of the day within regular education setting
- Resource Specialist Program (RSP): child is fully included in most subjects, but is pulled out for extra tutorial assistance
- Special Day Class (SDC): classroom comprised of children with disabilities that need extra curriculum support
- County Program: examples include deaf and hard of hearing and emotionally disturbed classes
- Non-Public School (NPS): school only with children with disabilities
- Home/Hospital: children with medical needs that are unable to participate in classroom setting
- Residential Treatment Facility

Safeguards

• Compliance Compliant

You can file against the school district when they have not followed special educational laws or if they have not implemented what is already in your child's I.E.P.

- ◇ Filed with the California Department of Education who will conduct an investigation

• Due Process

This is a legal procedure that ensues when there is a disagreement between you and the school district as to what should go in the I.E.P.

- ◇ Often it starts with mediation in an attempt to develop a resolution without having to go to hearing
- ◇ Mediation is optional

Reminders to Parents

- You can request and I.E.P. meeting any time you have concerns
- The school has 30 days to schedule the requested I.E.P.
- Request copies of your child's assessments prior to the I.E.P. meeting
- You can bring an advocate, attorney, or friend to the meeting
- You can tape record your I.E.P. meeting (make sure to give written notice at least 24 hours in advance)
- Do not sign the I.E.P. unless you are completely satisfied

IDEA: Your Rights

Under the Individuals with Disabilities

Education Act, your child is entitled to (in part):

- An annual I.E.P.
 - ◇ You can request one anytime
 - ◇ The school has 30 days to schedule the requested meeting (EC 56343.5)
- A Free and Appropriate Public Education (FAPE)
 - ◇ From ages 3 to 21 (sometimes to 22)
 - ◇ Includes related services
- Placement in the Least Restrictive Environment (LRE)



Disability Rights California

Special Education Rights and Responsibilities

To order: (800) 776-5746

www.disabilityrightsca.org

California Department of Education

Composite of Laws

www.cde.ca.gov

CalSTAT

Tools to Develop, Implement, and Score a Behavior Support Plan

To order: <http://www.calstat.org>

Additional Online Resources:

- ◇ www.scdd.ca.gov
- ◇ www.wrightslaw.com
- ◇ www.warmlinefrc.org
- ◇ www.youtube.com

I.P.P. Basics

What You Should Know



The I.P.P. Meeting

Typically, a consumer's Individual Program Plan (I.P.P.) meeting is held annually at the consumer's home, or another mutually agreed upon location, in order to review present levels of performance and to develop new goals in the areas of:

- Living Options
- Health and Medical
- School/Employment/Vocational
- Behavioral Health
- Daily Living Needs
- Social /Recreational
- Financial/Money Management
- Emergency Preparedness
- Futures Planning

Regional centers fund services based upon a consumer's needs and corresponding goals. Therefore, it is essential to give your service coordinator an updated and accurate reflection of the consumer every year.

Remember to talk about:

- Strengths
- Abilities
- Accomplishments
- Future goals
- Areas of concern and areas of need

Regional Centers typically send the consumer the I.P.P. report within 45 days of the meeting. It is very important to take the time to read it carefully, as it is a legal document that will control services and supports for the entire year.

The consumer's I.P.P. needs to include:

- His/her needs, preferences, and choices
- Measurable desired outcomes (goals)
- Plans on how to achieve the desired outcomes
- Authorized services with a contract number

If you do not receive the I.P.P. in the mail, send a written request to your service coordinator.

If you do not agree with something in the I.P.P. report, immediately notify your service coordinator and request the necessary changes **in writing.**

Do not sign the I.P.P. until you agree with the report or note on the I.P.P. that you do not agree with specific sections.

Note that Regional Centers may review consumer eligibility every 3 years.



The I.P.P. Team

- Consumer
- Conservator or guardian
- Parents
- Care provider
- Regional center service coordinator
- Regional center decision-maker
- Anyone else the consumer invites

*Note that adult consumers who are not conserved may decide who participates at the meetings.

Reminders

You may...

- Request an I.P.P. meeting any time you have concerns
- Bring an advocate, attorney, or friend to the I.P.P. meeting
- Tape record the I.P.P. meeting (WIC 4646.6)

You should...

- Maintain a communication log to track important phone calls/messages
- Put all service-related requests in writing
- Keep all documentation in one place

I.P.P. BASICS - WHAT YOU SHOULD KNOW

Services Offered

- Adult day programs
- Behavior intervention services (ABA)
- Crisis intervention services
- Day care (through age 17)
- Durable and nondurable medical equipment
- Independent or supported living services
- Licensed residential services (board and care, group home placements)
- Medical and dental services
- Parenting classes (for consumers who are parents)
- Personal assistance
- Psychological assessments (for adults only)
- Respite care
- Supported employment
- Special education advocacy clinic referrals
- Transportation services

This is a sample list of services and supports.



Safeguards

If you disagree with a regional center decision, you may request:

- **Planning Team/I.P.P. Meeting:** Informal meeting that includes the consumer's service coordinator and a supervisor/decision maker
- **Informal Meeting:** Optional "first-step" meeting through the fair hearing process that includes regional center's fair hearing representative
- **Mediation:** Optional meeting through the fair hearing process and typically considered the "second-step" in the process. This meeting includes the regional center fair hearing representative and an administrative law judge from the Office of Administrative Hearings (OAH) as the mediator

- **Fair Hearing:** Legal proceedings whereby an Administrative Law Judge hears both sides of the case and makes the final decision

* *The informal meeting and mediation are optional. You may request the fair hearing only.*

Valuable Resources

- **Association of Regional Centers Agencies**
www.arcnet.org
- **Department of Developmental Services**
www.dds.ca.gov
- **Disability Rights California**
www.disabilityrightscalifornia.org
- **WarmLine Family Resource Center**
www.warmlinefrc.org
- **Rowell Family Empowerment**
www.empoweryourfamily.org
- **Alta California Regional Center**
www.altaregional.org
- **State Council on Developmental Disabilities**
www.scdd.ca.gov

Special Education Basics



1. Assessments

The state must identify, locate, and evaluate all children with disabilities who need special education and related services.

2. Eligibility

Assessments determine eligibility for special education and related services.

3. The Individual Education Plan (IEP)

Annual meeting to review/develop: present levels of performance; goals; services; placement; classroom accommodations; transition.



4. Related Services

Services your child may need in order to benefit from special education (speech therapy, occupational therapy, etc.)

5. Least Restrictive Environment (LRE)

The placement option that is the best fit for the student to have meaningful access to an education.



Sacramento Office
2033 Howe Avenue, Suite 160
Sacramento, CA 95825
www.scdd.ca.gov

Special Education Basics

- Assessment Timelines -

California Education Code §56321 and 56344

1.

Parent should receive a proposed assessment plan within 15 days of the school's receipt of the parent's written request.

Parent has at least 15 days to consent to the proposed assessment plan.

Following receipt of parental consent, the district has 60 days to hold an IEP and discuss the results of the assessment and special education eligibility.

- Eligibility -

Title 5, California Code of Regulations, §3030

2.

A student shall qualify as an individual with exceptional needs if the results of the assessment demonstrate that the degree of the student's impairment requires special education in one or more academic areas.

-The Individual Education Program (I.E.P.) -

Title 20, United States Code §1401 (b) (20)

3.

In developing each student's IEP, the IEP Team shall consider the strengths of the child; the concerns of the parents for enhancing their child's education; the results of the initial evaluation or most

recent evaluation; and the academic, developmental, and functional needs of the child.

- Related Services -

Title 34, Code of Federal Regulations, §300.34

(a)

4.

Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education. The qualified professional/therapist may provide services in a small group, individually, or in a consulted format.

- Least Restrictive Environment -

Title 20, United States Code, §1412 (a) (5) (A)

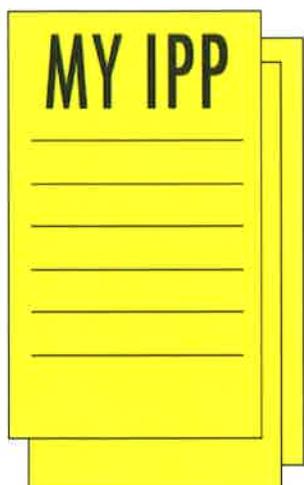
5.

Before a student with a disability can be placed outside of the regular educational environment, the full range of supplementary aids and services, that if provided would facilitate the student's placement in the regular classroom setting, must be considered.



THE SELF-DETERMINATION PROGRAM

The Department of Developmental Services is developing a new program called the Self-Determination Program that will let participants have more control over selecting their services and supports.



HELP MAKE THE CHOICES THAT AFFECT YOUR LIFE

1. Participate in the development of your Individual Program Plan (IPP) through a Person-Centered planning process.
2. Accept greater control and responsibility regarding the services and supports you need to achieve your goals.
3. You will still have a Service Coordinator to assist you. In addition, you may choose to use an Independent Facilitator (IF) to help plan and get services and supports.

YOUR INDIVIDUAL BUDGET

1. You will be given a specific budget to purchase the services and supports that you need to achieve your plan.
2. You must use a Financial Management Service (FMS) vendored by Alta California Regional Center (ACRC) to pay for your services.
3. You will be able to pick which providers or individuals deliver your services. They will require a background check but will not have to be vendored.





Steps of the Self-Determination Program

HOW TO GET INFORMATION

- Learn more at www.altaregional.org or www.dds.ca.gov
- Attend an informal session on Self-Determination
- Ask your Service Coordinator to put your name on the “interested list “

HOW TO GET ON THE LIST

1. Attend a mandatory Self-Determination Information Meeting organized by Alta California Regional Center (ACRC).
2. After you have participated in the Informational Meeting, if you still think that Self-Determination is a good option for you or your family member, ask your Service Coordinator to put your name on the “**Official List**” of those interested in enrolling in the Self-Determination Program. Being on the list does not guarantee you will be selected as part of the first 2,500 participants statewide.

HOW TO BE SELECTED

1. ACRC will send the “**Official List**” of those interested to DDS.
2. DDS will select the 2,500 enrollees from among those who have attended a **Self-Determination Information Meeting**. The selection takes into consideration regional center, ethnicity, age, gender, disability and diagnosis to ensure those selected represent the statewide regional center population.
3. Those selected will be contacted by ACRC to enroll in Self-Determination Trainings to begin participation in the Program.
4. After the initial three year rollout, all people receiving regional center services will have the choice to participate in the Self-Determination Program.



STAFF ACTIVITY: SYSTEMIC ADVOCACY VS. DIRECT INDIVIDUAL ADVOCACY

Introduction

State Councils engage in advocacy, capacity building, and system change activities that contribute to a comprehensive system of supports and services that is centered around and directed by clients and families. This system includes needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families. Councils are to promote self-determination, independence, productivity, integration, and inclusion in all facets of community life, through culturally competent programs. (Developmental Disabilities Assistance and Bill of Rights Act of 2000 [DD Act] Section 101[b], 101[b][1], and 101[b][1][B].)

The federally funded network serving people with intellectual and/or developmental disabilities (I/DD) and their families also includes the protection and advocacy systems, which protect the legal and human rights of individuals with developmental disabilities. (DD Act Section 101[b][2].) In California, Disability Rights California is the federal developmental disabilities network partner that is responsible for providing direct advocacy services and other legal supports and assistance to ensure that individuals with I/DD are able to exercise their rights to make choices, contribute to society and live independently. The federally funded network also includes, in California, the three University Centers for Excellence in Developmental Disabilities, which provide training, technical assistance, service, research, and information sharing with a focus on building the capacity of communities.

Given the focus on advocacy in the I/DD network, this paper clarifies advocacy activities that are and are not allowed to be provided by the staff of the State Council on Developmental Disabilities (Council). Such clarification may be issued as a departmental policy. The following addresses issues specific to the role and activities of the Council as authorized under the DD Act. (Public Law 106-402).

Types of Advocacy

Advocacy involves promoting the interests or cause of someone or a group of people. An advocate is a person who argues for, recommends, or supports a cause or policy. Advocacy is also about helping people find their voice.

For the purposes of State Council staff activities, there are two types of allowable advocacy: systemic advocacy and self-advocacy.

Systemic advocacy is about changing laws, rules, or agency practices to improve outcomes for Californians with developmental disabilities and their families. The Council is directly responsible for systemic advocacy. In this capacity, the Council is responsible for conducting a comprehensive review and analysis of the state disability system, which informs the State Plan. This work assists individuals with I/DD by addressing barriers at the local, state, or national level. The focus can be changing laws or changing written or unwritten policies. Activities supporting systemic advocacy include outreach, information gathering, training, barrier elimination, system design, system redesign, and informing policy makers.

Self-advocacy refers to an individual's ability to effectively communicate, convey, negotiate or assert his or her own interests, desires, needs, and rights. Self-advocacy means understanding one's strengths, needs, personal goals, legal rights, and legal responsibilities. It also means communicating these to others. Self-advocacy is speaking up for oneself. The Council facilitates and supports self-advocacy for people with I/DD and their families.

Facilitating and supporting family and self-advocacy focuses on empowering individuals to create change in their lives. The California Council supports and facilitates self-advocacy by informing individuals of their rights, instructing individuals on how to make complaints, providing information about the correct organizations to help create change, and encouraging individuals and families to speak for themselves.

Direct Individual Advocacy Services

As noted, State Councils engage in systemic advocacy—capacity building, and systemic change activities that contribute to a coordinated, comprehensive system that includes needed community services and individualized supports. The Council does not provide direct services to consumers and their families. The intent is for State Councils to impact the service delivery system, not become part of the delivery system.

Speaking or acting on behalf of an individual or family to obtain or access services is generally a form of direct service that may not be supported with federal funds. Unallowable State Council activities include attending meetings (e.g. Regional Center, schools or school districts, Social Security, Department of Rehabilitation) for individual agency-based supports and services or making calls to these agencies on an

individual's behalf. The prohibition on direct services to individuals does not, however, preclude collecting information for purposes of addressing systems issues, such as challenging an agency policy or practice that broadly violates the legal or service rights of people with I/DD.

The Council acknowledges that direct individual advocacy services are a critical need in the system. However, the Council's role includes advocating for funding, better services, barrier removal, and system change. The Council often hears, for example, from parents who need support when meeting with schools to discuss an individual education plan. In such instances, the Council would not provide individual advocacy services; however, Council staff may, for example, provide general information or materials on applicable law and/or refer the individual to an appropriate advocacy resource.

State Council Advocacy Activities

There are many effective activities that are consistent with the DD Act when working with individuals who are seeking advocacy support: e.g., providing information and referral, technical assistance, and training. These activities provide a benefit beyond helping individuals and families seeking advocacy supports. They leverage the strength of the California Council, with its headquarters in Sacramento and regional offices throughout the state, to provide an ongoing comprehensive review and analysis of the service system.

Additionally, staff may conduct surveys and use other means to collect information on problems that are emerging within their regions—which helps identify statewide trends—and communicate their findings to the Council for action.

Conclusion

While this paper focuses on the distinctions between permissible and impermissible advocacy activities, despite the limitations, there are countless advocacy activities that fulfill the State Council's purpose. Systemic advocacy marshals the Council's limited resources to serve the greatest number of people. Focusing on activities that impact the greatest number of individuals is a responsible and efficient way of enhancing the system of supports and services for people with I/DD and their families. With its headquarters and regional offices, the Council is structured to identify and address systemic issues at local, county, regional, and state levels.

From: Carruthers, Aaron@DSS
Sent: Friday, November 06, 2015 11:23 AM
To: CDSS SCD Members
Cc: CDSS SCD All Staff
Subject: Announcement: AIDD Removes SCDD From Reimbursement Status

Hello Council Members,

I am writing today with some exciting news: AIDD lifted the reimbursement restriction from the grant monies it awards to SCDD.

As a reminder, the Council exists in federal and state law and most of our funding comes from the federal government. Our federal funding source, the Administration on Intellectual and Developmental Disabilities (AIDD), issued a Monitoring and Technical Assistance Review System (MTARS) report in November of 2013. This MTARS report largely restated compliance problems cited in 1994, 2001, and 2006 MTARS reports. Based on the history of noncompliance, AIDD changed our grant from being awarded in quarterly amounts with one annual financial report to a reimbursement process where SCDD paid for activities first then submitted receipts monthly for reimbursement. This process took the collective effort of the Health and Human Services Agency, Department of Social Services, Department of Child Support, and our staff and resulted in monthly reports that included every receipt for every item spent. These reports were usually about one to two feet thick and took hundreds of staff hours to complete. I want to thank every person involved in doing what it took to keep the lights on, staff paid, and the good work that we do going. For two years, every expense was documented, submitted, and scrutinized and not a single one was rejected.

While budget and accounting staff worked on reimbursement packages, Council leaders and program staff addressed the core issues raised in the MTARS report, including changing our structure and how we help Californians. Each of us has been leading and serving through those many changes. Today, I'm proud to announce that AIDD saw enough progress to remove the reimbursement restriction.

In the Federal Fiscal Year 2016 (FFY 16) Award Letter, AIDD stated that they will no longer require SCDD to submit monthly expenditure reports and pay afterwards. Instead, we return to receiving quarterly grants with one annual fiscal report. This is a vote of confidence in California's direction. It's also a huge relief on staff workload.

Specifically, AIDD wrote, "SCDD has made gains and steady progress in its efforts in FY 2015. This includes hiring a full time Executive Director and other key personnel, who are managing and guiding the coordination, process and implementation of the CAP (corrective action plan). We strongly encourage the Council to maintain adequate staffing and leadership to address all components of the CAP."

The most significant progress came when the Legislature passed and the Governor signed Assembly Bill 1595 in September 2014. This legislation went into effect on January 1, 2015 addressing many of the long standing differences between federal and state statute and:

- aligned the state Lanterman Act with the federal DD Act;
- centralized Council activity within SCDD;
- removed Area Boards from statute, authorizing instead Regional Advisory Committees;
- centralized SCDD authority of regional offices;
- removed the Governor's hiring authority of SCDD staff; and
- codified the Executive Director's hiring authority of all staff.

After AB 1595 established the policy, SCDD created a CAP to track implementation of this policy. In less than a year, California has submitted 76% of these compliance items and is 74% compliant, including:

- revised the current State Plan to demonstrate statewide impact;

- hired a permanent Executive Director;
- filled long-term Council vacancies;
- created a Council that more closely reflects the geographic, ethnic, and disability diversity of California;
- stopped providing direct services in the form of individual advocacy;
- demonstrated the Council's role in creating and monitoring its own budget;
- solidified policies and controls around contracting and accounting practices;
- demonstrated a clear division between the use of federal and state funds;
- entered into a Memorandum of Understanding with our Designated State Agency (DSA);
- reviewed the DSA;
- established and continue to maintain a collaborative relationship with the Governor's Office for the appointments process; and
- provided direct evidence of supports for engaging self-advocate members of the Council in meetings and activities.

AIDD reminds the Council that it is still on high risk status until the completion of the CAP. They write, "Although good progress is noted, there are still other significant issues that must be addressed for the high-risk status to be lifted from the grant award. The Council is aware of these issues." The remaining items largely group into tasks that have to be demonstrated over time, including:

- evidence of Council Membership changes over time
- evidence of the Council following its contracting policies over time
- development and approval of its next State Plan
- evidence that the Council is functioning free of DSA interference
- the first year's PPR of the new State Plan

Thank you to the Council Members present and past whose leadership and willingness to change helped this happen.

Thank you to each person working for SCDD who has gone through significant change. it is has been a challenging couple of years.

We are a better, stronger organization than we were two years ago.

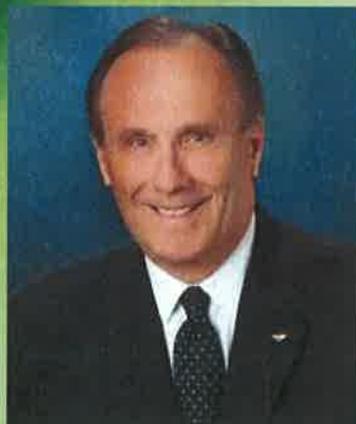
We are steadier and clearer in our direction than we were one year ago.

I am confident our role, influence, and ability to improve California for the approximately 690,000 Californians with an intellectual and/or developmental disability and their families will continue to grow.

Thank you,
 Aaron Carruthers
 Executive Director
 State Council on Developmental Disabilities

Sonoma Developmental Center

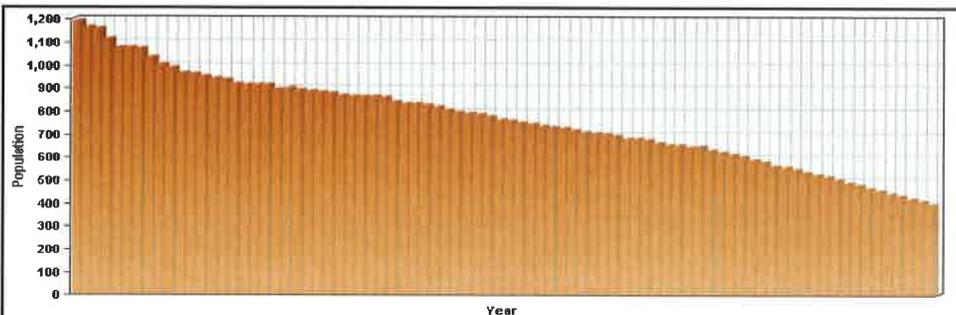
SDC Closure: Proposed Policy Statement



**Santi Rogers, Director
California State
Department of
Developmental
Services**

**On July 14, 2015,
Santi Rogers talked to
the Council about
closing the Sonoma
Developmental
Center.**

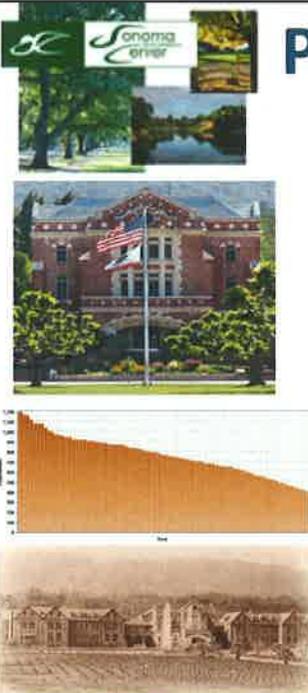




People who don't have family or conservators will need help from Volunteer Advocacy Services (VAS) advocates for making decisions about moving out and getting the services they will need.



People will also need:



- ➔ Affordable Housing
- ➔ Health Care
- ➔ Informed Choice
- ➔ Proper Procedures
- ➔ Advocacy Services

It is important to let people in the community know about the changes that will be happening.

★ **What will happen with the land and the buildings?**

★ **What will happen with the money that is saved when the Sonoma Developmental Center closes?**



The Council believes that the money from the Sonoma Developmental Center should be used for people with intellectual and/or developmental disabilities who are going to live in the community.



The State Council on Developmental Disabilities is making these proposed recommendations so that people who are moving out of the Sonoma Developmental Center will have the supports and services they need to transition safely into the community.



Subject:

FW: PARENTS OF DEVELOPMENTALLY DISABLED AT REGIONAL CENTERS GET A FISCAL BREAK

PARENTS OF DEVELOPMENTALLY DISABLED AT REGIONAL CENTERS GET A FISCAL BREAK

by David Gorn

Wednesday, October 7, 2015

The cost of 24-hour out-of-home care through the state's regional centers for children with developmental disabilities will drop for some parents in California.

Gov. Jerry Brown (D) this week signed into law AB 564 by Assembly member Susan Talamantes Eggman (D-Stockton).

The new law raises the threshold for paying a parental fee for those families with a child in 24-hour out-of-home care through the regional centers, so that families earning between 100% and 200% of federal poverty level can now be exempted from the fee.

State officials estimate the change will cost the state about \$190,000 a year. Roughly 4,200 developmentally disabled children use 24-hour out-of-home care through the regional centers.

The 21 regional centers are not-for-profit private corporations that contract with the state's Department of Developmental Services to provide services and supports for individuals with developmental disabilities.

The law will:

- Change the threshold for the parental fee requirement for children receiving 24-hour out-of-home care, from above 100% of federal poverty level to those who earn more than 200% of federal poverty level;
- Allow the Department of Developmental Services to grant a temporary waiver to families undergoing certain financial events; and
- Establish a parental fee credit for removing a child from 24-hour out-of-home care placement for a home visit for six or more consecutive hours.

The law will go into effect in July 2016.

- Disability Scoop - <http://www.disabilityscoop.com> -

Long-Delayed Caregiver Wage Protections To Take Effect

By Michelle Diamant | October 7, 2015



U.S. Supreme Court Chief Justice John Roberts denied a request from industry groups who wanted a new rule establishing minimum wage and overtime protections for home care workers to be delayed. (Larry Downing/Reuters/TNS)

The U.S. Supreme Court has paved the way for an Obama administration rule mandating minimum wage and overtime for in-home caregivers assisting those with disabilities to be implemented.

Chief Justice John Roberts issued an order Tuesday denying a request from industry groups who sought to delay the new rule.

Under the [2013 rule](#) from the U.S. Department of Labor, most home care workers must be paid at least the federal minimum of \$7.25 per hour and earn time-and-a-half for working more than 40 hours per week.

Previously, under a law dating to the 1970s, caregivers were classified similarly to baby sitters and were not entitled to the same rights as other types of employees.

Trade groups representing agencies that employ many home care workers sued over the changes arguing that the pay hike would make such care unaffordable.

Initially, the new requirements were set to take effect in January, but they were put on hold when a federal judge [ruled](#) that the Labor Department had overstepped its authority. On appeal, however, a three-judge panel [sided](#) with the Obama administration.

Last month, the groups challenging the rule asked the Supreme Court to postpone implementation of the changes so that they could further appeal the decision. With Roberts' order Tuesday, however, the rule is set to take effect Oct. 13.

"We are pleased with today's order," U.S. Secretary of Labor Tom Perez said late Tuesday. "The final rule is not only legally sound; it was the right thing to do. It will ensure fair wages for the nearly 2 million home care workers who provide critical services, and it will help ensure a stable and professional workforce for people who need those services."

The Labor Department said it will not begin enforcement of the new rule until Nov. 12 and will use "prosecutorial discretion" through the end of the year to assess whether to bring enforcement actions based on how much effort states and other relevant entities have put toward ensuring compliance.

7 Comments To "Long-Delayed Caregiver Wage Protections To Take Effect"

#1 Comment By [vmgillen](#) On October 7, 2015 @ 2:07 pm

This is absolutely fabulous! The work is valid; to treat the workers as anything less than bona fide workers demeans not only the workers, but also PWD.

#2 Comment By [Dawn](#) On October 9, 2015 @ 7:44 am

The new pay laws being implemented for in-home caregivers is such a blessing!!! Not only for the caregiver but also those disabled, like myself, that rely on them more than just a couple hours a day. They are available 24/7 when we have our good days but also back to back extremely bad days!!! I've been prey to some of the most terrifying facilities, as, I fell out of my wheelchair and broke my neck in a skilled nursing facility 2 1/2 years ago while receiving rehab for a reversal colostomy, changing my life forever. The insurance paid them 24/7, so its only fare that our home workers be compensated properly as well.

#3 Comment By [J Branigan](#) On October 9, 2015 @ 2:35 pm

This is great news for all the Home Care aides however it is terrible news for all those people who rely on the same Home Care Workers. All the agencies are now telling their aides that they will no longer work any case over 40 hours as the agency will not pay them overtime. This affects thousands of people who rely on the same aide for assistance, including those like my own son. My child only communicates using American Sign Language and has the same aide for 17 years who taught herself to sign. She is now told she is only able to work with him 40 hours a week instead of the 55 hours approved by DSS. The agency claims they will have to send another aide to make up the difference but there is a shortage of aides and the new aide does not sign. This creates a health and safety issue for my son. What about those people suffering from Alzhiemers who cant handle the change in different people coming and going. While the initial law was passed with the best intentions did anyone think of how this will affect those who actually use and rely on the services and how the home health care agencies will now circumvent the law and be placing those who need it the most in danger? It always seems those who cant fight for themselves are placed on the lowest level of concern. So disgusted

#4 Comment By [Bobbie Schafer](#) On October 9, 2015 @ 3:17 pm

But does this mean IHSS will again try to limit the amount of overtime someone can work? I take care of my two very large autistic sons who get hours under protective supervision. When they wanted to limit the amount of overtime hours a person could work, my new income would have been almost cut in half, and I would have had to find someone else to

work my hours for my 6'3" eloping, groping son, and yes, I have called public Authority and gotten lists of names, and none of them want to take cases that would be too hard, or where the people can get violent.

#5 Comment By [Becky](#) On October 9, 2015 @ 4:04 pm

Good for Roberts! He can surprise you sometimes.

#6 Comment By [US constitution](#) On October 9, 2015 @ 4:23 pm

Did I read this correctly that the U.S. Supreme Court just decided that a bureaucratic rule (department of labor) overrides a law that was passed by Congress ("a law dating to the 1970's)? I didn't realize that just because a law was old, the president's administration and the U.S. Supreme Court can just decide to ignore it and replace it was some new rules and regulations. I must've been absent that day in my high school government class.

#7 Comment By [Sheila Hogan](#) On October 9, 2015 @ 4:33 pm

Will consumer/attendants get overtime pay?? Or is it just for Homehealth workers??

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Stories of individuals with developmental disabilities who have overcome challenges to achieve a goal this past year!



ALTA CALIFORNIA
REGIONAL CENTER

