



LEGISLATIVE AND PUBLIC POLICY COMMITTEE AGENDA

DATE: Thursday, April 8, 2010

TIME: 10:00 A.M. – 4:00 P.M.*

(*Ending Time for this meeting is an approximation only and is intended solely for the purpose of travel planning.)

PLACE: State Council Headquarters' Office
1507 21st Street, Suite 210
Sacramento, CA 95811

CONTACT: Council Phone (916) 322-8481; Council Fax (916) 443-4957

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AGENDA

Items may be taken out of order to ensure appropriate flow of the meeting.

- 1.0 CALL TO ORDER – Action** (J. Aguilar)
 - 1.1 Establishment of Quorum – Six member requirement for quorum**

- 2.0 MESSAGE FROM THE CHAIR – Information** (J. Aguilar/All)
 - 2.1 Committee Members**
Introductions/Announcements

- 3.0 AGENDA REVIEW/APPROVAL OF MINUTES – Information/Action**
(J. Aguilar) **CREAM**
 - 3.1 Review Agenda**
 - 3.2 Review/Approve Minutes of Previous Meeting**
 - 3.3 Review/Update Previous “Action Items”**

- 4.0 PUBLIC COMMENTS**

Public Comments: *[This section is for members of the public only; and is to provide the public an opportunity to comment and/or present information to the Committee on any matter that is not on the agenda. Each public member will be afforded up to three minutes to speak. Written requests,*

if any, will be considered first under this section. Additionally, the Committee will provide a public comment period not to exceed 5 minutes total for all public comments prior to Committee action on each agenda item.]

5.0 SCDD/AREA BOARD UPDATES – Info/Action(J.Aguilar/C.Arroyo) **PINK**

5.1 Federal Legislation & Issues

5.1.1 Patient Protection & Affordable Care Act (H.R. 3590)

5.1.2 Elementary & Secondary Education Act (NCLB) Reauthorization

5.1.3 IDEIA Reauthorization

5.1.4 ABLE Act (S. 493/H.R. 1205)

5.1.5 IDEA Fairness Restoration Act (H.R. 2740)

5.1.6 Keeping All Students Safe Act, formerly Preventing Harmful Restraints and Seclusions in the Schools Act (H.R. 4247)

5.1.7 Rosa’s Law (S. 2781)

5.2 California Legislation

BLUE

Guest: Dr. Lou Vismara, Policy Consultant to Senator Darrell Steinberg, Office of the President Pro Tempore

- | | |
|-----------------------------|-----------------------------|
| a. ACR 123 (Chesbro) | k. SB 1376 (Romero) |
| b. SB 1256 (Hancock) | l. SB 1283 (Steinberg) |
| c. SB 1129 (Wiggins) | m. AB 1924 (Strickland, A.) |
| d. SB 1196 (Negrete McLeod) | n. AB 2274 (Beall) |
| e. AB 1742 (Coto) | o. AB 2374 (Nestande) |
| f. AB 1841 (Buchanan) | p. AB 2506 (Strickland, A.) |
| g. AB 2160 (Bass) | q. SB 1282 (Steinberg) |
| h. AJR 31 (Buchanan) | r. AB 2204 (Beall) |
| i. SB 1270 (Romero) | s. AB 2702 (Chesbro) |
| j. SB 1315 (Romero) | |

5.3 Legislative Glossary

GREEN

5.4 State Budget Update

VIOLET

5.5 SCDD Website Issues

YELLOW

5.5.1 Special Education Resources

5.5.2 Legislative Current Events

5.5.2 Legislative Tracking

5.6 Legislative Visit Toolkits

GRAY

5.7 Court Decisions

TAN

5.8 Service Delivery Pilot Programs

PURPLE

- 6.0 DISCUSSION/DEVELOPMENT of WORKGROUP DRAFT POLICIES**
Info/Discussion/Possible Action (J. Aguilar/M. Rosenberg) **SALMON**
 - 6.1 Employment**
 - 6.2 Housing**
 - 6.3 Special Education**
 - 6.4 Lanterman Act/Entitlement**

- 7.0 NEXT STEPS REGARDING DEVELOPMENT OF SPECIAL EDUCATION STAKEHOLDER WORKGROUP – Discussion/Action** **LIME**
(J Aguilar/C. Arroyo)
 - 7.1 Formulation of Coalition Workgroup/Intent**
 - 7.2 Coalition Membership**
 - 7.3 OAH Special Education Advisory Committee**
Guest: Ms. Roberta Savage

- 8.0 SUMMARIZE COMMITTEE NEXT STEPS – Discussion/Action** **IVORY**
(J. Aguilar)
 - 8.1 Review Legislative Calendar**
 - 8.2 Next LPPC Meeting Date**

- 9.0 ADJOURNMENT – Action** (J. Aguilar)



**Detail Sheet for:
Agenda Review/Approval of Minutes**

What is this agenda item about?

The LPPC will:

- Review the agenda;
- Review and change (if necessary) the minutes from the meeting on 2/11/10; and,
- Review and update the Action Item list.

What has the LPPC done about this so far?

These are new items, so nothing has been done so far.

What needs to be decided at this meeting?

The LPPC must decide if changes need to be made to the minutes for the 2/11/10 meeting and the Action Item list.

What is the committee or staff recommendation?

The staff recommendations are for the LPPC to review the minutes and Action Item list, make any appropriate comments and/or revisions, and approve them.

Are there attachments?

Yes. The agenda, a draft of the minutes, and a draft of the Action Item list are attached.



DRAFT

Legislative & Public Policy Committee Minutes

Thursday, February 11, 2010

Members Present:

Jorge Aguilar, Chair
Jennifer Allen
Marilyn Barraza
Ray Ceragioli
Lisa Cooley
Dan Owen

Visitors:

Christina McMillan

Members Absent:

Tho Vinh Banh, DRC
Ted Martens
Randi Knott
Rocio Smith

Staff Present:

Christofer Arroyo
Michael Brett
Michael Rosenberg

1. CALL TO ORDER

Chair Jorge Aguilar called the meeting to order at 10:25 AM. A quorum was established.

2. MESSAGE FROM THE CHAIR

Chair Aguilar indicated that there are many changes to the LPPC and with those changes come many opportunities. He added that it is important that LPPC's eyes are on the prize so the LPPC can assist people with developmental disabilities. Amongst these opportunities are the policy papers; they will be given to the Council for approval so the LPPC can act timely and proactively. Chair Aguilar then thanked the area boards for their support, noting that SCDD and the area boards are one team.

3. AGENDA REVIEW/APPROVAL OF MINUTES

3.1 – Review Agenda

Chair Aguilar reviewed the agenda, noting that item 6.0 may be taken out of order so action can be taken while there is a quorum.

3.2 – Review/Update Previous “Action Items”

Chair Aguilar announced that for various reasons, there is a change in LPPC membership. The committee's membership is: Jorge Aguilar (Chair), Jennifer Allen, Tho Vinh Banh, Marilyn Barraza, Ray Ceragioli, Lisa Cooley, Randi Knott, Ted Martens, Dan Owen, Michael Rosenberg, Rocio Smith, and Chris Arroyo. Chair Aguilar added that Catherine Blakemore would like to

join the committee and her membership would be welcomed. Furthermore, he indicated that he is open to having a few more people join the committee, but would like to keep the number reasonable so business can move forward.

Chair Aguilar then reviewed the Action Item list and directed Chris Arroyo to update and distribute it to LPPC members.

3.3 – Review/Approve Minutes of Previous Meeting

It was noted that Catherine Blakemore's name was spelled incorrectly throughout the minutes of the 12/8/09 meeting. Marilyn Barraza moved to approve the minutes with correction to Ms. Blakemore's name; the motion was seconded by Lisa Cooley and carried unanimously.

4. PUBLIC COMMENTS

There was no public comment.

To ensure action could be taken while a quorum existed, items were taken out of order.

6. DISCUSSION/DEVELOPMENT OF WORKGROUP DRAFT POLICIES

6.2 – Housing

Discussion of the draft housing policy paper occurred. Consensus was achieved, with comments on a number of issues:

- there should be support programs to make houses accessible once they are acquired;
- eliminate references to Governor Schwarzenegger and use the term "Administration";
- pursue public property opportunities to obtain accessible, affordable housing for people with developmental disabilities;
- throughout all of the policy papers, change "SCDD will advocate" to "SCDD supports";
- a description of Section 8 is needed;
- eliminate current references to IHSS and simply include the need for it;
- combine goals 1 and 3; and,
- reword goal 5.

Dan Owen made a motion to empower Jorge and Chris to finalize the housing policy paper and present it to the Council for approval. Marilyn seconded the motion and it passed 5 ayes, 0 nays, and 1 abstention (Ray Ceragioli).

6.1 – Employment

Discussion of the draft employment policy paper occurred. Consensus was achieved, with comments on a number of issues:

- reword and include “commercial media” in goal #9;
- include postsecondary education in goal #4;
- ensure supported employment agencies, employment statistics, and Employment First are referenced in the background;
- eliminate goals #1 and 5;
- reword goal #3; and,
- reword the introduction of the goals.

Marilyn made a motion to empower Jorge and Chris to finalize the employment policy paper and present it to the Council for approval. Dan seconded the motion and it passed 5 ayes, 0 nays, and 1 abstention (Ray Ceragioli).

6.3 – Special Education

Discussion of the two draft special education policy papers occurred. Consensus was achieved, with comments on a few issues:

- merge both versions of the paper;
- enhance the discussion of encroachment, meaningful benefit, and special education as a civil rights issue.

Marilyn made a motion to empower Jorge and Chris to finalize the special education policy paper and present it to the Council for approval. Lisa seconded the motion and it passed unanimously.

5. SCDD/AREA BOARD UPDATES

5.1 – Next Steps in AB 287 Development/Council & LPPC Role If Any

Chair Aguilar indicated that AB 287 was a law that directed the Council to take particular actions, and so therefore it was not expected that the LPPC be actively engaged with it. He added that he presumed a committee will be formed to work on AB 287, pending the installation of a permanent Executive Director.

5.2 – Area Board Involvement in Public Policy Process

Chair Aguilar stated that he would like to enhance participation of the area boards on the LPPC. He indicated that while he is not pursuing multiple people from any particular area board, they will not be specifically excluded either – it will depend on people’s skills sets, passion, energy, and ability to

follow through on assignments. Additionally, Chair Aguilar said he would welcome involvement from federal partners – University Centers of Excellence on Developmental Disabilities (UCEDDs) and Disability Rights California (DRC).

5.3 – State Budget Update

Chris reviewed the Governor's proposed budget. He also discussed his observations from attending the public hearing held by the Assembly Budget Subcommittee on Health and human Services which pertained to IHSS, SSI, and Prop 10 First Five programs. He added that he will ensure LPPC will be provided a written summary of the budget and hearing at the next meeting. Discussion ensued.

5.4 – State Legislative Tracking

Chris reviewed a written summary of the bills that LPPC is tracking. He reviewed the legislative process for a bill and a number of legislative terms. He indicated that he would have a glossary of legislative terms for the next meeting. Feedback was provided indicating that the list of bills should be grouped by subject and the SCDD Bill Analysis form should be used. Chris agreed to incorporate those changes for the next LPPC meeting.

Chair Aguilar announced that he and Chris will work together to identify bills that will be of interest to LPPC. He added that he would like others to please inform him with copy to Chris if they learn of bills that are of interest to them.

5.5 – Federal/National Policy Updates

Chair Aguilar informed the LPPC that the National Association of Councils on Developmental Disabilities (NACDD) provided a number of policy updates in draft form. He reviewed that the LPPC are obtaining approval from the Council for the policy papers, adding that the papers could be submitted to NACDD and hopefully influence the development of national policy papers.

5.6 – Federal Legislative Tracking

Chris reviewed a number of federal bills with the committee. He indicated that he would have an updated summary list and analysis for the bills for next meeting.

7. NEXT STEPS RE: DEVELOPMENT OF SPECIAL EDUCATION STAKEHOLDER WORKGROUP

7.1 – Formulation of Coalition Workgroup/Intent

7.2 – Coalition Membership

Chair Aguilar indicated that we should organize a coalition so information could be shared on bills, positions that can be taken and why, so as to avoid re-inventing the wheel. He added that the membership should include a staff member of SCDD to support the workgroup, members of LPPC, a person identified by Rocio Smith to represent her Area Board, Chris Arroyo representing Area Board 10, Michael Rosenberg representing Area Board 3, DRC, and others. Chair Aguilar directed Chris to contact the UCEDDs to request they too participate in core beginning of the workgroup.

5.7 – Development of Legislative Visit Toolkits

Chris provided samples of toolkits that Area Board 10 has used for the past two years. Chair Aguilar requested each member to take the toolkit home, review it at their leisure, and be prepared to discuss them at LPPC's next meeting. Discussion ensued.

8. SUMMARIZE COMMITTEE NEXT STEPS

Chair Aguilar informed the committee that there is a Council meeting tentatively scheduled on 3/25/10 or thereabouts which requires we reconsider and reschedule the LPPC's next meeting. The committee agreed to meet again on Thursday, 4/8/10, tentatively at SCDD Headquarters.

9. ADJOURNMENT

Chair Aguilar adjourned the meeting at 4:07 p.m.

Attachments:

1. Draft of employment policy paper
2. Draft of housing policy paper
3. Draft of special education policy paper
4. At a Glance for State Bills by Michael Brett
5. At a Glance for State Bills by Chris Arroyo
6. At a Glance for Federal Bills by Area Board 10
7. Summary of the Legislative Process from Chris Arroyo
8. Legislative Calendar with Annual Deadlines from Chris Arroyo

Action Items for Legislative and Public Policy (LPP) Committee

New Action Items	Responsible Party	Due Date - Actual Date	Remarks
1. <u>Policy Papers due on</u> a. Employment (Lisa and Leroy) b. Housing (Jennifer and David) c. Special Education (Jorge, Marilyn, Max and Ted)	a. Lisa and Leroy b. Jennifer and David c. Jorge, Marilyn, Max, and Ted	2/11/10	Possible presentation to Council in February Item closed.
2. a. Contacting Area Boards on their Resource Inventory for Special Education b. Inventory status c. Status of centralized location on web page	Kathy Barnes Michael Rosenberg Chris Arroyo	1/23/10 4/8/10	a. Kathy sent email to ABs on 12/15/09: b. Inventory list pending c. Web page upload pending Information lost with Kathy's departure. Michael sent email to obtain information. Chris will make arrangements to upload to the web page. Item still open.
3. At a Glance with Terms	SCDD Chris	2/11/10 4/8/10	Updated to also include Legislative Glossary
4. Policy Papers: Email Draft to LPPC Members	SCDD	Open 2/11/10	Item closed.
5. Evelyn Abouhassan helping on working draft policies for Housing Policy Paper	Jennifer and David	Open	Item closed.
6. Preparing for Next LPPC Meeting for 2/11/10	SCDD	2/1/10 Packet Due Out	Ongoing item. Item closed.
Previous Action Items	Responsible Party	Due Date / Actual Date	Remarks
1. At a Glance needs to be posted to the SCDD Website. This will be done every two weeks.	SCDD Chris	11/3/09 4/8/10	Item still open.
2. Preparing for Next LPPC Meeting for 12/8/09.	SCDD	11/25/09 Packet Due Out	Ongoing item. Item closed.
3. <u>Policy Papers due on:</u> Employment (Lisa and Leroy) Housing (Jennifer and David) Special Education (Jorge, Marilyn, Max and Ted)	Lisa and Leroy Jennifer and David Jorge, Marilyn, Max, and Ted	12/1/09 12/1/09 12/1/09	Item closed.

<p>4. Generate first draft of potential analysis scope of work for Special Education Issues.</p>	<p>Ted Martens</p>	<p>12/1/09</p>	<p>LPPC Member Martens gave a handout to meeting for discussion on Special Education analysis. Item closed, to be addressed by workgroup on special education.</p>
<p>5. Survey Area Boards and generate a summary of available resources and actions of interest on Special Education issue.</p>	<p>Alan Kerzin, Michael Januse</p>	<p>12/8/09</p>	<p>ED Kerzin gave verbal update at LPPC conducted on 12/8/09: Updated to New Item #2. Item closed.</p>

DRAFT



LPPC Action Items as of 3/24/10

New Action Items	Responsible Party	Due Date - Actual Date	Remarks
1. Present policy papers on employment, housing, and special education to SCDD in order to obtain approval	Jorge	3/16/10	Approval obtained from SCDD
2. Finalize Special Education Workgroup membership	Chris/Jorge	4/8/10	
3. Hold Special Education Workgroup meeting	Chris/Jorge	???	
4. Legislative Current Events needs to be posted to the SCDD website	Chris	4/8/10	
5. Prepare for next LPPC meeting on 4/8	Chris/Jorge	3/29/10	
6. Finalize new drafts of Policy Papers	Jorge	3/16/10	Send to SCDD and LPPC members

Previous Action Items	Responsible Party	Due Date / Actual Date	Remarks
1. a. Contacting Area Boards on their Resource Inventory for Special Education b. Inventory status c. Status of centralized location on web page	Kathy Barnes Michael Rosenberg	1/23/10 Info to Michael: 3/15/10 Upload to website: 4/7/10	a. Kathy sent email to ABs on 12/15/09: b. Inventory list pending c. Web page upload pending Information lost with Kathy's departure. Obtaining information and making arrangements for web page. Item Still Open
2. At a Glance with Terms, process of bill approval, summarize legislation by subject	Chris	2/11/10 4/7/10	Item Still Open
3. Legislative Bill Tracking needs to be posted to the SCDD website. Tracking will be updated in real time.	Chris	11/3/09 - 4/7/10	Pending consultation with others Item Still Open



DEVELOPMENTAL DISABILITIES AREA BOARD 10

*Protecting and Advocating for Persons with
Developmental Disabilities in Los Angeles County*

Governmental Affairs Committee Report March 4, 2010

Report on Recent Legislative Hearings

Due to the calling for extraordinary sessions to resolve the deficits in the state budget, a number of legislative hearings have been held to obtain public input regarding the Governor's proposed budget. Rocio Smith, Area Board 5 Executive Director, is a member of the DDS Budget Advisory group. She is privy to many issues which she highlighted for us in an email included in our packets.

One of our staff, Chris Arroyo, attended the Assembly Budget Subcommittee on Health and Human Services hearing on the Governor's budget proposal as it pertained to In Home Support Services (IHSS), SSI/SSP benefits, and Prop 10/First 5 funding, amongst other issues.

IHSS is a service designed to meet the needs of people who would otherwise require institutionalized care. Last year, the Governor proposed a plan to serve IHSS recipients who needed the most help (by denying eligibility to those with a functional index score of 2 or less; and eliminating domestic and related services for those with a functional index rating less than 4), which would have eliminated some or all services for almost 90% of current recipients. The courts issued an injunction preventing implementation of this plan.

At the current hearing, the Governor put forth the exact same proposal. When asked by the committee why the same proposal was offered when the courts had prevented implementation, the Governor's counsel indicated that the Governor was confident that the court's decision would be overturned on appeal, a process that was presently in motion.

Additionally, Assembly Member Beall indicated that the judge cited that the functional index was developed for the purpose of determining services, not eligibility. He added that the functional index does not take mental impairment into account nor the particular needs of children. Assembly Member Beall requested a response from the Governor's counsel, who declined to comment due to the pending appeal. The Legislative Analyst's Office (LAO) confirmed Assembly Member Beall's understanding.

The LAO added that the reduction or elimination of IHSS would likely result in offsetting costs to DDS and other agencies. Additionally, they indicated that they will monitor the utilization of IHSS to determine if there is a decrease in utilization – recent legislation passed to curb fraud may make it more difficult for recipients to hire workers.

Public input was taken and dozens of people testified to the substantial hardships they would experience if they were no longer eligible for IHSS or no longer received their sole source of revenue working as an IHSS worker, providing care for their loved ones.

A number of interesting remarks were made during the closing:

- Assembly Member de la Torre acknowledged that year after year horrible cuts are proposed (like those to IHSS) and it's "Sacramento power politics". He added that it's playing chess with the lives of people in the real world, who are scared to death of the implementation of those cuts – and it needs to stop.
- Assembly Member Beall indicated he will vote against the proposed IHSS cuts and the Governor was being "very inappropriate" because he should have given up making such cuts after losing in court.
- Assembly Member Chesbro indicated the Governor was in Washington D.C. in attempt to capture additional federal dollars – and the proposed cut to IHSS would give money back to the federal government.

Presently, individuals who receive SSI benefits are paid \$845. There is a proposal to reduce the state's share of this benefit, so that the total payment is \$830. No changes were proposed for the benefit amount for couples.

Lastly, there is a proposal to redirect Proposition 10 funding (\$550M) to the general fund, so savings could be realized in many programs serving children under the age of 5. Dozens, if not hundreds, of people provided input to oppose the cuts; such cuts would require voter approval and likely result in the loss of local control in how those funds are utilized.



Detail Sheet for: Federal Legislation and Issues

What is this agenda item about?

One new federal law (the Patient Protection and Affordable Care Act), one federal bill (Elementary and Secondary Education Act reauthorization, also known as No Child Left Behind), and an anticipated federal bill (the Individual with Disabilities Education Improvement Act reauthorization) will be discussed. A reauthorization is when changes or updates are made to an existing law.

Additionally, the federal bills the LPPC reviewed last month will be discussed.

What has the LPPC done about this so far?

The new federal law, the Patient Protection and Affordable Care Act, includes federal bills (the CLASS Act and the Community First Choice Option Act) that the LPPC has previously reviewed.

Additionally, the LPPC reviewed 4 federal bills last meeting. They were:

- the ABLE Act (S. 493/H.R. 1205);
- the IDEA Fairness Restoration Act (H.R. 2740);
- the Preventing Harmful Restraints and Seclusions in the Schools Act (H.R. 4247); and,
- Rosa's Law (S. 2781).

What needs to be decided at this meeting?

The LPPC must decide if it will take any actions regarding the two reauthorizations, the Patient Protection and Affordable Care Act, or the federal bills that were reviewed last LPPC meeting.

What is the committee or staff recommendation?

The staff recommendation is for the LPPC to review the law and bills, and decide if any action is to be taken.

Are there attachments?

Yes. A brief summary of the Protection and Affordable Care Act, the summary portion of President Obama's desired changes for the Elementary and Secondary Education Act reauthorization, an example of a statement regarding the Elementary and Secondary Education Act reauthorization, and a summary of the federal bills the LPPC reviewed last month are attached.

Patient Protection and Affordable Health Care Act (H.R. 3590)

In an historic vote last night, the House of Representatives voted [219 to 212](#) to pass the Senate health care reform bill, the [Patient Protection and Affordable Health Care Act \(H.R. 3590\)](#). Thirty four Democrats and all Republicans opposed the bill. The bill is expected to be signed into law by President Obama, possibly as early as tomorrow. Enactment of this landmark law will result in the attainment of several of The Arc and UCP's priority public policy goals.

The non-partisan Congressional Budget Office estimated that the legislation would cost \$940 billion over ten years and reduce the federal deficit by \$130 billion over the first ten years and \$1.2 trillion in the second ten years.

The House then took up a budget reconciliation bill (the [Reconciliation Act of 2010 H.R. 4872](#)) to make amendments to the health care reform bill to address issues which were problematic to many Members of Congress. The reconciliation bill was passed by a vote of [220 to 211](#) and must now go to the Senate for passage.

The vote on the House and Senate passed Patient Protection and Affordable Health Care Act was a great victory for the disability community as this bill contains numerous provisions of importance to people with disabilities, including:

Coverage

- Prohibiting private health insurance exclusions for pre-existing conditions.
- Eliminating annual and lifetime caps in private insurance policies.
- Restricting the consideration of health status in setting premiums.
- Expanding Medicaid to cover individuals with incomes up to 133 percent of the federal poverty line (approximately \$29,000 per year for a family of four).

Benefits

- Ensuring that minimum covered benefits include products and services that enable people with disabilities to maintain and

improve function, such as rehabilitation and habilitation services and devices.

Access to Quality Care

- Improving training of physicians, dentists, and allied health professionals on how to treat persons with disabilities.
- Requiring the Centers for Medicare and Medicaid Services to collect data on beneficiaries with disabilities access to primary care services and the level to which primary care service providers have been trained on disability issues. Ensuring prevention programs include a focus on individuals with disabilities.

Long Term Services and Supports

- Increasing the federal share of Medicaid, known as the Federal Medical Assistance Percentage (or FMAP), for home and community based services (HCBS) and during periods of economic downturn.
- Allowing states to offer additional services under the 1915(i) Medicaid HCBS Waivers State Plan Option.
- Providing spousal impoverishment protections for HCBS Beneficiaries.
- Strengthening long-term services and supports through a two pronged approach:
 - 1) *Taking pressure off of the Medicaid program:*** The Community Living Assistance Services and Supports (CLASS) Act would create a national long term services insurance program which assists eligible individuals and their families to meet long term needs with a cash benefit and without forcing them into poverty to receive Medicaid benefits.
 - 2) *Improving the Medicaid program:*** The Community First Choice Option would help to eliminate the institutional bias by encouraging states to cover personal attendant services under the state's optional service plan instead of through the waiver system by offering a 6% increase in the federal share of Medicaid for these services.

Source: The Capitol Insider for the week of March 22, published by the Disability Policy Collaboration, a partnership of The Arc and United Cerebral Palsy

AGENDA ITEM 5.1.2
ELEMENTARY & SECONDARY
EDUCATION ACT (NCLB) REAUTHORIZATION

The following document, entitled “A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act”, is a portion of the full report. You may download the entire report at:

<http://www2.ed.gov/policy/elsec/leg/blueprint/blueprint.pdf>. If you have difficulty downloading it or do not have internet access, a copy of the entire report can be provided to you at the meeting.



U. S. D E P A R T M E N T O F E D U C A T I O N

A Blueprint for Reform

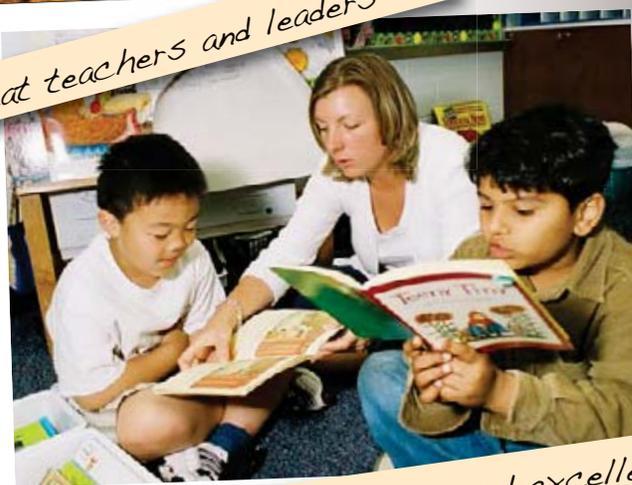
The Reauthorization of the Elementary and Secondary Education Act

college- and career-ready students

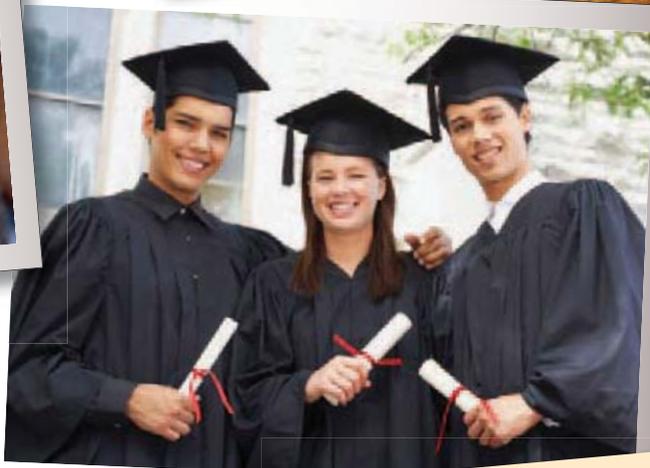


equity and opportunity

great teachers and leaders



raise the bar and reward excellence



promote innovation



PRESIDENT BARACK OBAMA

Every child in America deserves a world-class education.

Today, more than ever, a world-class education is a prerequisite for success. America was once the best educated nation in the world. A generation ago, we led all nations in college completion, but today, 10 countries have passed us. It is not that their students are smarter than ours. It is that these countries are being smarter about how to educate their students. And the countries that out-educate us today will out-compete us tomorrow.

We must do better. Together, we must achieve a new goal, that by 2020, the United States will once again lead the world in college completion. We must raise the expectations for our students, for our schools, and for ourselves – this must be a national priority. We must ensure that every student graduates from high school well prepared for college and a career.

A world-class education is also a moral imperative – the key to securing a more equal, fair, and just society. We will not remain true to our highest ideals unless we do a far better job of educating each one of our sons and daughters. We will not be able to keep the American promise of equal opportunity if we fail to provide a world-class education to every child.

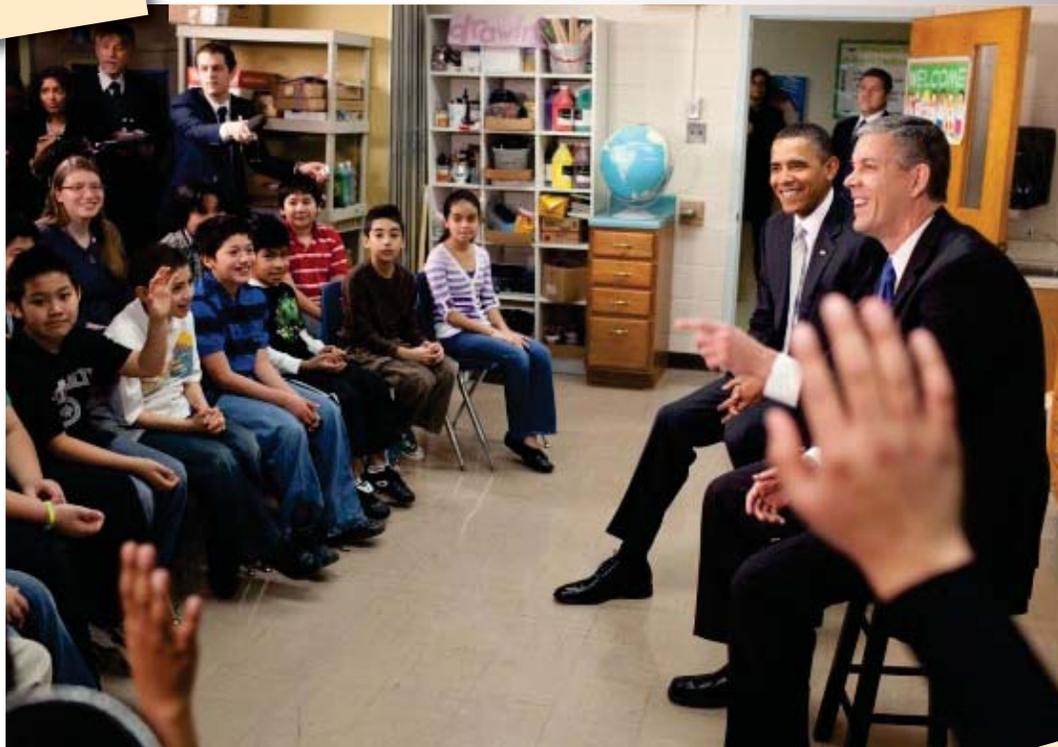
This effort will require the skills and talents of many, but especially our nation's teachers, principals, and other school leaders. Our goal must be to have a great teacher in every classroom and a great principal in every school. We know that from the moment students enter a school, the most important factor in their success is not the color of their skin or the income of their parents – it is the teacher standing at the front of the classroom. To ensure the success of our children, we must do better to recruit, develop, support, retain, and reward outstanding teachers in America's classrooms.

Reforming our schools to deliver a world-class education is a shared responsibility – the task cannot be shouldered by our nation's teachers and principals alone. We must foster school environments where teachers have the time to collaborate, the opportunities to lead, and the respect that all professionals deserve. We must recognize the importance of communities and families in supporting their children's education, because a parent is a child's first teacher. We must support families, communities, and schools working in partnership to deliver services and supports that address the full range of student needs.

This effort will also require our best thinking and resources – to support innovative approaches to teaching and learning; to bring lasting change to our lowest-performing schools; and to investigate and evaluate what works and what can work better in America’s schools. Instead of labeling failures, we will reward success. Instead of a single snapshot, we will recognize progress and growth. And instead of investing in the status quo, we must reform our schools to accelerate student achievement, close achievement gaps, inspire our children to excel, and turn around those schools that for too many young Americans aren’t providing them with the education they need to succeed in college and a career.

My Administration’s blueprint for reauthorization of the Elementary and Secondary Education Act is not only a plan to renovate a flawed law, but also an outline for a re-envisioned federal role in education. This is a framework to guide our deliberations and shared work – with parents, students, educators, business and community leaders, elected officials, and other partners – to strengthen America’s public education system.

I look forward to working with the Congress to reauthorize the Elementary and Secondary Education Act so that it will help to provide America’s students with the world-class education they need and deserve.



Priorities in a Blueprint for Reform

This blueprint builds on the significant reforms already made in response to the American Recovery and Reinvestment Act of 2009 around four areas: (1) Improving teacher and principal effectiveness to ensure that every classroom has a great teacher and every school has a great leader; (2) Providing information to families to help them evaluate and improve their children's schools, and to educators to help them improve their students' learning; (3) Implementing college- and career-ready standards and developing improved assessments aligned with those standards; and (4) Improving student learning and achievement in America's lowest-performing schools by providing intensive support and effective interventions.

Incorporating and extending this framework, this blueprint for a re-envisioned federal role builds on these key priorities:

(1) College- and Career-Ready Students

Raising standards for all students. We will set a clear goal: Every student should graduate from high school ready for college and a career, regardless of their income, race, ethnic or language background, or disability status. Following the lead of the nation's governors, we're calling on all states to develop and adopt standards in English language arts and mathematics that build toward college- and career-readiness by the time students graduate from high school. States may choose to upgrade their existing standards or work together with other states to develop and adopt common, state-developed standards.

Better assessments. We will support the development and use of a new generation of assessments that are aligned with college- and career-ready standards, to better determine

whether students have acquired the skills they need for success. New assessment systems will better capture higher-order skills, provide more accurate measures of student growth, and better inform classroom instruction to respond to academic needs.

A complete education. Students need a well-rounded education to contribute as citizens in our democracy and to thrive in a global economy – from literacy to mathematics, science, and technology to history, civics, foreign languages, the arts, financial literacy, and other subjects. We will support states, districts, school leaders, and teachers in implementing a more complete education through improved professional development and evidence-based instructional models and supports.

(2) Great Teachers and Leaders in Every School

Effective teachers and principals. We will elevate the teaching profession to focus on recognizing, encouraging, and rewarding excellence. We are calling on states and districts to develop and implement systems of teacher and principal evaluation and support, and to identify effective and highly effective teachers and principals on the basis of student growth and other factors. These systems will inform professional development and help teachers and principals improve student learning. In addition, a new program will support ambitious efforts to recruit, place, reward, retain, and promote effective teachers and principals and enhance the profession of teaching.



Our best teachers and leaders where they are needed most. Our proposal will provide funds to states and districts to develop and support effective teachers and leaders, with a focus on improving the effectiveness of teachers and leaders in high-need schools. We will call on states and districts to track equitable access to effective teachers and principals, and where needed, take steps to improve access to effective educators for students in high-poverty, high-minority schools.

Strengthening teacher and leader preparation and recruitment. We need more effective pathways and practices for preparing, placing, and supporting beginning teachers and principals in high-need schools. States will monitor the effectiveness of their traditional and alternative preparation programs, and we will invest in programs whose graduates are succeeding in the classroom, based on student growth and other factors.

(3) Equity and Opportunity for All Students

Rigorous and fair accountability for all levels. All students will be included in an accountability system that builds on college- and career-ready standards, rewards progress and success, and requires rigorous interventions in the lowest-performing schools. We will celebrate the Reward states, districts, and schools that do the most to improve outcomes for their students and to close achievement gaps, as well as those who are on the path to have all students graduating or on track to graduate ready for college and a career by 2020. All schools will be aiming to do their part to help us reach that ambitious goal, and for most schools, leaders at the state, district, and school level will enjoy broad flexibility to determine how to get there.

But in the lowest-performing schools that have not made progress over time, we will ask for dramatic change. To ensure that responsibility for improving student outcomes no longer falls solely at the door of schools, we will also promote accountability for states and districts that are not providing their schools, principals, and teachers with the support they need to succeed.

Meeting the needs of diverse learners. Schools must support all students, including by providing appropriate instruction and access to a challenging curriculum along with additional supports and attention where needed. From English Learners and students with disabilities to Native American students, homeless students, migrant students, rural students, and neglected or delinquent students, our proposal will continue to support and strengthen programs for these students and ensure that schools are helping them meet college- and career-ready standards.

Greater equity. To give every student a fair chance to succeed, and give principals and teachers the resources to support student success, we will call on school districts and states to take steps to ensure equity, by such means as moving toward comparability in resources between high- and low-poverty schools.

(4) Raise the Bar and Reward Excellence

Fostering a Race to the Top. Race to the Top has provided incentives for excellence by encouraging state and local leaders to work together on ambitious reforms, make tough choices, and develop comprehensive plans that change policies and practices to improve outcomes for students. We will continue Race to the Top's incentives for systemic reforms at the state level and expand the program to school districts that are willing to take on bold, comprehensive reforms.

Supporting effective public school choice. We will support the expansion of high-performing public charter schools and other autonomous public schools, and support local communities as they expand public school choice options for students within and across school districts.

Promoting a culture of college readiness and success. Access to a challenging high school curriculum has a greater impact on whether a student will earn a 4-year college degree than his or her high school test scores, class rank, or grades. We will increase access to college-level, dual credit, and other accelerated courses in high-need schools and support college-going strategies and models that will help students succeed.

(5) Promote Innovation and Continuous Improvement

Fostering innovation and accelerating success. The Investing in Innovation Fund will support local and nonprofit leaders as they develop and scale up programs that have demonstrated success, and discover the next generation of innovative solutions.

Supporting, recognizing, and rewarding local innovations. Our proposal will encourage and support local innovation by creating fewer, larger, more flexible funding streams around areas integral to student success, giving states and districts flexibility to focus on local needs. New competitive funding streams will provide greater flexibility, reward results, and ensure that federal funds are used wisely. At the same time, districts will have fewer restrictions on blending funds from different categories with less red tape.

Supporting student success. Tackling persistent achievement gaps requires public agencies, community organizations, and families to share responsibility for improving outcomes for students. We will prioritize programs that include a comprehensive redesign of the school day, week, or year, that promote schools as the center of their communities, or that partner with community organizations. Our proposal will invest in new models that keep students safe, supported, and healthy both in and out of school, and that support strategies to better engage families and community members in their children's education.

STATEMENT OF PRINCIPLES

ELEMENTARY & SECONDARY EDUCATION ACT (ESEA) REAUTHORIZATION 2010

An Open Letter to President Obama, Secretary Duncan, and Members of the U.S. Senate and House of Representatives:

The 2010 Elementary and Secondary Education Act (ESEA) reauthorization process comes on the heels of an intense year of federal, state, and local education action spurred by President Obama's Race to the Top initiative. Like No Child Left Behind (NCLB i.e., ESEA reauthorization 2002), Race to the Top has generated controversy proportionate to the major changes it has ignited in state and local education policies.

We the undersigned believe that even though neither is perfect, ESEA 2002 (NCLB) and Race to the Top are both landmark education reforms that have moved the country's education goals and policies in a markedly positive direction. As a result, our school systems have initiated and intensified efforts to:

- Develop and adopt "college and career ready" standards linked to valid tests that comprehensively and accurately assess what students know and can do;
- Insist that all students – regardless of race, ethnicity, family income, first language, zip code, or disability – meet high academic standards;
- Close achievement gaps *and* opportunity gaps;
- Provide all teachers with the preparation and professional support they need to teach children to high standards in each of the subjects they teach;
- Ensure that every child has a skilled, knowledgeable, and effective teacher and that every school has an effective leader; and,
- Intervene decisively in low-performing schools and, in the case of *chronically* failing schools, convert them to charter schools, place them under new management, partially or fully reconstitute them, or shut them down and allow students to enroll in other high-performing public schools of their choice.

The last ESEA reauthorization, otherwise known as "No Child Left Behind" (NCLB), was signed into law in January 2002. Even under the quickest possible legislative scenario, the next reauthorization will occur almost a decade after the last. In turn, **the upcoming reauthorization will likely guide federal policy for the next seven to ten years. Therefore, we must be as deliberate, thorough, and forward-looking as possible in this reauthorization.**

Accordingly, we advance the following principles, which we believe any ESEA reauthorization should embody:

Accountability

- All student achievement data should be disaggregated (i.e., measured and analyzed) by race and ethnicity, gender, disability status, migrant status, English proficiency, and economic status.
- State accountability systems must hold all students to the same high standards and use the same assessments for all students as part of those accountability systems.
- States must set annual, measurable, and ambitious goals for the academic performance of all students and for closing achievement gaps between: 1) economically disadvantaged students; 2) students from major racial and ethnic groups; 3) students with disabilities; and 4) students with limited English proficiency, as compared to their non-disadvantaged peers.
- States and school districts set goals to narrow, and ultimately close, high school graduation gaps.
- Accountability systems that lower the bar for subgroups of students as a function of their history of disenfranchisement are unequivocally unacceptable.
- Accountability systems should be based *only* on outcome variables (e.g., high school graduation rates and state or national test scores). Mixing outcome data with input variables (e.g., “school climate” or “parent involvement”) will confound accountability systems and mask student performance and achievement gaps.
- Graduation rates should be measured according to the common metric set out in section 200.19(b) (1) of Title 34, Code of Federal Regulations (updated in 2008).
- “Growth-to-standards” models that evaluate student progress and relative gains over multiple years toward an ultimate common goal are acceptable and encouraged. “Growth-to-nowhere” models under which there is no ultimate, absolute standard that a student is expected to achieve in a specified time do a disservice to all and are unacceptable.
- Every state must be required, by a specified date, to have accountability systems based on both absolute performance and improvement.
- Accountability systems should include both positive and negative consequences based on where schools and districts stand on both measures. Schools or districts that are “stuck” – both low-performing and low-improving – should be targeted for the most intensive interventions. Schools and districts that do well on both should be recognized for their success.

Public Information and Transparency

- Transparency is paramount. Parents have a right to know their children’s current and expected level of achievement. Parents and the public have a right to information about the performance of every school as compared to schools at the local, state, and national level and about the qualifications and performance of school personnel.
- The only factor that should limit access to data is the privacy of individual students. Proprietary data that cannot be accessed by the public simply because it is managed by a private company has no place in a public school system.

- A uniform, one or two page reporting form on student achievement and teacher quality data for each school, district, and state must be made accessible on each school district and state website, and be compiled and made accessible by the U.S. Department of Education on its website. These forms should present material in an easy-to-understand format so that they are accessible to the widest possible audience.

Teachers and School Leaders

- ESEA's current "High Quality Teacher" designation should be replaced with a more specific, finely-tuned definition that will prevent states from allowing poorly qualified and ineffective teachers to remain in the classroom.
- The new ESEA should stop using NCLB's Highly Objective Uniform State System of Evaluation (HOUSSE) as a metric for teacher subject matter knowledge. Subject-matter qualification will be based *only* on performance on state subject matter exams or attainment of a college academic major in each subject taught.
- HOUSSE has been completely discredited as a measure of teacher subject-matter knowledge and skills. Similar efforts to cobble together variables such as professional development hours and other indices with a dubious relationship to student achievement will be no better and should not be considered.
- States and school districts must develop valid measures of teacher effectiveness that make meaningful differentiations between effective and ineffective teachers and that use multiple measures that include student achievement data as a significant factor in determining teacher effectiveness, along with other measures such as observations of teacher practice by objective raters.
- Require the use of a comprehensive set of research-based input metrics for teacher hiring and evaluation, *at least* until primarily outcome-driven teacher effectiveness evaluation systems, including those that evaluate the performance of teacher training programs and their graduates, are better developed and fully implemented.
- Decisions pertaining to teacher placement, advancement, pay, and tenure should be based on teacher quality and effectiveness.
- Elaborate, clearly define, and enforce federal teacher equity laws, such as in the American Recovery and Reinvestment Act of 2009 (ARRA): "The State will take actions to improve teacher effectiveness and comply with section 1111(b)(8)(C) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 6311(b)(8)(C)) in order to address inequities in the distribution of highly qualified teachers between high- and low-poverty schools, and to ensure that low-income and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers."
- Eliminate forced placement of teachers by school districts; require that principals have autonomy in hiring teachers.
- Set aside a significant portion of federal professional development funds for states, local education authorities (LEAs), and non-profits that implement and/or expand proven and effective practices in the preparation and professional development of teachers and future school leaders.
- Ensure that all professional development dollars are used in accordance with a reauthorized ESEA that encourages the equitable distribution of teachers and increases the effectiveness of teachers in high-poverty, high-minority schools and the lowest performing schools.

Interventions and Incentives

- Dramatic school change is possible. Analyses by the Education Trust indicate that at least a quarter of the schools that were categorized as low-performing several years ago are now among the highest gaining in their respective states.
- What is lacking is not the knowledge of *how* to transform a failing school, but the political will to *do* so.
- There are school transformation interventions – short of restructuring – such as those that involve focused and sustained high-quality professional development targeted to improve student achievement, and/or those that expand high-quality learning time for students via extended day, weekend, and summer programs, which have shown the potential to transform some low-performing schools.
- We embrace the Administration’s recent push under the School Improvement Grant Program and Race to the Top to compel *increasingly intensive* interventions in low-performing schools.
- *Persistently* low-performing schools *necessitate* fundamental changes in staffing and leadership, including reconstitution, conversion to a charter school, restart, or shutdown. After other approaches have been tried and have failed, these are the only viable options with a reasonable probability of success.
- Federal funds for reform-oriented instructional approaches such as supplemental tutoring, expanded learning time (including after-school, extended day and school year), teacher training, and charter school management should, to the greatest extent possible, be based on their quality and be awarded via competitive grants or sub-grants to public, non-profit, and other non-governmental entities with a proven record of success.
- Specifying the type of intervention is necessary, but not sufficient. Monitoring the progress of interventions and instituting stronger reporting requirements for more intensive monitoring of persistently failing schools is absolutely essential.

Resource Adequacy and Equity

- The federal government’s traditional role in education has been to intervene on behalf of groups of students that have been ill-served or shortchanged by state and local education systems (e.g., students from low-income families, racial and ethnic minorities, recent immigrants and non-English speakers, students with disabilities, and children of migrant workers). It is paramount that the federal government continues to play this role.
- The next ESEA must have a stronger focus on improving both the adequacy *and* the equity of school funding by states and local school districts.
- States and school districts must make public the distribution of state and local funds according to the proportion of minorities and low-income students in every individual school.
- Under ARRA, LEAs were required to report school-by-school per-pupil expenditures to state education agencies (SEAs) by December 1, 2009, and for SEAs, in turn, to report this information to the U.S. Department of Education by March 31, 2010. This timeline should be adhered to as closely as possible and the data scrutinized for accuracy and integrity. In the past, such data has glossed over school-by-school inequities in intra-district school funding. To avoid this problem, this data should be reported *annually* on a school-by-school, per-pupil basis.

- Loopholes in provisions of federal law that are intended to require comparable and equal student funding across schools within a district should be closed, and mechanisms should be put in place to require a baseline level of comparable per-pupil funding in each school within a district. Title I funds should add value to the educational programs of each school rather than fill in budget gaps created by school district inequities in the distribution of human capital and other educational resources.
- The distribution of federal education funding via Title I and other programs should be targeted to the neediest children living in the neediest school districts, attending the neediest schools. Schools in the two highest poverty quintiles should receive a greater proportionate share of Title I and other federal education dollars than they do currently.
- The federal government should – through legislative and administrative action – use corrective remedies and incentives to boost overall school funding and bring funding for high-poverty and high-minority schools and districts on par with those that serve more advantaged students.

We applaud your leadership on increasing education funding and promoting reform in the first session of the 111th Congress. We look forward to continued work with you to revise and amend ESEA to further our shared goal that *every* child has access to a high quality education.

Sincerely,

Citizen Schools (<http://www.citizenschools.org/index.cfm>)
 Citizens' Commission on Civil Rights (<http://www.cccr.org/template/index.cfm>)
 Civic Builders (<http://www.civicbuilders.org/>)
 Colorado Succeeds (<http://www.coloradosucceeds.org/>)
 Connecticut Coalition for Achievement Now (ConnCan) (<http://www.conncan.org/>)
 Democrats for Education Reform (<http://www.dfer.org/>)
 Education Equality Project (<http://www.educationequalityproject.org/>)
 Education Reform Now (<http://www.edreformnow.org/>)
 Hope Street Group (<http://www.hopestreetgroup.org/index.jspa>)
 Mass Insight Education and Research Institute (<http://www.massinsight.org/>)
 The Mind Trust (<http://www.themindtrust.org/>)
 National Council of La Raza (<http://www.nclr.org/>)
 Parent Revolution (<http://www.parentrevolution.org/>)
 Rhode Island Mayoral Academies (<http://www.mayoralacademies.org/>)
 Rodell Foundation of Delaware (<http://www.rodelfoundationde.org/>)
 State of Black Connecticut Alliance (<http://stateofblackct.org/>)
 Texas Institute for Education Reform (<http://www.texaseducationreform.org>)
 UNCF (United Negro College Fund) (<http://www.uncf.org/>)



DEVELOPMENTAL DISABILITIES AREA BOARD 10

*Protecting and Advocating for Persons with
Developmental Disabilities in Los Angeles County*

Governmental Affairs Committee Report June 4, 2009

We are reviewing all federal legislation this month:

CLASS Act (S. 697/H.R. 1721)

The CLASS Act will create a new national insurance program paid for through payroll deduction (unless the employee opts out). The intent is to provide long term services and supports for people who become disabled without requiring that they become destitute first, as with Medicaid. The benefit could be used for non-medical services (for example, hiring a person to help with daily life activities) that would allow a person with a disability to remain independent. The cash benefit would have no impact on eligibility provided by SSI, survivors or disability benefits, Medi-Cal, or Medicaid.

Community Choice Act (S. 683/H.R. 1670)

Many people with disabilities do not have a choice about where they are provided services – in an institution (such as a nursing home or developmental center) or in the community. The Community Choice Act would enable states to utilize Medicaid funds to give people with disabilities who live in institutional settings the option of living in community settings. This would enable to states to reduce or eliminate the long waiting lists that many states have of people waiting to move into the community.

Under this bill, states would have to establish a Development and Implementation Council, composed of people with disabilities and seniors (or their representatives), who would work with the state to provide the services.

ABLE Act (S. 493/H.R. 1205)

The ABLE Act will give people with disabilities and/or their families the option of opening a tax-free saving account that would not impact their eligibility for Medicaid, SSI, and other federal benefits. The money saved could be withdrawn tax-free as long as it is used for essential expenses for the person with the disability – services such as education, medical and dental care, employment training and support, transportation, housing, and personal support services. Additionally, the account could be held in trust by parents or guardians.

The following federal bills were also reviewed at the 2/11/10 LPPC Meeting. No actions were taken.



State Council on Developmental Disabilities

www.scdd.ca.gov • [email](mailto:council@scdd.ca.gov) • council@scdd.ca.gov

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Sacramento, CA 95811



STATE OF CALIFORNIA
Arnold Schwarzenegger,
Governor

916.322.8481 Voice
916.443.4957 FAX
916.324.8420 TTY

Legislation and Public Policy Committee February 11, 2010

The following federal bills were reviewed. No actions were taken.

H.R. 2740 – IDEA Fairness Restoration Act

Sometimes, disputes arise between school districts and families concerning the content of individual education programs. When such disputes arise, either party may request due process. Presently, neither party may recover costs associated with expert witnesses or assessments. This bill would allow parents who prevail in due process to be reimbursed for their expert witness fees.

H.R. 4247 – Preventing Harmful Restraints and Seclusion in the Schools Act

This bill aims to prevent and reduce the inappropriate use of restraints and seclusion in public schools. You may recall that we reviewed and supported a similar state bill, AB 1538 (Ma), this past year – which stalled and eventually died in the legislative process.

S. 2781 – Rosa’s Law

This federal bill will change federal statutory language from “mentally retarded individuals” to “an individual with an intellectual disability”.

“The Council advocates, promotes & implements policies and practices that achieve self-determination, independence, productivity & inclusion in all aspects of community life for Californians with developmental disabilities and their families.”



Detail Sheet for: California Legislation

What is this agenda item about?

Dr. Lou Vismara, Policy Consultant to Senator Steinberg, will comment and provide input pertaining to some of the bills noted on the agenda. Afterwards, the LPPC will review all of the bills and decide if it wishes to take action on them.

What has the LPPC done about this so far?

The LPPC regularly reviews proposed legislation, takes positions, and provides input to legislators as needed.

What needs to be decided at this meeting?

The LPPC must decide if it wishes to take any actions pertaining to the California bills that will be reviewed.

What is the committee or staff recommendation?

The staff recommendation is for the LPPC to consider Dr. Vismara's comments, review the bills, and decide if any action is to be taken.

Are there attachments?

Yes. The legislative tracking report, bill analyses, and bill summaries are attached. It is anticipated that additional bill analyses will be distributed at the meeting.

Legislative & Public Policy Committee Legislative Report as of 3/24/2010

Civil Rights

[ACR 123](#) ([Chesbro](#)) California Memorial Project Remembrance Day. (A-03/18/2010 [html](#) [pdf](#))

Introduced: 02/12/2010

Last Amend: 03/18/2010

Status: 03/22/2010-Re-referred to Com. on RULES.

Location: 03/22/2010-A RLS.

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Summary: This measure would proclaim the 3rd Monday of each September as California Memorial Project Remembrance Day in California, to honor and restore dignity to individuals who lived and died in California institutions.

[SB 1256](#) ([Hancock](#)) Ed Roberts Day. (I-02/19/2010 [html](#) [pdf](#))

Introduced: 02/19/2010

Last Amend:

Status: 03/09/2010-Set for hearing March 24.

Location: 03/04/2010-S ED.

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Calendar: 03/24/10 8:30 a.m. - John L. Burton Hearing Room (4203) SEN EDUCATION

Summary: Existing law requires the Governor to proclaim certain days each year for specified reasons. Existing law also designates particular days each year as having special significance in public schools and educational institutions and encourages those entities to conduct suitable commemorative exercises on those dates. This bill would provide that the Governor proclaim January 23 of each year as Ed Roberts Day, would designate that date as having special significance in public schools and educational institutions, and would encourage those entities to conduct suitable commemorative exercises on that date.

Criminal Justice

[AB 438](#) ([Beall](#)) Persons with developmental disabilities: criminal proceedings: diversion. (A-04/21/2009 [html](#) [pdf](#))

Introduced: 02/24/2009

Last Amend: 04/21/2009

Status: 08/27/2009-In committee: Held under submission.

Location: 08/27/2009-S APPR. SUSPENSE FILE

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Summary: Existing law, the Lanterman Developmental Disabilities Services Act, grants persons with developmental disabilities the right to receive treatment and services to meet their needs, regardless of age or degree of disability, at each stage of life. Existing law requires that the state pay for these services through contracts with various private nonprofit corporations for the operation of regional centers for the developmentally disabled, and requires regional centers to develop an individual program plan for each consumer that sets forth the treatment and services to be provided for the consumer. This bill would make

these procedures also applicable for an offense that is charged or reduced to a nonviolent felony, as defined, or a serious felony, as defined, and would delete the exclusion for those previously diverted. This bill contains other related provisions and other existing laws.

Position: Support

Priority: Medium

SB 110 [\(Liu\) People with disabilities: victims of crime.](#) (A-01/26/2010 [html](#) [pdf](#))

Introduced: 01/28/2009

Last Amend: 01/26/2010

Status: 02/11/2010-To Coms. on PUB. S. and HUM. S.

Location: 02/11/2010-A PUB. S.

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Existing law regulates the investigation and prosecution of crimes against a dependent adult, which is defined to include a person who is between 18 and 64 years of age, inclusive, and who has a physical or mental limitation which restricts his or her ability, or substantially restricts his or her ability, to carry out normal activities or to protect his or her rights, including, but not limited to, a person who has a physical or developmental disability or whose physical or mental abilities have diminished, or significantly diminished, because of age. Under existing law, the term also includes any person between 18 and 64 years of age, inclusive, who is admitted as an inpatient to certain 24-hour health facilities. This bill would rename these teams "elder and dependent adult death review teams" and would expand the authority of these teams to cover dependent adult death abuse, and neglect, as specified. This bill contains other related provisions and other existing laws.

Position: Support

Developmental Center

SB 1129 [\(Wiggins\) Health services: Sonoma Developmental Center.](#) (I-02/18/2010 [html](#) [pdf](#))

Introduced: 02/18/2010

Last Amend:

Status: 03/17/2010-Set, first hearing. Hearing canceled at the request of author. Withdrawn from committee. Re-referred to Com. on HUMAN S.

Location: 03/17/2010-S HUM. S.

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Existing law vests in the State Department of Developmental Services jurisdiction over various state hospitals referred to as developmental centers, including the Sonoma Developmental Center, for the medical and nursing care of patients with developmental disabilities. This bill would require the Director of Developmental Services to provide medical, dental, wheelchair repair and modification, orthopedic shoe, and other health-related services at the Sonoma Developmental Center, through the center's operation of an outpatient clinic, to persons with developmental disabilities who reside at the center, and also to individuals who reside in the surrounding community. This bill contains other related provisions.

SB 1196 [\(Negrete McLeod\) Lanterman Developmental Center.](#) (A-03/23/2010 [html](#) [pdf](#))

Introduced: 02/18/2010

Last Amend: 03/23/2010

Status: 03/23/2010-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on RLS.

Location: 03/23/2010-S RLS.

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Existing law vests the State Department of Developmental Services with jurisdiction over specified state developmental centers , including the Lanterman

Developmental Center , to be used as a developmental center for the provision of services to people with developmental disabilities. Existing law specifies the procedure that the department is required to use in the closure of a developmental center . This bill would require plans and other public documents, and notice of public meetings or teleconferences, relative to the proposed closure of the Lanterman Developmental Center, to be posted on the department's Internet Web site, as specified .

Notes: This is a spot bill.

Education/Special Education

[AB 661](#) **(Torlakson) Special education: behavioral intervention plans: mandate claim:**

funding. (I-02/25/2009 [html](#) [pdf](#))

Introduced: 02/25/2009

Last Amend:

Status: 01/31/2010-Failed Deadline pursuant to Rule 61(b)(3). (Last location was 2 YEAR on 6/8/2009)

Location: 01/31/2010-A DEAD

	2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Existing law requires the Superintendent of Public Instruction, on or before September 1, 1992, to develop, and the State Board of Education to adopt, regulations, as specified, governing the use of behavioral interventions for individuals with exceptional needs receiving special education and related services. Existing law prescribes the calculations to be made to determine the amount of General Fund moneys to allocate to each special education local plan area. This bill would require the Superintendent to perform various calculations to increase the amount of funding per unit of average daily attendance for each special education local plan area, as specified. The bill would appropriate \$65,000,000 from the General Fund to the Superintendent in augmentation of a specified item of the Budget Act of 2009 for purposes of providing that increased funding. The bill also would appropriate \$10,000,000 from the General Fund to the Superintendent for allocation on a one-time basis to county offices of education and special education local plan areas, as specified. The bill would direct that \$85,000,000 be appropriated from the General Fund on a one-time basis in each of the 2011-12 to 2016-17 fiscal years, inclusive, except as provided, to the Superintendent for allocation to school districts on a per-pupil basis. The Superintendent would be required to use specified calculations to compute the allocation for each school district. The bill would deem the funding described in this paragraph as payments in full satisfaction of, and in lieu of, any reimbursable mandate claims resulting from the statement of decision of the Commission on State Mandates regarding the Behavioral Intervention Plans Mandated Cost Test Claim. This bill contains other related provisions.

Position: Watch

[AB 1742](#) **(Coto) Education: special education.** (A-03/15/2010 [html](#) [pdf](#))

Introduced: 02/08/2010

Last Amend: 03/15/2010

Status: 03/16/2010-Re-referred to Com. on ED.

Location: 03/16/2010-A ED.

	2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Existing law requires a nonpublic, nonsectarian schools that provides special education and related services to an individual with exceptional needs in any of the grades from kindergarten through grade 12 to certify in writing to the Superintendent of Public Instruction that it meets specified requirements, including the requirement that it will not accept a pupil with exceptional needs if it cannot provide the services outlined in the pupil's individualized education program, as specified. This bill would specify that required standards-based, core curriculum and instructional materials used to provide the special

education and related services may include technology-based materials, as specified.

[AB 1841](#) ([Buchanan](#)) Special education: parental consent. (A-03/18/2010 [html](#) [pdf](#))

Introduced: 02/12/2010

Last Amend: 03/18/2010

Status: 03/22/2010-Re-referred to Com. on ED.

Location: 03/22/2010-A ED.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Calendar: 03/24/10 1:30 p.m. - State Capitol, Room 447 ASM EDUCATION

Summary: (1) Existing law, in defining the term "consent" for purposes of the provision of special education and related services to individuals with exceptional needs, includes in that definition a statement that a parent or guardian understands that granting consent is voluntary and he or she may revoke that consent at any time. Existing law provides that revocation of consent is not retroactive to negate an action that occurred after consent was given and prior to the revocation. This bill, in addition, would provide that a public agency is not required to amend the education records of a child to remove any reference to the child's receipt of special education and services if the child's parent or guardian submits a written revocation of consent after the initial provision of special education and related services to the child. This bill contains other related provisions and other existing laws.

[AB 2160](#) ([Bass](#)) Teacher credentialing: instruction to pupils with autism. (I-02/18/2010 [html](#) [pdf](#))

Introduced: 02/18/2010

Last Amend:

Status: 03/04/2010-Referred to Com. on ED.

Location: 03/04/2010-A ED.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Calendar: 03/24/10 1:30 p.m. - State Capitol, Room 447 ASM EDUCATION

Summary: The Commission on Teacher Credentialing is authorized to issue teaching and services credentials, and is required to establish standards and procedures for the issuance and renewal of credentials. Existing law authorizes a local educational agency or school to assign a teacher who holds a level 1 education specialist credential to provide instruction to pupils with autism, subject to specified requirements. Existing law makes those provisions inoperative 2 years after the commission adopts regulations relating to the requirements for obtaining a specialist credential in special education, or on August 31, 2011, whichever occurs first, and repeals those provisions on January 1, 2012. This bill would extend the inoperative date to October 1, 2013, and would repeal those provisions on January 1, 2014. The bill would express various findings and declarations of the Legislature, and would delete obsolete provisions.

[AJR 31](#) ([Buchanan](#)) Special education funding. (I-02/04/2010 [html](#) [pdf](#))

Introduced: 02/04/2010

Last Amend:

Status: 02/11/2010-Referred to Com. on ED.

Location: 02/11/2010-A ED.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Calendar: 03/24/10 1:30 p.m. - State Capitol, Room 447 ASM EDUCATION

Summary: This measure would respectfully memorialize the Congress and the President of the United States to enact H.R. 1102 or one of the other bills pending before Congress that would fully fund the federal Individuals with Disabilities Education Act.

Position: Support

[SB 682](#) ([Padilla](#)) Individuals with exceptional needs: academic and occupational training: pilot program. (A-06/24/2009 [html](#) [pdf](#))

Introduced: 02/27/2009

Last Amend: 06/24/2009

Status: 08/27/2009-Set, second hearing. Held in committee and under submission.

Location: 08/27/2009-A APPR. SUSPENSE FILE

	2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Existing law requires the Superintendent of Public Instruction to establish the capacity to provide transition services such as employment and academic training, strategic planning, interagency coordination, and parent training for a broad range of individuals with exceptional needs, including autism spectrum disorders and other disabilities. This bill, contingent upon the availability of federal funds for this purpose, would authorize a county office of education or consortium of county offices of education to establish pilot programs for the purposes of providing combined academic and occupational training to secondary school pupils with autism spectrum disorders and other exceptional needs. The bill would require a county office of education or consortium of county offices of education that establishes a pilot program pursuant to these provisions to submit an evaluation containing specified information about the program to the State Department of Education, the Assembly Committee on Education, and the Senate Committee on Education on or before January 1, 2014. These provisions would be repealed on January 1, 2015 .

Position: Support

[SB 1270](#) (Romero) Public schools: parent empowerment. (I-02/19/2010 [html](#) [pdf](#))

Introduced: 02/19/2010

Last Amend:

Status: 03/04/2010-To Com. on RLS.

Location: 03/04/2010-S RLS.

	2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Existing law requires a local educational agency to implement one of several specified reforms for a school not identified as a persistently lowest achieving school that, after one full school year, fails to meet specified criteria and has a specified amount of parents and guardians of pupils sign a petition requesting the local educational agency to implement at least on fo the alternative governance arrangements. This bill would make technical, nonsubstantive changes to these provisions.

[SB 1315](#) (Romero) Parent empowerment. (I-02/19/2010 [html](#) [pdf](#))

Introduced: 02/19/2010

Last Amend:

Status: 03/04/2010-To Com. on RLS.

Location: 03/04/2010-S RLS.

	2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Existing law requires a local educational agency to implement one of several specified reforms for any other school which, after one full school year, is subject to corrective action pursuant to a specified provision of federal law and continues to fail to make adequate yearly progress, and have an Academic Performance Index score of less than 800, and where at least 1/2 of the parents or legal guardians of pupils attending the school, or a combination of at least 1/2 of the parents or legal guardians of pupils attending the school and the elementary or middle schools that normally matriculate into a middle or high school, as applicable, sign a petition requesting the local educational agency to implement one of the alternative governance arrangements, unless the local educational agency makes a finding in writing why it cannot implement the recommended arrangement and instead designates in writing which of the other alternative governance arrangements it will implement in the subsequent school year. This bill would state the intent of the Legislature to enact legislation relating to parent empowerment.

Notes: This is a spot bill.

[SB 1376](#) (Romero) Career technical education. (I-02/19/2010 [html](#) [pdf](#))

Introduced: 02/19/2010

Position: Watch

Health Care

[AB 214](#) **(Chesbro) Health care coverage: durable medical equipment.** (A-04/23/2009 [html](#) [pdf](#))

Introduced: 02/03/2009

Last Amend: 04/23/2009

Status: 01/31/2010-Failed Deadline pursuant to Rule 61(b)(3). (Last location was 2 YEAR on 6/2/2009)

Location: 01/31/2010-A DEAD

[2YR/Dead](#) | [1st Desk](#) | [1st Policy](#) | [1st Fiscal](#) | [1st Floor](#) | [2nd Desk](#) | [2nd Policy](#) | [2nd Fiscal](#) | [2nd Floor](#) | [Conf./Conc.](#) | [Enrolled](#) | [Vetoed](#) | [Chaptered](#)

Summary: Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act), provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of that act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, health care service plans and health insurers are required to offer specified types of coverage as part of their group plan contracts or group policies. This bill would require a health care service plan and a health insurer to provide coverage for durable medical equipment, as defined, as part of their plan contracts or health insurance policies. This bill contains other related provisions and other existing laws.

Position: Support

Priority: Medium

[SB 1283](#) **(Steinberg) Health care coverage: autism.** (I-02/19/2010 [html](#) [pdf](#))

Introduced: 02/19/2010

Last Amend:

Status: 03/04/2010-To Com. on RLS.

Location: 03/04/2010-S RLS.

[2YR/Dead](#) | [1st Desk](#) | [1st Policy](#) | [1st Fiscal](#) | [1st Floor](#) | [2nd Desk](#) | [2nd Policy](#) | [2nd Fiscal](#) | [2nd Floor](#) | [Conf./Conc.](#) | [Enrolled](#) | [Vetoed](#) | [Chaptered](#)

Summary: Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. A willful violation of the act constitutes a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires health care service plan contracts and health insurance policies to provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses, including, but not limited to, pervasive developmental disorder or autism, under the same terms and conditions applied to other medical conditions, as specified. This bill would state the intent of the Legislature to enact legislation to provide clarification on the duties imposed upon health care service plans and health insurers, under the existing mental health parity law, to provide medically necessary services for the diagnosis and treatment of autism spectrum disorders.

Notes: This is a spot bill.

Housing

[SB 812](#) **(Ashburn) Developmental services: housing.** (A-01/13/2010 [html](#) [pdf](#))

Introduced: 02/27/2009

Last Amend: 01/13/2010

Status: 02/11/2010-To Coms. on L. GOV. and H. & C.D.

Location: 02/11/2010-A L. GOV.

[2YR/Dead](#) | [1st Desk](#) | [1st Policy](#) | [1st Fiscal](#) | [1st Floor](#) | [2nd Desk](#) | [2nd Policy](#) | [2nd Fiscal](#) | [2nd Floor](#) | [Conf./Conc.](#) | [Enrolled](#) | [Vetoed](#) | [Chaptered](#)

Summary: The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. Existing law requires the local government to make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element. This bill would require the local government, as part of the above-described effort, to obtain, assess, and analyze appropriate information on the housing needs of individuals with developmental disabilities within the community . By expanding the duties of local jurisdictions in relation to the general plans, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Support if Amended

In Home Supportive Services (IHSS)

[AB 378](#) **(Cook)** In-Home Supportive Services: provider training. (A-05/04/2009 [html](#) [pdf](#))

Introduced: 02/23/2009

Last Amend: 05/04/2009

Status: 09/11/2009-To inactive file on motion of Senator Romero.

Location: 09/11/2009-S INACTIVE FILE

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. Under existing law, the functions of a nonprofit consortium contracting with the county, or a public authority established for this purpose, include providing training for providers and recipients. This bill would require each public authority or nonprofit consortium, in consultation with its advisory committee and stakeholders, to develop training standards and core topics for the provided training .

Position: Support

Priority: Low

[AB 682](#) **(Lowenthal, Bonnie)** In-Home Supportive Services program: fraud. (A-09/03/2009 [html](#) [pdf](#))

Introduced: 02/26/2009

Last Amend: 09/03/2009

Status: 09/03/2009-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.

Location: 09/03/2009-S APPR.

[REDACTED]												
2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. This bill would, instead, require that the criminal background checks be conducted at the provider's expense, unless the nonprofit consortium or public authority agrees to pay for the criminal background check in which case the department shall seek federal financial participation, to the extent possible, to cover costs associated with conducting the criminal background check. This bill contains other related provisions and other existing laws.

Position: Watch

[AB 1924](#) **(Strickland, Audra)** In-Home Supportive Services: fraud. (I-02/16/2010 [html](#) [pdf](#))

Introduced: 02/16/2010

Last Amend:

Status: 03/04/2010-Referred to Com. on HUM. S.

Location: 03/04/2010-A HUM. S.

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Summary: Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their home. The IHSS program is administered by counties under the general supervision and guidance of the State Department of Social Services. Existing law contains provisions relating to the duties of the State Department of Social Services, the State Department of Health Care Services, and the counties relating to IHSS fraud. This bill would delete the limitation on a county's authority to investigate suspected fraud in connection with the provision or receipt of supportive services to overpayments of \$500 or less. This bill contains other existing laws.

[AB 2274](#) (Beall) In-Home Supportive Services program. (I-02/18/2010 [html](#) [pdf](#))

Introduced: 02/18/2010

Last Amend:

Status: 03/11/2010-Referred to Com. on HUM. S.

Location: 03/11/2010-A HUM. S.

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Summary: Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law allows a recipient who receives services through either a contract or a managed care provider, subject to program requirements, to select any qualified person, as defined, to provide care. This bill would also allow a person who receives services as part of an entity authorized by a specified waiver under the federal Social Security Act to select any qualified person to provide care.

[AB 2374](#) (Nestande) In-Home Supportive Services: pilot project. (I-02/19/2010 [html](#) [pdf](#))

Introduced: 02/19/2010

Last Amend:

Status: 03/11/2010-Referred to Com. on HUM. S.

Location: 03/11/2010-A HUM. S.

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Summary: Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. This bill would, instead, require the pilot project to commence January 1, 2011, and would expand participation in the pilot project to all IHSS recipients rather than limiting participation to only those that are severely impaired. This bill contains other existing laws.

[SB 142](#) (Maldonado) In-home supportive services: provider timesheets. (A-07/06/2009 [html](#) [pdf](#))

Introduced: 02/11/2009

Last Amend: 07/06/2009

Status: 07/06/2009-Read second time. Amended. Re-referred to Com. on APPR.

Location: 07/06/2009-A APPR.

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Summary: Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with

Status: 03/23/2010-From HUM. S.: Do pass.To APPR..

Location: 03/23/2010-A APPR.

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Summary: Under existing law, the State Department of Social Services administers a pilot project that authorizes a county to develop and implement a plan for providing wraparound services designed to enable children who would otherwise be placed in a group home setting to remain in the least restrictive, most family-like setting possible. The pilot project also imposes specified evaluation and reporting requirements for participating counties, and training requirements for staff in participating counties. This bill would remove the designation of this program as a pilot project and make conforming changes. This bill contains other related provisions and other existing laws.

[SB 1282](#) **(Steinberg) Applied behavior analysis services: California Behavioral Certification**

Organization. (A-03/23/2010 [html](#) [pdf](#))

Introduced: 02/19/2010

Last Amend: 03/23/2010

Status: 03/23/2010-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on RLS.

Location: 03/23/2010-S RLS.

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Summary: Existing law provides for the licensure and regulation of various healing arts practitioners, including, but not limited to, marriage and family therapists, clinical social workers, educational psychologists, and professional clinical counselors, by the Board of Behavioral Sciences in the Department of Consumer Affairs. This bill would provide for the certification or registration of specified applied behavior analysis practitioners by a California Behavioral Certification Organization, which would be a nonprofit organization meeting specified requirements, and would impose certain duties on the organization. The bill would specify which individuals would be considered as qualified to practice applied behavior analysis services, and would prohibit an individual from holding himself or herself out as a practitioner unless he or she has complied with the act or another applicable licensing provision or is otherwise certified by certain nationally recognized entities. The bill would authorize the organization to establish specified curriculum and continuing education standards, and establish a certification and registration process, in conjunction with the California Association for Behavior Analysis (CalABA). The bill would require CalABA to implement the certification or registration process until the organization is established. The bill would set forth other disciplinary standards and hearing requirements .

Notes: This is a spot bill.

Regional Center

[AB 140](#) **(Beall) Developmental disabilities.** (C-08/06/2009 [html](#) [pdf](#))

Introduced: 01/20/2009

Last Amend:

Status: 08/06/2009-Chaptered by Secretary of State - Chapter 84, Statutes of 2009.

Location: 08/06/2009-A CHAPTERED

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Summary: Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities. Under existing law, the regional centers purchase needed services for individuals with developmental disabilities through approved service providers or arrange for their provision through other publicly funded agencies. This bill would establish procedures for the resolution of disputes

duties of regional centers in that regard. This bill would extend these exemptions until June 30, 2011. This bill contains other related provisions and other existing laws.

Total rows: 34



CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Bill Number: ACR 123

Author: Assembly Member Chesbro

Subject: California Memorial Project Remembrance Day

Version: Introduced

Sponsor: Unknown

Position Recommendation :	Priority Recommendation:
<input checked="" type="checkbox"/> Support	<input type="checkbox"/> High (Letter, Hearing Testimony, & Advocacy meeting with bill authors, legislative and department staff)
<input type="checkbox"/> Support if amended	<input type="checkbox"/> Medium (Letter & Hearing Testimony)
<input type="checkbox"/> Oppose	<input checked="" type="checkbox"/> Low (Letter only)
<input type="checkbox"/> Oppose unless amended	SCDD Policy Priority:
<input type="checkbox"/> Watch	N/A

SUMMARY

The bill creates California Memorial Project Remembrance Day, which would be celebrated each year on the third Monday in September. The purpose of this day is to honor and restore dignity to more than 45,000 people with disabilities who died in California developmental centers and state hospitals, but were buried in unmarked or numbered graves in mass sites. The markers for the numbered grave sites long ago disappeared and many records that identify where the bodies are buried have been misplaced or destroyed.

EXISTING LAW

Existing law provides for people with disabilities to have the same rights as other citizens of the United States and the State of California, including the rights to dignity, privacy, and humane care [Welfare and Institutions Code (WIC) §4502(b)].

RECOMMENDATION AND SUPPORTING ARGUMENTS

Support. This bill is an effort to restore dignity to individuals whose remains are buried in gravesites on state institutions land.

SUGGESTED AMENDMENTS

None.

ANALYSIS

The bill is a resolution that would create California Memorial Project Remembrance Day, which would be celebrated each year on the third Monday in September.

STAFF CONTACT

Christofer Arroyo, Community Program Specialist II, 818/543-4631,
christofer.arroyo@scdd.ca.gov

From: CDCANreportlist01@rcip.com on behalf of Marty Omoto [martyomoto@rcip.com]
Sent: Wednesday, March 24, 2010 8:00 AM
To: CDCANreportlist01@rcip.com
Subject: Re: CDCAN REPORT #063-2010: "Ed Roberts Day" Bill To Be Heard This Morning Before Senate Education Committee - SB 1256 Honors Disability Rights Advocate Consider "Father of Independent Living Movement"



CDCAN REPORT

#063-2010 – MARCH 24, 2010 - WEDNESDAY

CALIFORNIA DISABILITY COMMUNITY ACTION NETWORK

ADVOCACY WITHOUT BORDERS: ONE COMMUNITY – ACCOUNTABILITY WITH ACTION

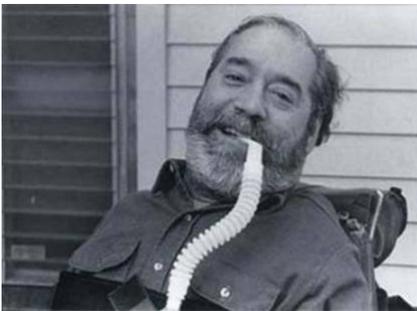
California Disability Community Action Network Disability Rights News goes out to over 50,000 people with disabilities, mental health needs, seniors, traumatic brain & other injuries, veterans with disabilities and mental health needs, their families, workers, community organizations, including those in Asian/Pacific Islander, Latino, African American communities, policy makers and others across California.

To reply to this report write: MARTY OMOTO at martyomoto@rcip.com WEBSITE: www.cdcan.us TWITTER: www.twitter.com - "MartyOmoto"

California Legislature:

HEARING ON "ED ROBERTS DAY" THIS MORNING IN SENATE EDUCATION COMMITTEE

SB 1256 by Sen. Loni Hancock of Berkeley Remembers Work and Life of Revered Disability Rights Advocate Considered "Father of Independent Living" Movement for People With Disabilities, Special Needs



SACRAMENTO, CALIF (CDCAN) [Updated 03/24/2010 07:16 AM (Pacific Time)] - The Senate Education Committee, chaired by State Sen. Gloria Romero (Democrat – Los Angeles) will hear Wednesday morning (March 24) at the State Capitol in Room 4203, legislation that would honor every year the life and work of Ed Roberts [pictured left], considered as the "father of the independent living" movement for people with disabilities and special needs. The hearing starts officially at 08:30 AM, though the bill on Ed Roberts is not expected to be heard until around 9:15 or 9:30 AM. People are urged to come and testify on the bill.

SB 1256 by State Sen. Loni Hancock (Democrat – Berkeley, 9th State Senate District) would provide that the Governor proclaim January 23 of each year as "Ed Roberts Day", would designate that date as having special significance in public schools and educational institutions, and would encourage those entities to conduct suitable commemorative exercises on that date.

The bill provides that on "Ed Roberts Day", schools would remember his life, recognizing his accomplishments as well as the accomplishments of other Californians with disabilities, and familiarize students with the contributions that Ed Roberts, who was a quadriplegic due to polio and other Californians with disabilities have made to this state. Roberts [pictured left] who passed away on March 14, 1995 at age 56, was a former director of the Department of Rehabilitation and co-founder of a respected disability advocacy organization in the bay area, the World Institute on Disability (WID) along with Judy Heumann and Joan Leon.

In 1962 he applied to UC Berkeley, but one of the deans remarked then that, "We've tried cripples before and it didn't work." But Roberts persevered with the help of his mother and others at the university, eventually

graduated from UC Berkeley, going on to earn a master's degree there. He paved the way for thousands of other students with special needs and disabilities to go and complete higher education opportunities.

Persons interested in indicating their support (or opposition) to the bill can send their letters to (mention the bill number and title on your letter and sign with full name and address):

*Senator Loni Hancock
State Capitol
Sacramento, CA 95814*

Ed Roberts Campus In Berkeley Also Remembers His Life and Work

Roberts is also being honored in Berkeley with the construction of a new community center, called the Ed Roberts Campus whose mission is to “ensure that people with disabilities can live independently and without discrimination.”

Located at a fully accessible transit hub, the Ed Roberts Campus will be a national and international model dedicated to disability rights and universal access, ground broke on construction in 2008.

The Ed Roberts Campus will commemorate the life and work of Roberts. For more information about the Ed Roberts Campus go to their website at: <http://www.edrobertscampus.org/index.html>

Background of Ed Roberts

The following is included in the text of SB 1256 as background on the life and work of Ed Roberts:

Edward Verne Roberts was born January 23, 1939.

** Ed contracted polio as an adolescent in 1953. For the first year of his illness, he spent nearly all of his time in a hospital. Eventually he left the hospital, but had to spend vast expanses of time in an iron lung.*

** His career as an advocate began when a high school administrator threatened to deny him a diploma because he had not completed driver's education and physical education.*

** After attending the College of San Mateo, in 1962 he was admitted to the University of California at Berkeley where he became the first severely disabled student to attend UC Berkeley.*

** When his search for housing at the university met resistance, in part because of the iron lung that he slept in at night, the director of the campus hospital offered him a room in an empty wing. Ed accepted on the condition that it be treated as dormitory space.*

** Other significantly disabled students joined him there over the next few years. They began calling themselves the "Rolling Quads."*

** In 1968 when two were threatened with a loss of services by a rehabilitation counselor, the "Rolling Quads" organized a successful protest that led to the counselor's transfer. Their success on campus inspired the group to advocate for curb cuts, opening access to the wider community, and creating the first student-led disability services program at a university in the nation*

** The student program in turn led to the creation, in Berkeley, of the nation's first center for independent living. Roberts assumed leadership of the Center for Independent Living, Berkeley, and guided its development as a model for disability advocacy and self-help services across the nation and around the world.*

** Ed Roberts earned a B.A. in 1964 and an M.A. in 1966, both from UC Berkeley, in Political Science. He also taught political science at the university for six years.*

** In 1975, Governor Jerry Brown appointed Ed Roberts Director of the Department of Rehabilitation. He served in that post until 1983 when he co-founded the World Institute on Disability.*

** Ed Roberts died from natural causes on March 14, 1995.*

TEXT OF REMARKS ED ROBERTS AT SECTION 504 REHAB ACT SIT-IN VICTORY RALLY IN SF ON APRIL 30, 1977

The following is the text of remarks by Ed Roberts, at the sit-in victory rally in San Francisco, April 30, 1977, courtesy of the World Institute on Disability (WID). The San Francisco sit-in, is remembered the longest such action in a federal building, and was part of a nationwide protest by disability rights advocates to force the Carter administration to sign regulations to enforce section 504 of the federal Rehabilitation Act of 1973 that made it illegal for any federal agency, federal contractor or other entity receiving public funds to discriminate against anyone "solely by reason of ...handicap."

All Right!

It was just, what, three and a half weeks ago that we got here together to begin talking about something that we knew that we could do. You know, we didn't come into this with weakness. We came into this movement to show strength, to show what we really are. Which is people who have learned, from people with disabilities, from being people considered weak, from people being people who are discriminated against daily; we've learned how to be strong, and we've demonstrated that to the people of this country.

We knew it. And now they know it. We have a long way to go. We talk about a long journey. It's now been about 10 years since some of us have been struggling, and for years before that. There are people that will be long remembered for their contributions towards opening society; and you know, I think these next ten years together, and I don't think we're going to get it all done overnight, but we have one fantastic start. 504 is going to help us guarantee our own civil rights. And we have learned that through the struggle we gain tremendous strength. We are much stronger than we were three and a half weeks ago. I hope that not only will this record for a sit-in be in the Guinness Book of Records for you all to show your grandchildren, but that you'll remember what you did here, what we did together.

Winston Churchill once said, "Never have so few, done so much, for so many." And this example, this example of people loving each other, committed to something that is right, is one that I know I will always remember. And you know, there is nothing like building a movement on success. We have never been defeated. You think about it. Whenever we have brought ourselves together, whenever we have joined various disabilities together, we find our strength. Our strength is in our unity. And our strength is in our righteousness. Because this is a cause that we've all invested our life in.

We have to begin to think very clearly, that what we need to do is help raise the consciousness of our fellow Americans with disabilities, to help them come out from behind, from the back wards, from the institutions, from the places, the garbage heaps, of our society. We have to stop the warehousing, the segregation, of our brothers and sisters. We have a long way to go. But we have one giant step ahead.

Together we have achieved something that relatively few people achieve in their lives. We have learned more than anything else, about each other, about how much we love each other, and that commitment, that dedication to each other, will carry through the rest of our lives.

We have begun to ensure a future for ourselves, and a future for the millions of young people with disabilities, who I think will find a new world as they begin to grow up. Who may not have to suffer the kinds of discrimination that we have suffered in our own lives. But that if they do suffer it, they'll be strong and they'll fight back.

And that's the greatest example, that we, who are considered the weakest, the most helpless people in our society, are the strongest, and will not tolerate segregation, will not tolerate a society which sees us as less than whole people. But that we will together, with our friends, will reshape the image that this society has of us.

We are no longer asking for charity. We are demanding our rights!

It's not unusual that a movement like this would have its real heart in this area. There are many committed people in this area -- Berkeley, San Francisco, the Peninsula, all of Northern California. People have come together and have shown that in our unity is our strength; that in our division is our weakness; that we are going to see attempts to divide us so that we can easily be conquered. But we will not allow that to happen.

I want to say to all of you that from the beginning I knew we could win this. And I didn't see any of you waiver. We knew that we had set a course that we all were gonna follow. We knew the only thing we could tolerate was victory.

We are victorious. We are strong. And we will march ahead together. And nothing will stop our achieving equal opportunity, and the right to move about freely in this society.

We will storm the schools and open them up. We will be sure that each person with a disability who has special needs has the money and the power to gain what they need to move them back into the mainstream of society. And we will assure a future for the millions of people who are not now disabled. You know, you come to think of it, that we are assuring a future for a lot of people we don't know at all, and who don't know that their future may be, very similar to ours.

I couldn't be prouder of us together. And I couldn't be happier. And I cannot think of a better way to go into tomorrow, but with rededicating ourselves to the struggle that's ahead, to enforce 504 Regulations, to open up more doors, to create choices for people, not the choice of segregation.

I thank you. I join you. I celebrate with you. I rededicate myself to work with you, to ensure the future.

PLEASE HELP CDCAN CONTINUE ITS WORK!!!

We need your help. CDCAN Townhall Telemeetings, reports and alerts and other activities cannot continue without your help.

To continue the CDCAN website, the CDCAN News Reports. sent out and read by over 50,000 people and organizations, policy makers and media across California and to continue the CDCAN Townhall Telemeetings which since December 2003 have connected thousands of people with disabilities, seniors, mental health needs, people with MS and other disorders, people with traumatic brain and other injuries to public policy makers, legislators, and issues.

Please send your contribution/donation (make payable to "CDCAN" or "California Disability Community Action Network):

CDCAN

1225 8th Street Suite 480 - Sacramento, CA 95814

paypal on the CDCAN site is not yet working – will be soon.

MANY, MANY THANKS TO the Easter Seals, California Association of Adult Day Health Centers, Valley Mountain Regional Center, Toward Maximum Independence, Inc (TMI), Friends of Children with Special Needs, UCP of Los Angeles, Ventura and Santa Barbara Counties, Southside Arts Center, San Francisco Bay Area Autism Society of America, Hope Services in San Jose, FEAT of Sacramento (Families for Early Autism Treatment), RESCoalition, Sacramento Gray Panthers, Easter Seals of Southern California, Tri-Counties Regional Center, Westside Regional Center, Regional Center of the East Bay, UCP of Orange County, Alta California Regional Center, Life Steps, Parents Helping Parents, Work Training, Foothill Autism Alliance, Arc Contra Costa, Pause4Kids, Manteca CAPS, Training Toward Self Reliance, UCP, California NAELA, Californians for Disability Rights, Inc (CDR) including CDR chapters, CHANCE Inc, , Strategies To Empower People (STEP), Harbor Regional Center, Asian American parents groups, Resources for Independent Living and many other Independent Living Centers, several regional centers, People First chapters, IHSS workers, other self advocacy and family support groups, developmental center families, adoption assistance program families and children, and others across California.



CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Bill Number: AB 2702

Author: Assembly Member Chesbro

Subject: Developmental services: planning teams

Version: Introduced

Sponsor: Unknown

Position Recommendation :	Priority Recommendation:
<input checked="" type="checkbox"/> Support	<input checked="" type="checkbox"/> High (Letter, Hearing Testimony, & meeting with bill authors, legislative and department staff)
<input type="checkbox"/> Support if amended	<input type="checkbox"/> Medium (Letter & Hearing Testimony)
<input type="checkbox"/> Oppose	<input type="checkbox"/> Low (Letter only)
<input type="checkbox"/> Oppose unless amended	
<input type="checkbox"/> Watch	SCDD Policy Priority: Education & Early Intervention, Housing, Quality Assurance, Recreation, Transportation, Cross-cutting

SUMMARY

This bill enhances the role of and determinations made by the planning teams of IFSPs, IPPs, and decision making. It impacts many of the laws that changed portions of the Lanterman Act in 2009, eliminating or reducing unilateral determinations made by regional centers.

EXISTING LAW

This bill amends the many sections of the Lanterman Act and Government Code

which provide for individual family service plan (IFSP) and individual program plan (IPP) processes, procedures, and determinations.

RECOMMENDATION AND SUPPORTING ARGUMENTS

Support. Although this bill impacts many different statutory sections, the proposed changes expand decision making opportunities of planning teams and consequently reduce the unilateral decision making of regional centers. It is anticipated that this will result in a greater degree of self-determination, choice, and control for consumers and families relative to IFSPs, IPPs, and regional center provided services.

SUGGESTED AMENDMENTS

None.

ANALYSIS

Specifically, this bill:

- requires the **IFSP planning team, not regional center**, to consider:
 - the use of group training for parents on behavior intervention techniques, in lieu of some or all of the in-home parent training component of the behavior intervention services;
 - the purchase of neighborhood preschool services and needed qualified personnel, in lieu of infant development programs;
- when developing, reviewing, or modifying an IFSP or IPP, **it is now the planning team that determines the following:**
 - regional center will not fund private specialized transportation services for adults who can safely use public transportation, when that transportation is available;
 - a regional center will fund transportation for a minor living at the family home only if the family cannot provide the transportation and the family provides an explanation in writing to the **planning team, not regional center**;
 - the least expensive service meets the consumers' needs;
- upon recommendation from the **planning team, the regional center:**
 - will determine if someone meets the exception criteria for a suspended service (camping, social recreation services, educational activities, and nonmedical therapies);

- may pay more than the typical cost of childcare for children with developmental disabilities who live with their parents;
- in order to maintain children with developmental disabilities in their families' home, **the planning team, not regional center**, must consider every possible way to assist families to do so;
- **pursuant to an IPP**, the regional center may purchase or provide vouchers for diapers for children who are over 3 years of age;
- **planning teams, not regional centers**, will:
 - only provide for ABA or IBI that reflects evidence-based practices, promote positive social behaviors, and reduces behaviors that that interfere with learning and social interactions;
 - only provide for ABA or IBI when parents participate;
 - not provide ABA or IBI instead of respite, day care, or school services;
 - discontinue providing ABA and IBI when goals are achieved;
 - not provide reimbursement to parents for participating in a behavioral services treatment program;
- for supported living, the regional center cannot pay for rent, mortgage or lease, except when **the planning team** verifies in writing that doing so is necessary to meet the person's care needs are documented in the IPP; and,
- although the regional center does not have to provide supportive services if someone refuses to apply for IHSS, **the planning team, not the regional center executive director**, can waive this if extraordinary circumstances exist and it is included in the IPP.

STAFF CONTACT

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**Detail Sheet for:
Legislative Glossary**

What is this agenda item about?

This item is about the presentation of a legislative glossary and key to read the legislative progress bar.

What has the Council done about this so far?

In the previous LPPC meeting, the LPPC requested a legislative glossary and a key to read the legislative progress bar.

What needs to be decided at this meeting?

Nothing needs to be decided concerning this item.

What is the committee or staff recommendation?

None.

Are there attachments?

The legislative glossary, key to the legislative progress bar, and the life cycle of a bill are attached.

A GLOSSARY OF LEGISLATIVE TERMS

Source: <http://www.leginfo.ca.gov/glossary.html>

Across The Desk

The official act of introducing a bill or resolution. The measure is given to the Chief Clerk or his or her representative at the Assembly Desk in the Assembly Chambers or to the Secretary of the Senate or his or her representative in the Senate Chambers. It then receives a number and becomes a public document available from the bill room.

Act

A bill passed by the Legislature and approved by the Governor.

Action

Deposition of any question before the Legislature.

Adjournment

Termination of a meeting; occurring at the close of each legislative day upon the completion of business, with the hour and day of the next meeting being set prior to adjournment.

Adjournment Sine Die

Final adjournment of the Legislature; regular sessions of the Legislature are adjourned sine die at midnight on November 30 of each even-numbered year.

Adoption

Approval or acceptance; usually applied to amendments or resolutions.

Advise And Consent

Confirmation by the Senate of certain appointees of the Governor.

Amendment

Formal proposal to change the language of a bill after it has been introduced. Amendments must be submitted to Legislative Counsel for drafting.

Author's Amendments - Amendments proposed by the bill's author anytime after bill introduction. In committee they are amendments placed in the bill prior to the committee hearing that are subject to the committee chair's approval.

Hostile Amendments - Amendments proposed by another member and opposed by the author in a committee hearing or during Assembly or Senate Floor consideration.

Analysis Of The Budget Bill

The Legislative Analyst's comprehensive examination of the Governor's budget available to legislators and the public about six weeks after the budget is submitted to the Legislature.

Apportionment

Division of the State into districts from which representatives are elected.

Appropriation

The amount of money made available for expenditure by a specific entity from a specific source such as the General Fund, Environmental License Plate Fund, etc., and for a specific purpose.

Appropriations Limit

Established by Prop. 4 passed by voters in 1979, this is the maximum amount of tax proceeds that State or local government may appropriate in a fiscal year. The limit is adjusted annually but based on 1986-87 appropriations.

Approved By The Governor

Signature of the Governor on a bill passed by the Legislature.

Archives

Location and contents of public records kept by the Secretary of State, including copies of all measures considered at each session, journals, committee reports, and documents of historic value.

Assembly

The house of the California legislature consisting of 80 members, elected from districts apportioned on the basis of population.

Assistant Chief Clerk

Performs the duties of the Chief Clerk in his or her absence.

BCP

(Budget Change Proposal) A document prepared by a State agency and submitted to an agency and submitted to an agency secretary (if necessary) and the Department of Finance to propose and document budget changes to maintain the existing level of service or to change the level of service; and is used in preparing the Governor's Budget.

Bicameral

Legislature consisting of two houses.

Bill

A proposed law, introduced during a session for consideration by the Legislature, and identified numerically in order of presentation; also, commonly refers to Joint and Concurrent Resolutions and Constitutional Amendments.

Bill Analysis

A document that must be prepared by committee and/or floor analysis staff prior to hearing the bill in that committee. It explains how a bill would change current law and sometimes mentions support and opposition from major interest groups.

Blue Pencil

(Line Item Veto) The Constitution grants the Governor "line item veto" authority to reduce or eliminate any item of appropriation from any bill including the budget bill. Thirty years ago the Governor used an editor's blue pencil for the task.

Bond Bill (General Obligation Bonds)

A bill authorizing the sale of State general obligation bonds to finance specified projects or activities, which must be subsequently approved by the voters.

Budget

Suggested allocation of State moneys presented annually by the Governor, for consideration by the Legislature; compiled by the Department of Finance, in conjunction with State department heads.

Budget Act

The Budget bill; after it has been signed into law by the Governor.

Budget Bill

The spending proposal for the next fiscal year, beginning July 1, and ending June 30, by the Department of Finance and submitted to the Legislature by the Governor.

Budget Change Proposal

(See BCP)

Budget Year

The next, rather than the current fiscal year, beginning July 1 and ending June 30.

Cola

Cost-of-living adjustment.

Cal-Span

The cable television channel which televises Assembly and Senate proceedings.

Call Of The House

On motion from the Floor, the presiding officer directs the Sergeant-at-Arms to lock the chambers and bring in the absent members (by arrest, if necessary) to vote on a measure under consideration. No action is taken on an item under call until the call is lifted, at which time it must be immediately voted on.

Call The Absentees

Order by the presiding officer directing the reading clerk to call the names of members who have not responded to roll call.

Capital Outlay

Funds to be spent acquiring or constructing fixed assets.

Capital Press Corps

Those members of the press who are responsible for covering events in the Capitol. Their offices are located at 925 L Street.

Casting Vote

The deciding vote the Lieutenant Governor may cast in the case of a tie vote in the Senate.

Caucus

- (1) A closed meeting of legislators of one's own party;
- (2) any group of legislators who coalesce formally because of their interest in specific issues.

Chair

A metaphorical designation of the current presiding officer.

Chamber

The Assembly or Senate chamber where Floor Sessions are held.

Chapter

After a bill has been signed by the Governor, the Secretary of State assigns the bill a "Chapter Number" such as "Chapter 123, Statutes of 1992," which is subsequently used to refer to the measure rather than the bill number.

Chapter Out

When two or more bills, during one year of the session, amend the same section of law and more than one bill becomes law, amendments made by the bill enacted last (and therefore given a later or higher chapter number) becomes law and prevail over the amendments made by the bill or bills previously enacted.

Check-In-Session

Weekdays when legislators do not meet in formal legislative sessions, they are required to "check in" with the Chief Clerk or Secretary of the Senate. Mondays, Thursdays (and Fridays during busy periods) are formal Floor Session days. Check-in days are typically Tuesdays and Wednesdays.

Chief Clerk

Elected by Assembly members at the beginning of every two-year session to be principal parliamentarian and record keeper of the Assembly. Responsible for all Assembly daily and weekly publications.

Co-Author

Any member of either house, with the agreement of the author of a bill, may add his or her name on that member's bill as a coauthor, usually indicating support for the proposal.

Codes

Bound volumes of law organized by subject matter. The code to be changed by a bill is referred to in the title of the bill.

Committee Of The Whole

The Assembly or Senate meeting as a committee for the purpose of receiving information.

Companion Bill

An identical bill introduced in the other house. This procedure is far more common in Congress than in the California Legislature.

Concurrence

One house approving a bill as amended in the opposite house. If the author is unwilling to move the bill as amended by the other house, the author requests "nonconcurrence" in the bill and asks for the formation of a conference committee.

Concurrent Resolution

A measure introduced in one house which, if approved, must be sent to the other house for approval. The Governor's signature is not required. These measures usually involve the business of the Legislature.

Conferees

Officially designated members of a conference committee.

Conference Committee

Usually composed of three legislators (generally two from the majority party; one from the minority party) from each house who meet in public session to forge one version of similar Senate and Assembly bills. The final conference committee version must be approved by both Assembly and Senate. Assembly conferees are chosen by the Speaker; Senate conferees are chosen by the Senate Rules Committee.

Confirm

The process of approving gubernatorial appointments to executive departments and many boards and commissions.

Consent Calendar

File containing bills which have received no dissenting votes and which have received unanimous agreement to pass.

Constituent

A person who resides within the district of a legislator.

Constitutional Amendment

A resolution changing the language of the State Constitution. It may be presented in bill form, by the Legislature or by initiative, which requires the populace to vote.

Consultant

A committee professional staff person.

Contingent Fund

The fund from which monies are appropriated by the respective houses for operational expenses.

Convene

To assemble a meeting. The Legislature generally convenes twice a week.

Current Fiscal Year

The current fiscal year that began on July 1 and ends next June 30.

Daily File

Publication produced by the Assembly and Senate respectively for each day those houses are in session. The publication provides information about bills to be considered at upcoming committee hearing and bills eligible for consideration during the next scheduled Floor session. Pursuant to Joint Rule 62(a), any bill to be heard in committee must be noticed in the Daily File for four days, including weekend days. The Daily File also contains useful information about committee assignments and the legislative calendar.

Daily History

Produced by the Assembly and Senate respectively the day after each house has met. The History lists specific actions taken on legislation. Any measure acted upon in that house the previous day is listed in numerical order.

Daily Journal

Produced by the Assembly and Senate respectively the day after a Floor Session. Contains roll call votes on bills heard in policy committees and bills considered on the floor and other official action taken by the body. Any official messages from the Governor are also included. A Member may seek approval to publish a letter in the Journal on a specific legislative matter.

Desk

The long desk in front of the presiding officer's rostrum where much of the clerical work of the body is conducted. Also, a generic term for the staff and offices of the Secretary of the Senate and the Chief Clerk of the Assembly.

Desk Is Clear

Statement by the presiding officer that there is no further business before the house.

Digest

Prepared by the Legislative Counsel, it summarizes the effect of the proposed bill on current law. It appears on the first page of every printed measure.

District

The area of the State represented by a legislator. Each district is determined by population and is known by a number. There are 40 Senate districts and 80 Assembly districts.

District Bill

Legislation introduced specifically on behalf of a legislator's district, generally affecting only that district.

Do Pass

Affirmative recommendation made by a committee which moves a bill to the floor or to the next committee.

Do Pass As Amended

Passage recommended by committee providing the language of the bill is changed as specified.

Double Join

Amendments to a bill which include provisions so that the amended bill does not "chapter out" the provisions of another bill.

Double Refer

Legislation recommended for referral to two policy committees rather than one for hearing. The first committee is not bound by the recommended second referral. Both committees must approve the measure to keep it moving in the process. Typically used for sensitive issue areas that transcend the jurisdiction of one policy committee. Bill referrals are made by the Assembly and Senate Rules Committees for their respective houses.

Dropped

Author has decided not to pursue the passage of the bill.

Enacting Clause

The phrase at the beginning of each bill which says "The people of the State of California do enact as follows."

Engrossment

The process of comparing the printed bill to ensure it looks like the original and to verify that amendments have been correctly inserted.

Engrossed Bill

Whenever a bill is amended, the printed form of the bill is proofread to make sure all amendments are inserted properly. After being proofread, the bill is "correctly engrossed" and is therefore in proper form.

Enrolled Bill

Whenever a bill passes both houses of the Legislature, it is ordered enrolled. In enrollment, the bill is again proofread for accuracy and then delivered to the Governor. The "enrolled bill" contains the complete text

of the bill with the dates of passage certified by the Secretary of the Senate and the Chief Clerk of the Assembly.

Enrollment

When bills are filed with the Governor and resolutions are filed with the Secretary of State once they have been accepted by both houses.

Ex Officio

(literally: out of or because of one's office) The act of holding one office by reason of holding another. For example, the Lieutenant Governor is, ex officio, a member of the University of California Board of Regents.

Executive Session

A committee meeting restricted to only committee members and specifically invited guests.

Expunge

A motion by which action is deleted from the Journal; i.e., "Expunge the record."

Extraordinary Session

A special legislative session called by the Governor to address only those issues specified in the proclamation. Measures introduced in these sessions are numbered chronologically with a lower case "x" after the number (i.e., AB 28x).

File

The agenda for the business of the house. It is printed daily.

File Number

The number assigned to a measure in the Assembly or Senate Daily File. The file number changes each day as bills move on or off the Daily File. These include measures on second and third reading; in conference; unfinished business (a bill amended in the other house and awaiting concurrence in amended form); and, in the Senate, Governor's appointments. Legislation is taken up on the Assembly or Senate Floor in chronological order according to file number. Items considered on the floor are frequently referred to by file number.

Final History

The publication printed at the end of every session showing the final disposition of all measures.

Finance Letter

Revisions to the budget bill and the Governor's budget for the current year proposed by the Department of Finance and addressed to appropriate committee chairs in the Assembly and Senate.

First Reading

Each bill introduced must be read three times before final passage. The first reading of a bill occurs when the measure is introduced.

Fiscal Bill

Generally, a measure that contains an appropriation of funds or requires a State agency to spend money for any purpose. The Legislative Counsel determines which bills are fiscal bills. The designation appears at the end of the Legislative Counsel's Digest found on the first page of each bill. Fiscal bills must be heard by the Assembly and Senate Appropriations Committees in addition to the policy committees in each house

Fiscal Committee

The Appropriations Committee in the Assembly and the Appropriations Committee in the Senate to which all fiscal bills are referred if they are approved by policy committees. If the fiscal committee approves a bill, it then moves to the floor.

Fiscal Deadline

The date on the legislative calendar by which all bills with fiscal implications must have been taken up in a policy committee and referred to a fiscal committee. Any fiscal bill missing the deadline is considered "dead" unless it receives a rule waiver allowing further consideration.

Fiscal Year

The twelve month period on which the budget is planned. The State fiscal year begins July 1 and ends June 30 of the following year. The federal fiscal year begins October 1 and ends September 30 of the following year.

Floor

- (1) The Assembly or Senate Chambers.
- (2) The term used to describe the location of a bill or the type of session. Matters may be referred as "on the floor."

Floor Manager

The legislator responsible for taking up a measure on the floor. This is always the bill's author in the first house and a member of the other house designated by the author when the bill is considered by the other house. The name of the floor manager in the other house appears in parenthesis after the author's name in the second or third reading section of the Daily File.

Floor Pass

No visitor may observe the Assembly or Senate from the rear of the chambers without a pass. Assembly passes are issued by the Speaker's office; Senate passes are issued by the President pro Tempore's office. Passes are not required for the viewing area in the gallery above the chambers.

Foreign Amendments

The Legislative Counsel's term for amendments not drafted in his or her office.

4-Day File Notice

Officially known as Joint Rule 62(a), the requirement that all bills for the first committee of reference be noticed in the Daily File for four days prior to committee hearings where they will be considered. The second or subsequent committees of reference only require a notice of two days.

Germaneness

Referring to whether an amendment is relevant to the subject matter already being considered in a bill. The Legislative Counsel opines germaneness, but the matter is subject to final determination by the full Assembly or Senate.

Governor's Budget

The spending plan submitted by the Governor in January.

Grandfathering

Specific situations that are allowed to continue while a law would make changes henceforth.

Handbook

The 3" x 5-3/4" hardbound edition of California Legislature published for each two-year legislative session. Contains indexed versions of the Assembly, Senate, and Joint Rules; biographies of members; and other useful information. Published by the Assembly Chief Clerk and Secretary of the Senate for their respective houses.

Hearing

A committee meeting convened for the purpose of gathering information on a specific subject or considering specific legislative measures.

Held In Committee

A bill fails to get sufficient votes to pass out of committee.

Hijack

Amendments which delete the contents of a bill and insert entirely new provisions. Can be accomplished with or without the author's permission.

Hopper

Refers to a bill presented for formal introductions and first reading.

Host

The communal file cabinet of the mainframe computer allowing access by all legislative employees in Sacramento and district offices. The Host is maintained by the Legislative Data Center which is a part of Legislative Counsel. It contains information such as bill analyses, bill

status, bill text, votes, and other useful information for bill tracking and research.

House

Refers to either the Senate or the Assembly in California.

Inactive File

The portion of the Daily File containing legislation that is ready for floor consideration, but, for a variety of reasons, is dead or dormant. An author may move a bill to the inactive file and subsequently move it off the inactive file at a later date. During the final weeks of the legislative session, measures may be moved there by the leadership as a method of encouraging authors to take up their bills promptly.

Initiative

A method of legislating that requires a vote of the people instead of a vote of the Legislature for a measure to become law. To qualify for a statewide ballot, statutory initiatives must receive signatures equal to 5 percent, and constitutional amendment initiatives must receive signatures equal to 8 percent, of the voters for all candidates for Governor at the last gubernatorial election.

Interim

The period of time between the end of the legislative year and the beginning of the next legislative year. The legislative year ends on August 31 in even-numbered years and in mid-September in odd-numbered years.

Interim Study

The assignment of the subject matter of a bill to the appropriate committee for study during the period the Legislature is not in session.

Joint Committee

A committee composed of equal numbers of Assembly members and Senators.

Joint Resolution

A resolution expressing an opinion about an issue pertaining to the federal government; forwarded to congress for its information. Requires the approval of both Assembly and Senate but does not require signature of the Governor to take effect.

Joint Session

The Assembly and Senate meeting together, usually in the Assembly chambers. The purpose is to receive special information such as the Governor's State of the State address.

Journal

The official chronological record of the proceedings in each house. The journal is the minutes of the meeting. It is a publication printed daily. At the end of session, the journals are certified, indexed and bound.

Law

The rules which govern our daily lives.

Lay On The Table

Temporary postponement of a matter before the house, which may later be brought up for consideration by a motion to "take from the table."

Legislative Advocate

An individual engaged to present to legislators, the views of a group or organization. They are required by law to register with the Secretary of State. More commonly known as lobbyists.

Legislative Analyst

Provides thorough, nonpartisan analysis of the budget submitted by the Governor; also analyzes fiscal impact of other legislation.

Legislative Counsel

The Legislative Counsel (who is elected jointly by both houses) and his or her legal staff is responsible for, among other things, drafting all bills and amendments, preparing a digest (summary) of each bill, providing legal opinions, and generally representing the Legislature in legal proceedings.

Legislative Counsel's Digest

The digest is a brief summary of the changes the proposed bill would make to current law. The digest is found on the front of each printed bill.

Lieutenant Governor

The President of the Senate; designated by the State Constitution allowing him or her to preside over the Senate and cast a vote only in the event of a tie. If the Governor cannot assume his or her duties or is absent from the state, the Lieutenant Governor assumes the office of the Executive Office for the remainder of the term or during the absence.

Line Item Veto

(See Blue Pencil).

Lobbyist

An individual who seeks to influence the outcome of legislation or administrative decisions. The law requires formal registration as a lobbyist if an individual's lobbying activity exceeds 25 contacts with decision makers in a two-month period.

Lobbyist Book

The Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers published every legislative session by the Secretary of State; available to the public for \$12.00 from the Legislative Bill Room at the State Capitol or the Secretary of State's office. Photos and addresses of lobbyists are included with a list of the clients they represent. Employers of lobbyists are also listed alphabetically.

Lower House

The Assembly.

Majority Floor Leader

The "number two" issues and political strategist for the Assembly's majority party, second in command to the Assembly Speaker. Elected by the Assembly majority party members.

Majority Leader

The "number two" issues and political strategist for the Senate's majority party, second in command to the Senate President pro Tempore. Elected by the members of the Senate's majority party.

Majority Vote

A vote of more than half of the legislative body considering a measure. The full Assembly requires a majority vote of 41 and the full Senate requires 21, based on their memberships of 80 and 40 respectively.

Majority Whip

One of the members of the majority party's leadership team in the Assembly or Senate; responsible for monitoring legislation and securing votes for legislation on the floor.

Mason's Manual

The definitive reference manual for parliamentary procedure unless specifically covered by the Legislature's own written rules.

May Revision

Occurring in early May, the updated estimate of revenues and expenditures that replaces the estimates contained in the Governor's budget submitted in January.

Measure

Any bill, resolution, or constitutional amendment that is acted upon by the Legislature.

Minority Floor Leader

The Senate's highest ranking minority party post; chief policy and political strategist for the Senate's minority party.

Minority Whip

One of the members of the minority party's leadership team in the Assembly or Senate; responsible for monitoring legislation and securing votes for legislation on the floor.

Minutes

An accurate record of the proceedings (See Journal).

Motion

A formal request for action made by a legislator during a committee hearing or Floor Session.

Nonfiscal Bill

A measure having no financial impact on the state and, therefore, not required to be heard in an Assembly or Senate fiscal committee as it moves through the legislative process. Nonfiscal bills are subject to somewhat different legislative calendar deadlines than fiscal bills.

Officers

Those members of the Legislature who are elected by the membership of their respective houses at the beginning of each session. Assembly officers include: Speaker, Speaker pro Tempore, Chief Clerk, Sergeant-at-Arms. Senate officers include: President pro Tempore, Secretary of the Senate, Sergeant-at-Arms.

On Call

A roll call vote in a committee or an Assembly or Senate Floor Session that has occurred but has not yet been concluded and , therefore, formally announced. Members may continue to vote or change their votes as long as a measure remains "on call." Calls are usually placed at the request of a bill's author in an effort to gain votes. Calls can be lifted by request anytime during the committee hearing or Floor Session, but cannot be carried over into the next legislative day.

On File

A bill on the second or third reading file of the Assembly or Senate Daily File.

On The Floor

The Assembly or Senate Chambers where legislation is considered by the full Assembly or Senate.

Out Of Order

A parliamentary ruling by the presiding officer of a committee or the house that an action is not properly before the body or relevant to its discussion and, therefore, cannot be discussed at that moment.

Override

An effort to reverse a Governor's veto by a vote of two-thirds of the members of each house. This requires 27 votes in the Senate and 54 votes in the Assembly.

Parliamentary Inquiry

A question posed by a legislator during a committee hearing or Floor Session. A member must be recognized for this purpose and the question answered by the committee chair or presiding chair.

Pass on File

Bills are taken up during a Floor Session according to their member in the Assembly or Senate Daily File. An author may choose to "pass on file" thus temporarily giving up his or her chance to take up a measure on the floor.

Passage

Favorable action on a measure before either house.

Per Diem

(literally: per day) Daily living expense money rendered legislators and personnel.

Petition

A formal request submitted to the Legislature by an individual, or group of individuals.

Point of Order

A motion calling attention to a breach of order or of the rules.

Point Of Personal Privilege

Statement by a member that his or her character or purposes have been impugned and his or her repudiation of the alleged charges.

Postpone

Motion to delay action on matters before the house.

President

By the State Constitution, the Lieutenant Governor is also President of the Senate.

President of the Senate

The State Constitution designates the Lieutenant Governor as President of the Senate, allowing him to preside over the Senate and cast a vote only in the event of a tie. The Lieutenant Governor's role is largely ceremonial because he has not cast a tie breaking vote since 1975 and, in practice, does not preside over the Senate.

President Pro Tempore Of The Senate

(literally: for the time) Highest ranking leader and most powerful member of the Senate; also chairs the Senate Rules Committee. Elected by all Senators at the beginning of each two-year session.

Presiding

The act of managing the proceedings during Floor Session. In the Assembly, the Presiding Officer can be the Speaker, Speaker pro Tempore or any other Assembly Member appointed by the Speaker. In the Senate, the presiding officer can be the President, President pro Tempore, or any other Senator appointed by the President pro Tempore.

Presiding Officer

The member who presides over a legislative Floor Session. In the Assembly, the presiding officer is usually the Speaker pro Tempore (not to be confused with the Speaker). In the Senate, it is a senior Senator designated by the Senate President pro Tempore.

Press Conference

A presentation of information to a group of reporters. Press conferences are frequently held in Room 1190 of the Capitol, the Governor's press room, available to members on a reservation basis (445-4571).

Previous Question

If a member seeks to cut off all further debate on a measure(s), he or she can call the previous question and force the body to vote immediately on the issue.

Principal Coauthor

A legislator singled out to share credit along with the author of a bill or resolution.

Privilege of the Floor

Permission given, by the presiding officer, to view the proceedings from the Floor of the Chamber, rather than from the gallery. Members make this request on behalf of relatives, constituents, and guests.

Put Over

Action delayed on a legislative measure until a future date without jeopardy to the measure.

Quorum

A simple majority of the members of the full committee or the full Assembly or Senate; the minimum number of legislators needed to begin conducting official business. Once a quorum is established, the absence of a quorum is grounds for immediate adjournment of a committee hearing or Floor Session.

Quorum Call

Transmitting the message that members are needed to establish a quorum so proceedings can begin.

Reading

Presentation of a bill before the house by reading the title thereof. A bill is either in first, second, or third reading until it is passed by both houses.

Reapportionment

Redistricting the State for election purposes.

Recess

(1) An official pause of any length in a committee hearing or Floor Session that halts the proceedings for a period of time but does not have the finality of adjournment.

(2) A break of more than four days in the regular session schedule such as the "Easter recess", etc.

Reconsideration

A motion giving the opportunity to take another vote on the item in question. The motion for reconsideration must be accepted by a majority of the members present and voting.

Referendum

The method by which a measure adopted by the Legislature may be submitted to the electorate for a vote.

Rescind

Revocation of previous actions.

Resolution

An opinion expressed by one or both houses which does not have the force of law. Concurrent and joint resolutions are voted on by both houses but do not require the Governor's signature.

Roll Call

A vote of a committee or the full Assembly or Senate. Committee roll calls are conducted by the committee secretary who calls each member's name in alphabetical order with the Chair's name last. Assembly roll calls are conducted electronically with each member pushing a button from his or her assigned seat. Senate roll calls are conducted by the Reading Clerk who reads each Senator's name in alphabetical order.

Rule Waiver

Specific exemption to the Assembly, Senate, or Joint Rules; formal permission must be sought and received.

Rules

Those ideas which govern the operation of either or both houses. There are Standing Rules of the Assembly, Standing Rules of the Senate, and Joint Rules.

Second Reading

Each bill introduced must be read three times before final passage. Second reading occurs after a bill has been reported from committee.

Second Reading File

The portion of the Daily File that lists measures that have been reported out of committee and are ready for consideration on the floor. Measures stay on the second reading file for one day before moving to the third reading portion of the File.

Secretary Of The Senate

Principal parliamentarian and record keeper for the Senate, elected by Senators at the beginning of each two-year session. The Senate Secretary and his staff are responsible for publishing the Senate daily and weekly publications.

Section

A portion of the California Codes. The text of these sections are set forth in bills and proposed to be amended, repealed, or aDDed.

Senate

The upper house of the California legislature consisting of 40 members elected from districts apportioned on the basis of population, one-half of whom are elected or re-elected every two years for four-year terms.

Sergeant-At-Arms

Staff responsible for maintaining order and providing security for legislators. The Chief Sergeant-at-Arms in each house is elected by the members of that house at the beginning of every legislative session.

Session

The period during which the Legislature meets.

Short Committee

Lacking sufficient members of the committee; less than a quorum.

Sine Die

Final adjournment. It means adjournment without delay.

Skeleton Bill

A measure introduced with little or no substance. It will be amended at a later date to include substantive text.

Speaker

The presiding officer of the Assembly elected by the membership of the Assembly at the beginning of the two-year session. This is the highest ranking member of the Assembly.

Speaker Pro Tempore

Takes the chair at the request of the Speaker. The pro Tempore is also elected by the membership of the Assembly.

Special Order Of Business

Occasionally a bill is of such importance that advance notice is given about when it will be considered in the full Assembly or Senate. Notice is given during a Floor Session by requesting unanimous consent to set the bill as a special order of business on a specific date and time. This assures adequate time for debate and allows all members the opportunity to be present.

Sponsor

The legislator, private individual, or group who developed a piece of legislation and advocates its passage.

Spot Bill

A bill that amends a code section in such an innocuous way as to be totally nonsubstantive. The bill has been introduced to assure that a germane vehicle will be available at a later date after the deadline has passed to introduce bills. At that future date, the bill can be amended with more substance included.

State Auditor

Staff Director of Joint Audit Committee. The Auditor General audits the financial condition of State agencies.

State Mandate

Chapter 1406, Statutes of 1972, first established the requirement for the State to reimburse units of local government for all costs mandated on them by the State resulting from either legislative acts or administrative regulations which impose a new program or demand an increased level of service in an existing program. Proposition 4 of 1979 (Gann Initiative) incorporated this requirement into Section 6 of Article XIII B of the State Constitution.

Statutes

Compilation of all enacted bills, chaptered by the Secretary of State in the order in which they become law.

Stop the Clock

The term used to describe the process of continuing business after a time deadline has passed.

Subcommittee

A subgroup of a full committee, composed of committee members from both parties.

Summary Digest

Brief summaries of each piece of legislation passed in the two- year session; prepared by Legislative Counsel. Measures are listed in the order they were signed into law.

Suspend the Constitution

A motion to waive requirements that the Constitution imposes but permits to be waived. A motion to suspend requires an extraordinary vote.

Table

To set aside. Typically used to dispense with, or set aside, amendments to a bill rather than vote "aye" or "no" on them. A motion to table is non-debatable and once made, must be voted upon.

Tax Levy

Any bill that imposes, repeals, or materially alters a State tax. The Legislative Counsel determines whether a bill is a tax levy and so indicates in the title and body of the bill.

Third House

Lobbyists.

Third Reading

Each bill introduced must be read three times before final passage. Third reading occurs when the measure is about to be taken up on the floor of either house for final passage.

Third Reading Analysis

A summary of a measure ready for floor consideration. Contains most recent amendments and information regarding how members voted on the measure when it was heard in committees. Senate floor analyses also list support or opposition information on interest groups and government agencies.

Third Reading File

That portion of the Daily File that lists the bills that are ready to be taken up for final passage.

Title

That portion of a measure which identifies the subject matter of a measure and precedes the contents of the measure.

Tombstone

Specifying in a bill that the act it creates will be named for a state legislator; i.e., "The (last name of individual) Act."

Two-Thirds Vote

In the Assembly, 54; in the Senate 27; irrespective of any vacancies.

Unanimous Consent

The consent of all those members present, without objection.

Unfinished Business

That portion of the Daily File that contains measures awaiting Senate or Assembly concurrence in amendments taken in the other house. Also contains measures vetoed by the Governor for a 60-day period after the

veto. The house where the vetoed bill originated has 60 days to attempt to override.

Unicameral

A legislature consisting of one house.

Upper House

The Senate.

Urgency Measure

A bill affecting the public peace, health, or safety and requiring a 2/3's vote for passage. An urgency bill becomes effective immediately upon enactment.

Urgency Clause

Language in a bill which states the bill will take effect immediately upon enactment. A vote on the urgency must precede a vote on the bill. A 2/3 vote is required for passage.

Veto

The act of the Governor disapproving a measure. The Governor's veto may be overridden by 2/3's vote. The Governor can also exercise an Item veto, whereby the amount of appropriation is reduced or eliminated, while the rest of the bill approved. An Item veto may be overriDDen by 2/3's vote in each house.

Voice Vote

A vote that requires only an oral "aye" or "no" with no official count taken. The presiding officer determines whether the "ayes" or "noes" carry.

KEY FOR READING THE LEGISLATIVE PROGRESS BAR

2 YR/Dead

Location: 01/31/2010-A DEAD

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
----------	----------	------------	------------	-----------	----------	------------	------------	-----------	-------------	----------	--------	-----------

Each legislative cycle is two years long. If a bill is neither passed nor dead, then it is a two year bill that can be acted upon in the second year of the cycle. As you can see above, this bill is dead.

1st Desk

Location: 02/18/2010-A PRINT

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
----------	----------	------------	------------	-----------	----------	------------	------------	-----------	-------------	----------	--------	-----------

This means the bill has been released and a determination is being made as to which policy committee the bill should be sent for review.

1st Policy

Location: 03/04/2010-A HUM. S.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
----------	----------	------------	------------	-----------	----------	------------	------------	-----------	-------------	----------	--------	-----------

This means the bill is currently in review by the appropriate policy committee(s). At this point, fiscal considerations are not heavily weighed, but the policy considerations are. In this example, the Assembly (A) Human Services Committee is reviewing this bill. As you can see, abbreviations are used for the committees.

1st Fiscal

Location: 03/23/2010-A APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
----------	----------	------------	------------	-----------	----------	------------	------------	-----------	-------------	----------	--------	-----------

This means the bill is under review by a fiscal committee such as Appropriations. At this point, policy considerations are not heavily weighed, but the fiscal considerations are.

1st Floor

Location: 03/24/2010-A CONSENT CALENDAR

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
----------	----------	------------	------------	-----------	----------	------------	------------	-----------	-------------	----------	--------	-----------

This means the bill is or will be under consideration by the entire membership of the house that introduced it – the Assembly (A) or the Senate (S).

2nd Desk

Location: 03/24/2010-A CONSENT CALENDAR

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

This means the bill has now moved to the non-originating house. Like the 1st Desk, the other house is deciding which policy committee(s) to send the bill. In this example, we know this bill was originally introduced in the Senate and is currently in the Assembly.

2nd Policy

Location: 03/08/2010-S RLS.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

This means the same as 1st Policy, except it is now being reviewed with a policy committee in the non-originating house.

2nd Fiscal

Location: 03/23/2010-A APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

This means the same as 1st Fiscal, except it is now being reviewed with a fiscal committee in the non-originating house.

2nd Floor

Location: 03/04/2010-A THIRD READING

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

This means the same as the 1st Floor, except it is now under consideration by the entire membership of the non-originating house.

Conference/Concurrence

Location: 03/23/2010-A CONCURRENCE

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

This means the bill is now being considered by representatives from both houses. Typically, a bill will change significantly from when it was approved by the originating house to when it was approved by the non-originating house. Inconsistencies and disagreements in the bill are worked out at this point in time.

Enrolled

Location: 03/23/2010-S ENROLLED

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
----------	-------------	---------------	---------------	--------------	-------------	---------------	---------------	--------------	-------------	----------	--------	-----------

This means that the bill has been prepared and delivered to the Governor for consideration.

Vetoed

Location: 03/09/2010-A VETOED

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
----------	-------------	---------------	---------------	--------------	-------------	---------------	---------------	--------------	-------------	----------	--------	-----------

This means the Governor has vetoed the bill.

Chaptered

Location: 02/26/2010-A CHAPTERED

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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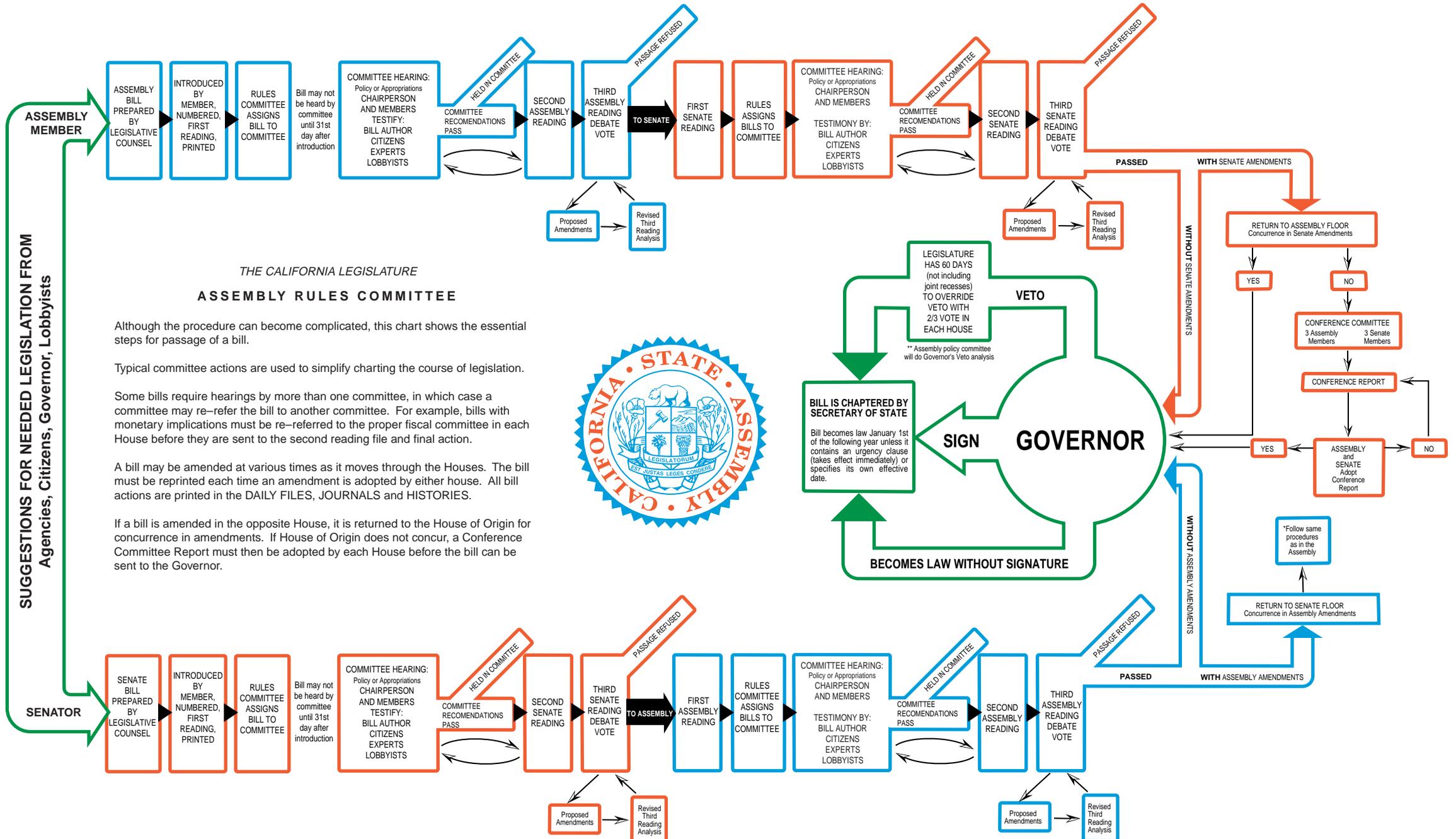
This means the bill has now become a statute and has been incorporated in a California code (for example, the Welfare and Institutions Code).

Suspended/In Suspense

When a bill is suspended or in suspense, this means the leadership will decide if the bill should be changed or amended. It lays dormant until it moves forward in the process. Typically, this only happens to bills while they are with a fiscal committee.

THE LIFE CYCLE OF LEGISLATION

From Idea into Law



THE CALIFORNIA LEGISLATURE

ASSEMBLY RULES COMMITTEE

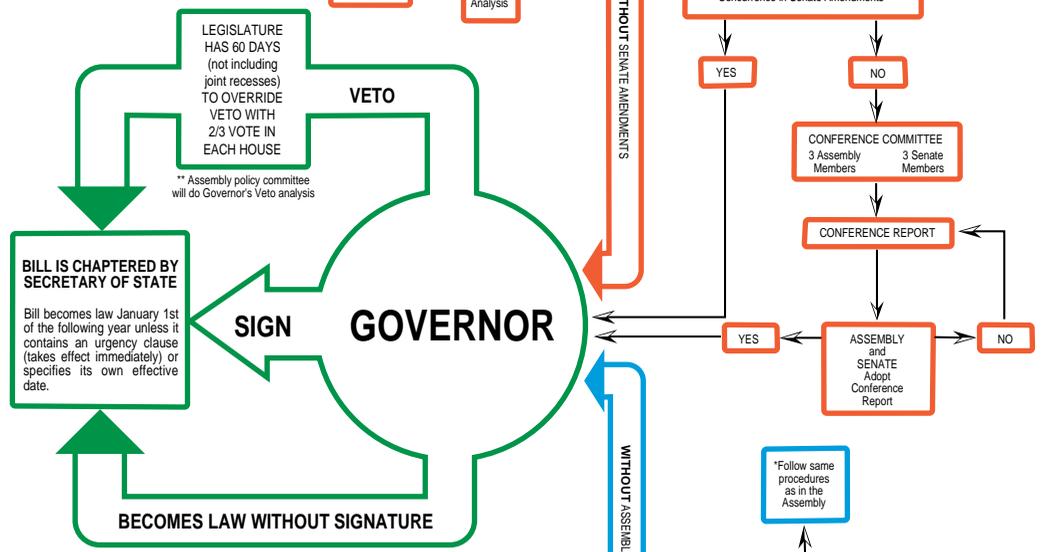
Although the procedure can become complicated, this chart shows the essential steps for passage of a bill.

Typical committee actions are used to simplify charting the course of legislation.

Some bills require hearings by more than one committee, in which case a committee may re-refer the bill to another committee. For example, bills with monetary implications must be re-referred to the proper fiscal committee in each House before they are sent to the second reading file and final action.

A bill may be amended at various times as it moves through the Houses. The bill must be reprinted each time an amendment is adopted by either house. All bill actions are printed in the DAILY FILES, JOURNALS and HISTORIES.

If a bill is amended in the opposite House, it is returned to the House of Origin for concurrence in amendments. If House of Origin does not concur, a Conference Committee Report must then be adopted by each House before the bill can be sent to the Governor.



BILL IS CHAPTERED BY SECRETARY OF STATE
Bill becomes law January 1st of the following year unless it contains an urgency clause (takes effect immediately) or specifies its own effective date.

SIGN GOVERNOR

BECOMES LAW WITHOUT SIGNATURE

VETO
LEGISLATURE HAS 60 DAYS (not including joint recesses) TO OVERRIDE VETO WITH 2/3 VOTE IN EACH HOUSE
** Assembly policy committee will do Governor's Veto analysis

RETURN TO ASSEMBLY FLOOR
Concurrence in Senate Amendments

CONFERENCE COMMITTEE
3 Assembly Members
3 Senate Members

CONFERENCE REPORT

ASSEMBLY and SENATE Adopt Conference Report

RETURN TO SENATE FLOOR
Concurrence in Assembly Amendments

*Follow same procedures as in the Assembly



**Detail Sheet for:
State Budget Update**

What is this agenda item about?

This item is an update on the Governor's proposed budget.

What has LPPC done about this so far?

LPPC received a verbal report about this item at the last meeting.

What needs to be decided at this meeting?

After hearing the report, the LPPC needs to decide if it wishes to take action regarding the proposed budget.

What is the committee or staff recommendation?

None.

Are there attachments?

Yes. A summary of the Governor's budget and the budget process cycle are attached.



DEVELOPMENTAL DISABILITIES AREA BOARD 10

*Protecting and Advocating for Persons with
Developmental Disabilities in Los Angeles County*

PROPOSED STATE BUDGET – MID-YEAR 2009-2010 THROUGH 2010-2011

The following has been proposed to resolve an estimated \$20 billion deficit.

REGIONAL CENTERS	A reduction of \$200 million in the purchase of services in the 2010-2011 fiscal year. This is in addition to the \$334 million cut made in 2009-2010 fiscal year.
IN-HOME SUPPORTIVE SERVICES (IHSS)	<ul style="list-style-type: none"> Again proposes to reduce eligibility for 87% of current IHSS recipients by eliminating those with a functional index of 3.99 or less. A court has stopped this (and other proposed IHSS cuts), but the Governor's attorneys are appealing.*** Again proposes to reduce IHSS workers' pay to minimum wage. However, the Ninth Circuit Court decided that IHSS workers pay could not be reduced to the minimum wage. If enacted, both of these proposals would save \$950.5 million.***
SSI/SSP	Again reduces SSI/SSP payments to individuals from \$845 to \$830 as of January 2011. This is the fourth reduction since 2009.
HEALTH CARE SERVICES & MEDI-CAL	Increase co-pays and limit services (saving \$750 million), eliminate Medi-Cal eligibility for most legal immigrants (saving \$118 million), eliminate Adult Day Health Care (saving \$136 million), and reduce children's coverage (saving \$240 million). Specifics have not yet been offered on how these cuts would be implemented, but federal approval would be needed for many of them.
SPECIAL EDUCATION	Fully fund special education, by obtaining \$1 billion in federal funding as required by federal law.
MENTAL HEALTH SERVICES	Pending voter approval, reduce community mental health services by \$452 million and redirect some Prop 63 funds (Mental Health Services Act) to the EPSDT program and a portion of the Mental Health Managed Care program.
PROP 10/ FIRST 5	Pending voter approval, redirect Prop 10/First 5 funding to pay for early intervention, developmental, and child welfare services. Voters defeated a similar measure in May 2009 by a 66% "no" vote.
HEALTHY FAMILIES	<ul style="list-style-type: none"> Reduce eligibility from 250% of federal poverty level to 200% (saving \$74.4 million). Eliminate vision coverage and increases premiums for families with incomes between 151 and 200% of the federal poverty level from \$16 to \$30 per child, and from \$48 per family maximum to \$96 (saving \$21.7 million).

*** = PLEASE SEE BACK FOR MORE INFORMATION

Updated 3/10/10

Over ⇨



DEVELOPMENTAL DISABILITIES AREA BOARD 10

*Protecting and Advocating for Persons with
Developmental Disabilities in Los Angeles County*

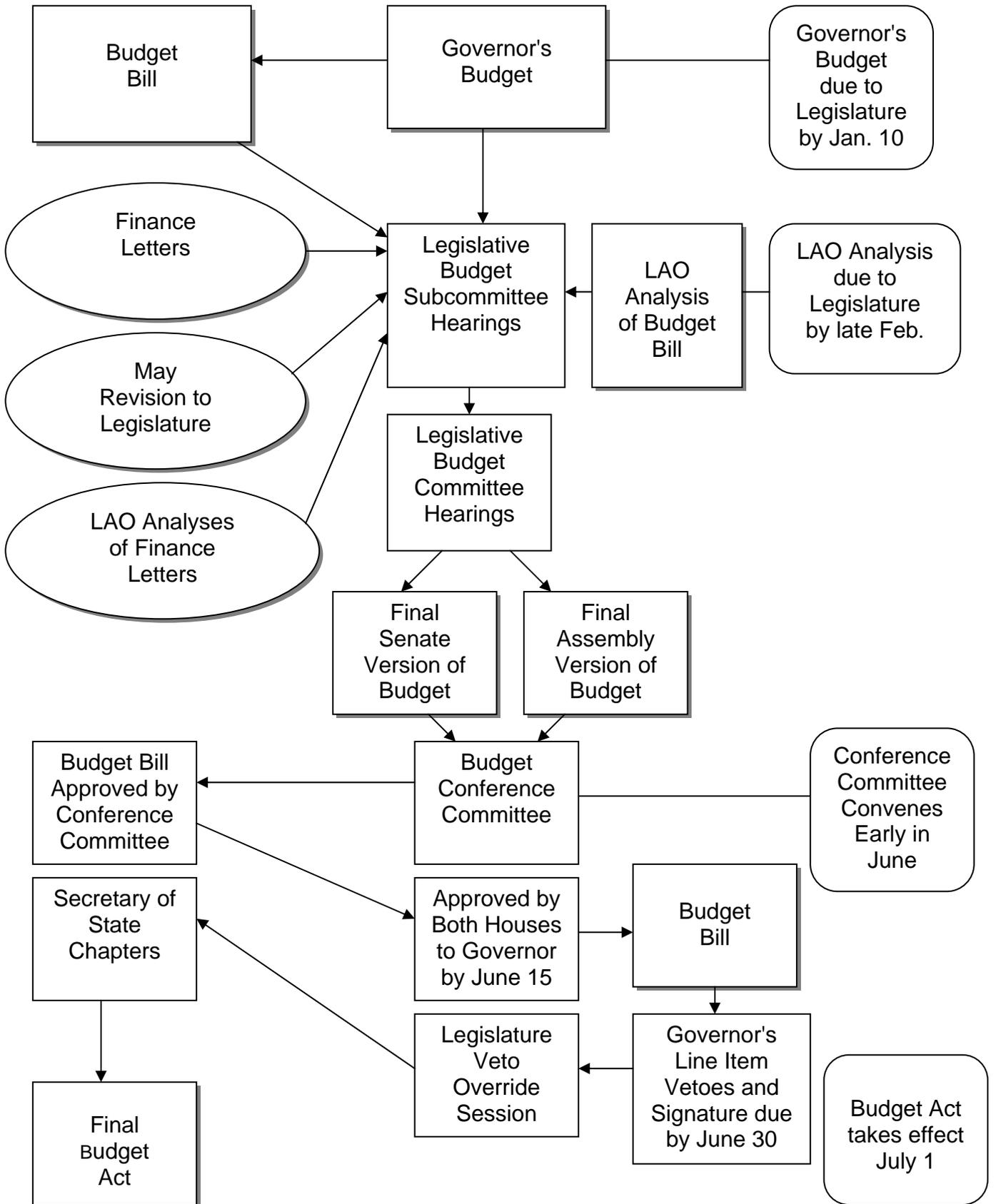
*** ADDITIONAL CUTS THAT WILL BE MADE IF CALIFORNIA DOES NOT RECEIVE SUFFICIENT FEDERAL FUNDING***

REGIONAL CENTERS	No change.
IN-HOME SUPPORTIVE SERVICES (IHSS)	Eliminate IHSS entirely (saving \$495 million)
SUPPLEMENTAL SOCIAL SECURITY INCOME (SSI)	No change.
HEALTH CARE SERVICES & MEDI-CAL	Eliminate remaining Medi-Cal optional benefits. This includes orthotics, wheelchairs, durable medical equipment, and hearing aids. Reduce Medi-Cal eligibility to the federal minimum (saving \$532 million).
EDUCATION	No change.
MENTAL HEALTH SERVICES	Pending voter approval, fund existing mental health services through Prop 63, the Mental Health Services Act (saving \$847 million).
HEALTHY FAMILIES	Eliminate Healthy Families Program entirely (saving \$126 million).

***** = Sufficient federal funding is presently set at \$2.3 billion and spending reductions are presently set at \$4.6 billion, for a total of \$6.9 billion**

Updated 3/10/10
Over ⇒

THE LEGISLATIVE BUDGET CYCLE



THE ANNUAL BUDGET PROCESS

Departments review expenditure plans and annually prepare baseline budgets to maintain existing level of services; they may prepare Budget Change Proposals (BCPs) to change levels of service.

Department of Finance (DOF) analyzes the baseline budget and BCPs, focusing on the fiscal impact of the proposals and consistency with the policy priorities/direction of the Governor. DOF estimates revenues and prepares a balanced expenditure plan for the Governor's approval. The **Governor's Budget** is released to the Legislature by January 10th. Two identical budget bills are submitted for independent consideration by each house.

Public input to Governor, legislative members and subcommittees.

As non-partisan analysts, the Legislative Analyst's Office (LAO) prepares an analysis of the Budget Bill and testifies before the budget subcommittees on the proposed budget.

Public input to Governor, legislative members and subcommittees.

Testimony is taken before Assembly and Senate **budget subcommittees** on the proposed budget. DOF updates revenues and expenditures with Finance Letters and May Revision.

Assembly Budget Committee - divided into several subcommittees to review (approve, revise, or disapprove) specific details of the budget. Majority vote of full committee required for passage.

Senate Budget and Fiscal Review - divided into several subcommittees to review (approve, revise, or disapprove) specific details of the budget. Majority vote of full committee required for passage.

Assembly Floor examines committee report on budget attempting to get 2/3 vote for passage.

Senate Floor examines committee report on budget attempting to get 2/3 vote for passage.

Budget Conference Committee attempts to work out differences between Assembly & Senate versions of the Budget- also amending the budget to attempt to get a 2/3 vote from each house.

Assembly Floor reviews conference report and attempts to reach 2/3 agreement. If no agreement is reached in conference or on floor, the BIG 5 gets involved.

Senate Floor reviews conference report and attempts to reach 2/3 agreement. If no agreement is reached in conference or on floor, the BIG 5 gets involved.

The **BIG 5** (Governor, Speaker of Assembly, Senate President Pro Tempore, and Minority Leaders of both houses) meet, if needed and, compromise to get the 2/3 vote required in each house.

Final budget package with 2/3 vote in each House submitted to the **Governor for signature**. Governor may reduce or eliminate any appropriation through the line-item veto. The budget package also includes trailer bills necessary to authorize and/or implement various program or revenue changes.



**Detail Sheet for:
SCDD Website Issues**

What is this agenda item about?

The LPPC will receive an update concerning the SCDD website.

What has the LPPC done about this so far?

The LPPC has previously directed staff to post special education resources, legislative current events, and a regularly updated legislative tracker on the SCDD website.

What needs to be decided at this meeting?

After hearing the update, the LPPC will need to decide if any action is necessary.

What is the committee or staff recommendation?

None.

Are there attachments?

No. It is anticipated materials will be distributed at the meeting.



**Detail Sheet for:
Legislative Visit Toolkits**

What is this agenda item about?

The LPPC will review and make decisions about the legislative toolkits that are distributed to legislators and their staff when we visit them.

What has the LPPC done about this so far?

At the previous LPPC meeting, the LPPC briefly reviewed a sample legislative toolkit used at Area Board 10. The LPPC then agreed to review the toolkit and discuss it at this meeting.

What needs to be decided at this meeting?

The LPPC needs to decide what style of legislative toolkit to use.

What is the committee or staff recommendation?

Staff recommends the LPPC reviews the toolkit, makes any appropriate comments and/or revisions, adopts a style, and directs staff appropriately.

Are there attachments?

Yes. One of the sample toolkits is attached.



DEVELOPMENTAL DISABILITIES AREA BOARD 10

*Protecting and Advocating for Persons with
Developmental Disabilities in Los Angeles County*

INFORMATION PACKET

The information in this packet provides a legislative framework that would address California's budget shortfall and also improve the services for people with developmental disabilities.

There is information pertaining to:

- approval of the state budget by a simple majority rather than a two-thirds majority;
- protecting the Lanterman Act Entitlement;
- closing Lanterman Developmental Center in Pomona;
- implementation of Self-Directed Services to all regional centers; and,
- passing legislation that mandates that regional centers promote and give first preference to programs for adults with developmental disabilities that result in meaningful employment.

Thank you for your attention and consideration to these matters. Please feel free to call us if you have any questions or comments.



DEVELOPMENTAL DISABILITIES AREA BOARD 10

*Protecting and Advocating for Persons with
Developmental Disabilities in Los Angeles County*

SIMPLE MAJORITY TO APPROVE THE BUDGET



DEVELOPMENTAL DISABILITIES AREA BOARD 10

*Protecting and Advocating for Persons with
Developmental Disabilities in Los Angeles County*

WHY THE BUDGET SHOULD BE APPROVED BY A SIMPLE MAJORITY

It has now become standard operating procedure for California to have its budget approved far past its constitutionally mandated deadlines. This has caused two significant problems that directly impact people with developmental disabilities.

First, a delay in the approval of the budget means that the Department of Developmental Services (DDS) is unable to fund the regional centers which are directly responsible for providing the services needed by people with developmental disabilities so that they can live safely in the community. When regional centers lack a budget, they in turn are unable to pay the local service providers who serve 240,000 children and adults with developmental disabilities in California with such essential services as residential living, day care, transportation, and employment supports.

When regional centers and service providers are expected to maintain services absent funding, they need to obtain loans to keep their doors open. It should be noted that many service providers are small "Mom and Pop" operations that are scarcely able to qualify for lines of credit. Notwithstanding the difficulty service providers and regional centers may have obtaining loans in today's economy, loans come with interest rates which must be paid when repaying these loans. These interest rates must be absorbed by these agencies because they cannot be reimbursed for them by the state. Where is this added cost to come from? It can only be by reducing the cost of the services being delivered – i.e., by trimming programmatic costs. That means: fewer outings, cheaper meals, higher staff ratios, less qualified staff. Rather than serving people with developmental disabilities well, the cost of paying off loans becomes a priority. Consequently, delays in passing the budget inadvertently result in cuts to programs and to program quality for people with developmental disabilities.

Absorbing the cost of interest rates from loans contributes to the second problem, a significant lack of high quality programs for people with developmental disabilities. Although exact numbers are presently unavailable, it is known that at least some providers have had to permanently close their doors or scale back their programs due to this expense. Given that there is already a significant shortage of high quality programs, factors that contribute to this must be minimized.

Therefore, to avoid money wasted in repaying interest rates and causing service providers to close their doors, we are requesting that you support legislation to change the approval of the state budget from a two-thirds majority to a simple majority.



DEVELOPMENTAL DISABILITIES AREA BOARD 10

*Protecting and Advocating for Persons with
Developmental Disabilities in Los Angeles County*

PROTECT THE LANTERMAN ACT ENTITLEMENT



DEVELOPMENTAL DISABILITIES AREA BOARD 10

*Protecting and Advocating for Persons with
Developmental Disabilities in Los Angeles County*

PROTECT THE ENTITLEMENT TO THE LANTERMAN ACT

The Governor's Proposed Budget of 2009-2010 calls for regional centers to absorb a reduction of \$334M in services to people with developmental disabilities. This reduction is equal to the Department of Developmental Services' (DDS) projection for caseload growth over this next year. The Administration has not identified any specifics for how DDS is to implement these cuts. Regardless of how this 10% cut is implemented, it will result in removing the Lanterman Act entitlement to services. (Note: The budget additionally calls for cuts in regional center staff operations and cuts in the rates paid to community providers.)

The Lanterman Act, a portion of the Welfare and Institutions Code (WIC §4400 et seq), requires that all Californians diagnosed with a developmental disability are entitled to the services and supports that they need in order to live as independently as possible in the community, or if they are children with developmental disabilities, to live with their natural families (WIC §4648).

A 10% cut to regional centers means that this entitlement to services must somehow be altered or compromised, either by:

- not allowing newborns or newly diagnosed people with developmental disabilities to access the system and obtain services; or,
- reducing or eliminating services people are already receiving.

Either way, the net result is the same: services will be unobtainable by those who need them.

We assert that this will merely result in a classic case of creating the appearance of savings, but in reality a shifting of costs. For example, regional centers may choose to place clients in more institutional settings that are overseen by the Department of Health Care Services (DHCS), thereby reducing the costs borne by the regional center by shifting the cost to DHCS.

Please consider the other information in this packet to identify reasonable and viable cost savings, which would also simultaneously increase the quality of life and services for people with developmental disabilities. A dramatic reduction such as that proposed in the Governor's Proposed Budget cannot be easily absorbed in a way that would not cause substantial damage to the 240,000 people with developmental disabilities in California.



DEVELOPMENTAL DISABILITIES AREA BOARD 10

*Protecting and Advocating for Persons with
Developmental Disabilities in Los Angeles County*

CLOSE LANTERMAN DEVELOPMENTAL CENTER



DEVELOPMENTAL DISABILITIES AREA BOARD 10

*Protecting and Advocating for Persons with
Developmental Disabilities in Los Angeles County*

CLOSE LANTERMAN DEVELOPMENTAL CENTER

California would realize an extraordinarily large cost savings if it closed Lanterman Developmental Center, which is located in Pomona. There are a number of compelling reasons to do so.

The average cost for each resident of a developmental center is upwards of \$250K annually, as opposed to the average cost of each person with a developmental disability living in the community, which is \$12,400 annually.

The Federal Department of Justice conducted an investigation of Lanterman Developmental Center under their authority through CRIPA, the Civil Rights of Institutionalized Persons Act. They authored a scathing 56 page letter outlining their findings, which included numerous examples of the facility's failure to protect residents from abuse, neglect, incidents and injuries (including fractures); a failure to properly investigate and track incidents; insufficient training for behavioral services, restraints, and psychiatric care; a failure to provide adequate medical care, nursing services, and therapy services; and, a failure to provide adequate behavior programs, plans, analyses, implementation, monitoring and follow up. Despite the fact that the letter was written in January 2006, Lanterman Developmental Center has failed to correct all of its shortcomings. Litigation may be pending concerning Lanterman's inability to resolve these issues.

Studies have also demonstrated and replicated findings that people with developmental disabilities enjoy a significantly better quality of life living in community settings as compared to living at a developmental center. Developmental centers are segregated from their communities; visiting the community is considered a field trip and may only happen as little as once per month. People with developmental disabilities who live in the community are exposed to all of the opportunities the community offers, including recreational and leisure activities, amongst many others.

In *Olmstead v. L.C. and E.W.*, the Federal Supreme Court decided that individuals with a developmental disability had the right to live in the community and states had an obligation to ensure that residents were not unnecessarily institutionalized. Because of this and other factors, Agnews Developmental Center in San Jose recently closed. Other states have closed all of their state institutions; California lags behind with four large and two smaller facilities.

With Lanterman Developmental Center rife with abuse and neglect, and the prospect of a better life in the community for its residents, we respectfully urge you to take steps to initiate its closure.

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DEVELOPMENTAL DISABILITIES AREA BOARD 10

*Protecting and Advocating for Persons with
Developmental Disabilities in Los Angeles County*

EXPAND IMPLEMENTATION OF SELF-DIRECTED SERVICES TO ALL REGIONAL CENTERS



DEVELOPMENTAL DISABILITIES AREA BOARD 10

*Protecting and Advocating for Persons with
Developmental Disabilities in Los Angeles County*

EXPAND SELF-DIRECTED SERVICES TO ALL REGIONAL CENTERS

Self-directed services (SDS) reflect a national movement that supports the idea that people should be able to direct their own supports and services. To this end and to save on costs, self-directed services initially began as a pilot program with 3 participating regional centers approximately 10 years ago. Shortly after its inception, 2 other regional centers elected to participate. A total of 150 people with developmental disabilities in California have participated in the pilot program and they have indicated an extraordinary level of satisfaction in this approach.

In Self-Directed Services (SDS), a regional center would determine the average of the cost of services and supports a person with a developmental disability utilized; it would then deduct 10% from that amount, and allocate the remaining 90% for the person's use to fund services and supports that they choose, within specified, reasonable criteria. Five percent of the savings would be reserved for a risk pool; the remaining 5% savings represents an absolute savings to the state general fund.

Why would people with developmental disabilities be motivated to participate in this program? This program offers people more choice: the ability to choose what type(s) of service(s) they want to receive and from whom; the ability to utilize funds to start their own business, which not only has led to the pride of entrepreneurship, but also decreased reliance on public benefits; and, the ability to create a blending of services and supports they may not otherwise be able to obtain through regional centers.

Self-Directed Services is not a peculiar California invention. It is being utilized successfully throughout the United States, Canada and the United Kingdom, among others. Over the course of 10 years, we've seen its great promise. It has been successful in every sense of the word – satisfaction of the participant and significant cost savings to the state.

Unfortunately, self-directed services cannot expand to all regional centers until the Department of Developmental Services (DDS) releases pertinent regulations and completes its CMS federal waiver. Because of the interplay of multiple agencies and institutional inertia, expanding self-directed services to all regional centers has been repeatedly postponed. We therefore respectfully urge you to take steps necessary to require DDS to issue the regulations as soon as possible and initiate an implementation plan.



DEVELOPMENTAL DISABILITIES AREA BOARD 10

*Protecting and Advocating for Persons with
Developmental Disabilities in Los Angeles County*

MANDATE THAT REGIONAL CENTERS GIVE FIRST PREFERENCE TO PROGRAMS THAT RESULT IN MEANINGFUL EMPLOYMENT FOR ADULTS WITH DEVELOPMENTAL DISABILITIES



DEVELOPMENTAL DISABILITIES AREA BOARD 10

*Protecting and Advocating for Persons with
Developmental Disabilities in Los Angeles County*

MANDATE THAT REGIONAL CENTERS GIVE FIRST PREFERENCE TO PROGRAMS THAT RESULT IN MEANINGFUL EMPLOYMENT FOR ADULTS WITH DEVELOPMENTAL DISABILITIES

The state of Washington, in December 2000, had a fiscal crisis not unlike the one California is experiencing at the present time. At that time, Washington took the bold step of creating a policy that promoted the employment of all adults with developmental disabilities in typically paying jobs by ceasing funding of nonproductive day programs. In establishing an Employment First policy, they accomplished two things: significant cost savings for the state and support for the dream of most people with developmental disabilities to be gainfully employed and independent.

In a few short years, Washington and the rest of the country saw something remarkable. Most adults with a developmental disability in Washington now have a job that pays a decent wage.

There is nothing inherently different about California. Employers in California have tax incentives to hire people with developmental disabilities. California has supported employment programs in the community that assist people with developmental disabilities to obtain and maintain jobs. California has regional centers, who can implement this policy differently based on regional needs.

With employment comes many things: pride, a reduced reliance on public benefits, an enrichment of the quality of one's life by interacting with typical peers, and a sense of accomplishment. What need is there for Medi-Cal services when one has health insurance provided by their job? What need is there for a regional center funded day programs when one is working?

One of the strongest steps California can take to solve its budget crisis is to mandate all regional centers to adopt a policy that requires them to first utilize programs that result in paying jobs for people with developmental disabilities before considering any others. Please consider introducing legislation that enables California to join Washington in an Employment First policy that enhances people's lives and creates a reduced reliance on public benefits.



**Detail Sheet for:
Court Decisions**

What is this agenda item about?

The LPPC will receive a report on recent court decisions that impact people with developmental disabilities.

What has the LPPC done about this so far?

This is a new agenda item.

What needs to be decided at this meeting?

It is anticipated that nothing needs to be decided regarding this action item.

What is the committee or staff recommendation?

None.

Are there attachments?

Yes. Summaries of three court decisions are attached.

From: CDCANreportlist01@rcip.com on behalf of Marty Omoto [martyomoto@rcip.com]
Sent: Tuesday, March 02, 2010 10:44 PM
To: CDCANreportlist01@rcip.com
Subject: Re: CDCAN REPORT #047-2010: Governor Wins Legal Victory - State Appeals Court Says Line Item Vetoes Last July "Constitutional"



CDCAN REPORT

#047-2010 – MARCH 2, 2010 - TUESDAY

CALIFORNIA DISABILITY COMMUNITY ACTION NETWORK

ADVOCACY WITHOUT BORDERS: ONE COMMUNITY – ACCOUNTABILITY WITH ACTION

California Disability Community Action Network Disability Rights News goes out to over 50,000 people with disabilities, mental health needs, seniors, traumatic brain & other injuries, veterans with disabilities and mental health needs, their families, workers, community organizations, including those in Asian/Pacific Islander, Latino, African American communities, policy makers and others across California.

To reply to this report write: MARTY OMOTO at martyomoto@rcip.com WEBSITE: www.cdcan.us TWITTER: www.twitter.com - "MartyOmoto"

California Budget Crisis:

Governor Wins Clear Legal Victory – State Appeals Court Says Line Item Vetoes “Constitutional”

Lawsuit Is One of Three Filed Seeking To Overturn Governor’s Line Item Vetoes Made to 2009-2010 Revised State Budget Last July

SACRAMENTO, CALIF (CDCAN) [Updated 03/02/2010 07:40 PM (Pacific Time)] - The Schwarzenegger Administration won a clear legal victory today with the State Court of Appeals in San Francisco ruling 3 to 0 that his line item vetoes made to the revised 2009-2010 State Budget last July were constitutional. The case, *St. John’s Well Child and Family Center et al v. Schwarzenegger et al*, is one of three different lawsuits seeking to overturn some or all of the Governor’s line item vetoes made last July.

The providers and advocacy organizations who filed the lawsuit expressed disappointment at the court’s decision and said they are considering a possible appeal to the State Supreme Court.

A copy of the 35 page opinion by Justice Anthony Kline can be downloaded from the CDCAN website at www.cdcan.us

Governor Made \$489 Million In Additional Cuts In July Using Line Item Veto

The Governor last July made additional reductions of over \$489 million using his line item veto power (which allows a governor to reduce the amount of money appropriated by the Legislature for a specific line item in the state budget) to the revised 2009-2010 State Budget bill approved by the Legislature. Those reductions made using his line item veto power were on top of spending cuts agreed to and approved by the Legislature as part of the 2009-2010 revised State Budget bill.

About \$394 million of that amount were reductions made in health and human service related programs, including over \$37 million in funding to In-Home Supportive Services Public Authorities, an additional \$50 million for services and supports for children up to age 5 funded through the 21 non-profit regional centers and an additional \$50 million reduction in funding to Healthy Families.

The St. John’s lawsuit claimed that the Governor overstepped his authority in the State Constitution by making those vetoes.

- The lawsuit claimed that the State Constitution only allows a governor to veto "items of appropriation" and that the line item veto power does not apply to a revised budget where funding was previously approved and enacted – in this case in February when the 2009-2010 State Budget was passed by the Legislature and approved by the Governor four months early (before July 1, the start of the state budget year) and that the Governor overstepped his constitutional authority.
- The State Court of Appeals today firmly rejected that argument saying that the “... *California Constitution grants the Governor the limited legislative power to exercise the line-item veto to eliminate or reduce “items of appropriation.” For the reasons set forth in this opinion, we conclude that the particular Assembly Bill 4X 1 budget reductions at issue here were “items of appropriation” within the meaning of article IV, section 10, subdivision (e), and that the Governor’s line-item vetoes reducing them, while approving other portions of Assembly Bill 4X 1, was therefore constitutionally authorized.*”
- The Court noted that the Legislature had within its power to reverse the Governor’s line item vetoes with 2/3rds vote in both houses but failed to take that action.

Lawsuit Was Filed By Several Public Interest Law Groups

The lawsuit, “*St. John’s Well Child and Family Center, et al v. Arnold Schwarzenegger, et al.*” (case number A125750) was filed August 12, 2009 by 4 public interest law groups: Disability Rights Advocates (DRA), Western Center on Law and Poverty, Neighborhood Legal Services and Kirkland & Ellis LLP. [see CDCAN website for copy of the original lawsuit at www.cdcan.us]

The public interest law groups represented 8 advocacy organizations and individuals (listed in the order in the lawsuit): St. John’s Well Child and Family Center (a community health center); Rosa Navarro; Lionso Guzman; California Foundation for Independent Living Centers; Nevada-Sierra Regional In-Home Supportive Services Public Authority; Californians for Disability Rights; Liane Yasumoto; and Judith Smith).

The lawsuit was filed against Governor Schwarzenegger, as the chief executive officer of the State and State Controller John Chiang, in his capacity as the independently state elected official responsible for paying the state’s bills.

Several other groups not actually part of the lawsuit filed legal documents (“amicus curiae” or “friend of the court” briefs) in support of the case including Children Now, Valley Community Clinic, Eisner Pediatric and Family Medical Center, the Saban Free Clinic, YWCA Monterey County, Westside Family Health Center, Community Clinic Association of Los Angeles County, the Legal Aid Association of California, SEIU California State Council, United Domestic Workers, the California United Homecare Workers, the Los Angeles County Democratic Central Committee, the County of Santa Clara.

Governor’s Legal Team Predicted that the Appeals Court Would Reject the Lawsuit

The Governor’s legal team predicted earlier that the Appeals Court would reject any challenge to the governor's vetoes because the revised state budget contained appropriations. That claim was supported by court documents (“amicus curiae” or “friend of the court” briefs) submitted by 3 former governors supporting Schwarzenegger’s position (Republicans George Deukmejian and Pete Wilson and Democrat Gray Davis).

The California Chamber of Commerce, the California Taxpayer’s Association and the California Business Roundtable also filed court documents in support of the Governor’s position.

Case Is One of Three Lawsuits On the Governor’s Line Item Vetoes

The St. John’s lawsuit was one of three lawsuits filed against the Governor to overturn some or all of his line item vetoes. Two were filed in state court, including the St. John’s case, and a third was filed in federal district court in San Francisco

- Senate President Pro Tem Darrell Steinberg (Democrat – Los Angeles), filed a separate but similar lawsuit also in state court in August. The *Darrell Steinberg v. Arnold Schwarzenegger, et al* lawsuit (case number

CPF-09-509721) was filed in San Francisco Superior Court by Sen. Steinberg, but covers an additional 14 line item vetoes that the *St. John's Well Child & Family Center v. Schwarzenegger* lawsuit does not address. (The other respondent in the case besides the Governor is State Controller John Chiang)

- The Steinberg lawsuit is currently pending in Superior Court with no action or hearings scheduled, but the prospects do not look favorable for the Steinberg lawsuit however, given it covered nearly identical legal ground rejected by the State Court of Appeals today,
- Steinberg and then Assembly Speaker Karen Bass (Democrat – Los Angeles) also in August filed court documents in support of the *St. John's Well Child and Family Center v. Schwarzenegger et al* lawsuit. The State Court of Appeals in September granted both legislative leaders their request to be a part of the *St. John* lawsuit as “intervenor” – meaning that they are now parties to the lawsuit with a strong or compelling interest in the case.
- A third lawsuit *Evelyn Putz et al v. Arnold Schwarzenegger et al*, filed in federal court on January 25, 2010 on behalf of the California Association of Public Authorities (CAPA) and the California In-Home Supportive Services Consumer Alliance and four persons who receive In-Home Supportive Services, was much narrower in scope and used a different argument, and asked the court to consider overturning the Governor's line item veto dealing with In-Home Supportive Services only, arguing it was a violation of federal Medicaid laws. The case was referred to federal district court judge Claudia Wilken. The case is still pending.

What St. John's Well Child & Family Center Lawsuit Wanted The Court To Do

The lawsuit filed by advocacy organizations asked the State Court of Appeals to overturn the Governor's 7 of his 27 line item vetoes made to ABx4 1 in sections 568 and 570-575 of the bill. and restore the funding as follows:

1. Line Item Veto to Section 17.50, further reducing the general fund reduction for the Department of Aging by \$6,160,000;
2. Line Item Veto to Section 18.00, subdivision (a), further reducing general fund funding for local assistance of the Medi-Cal program by \$60,569,000; and section 18.00, subdivision (e), eliminating funding for Community Clinic Programs;
3. Line Item Veto of Section 18.10, further reducing the funding for various programs administered by the Office of AIDS by \$52,133,000, further reducing funding for the Domestic Violence Program by \$16,337,000,8 further reducing funding for the Adolescent Family Life Program by \$9,000,000, and further reducing funding for the Black Infant Health Program by \$3,003,000;
4. Line Item Veto of Section 18.20, further reducing the Healthy Families Program by \$50,000,000;
5. Line Item Veto of Section 18.30, further reducing Regional Center Purchase of Services for children up to age five by \$50,000,000;
6. Line Item Veto of Section 18.40, further reducing funding of the Caregiver Resource Centers by \$4,082,000; and
7. Line Item Veto of Section 18.50, further reducing general fund funding to the In-Home Supportive Services Program by \$37,555,000.

Note: the separate state lawsuit filed by Sen. Steinberg covers these line item vetoes plus an additional 14 other line item vetoes not covered in this lawsuit.

Governor's Line Item Veto Power Not Normally Questioned

Normally a governor's line item veto power would not be questioned, but this year the state budget for 2009-2010 was passed four months early – in mid February - by the Legislature (the state budget year begins July 1 and ends June 30).

Despite the massive spending cuts and temporary tax increases made in February 2009, another budget gap opened up by May 2009, and by June grew to over \$23 billion. The Legislature, after a month long impasse in both houses – finally passed a revised 2009-2010 State Budget in late July, which the Governor signed – along with making additional reductions using his line item vetoes.

Those filing the lawsuits say the Governor had a right to use his line item veto power in February 2009 when the original budget for 2009-2010 was passed four months early – which he did do – but that he had no authority to use that same power in late July because the budget bill submitted to him (ABx4 1), were simply revisions to funding already approved and appropriated by the Legislature in February 2009. The State Appeals Court today however disagreed, saying that ABx4 1 was clearly a budget bill.

Governor Said In Late July He Was Forced To Make Additional Cuts

The Governor defended his line item vetoes, saying in late July that he was forced to make additional cuts to programs using his line item veto power because the Assembly did not follow through in approving the budget deal in late July agreed to by the “Big Five” (the Governor, the Democratic and Republican Senate legislative leaders and the Democratic and Republican Assembly leaders).

The Assembly in late July ended up approving the main revised budget bill (ABx4 1), but rejected two key budget related measures that included \$1.1 billion in proposals included transfer of local gas tax funds and authorizing offshore oil drilling that was approved by the State Senate. The Governor said then that the Assembly’s action to approve those measures forced the line item vetoes - an argument that legislative Democratic leaders strongly disputed.

Line Item Veto Lawsuit Has No Impact On Other Cuts

The two state lawsuits and a separate federal lawsuit seeking to overturn the additional reductions caused by the Governor’s line item vetoes made to the revised 2009-2010 State Budget bill passed and enacted in late July, have no impact on the massive spending reductions that were actually approved by the Legislature and Governor and included that revised state budget (or the earlier 2009-2010 State Budget passed in February). The three lawsuits only deal with the Governor’s reductions made in late July using his line item veto.

PLEASE NOTE CHANGE IN STATE CAPITOL MEETING ON MEDICAID WAIVER

MARCH 4, 2010 (THURSDAY)

MEDICAID 1115 WAIVER DISCUSSION

2:00 PM to 3:30 PM - State Capitol – Room 112

note time change from 1 PM to 2 PM

Discussion: Medical Home “Show & Tell”

Panel will include:

- Neva Kaye, Senior Program Director, National Academy for State Health Policy who will discuss medical home models in other states
- Christine Sippl, Health Services Manager, County Homeless Persons Health Project, Santa Cruz County Health Services Agency (a frequent user program).
- Clarissa Gregory, a consumer who was served by Project RESPECT, a medical home program in Alameda County.
- Margo Maida, Director of Primary Care & Community Health Services, Santa Clara Valley Health & Hospital System

PRIORITY: VERY HIGH

CDCAN COMMENT: This is a follow-up to last December’s Medi-Cal managed care “show & tell.”

Legislative, administration staff, and stakeholders are welcome to attend.

One of a series of discussions, open to the public, organized by Senate Rules Committee staff, to promote on-going discussion on the Medicaid 1115 waiver.

Senate Rules Committee staff say this discussion meeting will be a “nuts & bolts” presentation about the medical home approach to care coordination that is being proposed as part of the proposal by the

Schwarzenegger Administration (as authorized by the Legislature as part of the 2009-2010 revised State Budget

last July) to the federal government to renew and dramatically expand the state's existing Medicaid Section 1115 Waiver, set to expire August 2010.

URGENT!!!!

PLEASE HELP CDCAN CONTINUE ITS WORK!!!

We need your help. CDCAN Townhall Telemeetings, reports and alerts and other activities cannot continue without your help.

To continue the CDCAN website, the CDCAN News Reports. sent out and read by over 50,000 people and organizations, policy makers and media across California and to continue the CDCAN Townhall Telemeetings which since December 2003 have connected thousands of people with disabilities, seniors, mental health needs, people with MS and other disorders, people with traumatic brain and other injuries to public policy makers, legislators, and issues.

Please send your contribution/donation (make payable to "CDCAN" or "California Disability Community Action Network):

CDCAN

1225 8th Street Suite 480 - Sacramento, CA 95814

paypal on the CDCAN site is not yet working – will be soon.

MANY, MANY THANKS TO the Easter Seals, California Association of Adult Day Health Centers, Valley Mountain Regional Center, Toward Maximum Independence, Inc (TMI), Friends of Children with Special Needs, UCP of Los Angeles, Ventura and Santa Barbara Counties, Southside Arts Center, San Francisco Bay Area Autism Society of America, Hope Services in San Jose, FEAT of Sacramento (Families for Early Autism Treatment), RESCoalition, Sacramento Gray Panthers, Easter Seals of Southern California, Tri-Counties Regional Center, Westside Regional Center, Regional Center of the East Bay, UCP of Orange County, Alta California Regional Center, Life Steps, Parents Helping Parents, Work Training, Foothill Autism Alliance, Arc Contra Costa, Pause4Kids, Manteca CAPS, Training Toward Self Reliance, UCP, California NAELA, Californians for Disability Rights, Inc (CDR) including CDR chapters, CHANCE Inc, , Strategies To Empower People (STEP), Harbor Regional Center, Asian American parents groups, Resources for Independent Living and many other Independent Living Centers, several regional centers, People First chapters, IHSS workers, other self advocacy and family support groups, developmental center families, adoption assistance program families and children, and others across California.

Arroyo, Christofer@SCDD

From: CDCANreportlist01@rcip.com on behalf of Marty Omoto [martyomoto@rcip.com]
Sent: Wednesday, March 03, 2010 12:34 PM
To: CDCANreportlist01@rcip.com
Subject: Re: CDCAN REPORT #048-2010: 9TH CIRCUIT COURT OF APPEALS UPHOLDS RULING THAT BLOCKS CUT TO STATE IHSS WORKER WAGES - UPHOLDS LOWER DISTRICT COURT ORDER FROM LAST JUNE
Attachments: CDCAN-9thCircuitCourtDecisionMarch032010-IHSS.pdf; ATT1116576.txt



CDCAN REPORT

#048-2010 – MARCH 3, 2010 - WEDNESDAY

CALIFORNIA DISABILITY COMMUNITY ACTION NETWORK

ADVOCACY WITHOUT BORDERS: ONE COMMUNITY – ACCOUNTABILITY WITH ACTION

California Disability Community Action Network Disability Rights News goes out to over 50,000 people with disabilities, mental health needs, seniors, traumatic brain & other injuries, veterans with disabilities and mental health needs, their families, workers, community organizations, including those in Asian/Pacific Islander, Latino, African American communities, policy makers and others across California.

To reply to this report write: MARTY OMOTO at martyomoto@rcip.com WEBSITE: www.cdcan.us TWITTER: www.twitter.com - "MartyOmoto

BREAKING NEWS:

US 9TH CIRCUIT COURT OF APPEALS RULES AGAINST SCHWARZENEGGER ADMINISTRATION ON IHSS WORKER WAGE LAWSUIT

UPHOLDS LOWER FEDERAL COURT'S INJUNCTION THAT BLOCKED REDUCTION OF STATE PARTICIPATION OF IHSS WAGE

SACRAMENTO, CALIF (CDCAN) [Updated 03/03/2010 11:40 AM (Pacific Time)] - The US 9th Circuit Court of Appeals today issued a decision that ruled against the Schwarzenegger Administration and upheld Federal District Court Judge Claudia Wilken's injunction that has blocked – since June 2009 – the reduction in the State's participation toward In-Home Supportive Services worker wages. The 9th Circuit Court decision means the injunction – the court order that has blocked the cut from being implemented – remains in place.

The court's concluded in its 21 page opinion that:

"The district court properly determined that Section 30(A) of the [federal] Medicaid Act applies to the State's enactment of California Welfare & Institutions Code Section 12306.1(d)(6). The district court correctly held that Plaintiffs demonstrated a likelihood of success on the merits of their Supremacy Clause claim, and did not abuse its discretion in holding that the balance of hardships tips sharply in Plaintiffs' favor. Accordingly, we affirm the district court's order granting the motion for a preliminary injunction."

A copy of the 21 page opinion, in the case *Dominguez, et al v. Schwarzenegger, et al* (formerly *Martinez v. Schwarzenegger, et al*), case number 09-16359 (original lawsuit in federal district court case number CV-02306-CW), written by 9th Circuit Court Judge Milan D. Smith, Jr., is attached to this CDCAN Report and also can be viewed or downloaded from the CDCAN website at www.cdcan.us The 21 page pdf file attachment – which can be "read" using reader devices – is titled "CDCAN-9thCircuitCourtDecisionMarch03201.pdf"

The decision is a setback to the Schwarzenegger Administration, which on Monday won a ruling from the California State Court of Appeals on the issue of the Governor's line item vetoes, which that court declared was

constitutional. The State could decide to appeal the 9th Circuit Court's ruling to the US Supreme Court – the final court that the Schwarzenegger Administration has left to appeal.

Other appeals relating to In-Home Supportive Services and other reductions to health and human services filed in federal court – including narrowing of eligibility using “functional index score” assessment tools, are still pending appeal.

More details later today.

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Arroyo, Christofer@SCDD

From: CDCANreportlist01@rcip.com on behalf of Marty Omoto [martyomoto@rcip.com]
Sent: Wednesday, March 03, 2010 6:44 PM
To: CDCANreportlist01@rcip.com
Subject: Re: CDCAN REPORT #049-2010: More Legal Setbacks for Schwarzenegger Administration - US 9th Circuit Court Upholds Injunction Blocking 2009 Medi-Cal 5% Provider Cut to Pharmacies



CDCAN REPORT

#049-2010 – MARCH 3, 2010 - WEDNESDAY

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California Disability Community Action Network Disability Rights News goes out to over 50,000 people with disabilities, mental health needs, seniors, traumatic brain & other injuries, veterans with disabilities and mental health needs, people with sickle cell and other diseases, their families, workers, community organizations, including those in Asian/Pacific Islander, Latino, African American communities, policy makers and others across California.

To reply to this report write: MARTY OMOTO at martyomoto@rcip.com WEBSITE: www.cdcan.us TWITTER: www.twitter.com - "MartyOmoto

California Budget Crisis:

US 9th Circuit Court of Appeals Rules Against State on 2009 Medi-Cal 5% Provider Rate Cut to Pharmacies

Upholds Lower Federal Court Injunction that Stopped Medi-Cal 5% Provider Cuts in 2008 – Three Straight Legal Setbacks for Schwarzenegger Administration by Federal Court – Rulings Send Strong Signal to Legislature About Medicaid Funded Cuts

SACRAMENTO, CALIF (CDCAN) [Updated 03/03/2010 05:50 PM (Pacific Time)] - A 3 judge panel of the US 9th Circuit Court of Appeals handed the Schwarzenegger Administration two more legal setbacks this afternoon, by upholding lower federal court orders that blocked 5% provider cuts to pharmacies and reportedly, in a separate federal lawsuit, also to adult day health centers. Those cuts were originally passed as part of the 2008-2009 State Budget in September 2008 and were scheduled to go into effect March 1, 2009. *[a copy of the 6 page opinion contained in a memorandum in the Medi-Cal pharmacy case can be downloaded from the CDCAN website at www.cdcan.us]*

Today's federal appeals court ruling means that the injunction, issued by federal district court Judge Christina Synder on February 27, 2009, for fee for service Medi-Cal pharmacies that stopped the 5% cuts from being implemented will continue (and reportedly for adult day health centers, which in a separate federal law suit, had an injunction that blocked that 5% cut from taking place as of April 2009).

Advocates say the three rulings from the appeals court represent a significant legal victory for people with disabilities, mental health needs, the blind and low income seniors.

The decisions in the three cases also sent a strong signal to the Legislature – controlled by Democrats in both houses – that federal laws must be followed in making cuts to federal Medicaid funded programs (called Medi-Cal in California) - a standard that the federal appeals court said today was not met.

The 3 judge panel – the same panel that ruled on the earlier lawsuit today on In-Home Supportive Services (IHSS), are part of the 29 active judges who make up the US 9th Circuit Court of Appeals, which handles appeals from federal district courts in 9 western states (Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon and Washington) and two US territories (Guam and the Mariana Islands)

More details later tonight or tomorrow.

What 9th Circuit Court Decided



The 5% Medi-Cal pharmacy provider lawsuit, *Independent Living Center of Southern California, et al v. David Maxwell-Jolly* (Director of the Department of Health Care Services) was filed by the Medicaid Defense Fund, as Novato, California legal advocacy group headed by 82 year old attorney Lynn Carman [*pictured in photo left in November 2009 by Marty Omoto*]

The 3 judge panel of the 9th Circuit Court wrote in its 6 page memorandum that:

- Irreparable Harm: “*Nor did the district court abuse its discretion in finding that Plaintiffs demonstrated irreparable harm. After considering both parties’ evidence, the district court concluded that the Director [of the Department of Health Care Services] failed to refute Plaintiffs’ showing of irreparable harm. The district court concluded that even if, on average, pharmacies would be compensated above their acquisition costs, the Director had not refuted Plaintiffs’ showing that many brand and generic drugs would be reimbursed at a level below cost, limiting Medi-Cal patients’ access to those drugs. The district court noted that because many single-source drugs are protected from competition by patents, there are no available generic alternatives. The court also concluded that if pharmacies are forced to curtail services or go out of business, existing customers would not have access to other pharmacies, especially since home delivery services would end. It further noted that independent pharmacies represent thirty-three percent of the licensed community pharmacies in California and that they would be severely impacted by the reductions.*”
- Legislature Failed To Study Impact of Cut - “*We reject the Director’s [Department of Health Care Services] contention that the State legislature was not required to study the impact of the five percent rate reduction on the statutory factors of efficiency, economy, quality, and access to care, prior to enacting AB 1183... We affirm the district court’s holding concerning Plaintiffs’ likelihood of success on the merits because the State did not study the impact of the five percent rate reduction on the statutory factors prior to enacting AB 1183, or in a manner that allowed those studies to have a meaningful impact on rates before they were finalized.*”

Appeals Court Earlier Today Also Ruled Against Schwarzenegger Administration on Reduction of State Funding for IHSS Worker Wages

As reported earlier today, the same federal appeals court ruled against the Schwarzenegger Administration issued a decision that ruled against the Schwarzenegger Administration and upheld Federal District Court Judge Claudia Wilken’s injunction that has blocked – since June 2009 – the reduction in the State’s participation toward In-Home Supportive Services worker wages.

The 9th Circuit Court decision in the IHSS case means that the injunction issued by the lower federal court in June 2009 that has blocked the cut from being implemented – remains in place.

The 3 rulings from the US 9th Circuit Court of Appeals today represent a major setback to the Schwarzenegger Administration, which on Monday won a ruling from the California State Court of Appeals on the issue of the Governor’s line item vetoes, which that court declared was constitutional.

A copy of that 21 page opinion dealing with IHSS worker wages, in the case *Dominguez, et al v. Schwarzenegger, et al* (formerly *Martinez v. Schwarzenegger, et al*), case number 09-16359 (original lawsuit in federal district court case number CV-02306-CW), written by 9th Circuit Court Judge Milan D. Smith, Jr. can be viewed or downloaded from the CDCAN website at www.cdcan.us

5% Medi-Cal Provider Cut Part of 2008-2009 State Budget

- The 5% Medi-Cal provider rate cuts were passed by the Legislature and signed by the Governor on September 30, 2008 (in AB 1183) as part of 2008-2009 State Budget that was passed nearly 3 months late.
- That 2008-2009 State budget changed the previously approved (most of which were blocked by federal court orders in August and later November 2008) 10% provider cuts and instead, effective March 1, 2009, cut Medi-Cal provider rates for doctors and others by 1% and cut by 5% rates for pharmacies, adult day health and other providers.
- The 10% cuts to provider rates went into effect July 1, 2008 that was approved as part of the February 2008 special session budget revisions.
- Nearly all of the 10% cuts however were stopped by a federal district court judge in August 2008 for most Medi-Cal providers, and in November for other Medi-Cal providers including home health agencies and non-medical emergency transportation providers.

NEXT STEPS

- The State could decide to appeal all three of the 9th Circuit Court's rulings and ask that the full 29 active judges of the 9th Circuit Court review the case – a request that is rarely granted, or appeal the cases to the US Supreme Court – the final court that the Schwarzenegger Administration has left to appeal. In either instance, the injunctions blocking the IHSS worker wage reductions and Medi-Cal cuts would remain in effect if and when the US Supreme Court decides the cases.
- Other appeals relating to In-Home Supportive Services and other reductions to health and human services filed in federal court – including narrowing of eligibility using “functional index score” assessment tools, are still pending appeal.
- The latest round of legal setbacks will likely have some impact on what the Legislature and Governor do in the coming months on several proposals that the Governor wants as part of the 2010-2011 State Budget that include nearly identical proposed cuts to In-Home Supportive Services that the federal courts have blocked from implementation.
- The Governor said in January, in resubmitting those proposals, that the State would seek waivers or permission from the federal government, to implement the reductions that should resolve the objections by the federal courts.
- The Legislature passed a package of special session budget related bills late last month and early this week that deals with part of the budget shortfall, and approved only reductions – continuing 3% cuts that were scheduled to end June 30, into the 2010-2011 State Budget year.
- All other proposed cuts – including those to IHSS and Medi-Cal, were held off for final action later this year – probably in late May or June. All of those proposals are still alive and none of those proposals have been rejected or approved by the Legislature .
- Governor is expected to make additional proposed cuts – or revise the proposals already submitted when he releases his revised budget proposal in mid-May.

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**Detail Sheet for:
Service Delivery Pilot Programs**

What is this agenda item about?

The LPPC will receive a report regarding possible pilot programs for alternative ways of delivering services.

What has the LPPC done about this so far?

This is a new agenda item.

What needs to be decided at this meeting?

After hearing the report, the LPPC will need to decide if any action is necessary.

What is the committee or staff recommendation?

None.

Are there attachments?

No.



**Detail Sheet for:
Discussion/Development of Workgroup Draft Policies**

What is this agenda item about?

This item is about the policy papers pertaining to employment, housing, and special education. Additionally, a new policy paper will be considered pertaining to the Lanterman Act and the entitlement.

What has the LPPC done about this so far?

The LPPC authored three policy papers and submitted them to the Council; they were approved on March 16, 2010.

What needs to be decided at this meeting?

After hearing an update, the LPPC will need to decide if it wishes to write and seek approval for a policy paper pertaining to the Lanterman Act and/or the entitlement.

What is the committee or staff recommendation?

Staff recommends that the LPPC, after discussion, writes a policy paper pertaining to the Lanterman Act and submits it to the Council for approval.

Are there attachments?

Yes. The policy papers approved by the Council are attached.



State Council on Developmental Disabilities

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POLICY 2010-02: ON EMPLOYMENT FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

Adopted 2010-03-16 : Last Amended - NA -

BACKGROUND:

People with developmental disabilities remain significantly under-represented in the workforce – data indicates that only 13% of working age individuals with developmental and intellectual disabilities are actually in competitive or supported employment. This equates to an unemployment rate of 87% for people with developmental and intellectual disabilities in California, ranking California 41st in the nation for the employment of this portion of our population. In acknowledgement of the under-representation of people with developmental disabilities in the workforce, AB 287 was signed into law in 2009. Amongst its many provisions is the adoption of a charge for an “Employment First” policy, which is intended to increase the number of people with developmental disabilities who are employed and earning at least minimum wage. This legislation established a requirement that the State Council on Developmental Disabilities coordinate with other state agencies and stakeholders to annually provide recommendations to the Legislature and the Governor on issues related to school to work opportunities for individuals with developmental disabilities.

AB 287 holds that:

“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 Rehabilitation, the State Department of Education and local school districts, and the Employment Development Department. The Legislature places a high priority on providing supported employment and other integrated employment opportunities for working-age adults with developmental disabilities.”

The State of California Department of Developmental Services, by mandate of the Lanterman Act, contracts with twenty-one private non-profit regional centers to coordinate life-long services and supports for individuals with developmental disabilities and their families. Regional centers are responsible for identifying and securing services and supports for people with developmental disabilities that allow them choices for living, working, learning and recreating in the community in which they live. The

“The Council advocates, promotes & implements policies and practices that achieve self-determination, independence, productivity & inclusion in all aspects of community life for Californians with developmental disabilities and their families.”

Department of Rehabilitation funds supported employment services that assist people with developmental disabilities to obtain employment and receive the supports they need to help ensure their success. The State Department of Education and Local Education Agencies are charged with preparing all students for independent and productive community participation. Special Education services are mandated by state and federal law to assist those with learning disabilities in the educational process intended to lead to independent living and economic self-sufficiency. The Employment Development Department is a state agency charged with connecting job seekers with employers in an effort to build and support the state economy. The State Council on Developmental Disabilities is established by state and federal law as an independent state agency to ensure that people with developmental disabilities and their families receive the services and supports they need.

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. Given these benefits, employment can be a critical key to enabling people with developmental disabilities to lead self-directed, productive, and satisfying lives.

Through productive employment, people with developmental disabilities may achieve or significantly progress towards a goal of independence and greater liberty of circumstance. Additionally, those individuals that are able to find employment become taxpayers and are more likely to use fewer government and regional center funded services such as day programs. With an approximately 87% unemployment rate and the added benefit of potential contribution rather than dependency on public funds it is clear that people with developmental disabilities are an important and largely untapped employment resource. Our nations' founding fathers in the Declaration of Independence listed life, liberty and the pursuit of happiness as "unalienable Rights". Furthermore research has shown that it is in the best interest of the state for the efficient use of public funds, and in conformance with state and federal laws, that people with disabilities who are able to work be supported in their efforts to find employment.

PRINCIPLES:

The State Council on Developmental Disabilities understands the key role that employment can make for people with developmental disabilities to lead self-directed, productive, and satisfying lives. Moreover, the federally mandated State Plan of the Council includes goals to assist Californians with developmental disabilities obtain, succeed, and advance in employment consistent with their interests, abilities, and needs. The State Council on Developmental Disabilities promotes opportunities and outcomes that maximize the employability of people with developmental disabilities by taking the following actions:

1. Because acquisition of a high school diploma significantly impacts one's ability to obtain employment, the State Council on Developmental Disabilities supports increased opportunity of students with developmental disabilities to graduate with a high school diploma.

2. Because the likelihood of individuals with developmental disabilities obtaining employment is greater if they move directly from school to work, education programs should prepare students for employment in community settings. Therefore, the State Council on Developmental Disabilities supports greater preparation for and more opportunities leading to employment for transition age students.
3. Career technical and occupational educational programs may be, but are not always, available throughout many school districts; students with developmental disabilities may have a limited opportunity to participate in such programs. Additionally, students with developmental disabilities may have limited opportunities to participate in post-secondary education. Therefore, the State Council on Developmental Disabilities supports more opportunities for students with developmental disabilities to participate in post-secondary education, career technical programs, and occupational educational programs, as well as maximizing the availability of such programs.
4. For some people, microenterprise businesses are the most effective means to obtain employment consistent with their interests, abilities, and needs. Therefore, the State Council on Developmental Disabilities supports the expansion of microenterprise opportunities for people with developmental disabilities.
5. Efforts to assist people with developmental disabilities obtain employment are hampered by a growing shortage of supported employment services, made worse by reimbursements that do not cover the providers' costs. Therefore, the State Council on Developmental Disabilities supports capacity building of high quality supported employment agencies.
6. Research demonstrates that wages and hours worked increase dramatically as individuals move from facility-based to integrated employment. Further, integrated employment creates greater opportunities for people with developmental disabilities to be integrated in their communities. Therefore, the State Council on Developmental Disabilities supports greater opportunities for integrated employment.
7. Because public perception of people with developmental disabilities may impact the employability of some people with developmental disabilities, the State Council on Developmental Disabilities, supports educational programs for the public that highlight the employability of people with developmental disabilities. Furthermore, in order to be effective in achieving the above actions and further advocacy on behalf of people with disabilities and their families, the State Council on Developmental Disabilities supports working with other advocacy groups, stakeholders, local, state and federal partnerships to coordinate and promote through commercial media and other forms the employment of people with disabilities.



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POLICY 2010-03: ON HOUSING FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

Adopted 2010-03-16 : Last Amended - NA -

BACKGROUND:

It is universally accepted that all people, regardless of circumstance or abilities, generally desire a place to call home. People with developmental disabilities and their families who desire to pursue independent living quarters are faced with even more challenges than most when it comes to housing.

California has one of the highest costs of living in the nation, making it especially difficult for people with developmental disabilities to qualify for home ownership or rental housing without assistance. The need for accessible and affordable housing far outstrips the supply. As an additional burden for those individuals with disabilities who rely at least in part on Social Security income, Social Security policies regarding limiting the accumulation of savings make it difficult to save money toward the purchase or maintenance of a home. Additionally, people with disabilities are often subject to housing discrimination by those who are not open to sharing community space with people different than themselves. This prejudicial discrimination is sometimes also known as the "not in my backyard" (NIMBY) syndrome.

Those people with disabilities who are fortunate enough to find affordable and accessible housing often struggle with simple day to day tasks. In Home Support Services (IHSS) provide services to people with disabilities to allow them to live in their preferred home setting and avoid undesired institutionalization in congregate and/or segregated settings. Nonprofit agencies, independent living centers, and others offer some assistance to renters and homeowners with disabilities to adapt their home to incorporate accessibility features. The Section 8 program provides housing assistance to extremely low and very low-income individuals, families, senior citizens, and persons with disabilities. Program participants contribute up to 30% of their income towards their rent, the program is intended to provide support to them to find affordable, decent housing. For people with developmental disabilities the support of this or other programs may mean the difference between independent living and institutionalization. Funding for such programs is often endangered and legislation may be passed that has unintended consequences which negatively impact people with disabilities.

Significant barriers for people with developmental disabilities, and their families, to obtain rental housing, home ownership or even to remain in a current home exist.

"The Council advocates, promotes & implements policies and practices that achieve self-determination, independence, productivity & inclusion in all aspects of community life for Californians with developmental disabilities and their families."

Opportunities must be created and leveraged to develop and maintain integrated housing opportunities in a variety of the community settings for people with developmental disabilities. Additionally, housing accessibility and affordability must be increased and expanded for people with developmental disabilities.

PRINCIPLES:

The State Council on Developmental Disabilities understands the importance of housing. Moreover, the State Plan of the State Council on Developmental Disabilities includes goals to ensure Californians with developmental disabilities have access to affordable housing that provides control, choice, and flexibility regarding where and with whom they live. The State Council on Developmental Disabilities promotes opportunities and outcomes that maximize and increase housing available to people with developmental disabilities by the following actions:

1. Because the availability of accessible and affordable housing is far surpassed by the demand, the State Council on Developmental Disabilities supports increased opportunities to maximize and increase the availability of accessible and affordable housing stock. This includes taking action in issues such as:
 - programs to assist people with disabilities to make their homes accessible;
 - pursuing opportunities to obtain accessible, affordable, public property;
 - Section 8 housing; and,
 - housing identified through the housing element assessment planning process.
2. Because economic uncertainty and unintended consequences of legislation may limit or endanger needed services and supports to maintain people with developmental disabilities in their own home, the State Council on Developmental Disabilities supports maximizing access to services, which includes ensuring people with developmental disabilities remain eligible for such services and supports that allow them the opportunity of choice of living arrangements.
3. Social security policies have required limits on savings accounts for people with developmental disabilities, making it difficult to save for a home. Therefore, the State Council on Developmental Disabilities supports the creation of programs, or expansion of existing programs, that enable people with developmental disabilities to save for housing and/or the maintenance of a home.
4. Occasionally bills are introduced that are designed to limit who may live where – “NIMBY” bills that discriminate against people with developmental disabilities. Therefore, the State Council on Developmental Disabilities supports the right of people with developmental disabilities to be free from housing discrimination.



State Council on Developmental Disabilities

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POLICY 2010-01: ON SPECIAL EDUCATION

Adopted 2010-03-16 : Last Amended - NA -

BACKGROUND:

The right of every individual to receive a meaningful education is a basic civil right that is well established in the records of our country and by international agreements. It is in the interest of the general welfare that the citizens of our country be educated so as to be better equipped to be productive members of their community and better contribute to society. The equal protection clause of the Fourteenth Amendment to the U.S. Constitution requires states to provide equal protection under the law to citizens of the United States. Even with states steeped in the mandate under the Fourteenth Amendment, it was not until 1954, when the U.S. Supreme Court decided *Brown versus Board of Education of Topeka*, in which the Court held that education “is a right which must be made available to all on equal terms”. In recognition that equal education for all was a civil rights issue the Court wrote:

“Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is the very foundation of good citizenship. Today, it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such opportunity, where the state has undertaken to provide it, is a right that must be made available to all on equal terms.”¹

In the international forum, the United Nations General Assembly enshrined the right of every individual to receive an education in the *1948 Universal Declaration of Human Rights* and in a renewing pledge made by the world community at the *1990 World Conference on Education for All* to ensure the right to a meaningful education for all regardless of individual differences.

In 1964 Congress passed the *Civil Rights Act of 1964*. This historic legislation not only encouraged the desegregation of public schools, but it also barred discrimination on the basis of race, religion, gender, or ethnicity. Providing a broad framework to advocate

¹ *Brown v. Board of Education*, 347 U.S. 483 (1954)

for equal rights to access public resources, the Act also laid the foundation for special education.

Following on the heels of the *Civil Rights Act of 1964*, in 1965 Congress enacted the *Elementary and Secondary Education Act (ESEA)* to address the inequality of educational opportunity for many underprivileged children. This landmark legislation provided a foundation to help ensure disadvantaged students had access to quality education. In 1966 Congress acted quickly in amending ESEA to encourage improvement in the education of children with disabilities. The National Council on Disability (NCD), an independent federal agency, noted:

“Congress first addressed the education of students with disabilities in 1966 when it amended the *Elementary and Secondary Education Act of 1965* to establish a grant program to assist states in “initiation, expansion, and improvement of programs and projects...for the education of handicapped children.” In 1970, that program was replaced by the *Education of the Handicapped Act (P.L. 91-230)* that, like its predecessor, established a grant program aimed at stimulating States to develop educational programs and resources for individuals with disabilities. Neither program included any specific mandates on the use of the funds provided by the grants; nor could either program be shown to have significantly improved the education of children with disabilities.”²

Again, with the drive to be free of discrimination, the *Rehabilitation Act of 1973* was the first of its kind, whereby Section 504 of this Act prohibited discrimination on the basis of disability. Additionally, the provisions were enforceable in court.

Despite the decisions of the United States Supreme Court and the equal rights momentum demonstrated in historic legislative acts, equal educational rights for students with disabilities did not exist. Public schools in the United States were still essentially closed to children with disabilities. Schools were **not required** to educate or even enroll children with developmental or other disabilities. Across the country court cases showed resistance by the established educational system to allow children with disabilities access to the same educational opportunities as their able-bodied peers. Equal educational rights for students with disabilities were not fully established until 1974, with the passage of PL 94-142, the *Education of All Handicapped Children Act (EAHCA)*. In 1990 EAHCA was renamed the Individuals with Disabilities Education Act (IDEA).

Today, with the weight of history and many pillars to support it, the federal special education law now known as the *Individuals with Disabilities Education and Improvement Act*, or IDEIA, promises millions of American children with disabilities access to a free and appropriate public education. Special education is now not a placement, but a service and children with disabilities, from birth to 21, are to be guaranteed access to specially designed instruction and related services through the development and implementation of an Individualized Education Program (IEP). It is intended that no child can legally be denied a free, appropriate, public education based upon his or her disability.

² *Back to School on Civil Rights*, published by the National Council on Disability (2000)

However, despite real progress made since 1974, significant work remains to be done to ensure that the promise of an “appropriate” education to all students with disabilities is kept. Too many children with disabilities continue to be denied the basic civil right of a meaningful education, frequently receiving services of trivial benefit, facing low expectations, and exclusion from regular classrooms. Congress too has noted these continuing problems and the intent to address in Section 1400 “Findings and Purpose” of the IDEA statute:

“However, the implementation of this title has been impeded by low expectations, and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.” “Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by... having high expectations for such children... meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children; and be prepared to lead productive and independent lives to the maximum extent possible... strengthening the role and responsibility of parents ... coordinating this title with ... Elementary and Secondary Education Act of 1965”³

It is abundantly clear that the intent from Congress and from the historical recognition of the basic civil right to an education for all children receiving special education services are first and foremost general education children. A disability should not segregate an individual any more than should height, athletic ability, race or religious belief. Despite this basic fact, many (including educators and policy-makers) think of general education and special education as two separate systems and place them in competition with each other for attention and allocation of resources. According to the report by the President’s Commission on Special Education, the bureaucratic imperatives of the system are focused on compliance with established procedures rather than academic achievement and this focus fails too many children.⁴ In reliance on compliance schools and the courts have often cited the first special education case decided by the U.S. Supreme Court in 1982 based on the 1975 EAHCA known as “Rowley”⁵ Many Local Education Agencies (LEA’s) and judicial opinions still rely on the most minimal standards based on “access to” and “some benefit” from that access that are quoted in the Rowley opinion even though that was based on a time when even allowing children with disabilities to attend a public school was at issue. Some LEA’s and the hearing courts have not recognized the intent of moving beyond the most basic “access” and “some benefit” standards to those of providing meaningful education opportunities for future productive and independent adult living as outlined in the language of the current IDEA.

Schools must do more to ensure that students with disabilities receive a meaningful education based on their individual potential with the same high expectations as for all children. Students with disabilities must be allowed real access to and inclusion in the general curriculum with needed accommodations, modifications and/or supports as well as access to assistive technology. Schools must concentrate on opening the doors to meaningful inclusion in the community of school for students with disabilities, including

³ 20 U.S.C. 1400(c)(4-5)

⁴ “A New Era: Revitalizing Special Education for Children and Their Families”, (2002)

⁵ Board of Education of Hendrick Hudson Central School District v. Rowley, 1982

ensuring access to extracurricular activities. Efforts to assist students' transition from school to work or post-secondary studies and meaningful access to and inclusion in the daily life of our communities must be enhanced; too many youth with disabilities are still leaving school unprepared for life as adults.

Special education should be focused on providing those supports and services which allow the closing of the achievement gap between children with disabilities and their typically developing peers. IDEA includes not only the express intent for inclusion and high expectations in the education of children with disabilities but also strengthens the role of parents by full participation as a primary part of the Individualized Education Program (IEP) planning team that decides the appropriate special education supports and services alongside school district staff. To enforce full participation, IDEA includes not only procedural safeguards but also "Due Process" procedures in case of disagreement between team members. In case of disagreement, a Local Education Agency is able to state what it is willing to offer as a Free Appropriate Public Education (FAPE) and the parent may agree or not, then either party desiring a change in the IEP would initiate a due process. According to data from the NCD there are significant issues in the implementation and outcome of special education services that would be expected to result in a large percentage of enforcement cases brought forward to litigation:

"- a deep chasm of opinion on a number of issues particularly relevant to the quality of educational outcomes for students with disabilities. From the students, we hear the reality of their lives in special education. In most cases, the comments we received from them are a scathing indictment of the implementation of IDEA."⁶

In the State of California approximately 700,000 children receive special education services and supports and the "Due Process" is administered by a quasi-judicial state agency known as the Office of Administrative Hearings (OAH, an agency under the executive branch of civil service). During fiscal year 2005-06, approximately 4,012 cases (approximately 0.6%) were filed with the OAH by families who did not agree with the level of supports, services or placement their children received from local school districts (38% of the filings were regarding assessment, while 51% regarded placement). Despite the fact that California has a comprehensive due process procedure in place (to appeal decisions of the schools) it appears that families have tended not to utilize the system –as reported by families, in part because the system is so difficult to understand and the process appears to favor the agency over the family. Agencies are more familiar with the system and better able to mount a judicial process than families of children with disabilities. Many families with children that have disabilities struggle financially and are stretched to maintain the stability of the home environment. The Local Educational Agency has employees and legal resources paid by public funds to mount a "Due Process" litigation whereas the family must rely on the limited time and resources of the parents. Additionally, because of the complexity and odds of the process, families are unable to find free and/or low cost representation in most cases. It is commonly understood by both families and agency representatives that "it is not an even playing field". Advocates report that the inequity of the system has intimidated many family members of the IEP and in some cases emboldened

⁶ *"Individuals With Disabilities Education Act Reauthorization: Where Do We Really Stand", (2002)*

agency members of the IEP. Family members and advocacy groups have grown increasingly concerned with the apparent inequities of the resolution process and the actual versus required impartiality of the system.

PRINCIPLES:

The State Council on Developmental Disabilities understands the importance of preparing all students for independent living and engaged and productive participation in the richness of our society. The State Council on Developmental Disabilities promotes implementation of high quality special education programs as an integral part of the general education community with transparent and impartial monitoring by the following actions:

1. As driven by the weight of history and legislative action, special education is a fundamental civil right, an integral part of the general education program, and a legal mandate. With values such as integration and inclusion replacing inequality and segregation, public education is a means to achieve social participation, productivity, and greater self-reliance leading to independent living to the maximum extent possible. Therefore, the State Council on Developmental Disabilities supports the strengthening or expansion of existing programs and/or creation of new programs to advocate for the right of all students with disabilities to receive a meaningful and free, appropriate, public education. Further, to improve upon outcomes leading to independent living to the maximum extent possible, the State Council on Developmental Disabilities supports early and continuous opportunities and actions to improve the transition from high school to adulthood.
2. With the scarcity of resources, some attitudes are expressed that reflect a belief that special education funding and resourcing usurps, or encroaches upon, resources that should go to general education programs (termed encroachment). Because such ideology discriminates against students with disabilities, the State Council on Developmental Disabilities promotes the civil rights of students with disabilities to be free of educational discrimination. The State Council on Developmental Disabilities will promote and partner with other to promote public outreach and education activities that reflect the values that students receiving special education services are part of the general education population and an integral part of their community.
3. Many families have reported extreme difficulty and experienced gaps in services during the transition from early intervention services (Part C services) to special education (Part B services) at age 3. Additionally, much research has been done that demonstrates the importance of children with disabilities receiving services during this critical period of neurodevelopment. A previous safeguard during this transition allowed children to continue receiving the services families had agreed to while attempting to resolve any disagreements in due process. However, that safeguard, termed "Stay Put", was lost for this transition period. Therefore, the State Council on Developmental Disabilities supports the return of this provision, as well as other provisions, that level the playing field between students with disabilities and schools.
4. As evidenced by the large percentage of appeals cases surrounding assessment and placement, many families have reported that IEP's are built on low expectations and that school staff undervalue or ignore their input regarding their children's ability

"The Council advocates, promotes & implements policies and practices that achieve self-determination, independence, productivity & inclusion in all aspects of community life for Californians with developmental disabilities and their families."

and potential. The State Council on Developmental Disabilities supports the use of assessments and systems that allow for effective identification of students who may be eligible to receive special education, effective assessments of individual needs, which include objective standardized assessments that are supplemented by parental input and other observational data. The Council supports the development of IEP goals that are accurately and appropriately based upon students' abilities and their developmental potential. The Council also supports schools maintaining high expectations that conform, to the maximum extent possible, as close to the California Department of Education's content standards and age appropriate developmental criteria.

5. In order to accurately assess the short- and long-term progress of students, the State Council on Developmental Disabilities supports annual and long term tracking of the progress of students with IEPs relative to standardized norms and to the general student population of their school community. Such tracking will assist schools and students in mutually monitoring their accountability to each other.
6. In following federal and California legal mandates, the State Council on Developmental Disabilities supports the identification and usage of peer reviewed, researched based methodologies to develop instructional strategies, services, and supports for IEPs as measured by implementation outcomes.
7. The operational effect of the law is the interplay of legislation, regulations developed by state and federal agencies, and case law created in courts. Because some issues may require clarification and/or update and because of this interplay, the State Council on Developmental Disabilities promotes education in support of legislative activities that clarify the intent and limitations behind out-of-date case law, legislation, and/or regulations.
8. To better measure the needs, frustrations, and satisfaction of families of children with developmental disabilities, the State Council on Developmental Disabilities supports the use of surveys regarding satisfaction with IDEA implementation by state and local educational agencies including but not limited to: the assessment of children, the identification of the appropriate services and supports to address needs, the definition of goals, objectives and the measurement of progress, the resolution, due process and appeals procedures, and other issues as appropriate.
9. Because of lack of clarity and concerns with how public funding is used by schools, the State Council on Developmental Disabilities supports the development of standards which promote the transparency of reporting on the use of public resources for purposes which include but are not limited to the funding special education receives as a percentage of total gross funding, funding devoted to each service and support by category, and cumulative annual and segregate case legal fees paid by each school district to attorneys.
10. In order to be effective in achieving the above actions and further advocacy on behalf of children with disabilities and their families, the State Council on Developmental Disabilities supports working with other advocacy groups, local, state and federal partnerships to coordinate actions, resources and identify areas of improvement related to special education.



**Detail Sheet for:
Next Steps Regarding Development of Special
Education Stakeholder Workgroup**

What is this agenda item about?

This item is an update pertaining to the special education stakeholder workgroup. Additionally, the LPPC will hear a presentation from Roberta Savage, a special education attorney who co-chairs the Office of Administrative Hearings' (OAH) Special Education Advisory Committee and co-directs the California Association for Parent-Child Advocacy (CAPCA). Ms. Savage will discuss the activities of OAH's Special Education Advisory Committee.

What has the LPPC done about this so far?

The LPPC has directed staff to invite possible participants to the workgroup. Additionally, the LPPC received a report on special education issues in October 2009.

What needs to be decided at this meeting?

The LPPC needs to decide what next steps need to occur concerning both the workgroup and the OAH Special Education Advisory Committee.

What is the committee or staff recommendation?

After hearing the update and discussion, staff recommends that the LPPC identifies the next steps and directs staff appropriately.

Are there attachments?

Yes. The schedule and location for the next OAH Special Education Advisory Committee meeting is attached.

The Special Education Advisory Committee will next meet on April 20, 2010 from 10:00 a.m. to 2:00 p.m. at the following locations:

Sacramento OAH
2349 Gateway Oaks Drive #200
Sacramento, CA 95833

Los Angeles OAH - 7th Floor Conference Room
320 West Fourth Street
Los Angeles, CA 90013

- [OAH Summary of October 2009 Advisory Committee Meeting](#)
- [OAH Response to Advisory Committee Recommendations from October 2009 Meeting](#)

Click [here](#) for materials from past Advisory Committee meetings.

To participate in the Web cast, to find out about upcoming Web casts, or to view past Web casts click [here](#).

Notice re: Web Cast of Special Education Advisory Committee Meetings

The Department of General Services' Office of Administrative Hearings will feature live Web casts of the bi-annual Special Education Advisory Committee meetings. Participants are invited to submit questions and comments that will be shared with the board members live during the meeting. To participate, or to find out about upcoming or past Web casts click [here](#). If you have any questions, please contact Samantha Alfonso at (916) 263-0982 or Samantha.Alfonso@dgs.ca.gov.

Source: <http://www.oah.dgs.ca.gov/Special+Education/Advisory+Committee.htm>



**Detail Sheet for:
Summarize Committee Next Steps**

What is this agenda item about?

The LPPC will review the California Legislature's calendar and summarize future action items.

What has the LPPC done about this so far?

At the last LPPC meeting, the LPPC briefly reviewed the legislature's calendar.

What needs to be decided at this meeting?

Future meeting dates need to be decided.

What is the committee or staff recommendation?

Staff recommends that the LPPC review the legislative calendar, make any appropriate comments, and decide upon future LPPC meeting dates.

Are there attachments?

Yes. The California Legislative Calendar is attached.

2010 TENTATIVE LEGISLATIVE CALENDAR

- Jan. 1 Statues take effect (Art.IV, Sec.8(c)).
- Jan. 4 Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10 Budget must be submitted by Governor (Art, IV, Sec. 12 (a)).
- Jan. 15 Last day for **policy committees** to hear and report bills introduced in 2009 for referral to **fiscal committees** (J.R.61(b)(1)).
- Jan. 18 Martin Luther King, Jr. Day observed.
- Jan. 22 Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2009 (J.R. 61(b)(2)). Last day to submit bill requests to the Office of Legislative Counsel.
- Jan. 31 Last day for each house to pass **bills** introduced in 2009 (J.R.61(b)(3)) (Art. IV, Sec. 10(c)).
- Feb. 8 Lincoln's Birthday observed.
- Feb. 15 Washington's Birthday observed.
- Feb. 19 Last day for bill to be **introduced** (J.R. 61(b)(4), J.R. 54 (a)).
- Mar. 25 **Spring Recess** begins at the end of this day's session (J.R.51(b)(1)).
- Mar. 29 Cesar Chavez Day observed.
- Apr. 5 Legislature reconvenes from Spring Recess (J.R. 51(b)(1)).
- Apr. 23 Last day for **policy committees** to hear and report to **fiscal committees fiscal bills** introduced in their house (J.R.61(b)(5))
- May 7 Last day for **policy committees** to hear and report **nonfiscal** bills introduced in their house to the floor (J.R. 61(b)(6)).
- May 14 Last day for **policy committees** to meet prior to June 7 (J.R. 61(b) (7)).
- May 28 Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R.61 (b)(8)). Last day for **fiscal committees** to meet prior to June 7(J.R.61 (b)(9)).
- May 31 Memorial Day observed.

- June 1–4 **Floor session only.** No committee may meet for any purpose. (J.R. 61(b)(10); see *also*, J.R. 61(i)).
- June 4 Last day for bills to be passed out of the house of origin (J.R.61(b)(11)).
- June 7 Committee meetings may resume (J.R. 61(b)(12)).
- June 15 Budget Bill must be passed by **midnight** (Art.IV, Sec.12(3)).
- June 24 Last day for a legislative measure to qualify for the Nov. 2 general Election ballot (Elec. Code Sec. 9040)
- July 2 Last day for policy committees to hear and report bills to the Floor (J.R. 61 (b)(13)). Summer Recess at the end of this day's session if Budget has been enacted (J.R. 51 (b)(2)).
- July 5 Independence Day observed.
- Aug. 2 Legislature reconvenes from Summer Recess (J.R.51(b)(2)).
- Aug. 13 Last day for **fiscal committees** to meet and report bills to the Floor (J.R.61(b)(14)).
- Aug. 16-31 Floor session only. No committees, other than conference committees and Rules Committee, may meet for any purpose (J.R.61(b)(15)).
- Aug. 20 Last day to amend bills on the Floor (J.R.61(b)(16)), (A.R.69(c))
- Aug. 31 Last day for any bill to be passed (Art. IV, Sec. 10 (c)). (J.R.61(b)(17)). Final Recess begins at the end of this day's session (J.R.51(b)(3)).
- Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 1 and in the Governor's possession after Sept. 1 (Art. IV, Sec. 10(b)(2)).
- Nov. 2 General Election.
- Nov. 30 Adjournment sine die at midnight (Art. IV, Sec. 3(a)).
- Dec. 6 2011-12 Regular Session convenes for Organizational Session at 12 noon (Art. IV, Sec. 3(a)).
- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).