



LEGISLATIVE AND PUBLIC POLICY COMMITTEE AGENDA

DATE: Wednesday, June 23, 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 A QUORUM**
(Six member requirement for quorum)

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

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

- 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*

5.1 Summary of Council Meeting on 5/27/10

5.1.1 Response to LPPC Recommendations Regarding Positions on Bills

5.1.2 Lanterman Act Policy Paper

5.1.3 Disability Capitol Action Day

5.1.4 Other highlights (AB 287, Durable Medical Equipment, etc.)

5.2 State Legislation

5.2.1.1 Next Steps Given Council Actions on LPPC Recommendations

5.2.1.2 Bills – AB 2537 (Silva), AB 2212 (Fuentes), SB 810 (Leno)

5.3 Federal Legislation

5.3.1.1 Next Steps Given Council Actions on LPPC Recommendations

5.3.1.2 Bills – S. 3412

5.4 State Budget Update

5.5 Development of Legislative Visit Toolkits

5.6 SCDD Website

5.6.1 Special Education Resources

5.6.2 Legislative Tracking

5.6.3 Legislative Current Events

6.0 DISCUSSION/DEVELOPMENT OF POLICIES–*Info/Discussion/ Action*

6.1 Special Education (J. Aguilar/M. Barraza)

6.2 Lanterman Act (J. Aguilar/R. Knott/Others)

7.0 SPECIAL EDUCATION STAKEHOLDER WORKGROUP UPDATE – *Discussion/Action* – (J Aguilar)

8.0 SUMMARIZE COMMITTEE NEXT STEPS – *Discussion/Action* (J. Aguilar)

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, if necessary, change the minutes from the meeting on 4/8/10; and,
- review and update the Action Item list.

What has the LPPC done about this so far?

The LPPC regularly reviews the agenda, minutes, and Action Item list at every meeting.

What needs to be decided at this meeting?

The LPPC must decide if changes need to be made to the minutes for the 4/8/10 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. A draft of the minutes and Action Item list are attached. The agenda is at the front of this packet.



DRAFT

Legislative & Public Policy Committee Minutes
Thursday, April 8, 2010

Members Present:

Jorge Aguilar, Chair
Jennifer Allen
Michael Bailey
Tho Vinh Banh
Marilyn Barraza
Ray Ceragioli
Lisa Cooley
Dan Owen
Michael Rosenberg
Rocio Smith

Staff Present:

Christofer Arroyo
Michael Brett

Members Absent:

Ted Martens
Randi Knott
Leroy Shipp

Visitors:

LeslieAnne Ezelle
Paul Hogue
Kevin Marquasey
John Matthias
Lindsay Moore
Lori Newton
Steve Rosenbaum
Roberta Savage

1. CALL TO ORDER

Chair Jorge Aguilar called the meeting to order at 10:05 a.m. A quorum was established.

2. MESSAGE FROM THE CHAIR

Chair Aguilar reported that on March 16th the State Council on Developmental Disabilities (SCDD) approved the policies pertaining to employment, housing, and special education that were proposed by the Legislative & Public Policy Committee (LPPC).

3. AGENDA REVIEW/APPROVAL OF MINUTES

3.1 – Review Agenda

Chair Aguilar reviewed the agenda.

3.2 – Review/Approve Minutes of Previous Meeting

The minutes from the LPPC meeting on February 11, 2010, were reviewed. It was noted that Leroy Shipp was missing from listing of absent members on page one of the minutes. Lisa Cooley made a motion to accept the minutes with a revision to include Leroy in the listing of member absent. The motion

was seconded by Michael Bailey and passed – 8 ayes, 0 nays, and one abstention.

3.3 – Review/Update Previous “Action Items”

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

4. PUBLIC COMMENTS

Comments were provided by: Kevin Marquasey regarding due process in special education; and Roberta Savage, Paul Hogue, and Lori Newton regarding special education and bullying. Discussion ensued.

To ensure timely action, items were taken out of order.

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

7.3 – OAH Special Education Advisory Committee

Roberta Savage, co-chair of the northern California OAH Special Education Advisory Committee and co-director of the California Association of Parent Child Advocacy (CAPCA), gave a presentation to LPPC regarding the Advisory Committee’s role, OAH’s role, history, and contract with CDE, and problematic issues in the due process procedure. Discussion ensued.

5. SCDD/AREA BOARD UPDATES

5.3 – Legislative Glossary

The legislative glossary and legend for reading the progress bar were reviewed. Discussion ensued.

5.8 – Service Delivery Pilot Programs

LeslieAnne Ezelle, Developmental Disabilities Area Board 9 Executive Director, gave a presentation regarding the provision of input to legislators regarding cost savings to regional centers. Discussion ensued. Dan Owen made a motion to give SCDD an opportunity to consider the presentation, create an internal workgroup to develop ideas, and consider approving the ideas so they may be presented to appropriate legislators. The motion was seconded by Ray Ceragioli and passed unanimously – 10 ayes, 0 nays, and 0 abstentions.

6. DISCUSSION/DEVELOPMENT OF WORKGROUP DRAFT POLICIES

6.1 – Employment

6.2 – Housing

6.3 – Special Education

Chair Aguilar indicated that on March 16th SCDD approved the three policies that LPPC submitted.

6.4 – Lanterman Act/Entitlement

Rocio Smith made a motion for the LPPC to recommend to SCDD that the SCDD directs the LPPC to work on a policy regarding the Lanterman Act and the entitlement. The motion was seconded by Tho Vinh and passed unanimously – 9 ayes, 0 nays, and 0 abstentions.

6.3 – Special Education

Marilyn Barraza requested LPPC amend the special education policy. Discussion ensued. Ray made a motion for this item to be placed on the agenda for LPPC's next meeting and that the proposed changes to the special education policy are distributed prior to the next LPPC meeting. The motion was seconded by Michael Bailey and passed unanimously – 9 ayes, 0 nays, and 0 abstentions.

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

7.1 – Formulation of Coalition Workgroup/Intent

7.2 – Coalition Membership

Chair Aguilar reviewed issues discussed during public input and Item 7.3. He then requested suggestions from LPPC regarding possible additional members for the Special Education Stakeholder Workgroup. Suggestions were offered and discussed. It was anticipated that the workgroup would initially meet in early or mid-May. Discussion ensued.

5. SCDD/AREA BOARD UPDATES

5.1 – Federal Legislation & Issues

5.1.1 – Patient Protection & Affordable Care Act

Materials from the packet were reviewed. Discussion ensued. LPPC directed staff to gather more information to present to LPPC as an informational item.

5.1.2 – Elementary & Secondary Education Act (NCLB) Reauthorization
Materials from the packet were reviewed. Discussion ensued.

5.1.3 – IDEIA Reauthorization

No new information was available at the time of the meeting.

5.1.4 – ABLE Act (S. 493/H.R. 1205)

LPPC indicated support for these bills and wanted to make a recommendation to SCDD to write a letter of support.

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

LPPC indicated support for this bill and wanted to make a recommendation to SCDD to write a letter of support.

5.1.6 – Keeping All Students Safe Act, Formerly Preventing Harmful Restraints & Seclusion in the Schools Act (H.R. 4247)

LPPC indicated support for this bill and wanted to make a recommendation to SCDD to write a letter of support.

5.1.7 – Rosa’s Law (S. 2781)

LPPC indicated support for this bill and wanted to make a recommendation to SCDD to write a letter of support.

Marilyn made a motion for LPPC to recommend to SCDD to take a support position for the bills (in Items 5.1.4, 5.1.5, 5.1.6, and 5.1.7) and write appropriate letters to legislators. The motion was seconded by Lisa Cooley and passed – 8 ayes, 0 nays, and 1 abstention.

5.2.a – ACR 123 (Chesbro)

The bill was reviewed. Discussion ensued. Rocio made a motion for LPPC to recommend to SCDD to take a support position and write appropriate letters to legislators. The motion was seconded by Ray and passes unanimously – 8 ayes, 0 nays, and 0 abstentions.

5.2.b – SB 1256 (Hancock)

The bill was reviewed. Discussion ensued. Rocio made a motion for LPPC to recommend to SCDD to take a support position and write appropriate letters to legislators. The motion was seconded by Dan and passes unanimously – 8 ayes, 0 nays, and 0 abstentions.

5.2.c – SB 1129 (Wiggins)

The bill was reviewed. Discussion ensued. Ray made a motion for LPPC to recommend to SCDD to take a support position and write appropriate letters to legislators. The motion was seconded by Marilyn and passed – 7 ayes, 0 nays, and 1 abstention.

5.2.d – SB 1196 (Negrete McLeod)

The bill was reviewed. Discussion ensued. Marilyn made a motion for LPPC to recommend to SCDD to take a watch position. The motion was seconded by Ray and passed – 6 ayes, 0 nays, and 1 abstention.

5.2.e – AB 1742 (Coto)

The bill was reviewed. Discussion ensued. Ray made a motion for LPPC to recommend to SCDD to take a support position and write appropriate letters to legislators. The motion was seconded by Marilyn and passed – 7 ayes, 0 nays, and 1 abstention.

5.2.f – AB 1841 (Buchanan)

The bill was reviewed. Discussion ensued. Dan made a motion for LPPC to recommend to SCDD to take a support position and write appropriate letters to legislators. The motion was seconded by Marilyn and passed unanimously – 8 ayes, 0 nays, and 0 abstentions.

5.2.g – AB 2160 (Bass)

The bill was reviewed. Discussion ensued. Ray made a motion for LPPC to recommend to SCDD to take an oppose position, write appropriate letters to legislators, and provide hearing testimony. The motion was seconded by Jorge and passed – 7 ayes, 0 nays, and 1 abstention.

5.2.h – AJR 31 (Buchanan)

The bill was reviewed. Jorge announced that because the Council approved the special education policy paper, Jorge and Marcy Good, SCDD Chair, were able to send a letter of support for this bill. Discussion ensued.

5.2.i – SB 1270 (Romero)

The bill was reviewed. Discussion ensued. Ray made a motion for LPPC to recommend to SCDD to take a watch position. The motion was seconded by Dan and passed – 7 ayes, 0 nays, and 1 abstention.

5.2.j – SB 1315 (Romero)

The bill was reviewed. Discussion ensued. Ray made a motion for LPPC to recommend to SCDD to take a watch position. The motion was seconded by Marilyn and passed – 7 ayes, 0 nays, and 1 abstention.

5.2.k – SB 1376 (Romero)

The bill was reviewed. Discussion ensued. Dan made a motion for LPPC to recommend to SCDD to take a watch position. The motion was seconded by Ray and passed – 7 ayes, 0 nays, and 1 abstention.

5.2.l – SB 1283 (Steinberg)

The bill was reviewed. Discussion ensued. Ray made a motion for LPPC to recommend to SCDD to take a watch position. The motion was seconded by Dan and passed – 6 ayes, 0 nays, and 2 abstentions.

5.2.m – AB 1924 (Strickland, A.)

The bill was reviewed. Discussion ensued. Marilyn made a motion for LPPC to recommend to SCDD to take an oppose position, write appropriate letters to legislators, and provide hearing testimony. The motion was seconded by Tho Vinh Banh and passed unanimously – 8 ayes, 0 nays, and 0 abstentions.

5.2.n – AB 2274 (Beall)

The bill was reviewed. Discussion ensued. Ray made a motion for LPPC to recommend to SCDD to take a watch position. The motion was seconded by Tho Vinh and passed unanimously – 8 ayes, 0 nays, and 0 abstentions.

5.2.o – AB 2374 (Nestande)

The bill was reviewed. Discussion ensued. Ray made a motion for LPPC to recommend to SCDD to take a watch position. The motion was seconded by Marilyn and passed – 7 ayes, 1 nay, and 0 abstentions.

5.2.p – AB 2506 (Strickland, A.)

The bill was reviewed. Discussion ensued. Ray made a motion for LPPC to recommend to SCDD to take a watch position. The motion was seconded by Dan and passed – 7 ayes, 0 nays, and 1 abstention.

5.2.g – SB 1282 (Steinberg)

The bill was reviewed. Discussion ensued. Ray made a motion for LPPC to recommend to SCDD to take a watch position. The motion was seconded by Jorge and passed – 6 ayes, 0 nays, and 1 abstention.

5.2.r – AB 2204 (Beall)

The bill was reviewed. Discussion ensued. Tho Vinh made a motion for LPPC to recommend to SCDD to take a support position, write appropriate letters to legislators, and provide hearing testimony. The motion was seconded by Ray and passed unanimously – 7 ayes, 0 nays, and 0 abstentions.

5.2.s – AB 2702 (Chesbro)

The bill was reviewed. Discussion ensued. Dan made a motion for LPPC to recommend to SCDD to take a support and encourage amendments (regarding the inclusion of adequate notice) position, write appropriate letters to legislators, provide hearing testimony, and meet with appropriate legislators and legislative staff. The motion was seconded by Rocio and passed – 5 ayes, 0 nays, and 2 abstentions.

9. ADJOURNMENT

Chair Aguilar announced that the items that had not been reviewed would be tabled until the next LPPC meeting and then he adjourned the meeting at 4:24 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. Present policy papers on employment, housing, and special education to SCDD in order to obtain approval	Jorge	3/16/10	Approval obtained from SCDD. Completed.
2. Initiate Special Education Workgroup membership	Chris/Jorge	4/8/10	This is Item 7.2 of this meeting. Completed.
3. Hold Special Education Workgroup meeting	Chris/Jorge	5/21/10	Item still open.
4. Legislative Current Events needs to be posted to the SCDD website	Chris	4/8/10	Item still open.
5. Prepare for next LPPC meeting on 4/8	Chris/Jorge	3/29/10	Ongoing item.
6. Finalize new drafts of Policy Papers	Jorge	3/16/10	Send to SCDD and LPPC members. Completed.

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. Completed.
2. At a Glance with Terms, process of bill approval, summarize legislation by subject	Chris	2/11/10 4/7/10	This is Item 5.2 of this meeting. Completed.

<p>3. Legislative Bill Tracking needs to be posted to the SCDD website. Tracking will be updated in real time.</p>	<p>Chris</p>	<p>11/3/09 - 4/7/10</p>	<p>There is a new format for tracking legislation; it includes the bills by category, a short summary, and the progress to date in the process. Tracking is in real time. Needs to be posted to SCDD website. Item still open.</p>
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DRAFT



**Detail Sheet for:
SUMMARY OF COUNCIL MEETING ON 5/27/10**

What is this agenda item about?

This item will be a review of the actions taken and issues discussed at the SCDD meeting on 5/27/10.

What has the LPPC done about this so far?

The LPPC made recommendations for the Council, including positions regarding state bills and directing the LPPC to write a policy regarding the Lanterman Act.

What needs to be decided at this meeting?

Nothing specific needs to be decided pertaining to this item, although information from this item may assist the LPPC in making decisions pertaining to other agenda items.

What is the committee or staff recommendation?

Staff recommends that the LPPC reviews the Council's actions and issues discussed at the 5/27 meeting, make any appropriate comments, and decides what, if any, action it wishes to take.

Are there attachments?

Yes. The packet used for legislative visits on Disability Capitol Action Day is attached.



State Council on Developmental Disabilities

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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:

- protecting in home supportive services (IHSS) throughout the 2010-2011 budget development process;
- implementation of self-directed services to all regional centers;
- passing legislation that mandates regional centers promote and prioritize programs for adults with developmental disabilities that result in meaningful employment; and,
- protecting the Lanterman Act entitlement.

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

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PROTECT IHSS

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PROTECT IHSS THROUGHOUT THE 2010-2011 BUDGET DEVELOPMENT PROCESS

The In-Home Supportive Services (IHSS) program provides care for over 430,000 recipients. Available to low-income seniors and people with disabilities, IHSS provides various services to recipients in their own homes – assistance with tasks such as feeding, bathing, meal preparation, dressing, cleaning, grooming, and medication administration. About 35,000 recipients (nearly 9%) are children and adults with developmental disabilities.¹

In recent months the Governor has proposed various reductions to IHSS, up to and including its total elimination under at least one set of circumstances. With the May revise, the Governor's Proposed Budget for 2010-2011 indicates a reduction to IHSS of \$637M, with further reductions to \$750M in 2011-2012.

IHSS is a program intrinsically designed to maintain people in their homes and keep them out of more restrictive settings such as nursing homes or developmental centers. However in the absence or significant redesign of IHSS, people with developmental disabilities will require equivalent care from regional centers to keep them in their homes, which would result in a shifting of costs from IHSS to the Department of Developmental Services (DDS).²

Recently, the Legislature has backfilled DDS' budget to mitigate some of the budgetary reductions in other associated services, such as Medi-Cal's elimination of "optional" services, including dental care. Given the emerging data, it seems that there may be a shortage of funds for these backfilled services. Furthermore, regional centers do not regularly provide in-home care workers – and it is thus unclear how long it would take regional centers to gear up to provide such services or what mechanisms would be necessary to provide them.

One of the primary benefits of IHSS is that it likely increases the quality of life of recipients, their families, and IHSS workers caring for their loved ones. Because of this and the problems associated with shifting costs, we respectfully urge you to ensure that there is no erosion to IHSS services and that they continue to be provided for California's low-income senior and people with disabilities.

¹ Considering the State Costs and Benefits: In-Home Supportive Services Program, Legislative Analyst's Office, page 101

² Ibid., page 17

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EXPAND SELF-DIRECTED SERVICES TO ALL REGIONAL CENTERS

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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 11 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 11 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.

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MANDATE THAT REGIONAL CENTERS PRIORITIZE PROGRAMS THAT RESULT IN MEANINGFUL EMPLOYMENT FOR ADULTS WITH DEVELOPMENTAL DISABILITIES

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MANDATE THAT REGIONAL CENTERS PRIORITIZE 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. Additionally, California's First Lady, Maria Shriver, has long supported an employment first policy for people with developmental disabilities.¹

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 program when one is working?

One of the strongest steps California can take to solve its budget crisis is to require all regional centers to adopt a policy whereby they must 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.

¹ <http://weinclude.ca.gov>

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[DOL Home > ODEP](#)



A World In Which People With Disabilities Have Unlimited
Employment Opportunities

Employment First

Caution: information may be out of date

MEMORANDUM

TO: ALL PARTIES INTERESTED IN A BETTER
ECONOMIC FUTURE FOR PEOPLE WITH
DISABILITIES

FROM: NEIL ROMANO, ASSISTANT SECRETARY
OFFICE OF DISABILITY EMPLOYMENT POLICY
U.S. DEPARTMENT OF LABOR

DATE: JANUARY 15, 2009

SUBJECT: "EMPLOYMENT FIRST" CREATING OPPORTUNITIES
TO MOVE TO INTEGRATED EMPLOYMENT

As Assistant Secretary for the U.S. Department of Labor and a former business owner, I know that a strong America depends on harnessing the productivity of all its citizens, including people with disabilities. But I have seen first hand the challenges our nation faces in improving employment and economic self-sufficiency for people with disabilities. The greatest challenges are not with employers or people with disabilities themselves, but with our public system of disability assistance. Limited coordination of benefits and services across agencies and conflicting policies make it more difficult for a youth or adult with a disability to become self-sufficient and participate fully in all of the benefits our nation has to offer.

These systemic obstacles impact heavily on individuals with intellectual and other significant disabilities and high support needs, who continue to be considered unable to be integrated into the community's workforce and earn prevailing wages. Instead, they are often placed in sheltered employment with sub-minimum wages or non-work day activities.

Several states have moved forward to implement policies that focus on integrated, community-based employment earning at or above the minimum wage as the first option for individuals with intellectual and other developmental disabilities. Using these "Employment First" policies, states are tapping the skills and contributions of these individuals to match employer demand for a

reliable, productive workforce through customized employment opportunities. In these Employment First states, sheltered employment with sub-minimum wages and non-work "day activities" are no longer acceptable employment outcomes. Through this renewed effort there is the opportunity also to provide a path to economic empowerment through asset development strategies for workers that enhance employment profitability.

In October 2008, I brought together key thought leaders from various sectors to discuss integrated employment for individuals with intellectual disabilities. I have attached to this memo a summary of those discussions. It stresses the importance of the Employment First activities being undertaken in the states, and the need to expand those initiatives through a variety of actions in order to establish integrated, productive employment as the primary goal and service for individuals with intellectual and other complex disabilities requiring high levels of support. I invite you to read the summary and to share your suggestions with the Office of Disability Employment Policy (www.dol.gov/odep) about including people with disabilities in sustainable economic growth initiatives with the active engagement of the employer community. As government transitions to the leadership of a new administration, it is an important time for all interested parties to consider how to best advance this vision of individuals with intellectual and other developmental disabilities as contributors to renewed economic growth.

Executive Summary

Advancing Employment and Economic Self-Sufficiency:
A Roundtable on Employment for People with Intellectual and Other
Developmental Disabilities

Thursday, October 30, 2008 – Friday, October 31, 2008
Bureau of Labor Statistics Conference Room
U.S. Department of Labor
2 Massachusetts Avenue, NE
Washington DC 20212

The following individuals external to ODEP contributed to the development of the Roundtable agenda as well as to the creation of the Executive Summary and supporting materials: William Kiernan, Serena Lowe, David Mank, Celane McWhorter, Michael Morris, Chas Moseley, Sara Weir and Madeleine Will.

INTRODUCTION

To consider the prevailing paradigm of isolation and segregation of people with intellectual and other developmental disabilities from integrated employment at minimum wage or above, and to develop a focus that embraces new possibilities for employment and self-sufficiency, the U.S. Department of Labor's Office of Disability

Employment Policy (ODEP), under the leadership of Assistant Secretary Neil Romano, hosted a two-day roundtable in October 2008. The roundtable brought together key thought-leaders from various sectors to discuss promoting integrated, competitive and customized employment at minimum wage or above for individuals with intellectual and other significant and complex disabilities who have high support needs. The Roundtable focused on two primary objectives:

1. Identifying the current barriers that lead to underemployment and lower wages for persons with intellectual and other significant and complex disabilities; and
2. Identifying and discussing innovative strategies that can facilitate the goal of integrated, competitive and customized employment for such individuals, specifically in the areas of transition, asset development and workforce development and employment.

The dialogue centered around three key topics:

- strengthening support for the transition from high school;
- increasing meaningful, integrated and customized employment at minimum wage or above as the central focus of service providers and government authorities; and
- optimizing income and asset development for individuals with intellectual and other significant, complex disabilities who have high support needs so that such individuals can accrue assets through employment.

BACKGROUND

The majority of individuals with intellectual and other significant, complex disabilities who have high support needs are unable to achieve the American dream of a job, a family and financial security. Instead, they are caught in a cycle of poverty by the laws, regulations and policies of the public and private programs providing their supports and services. Individuals with significant disabilities and high support needs continue to be considered "nonfeasible" for typical employment, often relegated to institutions, day programs or sheltered work environments at sub-minimum wages. Although public finance to support adults living with intellectual disabilities in the U.S. grew from \$2.3 billion in 1955 to \$82.6 billion in 2004, tens of thousands of persons living with intellectual and other developmental disabilities continue to live in institutions and nursing homes or are relegated to segregated day programs. Family supports and innovative employment programs receive limited funding, waiting lists are growing rapidly, and family caregivers are aging. When they are fortunate enough to live in the community, earn a salary and accumulate savings, individuals with intellectual and other developmental disabilities are likely to be penalized by having cash and social insurance benefits reduced or completely eliminated. This counterproductive conflict deters many such individuals from even considering meaningful education or employment opportunities.

Fortunately, innovative strategies have emerged over the last few years that, if fully implemented, would remove most of the existing barriers to employment and self-sufficiency for individuals with intellectual and other significant, complex disabilities. For example,

ODEP's research has documented that such individuals are successfully employed in typical work places with competitive salaries and benefits through customized employment, a strategy of individualizing employment tasks and supports for the person and the employer in a way that meets the needs of both. Customized employment has been advanced and supported through the Department of Labor and is providing new meaning to daily life for individuals who heretofore would be placed in segregated day programs. In addition, through the evolution of the CMS supported Medicaid Infrastructure Grants, states are now able to explore employment strategies using Medicaid long term service dollars.

Because of these and other new resources and approaches, a handful of states have adopted policies that require employment to be a prime consideration for Medicaid Waiver dollars. These "Employment First" initiatives can significantly increase employment opportunities for individuals with intellectual and other developmental disabilities and high support needs.

THE ROUNDTABLE

The Office of Disability Employment Policy convened a *Roundtable on Advancing Employment and Economic Self Sufficiency for People with Intellectual and other Developmental Disabilities*, on October 30-31, 2008. Participants at the Roundtable spent two days discussing barriers and facilitators specific to this broad group of individuals, in order to develop a roadmap that, when implemented, would create opportunity for people with intellectual and other significant disabilities to have the choice to work in integrated community jobs at minimum wage or above. Discussions both at the roundtable and subsequently have focused on several strategies for moving toward and finally achieving the systemic changes needed. The foundation of these strategies is based on initiatives underway in several states, commonly known as "Employment First," under which employment is considered the first service provided to individuals with intellectual disabilities and the goal for all.

A synopsis of the key observations identified during the two-day roundtable will be available on the ODEP website (<http://www.dol.gov/odep/categories/workforce/>). It will provide information focused on maximizing self-sufficiency among persons with intellectual and other developmental disabilities through a strategic focus on Employment First activities nationally. Interested persons are encouraged to visit the ODEP website and review materials as they are posted, and to determine what actions they can take within their own state or agency in order to move to Employment First practices. For additional information, contact ODEP at (202) 693-7880.

Caution: information may be out of date



State Council on Developmental Disabilities

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STATE OF CALIFORNIA
Arnold Schwarzenegger,
Governor

916.322.8481 Voice
916.443.4957 FAX
916.324.8420 TTY

PROTECT THE ENTITLEMENT TO THE LANTERMAN ACT

"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:
STATE LEGISLATION**

What is this agenda item about?

This agenda item is about the positions the SCDD has taken pertaining to state bills. Additionally, three bills will be discussed for the first time.

What has the LPPC done about this so far?

The LPPC has made recommendations to the SCDD in regards to taking positions on state bills.

What needs to be decided at this meeting?

The LPPC needs to decide if it wishes to make recommendations to SCDD pertaining to three bills, AB 2537 (Silva), AB 2212 (Fuentes), and SB 810 (Leno).

What is the committee or staff recommendation?

Staff recommends that the LPPC reviews the three bills, makes any appropriate comments, and decides if it will make a recommendation to the SCDD.

Are there attachments?

Yes. Summaries for each of the three bills and a legislative report, which notes the SCDD actions, are attached. It is expected that an updated legislative report will be provided at the meeting.



Legislative & Public Policy Committee

Legislative Report

as of 6/9/2010

Civil Rights

[AB](#)
[2537](#)

(Silva) State agencies: adjudications: presiding officers. (A-04/14/2010 [html](#) [pdf](#))

Status: 05/27/2010-Referred to Com. on G.O.

Current Location: 05/27/2010-S G.O.

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 Events: 06/09/10 1:30 p.m. - Room 3191 SEN GOVERNMENTAL ORGANIZATION

Summary: Existing law, the Administrative Procedure Act, provides for the conduct of administrative adjudication proceedings of state agencies. Existing law provides for the disqualification of a presiding officer for bias, prejudice, or interest in the proceeding. Existing law authorizes an agency that conducts an adjudicative proceeding to provide by regulation for peremptory challenge of the presiding officer. This bill would require that certain agencies that conduct an adjudicative proceeding provide by regulation for peremptory challenge of the presiding officer in cases where the presiding officer is an administrative law judge, and authorize those agencies to provide by regulation for peremptory challenge of a presiding officer who is not an administrative law judge.

Position:

Priority:

[ACR](#)
[123](#)

(Chesbro) California Memorial Project Remembrance Day. (A-04/08/2010 [html](#) [pdf](#))

Status: 04/12/2010-In Senate. To Com. on RLS.

Current Location: 04/12/2010-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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Calendar Events:

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.

Position: Support

Priority: Letter

Notes:

--On May 27, 2010, the SCDD took a support position and directed staff to write a letter to the bill author and appropriate legislators.

--On April 8, 2010, LPPC recommended that SCDD takes a support position and writes a letter to the bill author and appropriate legislators.

[SB](#)
[1256](#)

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

Status: 05/20/2010-To Com. on ED.

Current Location: 05/20/2010-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 Events: 06/16/10 1:30 p.m. - State Capitol, Room 4202 ASM 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.

Position: Support

Priority: Letter

Notes:

--On May 27, 2010, the SCDD took a support position and directed staff to write a letter to the bill author and appropriate legislators.

--On April 8, 2010, LPPC recommended that SCDD takes a support position and writes a letter to the bill author and appropriate legislators.

Criminal Justice

[AB 438](#) (Beall) **Medi-Cal: treatment authorization requests.** (A-05/05/2010 [html](#) [pdf](#))

Status: 05/06/2010-Withdrawn from committee. Re-referred to Com. on RLS.

Current Location: 05/06/2010-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

Calendar Events:

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and pursuant to which, health care services are provided to qualified low-income persons. This bill would state the intent of the Legislature to enact legislation that would implement reforms to the Medi-Cal TAR process, as specified. This bill contains other existing laws.

Position: Support

Priority: Letter & Hearing Testimony

[AB 2212](#)

(Fuentes) **Minors: mental competency.** (A-04/22/2010 [html](#) [pdf](#))

Status: 05/20/2010-Referred to Com. on PUB. S.

Current Location: 05/20/2010-S PUB. S.

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

Calendar Events:

Summary: Existing statutory law, in counties that agree to be subject to these provisions pursuant to a resolution adopted by the board of supervisors, provides that when it appears to the court, or upon request of the prosecutor or counsel, that a minor who is alleged to come within the jurisdiction of the juvenile court as a person who is or may be found to be a ward of the juvenile court may have a serious mental disorder, is seriously emotionally disturbed, or has a developmental disability, the court may order that the minor be referred for evaluation by a licensed mental health professional. This bill would provide, with respect to a minor who is alleged to come within the jurisdiction of the juvenile court as a person who is or may be found to be a ward of the juvenile court, that if, during the pendency of any action, a doubt arises in the mind of the presiding officer that the minor who is the subject of the action has sufficient present ability to cooperate with his or her attorney with a reasonable degree of rational understanding and a rational as well as factual understanding of the proceedings against him or her, the court shall declare a doubt as to the minor's competency and suspend the proceedings. The bill would require, upon declaration of a doubt as to the minor's competency, the court to order that the question of the minor's competence be determined in a hearing, as specified. The bill would require the court to appoint an expert in the field of juvenile adjudicative competency, as specified, to evaluate whether the minor suffers from a mental disorder, developmental disability, or developmental immaturity and, if so, whether the condition impairs the minor's competency. The bill would require the Judicial Council to develop and adopt rules to implement these requirements. The bill would require that, if the minor is found to be incompetent by a preponderance of the evidence, all proceedings remain suspended to determine whether there is a substantial probability that the minor will attain that capacity in the foreseeable future or the court no longer retains jurisdiction. The period of time

during which these proceedings would be suspended would not exceed 6 months. This bill contains other existing laws.

Position: **Priority:**

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

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

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

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 Events: 06/15/10 9 a.m. - State Capitol, Room 126 ASM PUBLIC SAFETY

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 **Priority:**

Developmental Center

SB 1129 (Wiggins) Health services: Sonoma Developmental Center. (A-05/04/2010 [html](#) [pdf](#))

Status: 06/04/2010-Failed Deadline pursuant to Rule 61(b)(11). (Last location was APPR. SUSPENSE FILE on 5/27/2010)

Current Location: 06/04/2010-S 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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Calendar Events:

Summary: Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services contracts with private nonprofit regional centers to provide or purchase services and supports for persons with developmental disabilities. This bill would make a consumer from any regional center eligible to receive temporary intensive behavioral intervention services at the Sonoma Development al Center through the center's existing behavioral treatment units in specified circumstances. The bill would require the regional center to make the determination of whether to provide those services and would specify that the consumer is prohibited from remaining in the Sonoma Developmental Center for a period exceeding 6 months without a review by the regional center and the Sonoma Developmental Center . This bill contains other related provisions and other existing laws.

Position: **Priority:**

Notes:

--On May 27, 2010, the SCDD took declined to take a position for this bill because it was in suspense. Subsequently, it failed a deadline and is dead.

--On April 8, 2010, LPPC recommended that SCDD takes a support position and writes a letter to the bill author and appropriate legislators.

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

Status: 05/20/2010-To Com. on HUM. S.

Current Location: 05/20/2010-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
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Calendar Events:

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 .

Position: Watch

Priority:

Notes:

--On May 27, 2010, the SCDD took a watch position.

--On April 8, 2010, LPPC recommended that SCDD takes a watch position.

Education/Special Education

AB 661 (Torlakson) Special education: behavioral intervention plans: mandate claim: funding.

(1-02/25/2009 [html](#) [pdf](#))

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

Current 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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Calendar Events:

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

Priority:

AB 1538

(Ma) Pupil discipline: restraint. (A-05/13/2009 [html](#) [pdf](#))

Status: 01/31/2010-Failed Deadline pursuant to Rule 61(b)(3). (Last location was THIRD READING on 1/26/2010)

Current 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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Calendar Events:

Summary: Existing law requires the Superintendent of Public Instruction to develop, and the State Board of Education to adopt, regulations governing the use of behavioral interventions with individuals with exceptional needs receiving special education and related services. This bill would prohibit an educational provider from using physical restraint, as defined, on a pupil who is an individual with exceptional needs for the purpose of coercion, punishment, convenience, or retaliation by staff, or as an extended procedure beyond an immediate emergency, and would specify conditions under which an educational provider would be

authorized to use physical restraint. This bill contains other related provisions.

Position: Support **Priority:** Letter & Hearing Testimony

AB
1742

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

Status: 05/27/2010-Referred to Com. on RLS.

Current Location: 05/27/2010-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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Calendar Events:

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.

Position: Support **Priority:** Letter

Notes:

--On May 27, 2010, the SCDD took a support position and directed staff to write a letter to the bill author and appropriate legislators.

--On April 8, 2010, LPPC recommended that SCDD takes a support position and writes a letter to the bill author and appropriate legislators.

AB
1841

(Buchanan) Special education: parental consent. (A-06/03/2010 [html](#) [pdf](#))

Status: 06/03/2010-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on ED.

Current Location: 06/03/2010-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
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Calendar Events: 06/16/10 8:30 a.m. - John L. Burton Hearing Room (4203) SEN EDUCATION

Summary: 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.

Position: Support **Priority:** Letter

Notes:

--On May 27, 2010, the SCDD took a support position and directed staff to write a letter to the bill author and appropriate legislators.

--On April 8, 2010, LPPC recommended that SCDD takes a support position and writes a letter to the bill author and appropriate legislators.

AB
2160

(Bass) Teacher credentialing: instruction to pupils with autism. (A-04/06/2010 [html](#) [pdf](#))

Status: 05/06/2010-Referred to Com. on ED.

Current Location: 05/06/2010-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
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Calendar Events: 06/16/10 8:30 a.m. - John L. Burton Hearing Room (4203) SEN 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 delete the provision requiring the education special credential to be a level 1 credential, 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.

Position: Oppose **Priority:** Letter & Hearing Testimony

Notes:

--On May 27, 2010, the SCDD took an oppose position, directed staff to write a letter to the bill author and appropriate legislators, and provide hearing testimony.

--On April 8, 2010, LPPC recommended that SCDD takes an oppose position, writes a letter to the bill author and other appropriate legislators, and provides hearing testimony.

AJR 31 (Buchanan) Special education funding. (A-04/06/2010 [html](#) [pdf](#))

Status: 04/08/2010-In Senate. To Com. on RLS.

Current Location: 04/08/2010-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	Chaptured

Calendar Events:

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

Position: Support **Priority:** Letter

[SCDD's Support Letter for AJR 31](#)

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

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

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

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

Calendar Events:

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

Priority:

SB 1270

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

Status: 06/04/2010-Failed Deadline pursuant to Rule 61(b)(11). (Last location was RLS. on 3/4/2010)

Current Location: 06/04/2010-S DEAD

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

Calendar Events:

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 one of the alternative governance arrangements. This bill would make technical, nonsubstantive changes to these provisions.

Position: Watch**Priority:****Notes:**

--On May 27, 2010, the SCDD took a watch position.

--On April 8, 2010, LPPC recommended that SCDD takes a watch position.

[SB](#)
[1315](#)**(Romero) Parent empowerment.** (I-02/19/2010 [html](#) [pdf](#))**Status:** 06/04/2010-Failed Deadline pursuant to Rule 61(b)(11). (Last location was RLS. on 3/4/2010)**Current Location:** 06/04/2010-S DEAD

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

Calendar Events:

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.

Position: Watch**Priority:****Notes:**

--On May 27, 2010, the SCDD took a watch position.

--This is a spot bill. On April 8, 2010, LPPC recommended that SCDD takes a watch position.

[SB](#)
[1376](#)**(Romero) Career technical education: pilot preapprentice aerospace machining program.** (A-05/05/2010 [html](#) [pdf](#))**Status:** 05/27/2010-Held in committee and under submission.**Current Location:** 05/27/2010-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	

Calendar Events:

Summary: Existing law establishes the Health Science and Medical Technology Project, administered by the State Department of Education to provide competitive grant funds to California public schools to enhance existing or establish new health-related career pathway programs. This bill would state findings and declarations of the Legislature regarding California's aerospace workforce and trends in California's high schools. The bill would create a pilot preapprentice aerospace machining program, administered by the California Labor and Workforce Development Agency to provide career technical education to high school pupils in the form of machining and related curriculum that can be applied to various manufacturing industries in California, including, but not limited to, aerospace manufacturing, as specified. The program would be funded by a direct federal appropriation, that would be deposited into the Machinist Investment Fund, which would be created by this bill. The bill would provide that implementation of the program would be contingent upon receipt of sufficient federal funding. Grants would be competitively awarded to community colleges based upon specified criteria, including their ability to address the existing local and regional industry manufacturing needs,

while providing meaningful career technical education opportunities for at-risk youth. The bill would require the Chancellor's Office of the California Community Colleges system to develop preapprenticeship curriculum in aerospace technology, and machining technology generally. The model curriculum would be required to result in the issuance of a certificate of completion stating that the holder has completed curriculum that meets specified criteria. The bill would specify that, consistent with federal guidelines, each community college shall complete an evaluation of its participation in the pilot program on or before the end date of the grant award, and submit the evaluation to the chancellor's office by that date. The chancellor's office would be required to compile the information provided by the participating community colleges, and to submit an evaluation to the Legislature by December 1, 2013. The bill would provide that its provisions would remain in effect until January 1, 2015. This bill contains other related provisions.

Position: Watch

Priority:

Notes: --On May 27, 2010, the SCDD decided to watch this bill.

--This is a spot bill. On April 8, 2010, LPPC recommended that SCDD takes a watch position.

Employment

AB 287 (Beall) Persons with developmental disabilities: employment. (C-10/11/2009 [html](#) [pdf](#))

Status: 10/11/2009-Chaptered by the Secretary of State, Chapter Number 231, Statutes of 2009

Current Location: 10/11/2009-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
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Calendar Events:

Summary: Existing law, the Lanterman Developmental Disabilities Services Act, grants persons with developmental disabilities the right to receive services and supports to meet their needs. Existing law requires that the State Department of Developmental Services contract with private nonprofit corporations for the operation of regional centers to obtain services and supports for an individual with a developmental disability in accordance with his or her individual program plan (IPP). This bill would encourage the individual program planning team to discuss school-to-work opportunities for consumers commencing at 14 years of age. This bill contains other related provisions and other existing laws.

Position: Support

Priority: Letter, Hearing Testimony, & Meet with Legislative Staff

SB 755 (Negrete McLeod) State contracts: participation goals: persons with developmental disabilities business enterprises. (A-05/21/2009 [html](#) [pdf](#))

Status: 01/22/2010-Failed Deadline pursuant to Rule 61(b)(2). (Last location was 2 YEAR on 6/2/2009)

Current Location: 01/22/2010-S 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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Calendar Events:

Summary: Existing law establishes participation goals for various enterprises to participate in contracts with state departments awarded for construction, services, materials, supplies, equipment, alterations, repairs, or improvements. This bill would establish statewide participation goals of not less than 1% for persons with developmental disabilities business enterprises to participate in contracts awarded by a state agency for goods and services, and require, until June 30, 2014, that each state agency awarding contracts take specified actions to encourage that participation, as provided. This bill contains other related provisions and other existing laws.

Position: Watch

Priority:

Health Care

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

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

Current Location: 01/31/2010-A DEAD

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

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:** Letter & Hearing Testimony**SB 810 (Leno) Single-payer health care coverage.** (A-01/13/2010 [html](#) [pdf](#))**Status:** 01/28/2010-In Assembly. Read first time. Held at Desk.**Current Location:** 01/28/2010-A DESK

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

Calendar Events:

Summary: Existing law does not provide a system of universal health care coverage for California residents. Existing law provides for the creation of various programs to provide health care services to persons who have limited incomes and meet various eligibility requirements. These programs include the Healthy Families Program administered by the Managed Risk Medical Insurance Board, and the Medi-Cal program administered by the State Department of Health Care Services. Existing law provides for the regulation of health care service plans by the Department of Managed Health Care and health insurers by the Department of Insurance. This bill would establish the California Healthcare System to be administered by the newly created California Healthcare Agency under the control of a Healthcare Commissioner appointed by the Governor and subject to confirmation by the Senate. The bill would make all California residents eligible for specified health care benefits under the California Healthcare System, which would, on a single-payer basis, negotiate for or set fees for health care services provided through the system and pay claims for those services. The bill would provide that a resident of the state with a household income, as specified, at or below 200% of the federal poverty level would be eligible for the type of benefits provided under the Medi-Cal program. The bill would require the commissioner to seek all necessary waivers, exemptions, agreements, or legislation to allow various existing federal, state, and local health care payments to be paid to the California Healthcare System, which would then assume responsibility for all benefits and services previously paid for with those funds. This bill contains other related provisions and other existing laws.

Position:**Priority:****SB
1283****(Steinberg) Health care coverage: grievance system.** (A-05/28/2010 [html](#) [pdf](#))**Status:** 06/01/2010-In Assembly. Read first time. Held at Desk.**Current Location:** 06/01/2010-A DESK

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

Calendar Events:

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 requires every health care service plan to establish and maintain a grievance system approved by the department under which enrollees and subscribers may submit a grievance to the plan. Existing law authorizes a subscriber or enrollee to submit his or her grievance to the department for review after completing the grievance process or after having participated in that process for at least 30 days. Existing law requires the department to send a written notice of the final disposition of the grievance to an enrollee or subscriber within 30 days of receiving the request for review,

unless the director determines that additional time is reasonably necessary to fully review the grievance. This bill would , upon a determination by the director that additional time is necessary to review a grievance, set forth the procedures that would apply to the department with regard to the review of that grievance and the payment of specified costs by the department. Upon a failure of a health care service plan to comply with a request from the department for information related to the grievance, the bill would authorize the department to impose an administrative fine on that plan as determined by the department . This bill contains other related provisions and other existing laws.

Position: Watch

Priority:

Notes:

--On May 27, 2010, the SCDD took a watch position.

--This is a spot bill. On April 8, 2010, LPPC recommended that SCDD takes a watch position.

Housing

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

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

Current 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
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Calendar Events: 06/16/10 1:30 p.m. - State Capitol, Room 447 ASM LOCAL GOVERNMENT

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 **Priority:**

In Home Supportive Services (IHSS)

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

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

Current Location: 09/11/2009-S INACTIVE 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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Calendar Events:

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: Letter

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

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.

Current Location: 09/03/2009-S APPR.

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 Events:

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**Priority:**[AB
1924](#)**(Strickland, Audra) In-Home Supportive Services: fraud.** (I-02/16/2010 [html](#) [pdf](#))**Status:** 05/07/2010-Failed Deadline pursuant to Rule 61(b)(6). (Last location was HUM. S. on 3/4/2010)**Current Location:** 05/12/2010-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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Calendar Events:

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.

Position:**Priority:****Notes:**

--On May 27, 2010, the SCDD took no position for this bill because it had died since LPPC review and prior to SCDD review.

--On April 8, 2010, LPPC recommended that SCDD takes an oppose position, writes a letter to the bill author and appropriate legislators, and provides hearing testimony.

[AB
2274](#)**(Beall) In-Home Supportive Services program.** (I-02/18/2010 [html](#) [pdf](#))**Status:** 06/02/2010-In committee: Hearing postponed by committee. (Refers to 6/1/2010 hearing)**Current Location:** 05/20/2010-S 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
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Calendar Events: 06/10/10 10 a.m. - Rose Ann Vuich Hearing Room (2040) SEN HUMAN SERVICES

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.

Position: Support**Priority:** Letter**Notes:**

--On May 27, 2010, the SCDD took a support position and directed staff to write a letter to the bill author and appropriate legislators because additional information had been available since LPPC review.

--On April 8, 2010, LPPC recommended that SCDD takes a watch position.

[AB](#)**(Nestande) In-Home Supportive Services: pilot project.** (A-04/05/2010 [html](#) [pdf](#))

2374**Status:** 06/01/2010-In Senate. Read first time. To Com. on RLS. for assignment.**Current Location:** 06/01/2010-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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Calendar Events:

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 authorize the pilot project to be established in not more than 5 consenting counties . This bill contains other existing laws.

Position: Watch**Priority:****Notes:**

--On May 27, 2010, the SCDD took a watch position.

--On April 8, 2010, LPPC recommended that SCDD takes a watch position.

SB 142 (Maldonado) In-home supportive services: provider timesheets. (A-07/06/2009 [html](#) [pdf](#))**Status:** 07/06/2009-Read second time. Amended. Re-referred to Com. on APPR.**Current 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
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Calendar Events:

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 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 require the department, on or before December 31, 2011, to develop procedures to ensure that an IHSS provider receives a list specifying the approved duties to be performed for each recipient under the provider's care and a complete list of supportive service tasks available under the IHSS program . This bill contains other existing laws.

Position: Oppose**Priority:** Letter & Hearing Testimony

Mental Health

**AB
2506****(Carter) Mental health: medical transportation services.** (A-04/08/2010 [html](#) [pdf](#))**Status:** 04/23/2010-Failed Deadline pursuant to Rule 61(b)(5). (Last location was HEALTH on 4/12/2010)**Current Location:** 04/23/2010-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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Calendar Events:

Summary: Existing law, the Bronzan-McCorquodale Act, contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law requires the board of supervisors of every county, or the boards of supervisors of counties acting jointly, as prescribed, to establish a community mental health service to cover the entire area of the county or counties. Existing law requires each community mental health service to establish a mental health board, with specified powers and duties. The mental health board may be established as an advisory board or a commission, depending on the preference of the county. This bill would require each mental

health board or commission to facilitate the development and implementation of a written memorandum of understanding (MOU) between emergency and nonemergency medical transportation entities, local law enforcement, Medi-Cal managed care mental health plans, general acute care hospitals, and acute psychiatric hospitals, to provide for the delivery of emergency and nonemergency medical transportation services for individuals with mental illness. This bill would require that the MOU be developed and implemented not later than one year after the date that this measure becomes effective. If the mental health board or commission fails to facilitate the development and implementation of the MOU within the specified time, the bill would require the board of supervisors in each county, or the boards of supervisors of counties acting jointly, to develop and implement the MOU. By increasing county duties with respect to community mental health services, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: **Priority:**

Notes:

--On May 27, 2010, the SCDD took no position for this bill because it had died since LPPC review and prior to SCDD review.

--On April 8, 2010, LPPC recommended that SCDD takes a watch position. Since the LPPC decision, the bill has been gutted and amended.

--This is a spot bill.

Other

[SB
1282](#)

(Steinberg) Applied behavior analysis. (A-05/26/2010 [html](#) [pdf](#))

Status: 06/01/2010-In Assembly. Read first time. Held at Desk.

Current Location: 06/01/2010-A DESK

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 Events:

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, until January 1, 2017, make it an unfair business practice for a person to use certain titles or other terms implying that he or she is certified as an applied behavior analyst unless he or she holds a current certification from a specified organization, or to state, advertise, or represent that he or she is certified or licensed by a governmental agency as an applied behavior analyst. The bill would make its provisions subject to review by the Joint Committee on Boards, Commissions, and Consumer Protection.

Position: Watch

Priority:

Notes:

--On May 27, 2010, the SCDD took a watch position.

--On April 8, 2010, LPPC recommended that SCDD takes a watch position.

Regional Center

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

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

Current 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
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Calendar Events:

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 between a regional center and a generic agency, as defined, over provision of, or payment for, services that are contained in an individualized family service plan or individual program plan for any

child under 6 years of age.

Position: Support **Priority:** Letter & Hearing Testimony

**AB
2204**

(Beall) Developmental services: stakeholder groups. (A-04/05/2010 [html](#) [pdf](#))

Status: 05/24/2010-In committee: Set, first hearing. Hearing canceled at the request of author.

Current Location: 05/06/2010-S 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
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Calendar Events:

Summary: Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services contracts with local , nonprofit regional centers to provide various services and supports to individuals with developmental disabilities. The department is required to consult with stakeholders for various reasons, including, but not limited to, coordinating client advocacy, planning programs, and creating alternative service delivery models to obtain services and supports. This bill would require the department, in convening stakeholder groups pursuant to the act, to take into account the state's ethnic, sexual orientation, gender identity, geographic, and socioeconomic diversity and to use best efforts to include stakeholder groups that, collectively, reflect the interests of the state's diverse population. The bill would also require the department to include in appropriate reports to the Legislature a description of how it has complied with the requirement of stakeholder group diversity.

Position: Support **Priority:** Letter & Hearing Testimony

Notes:

--On May 27, 2010, the SCDD took a support position, directed staff to write a letter to the bill author and appropriate legislators, and provide hearing testimony.

--On April 8, 2010, LPPC recommended that SCDD takes a support position, writes a letter to the bill author and appropriate legislators, and provides hearing testimony.

**AB
2702**

(Chesbro) Developmental services: planning teams. (A-04/20/2010 [html](#) [pdf](#))

Status: 05/27/2010-Referred to Com. on HUMAN S.

Current Location: 05/27/2010-S 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
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Calendar Events:

Summary: Existing law, the California Early Intervention Services Act, provides a statewide system of coordinated, comprehensive, family-centered, multidisciplinary, and interagency programs that are responsible for providing appropriate early intervention services and support to all eligible infants and toddlers, as defined, and their families and requires an eligible infant or toddler receiving services under the act to have an individualized family service plan (IFSP). This bill would , instead, require a regional center to ensure, at the time of the development, scheduled review, or modification of an IFSP or IPP, that the plan is made pursuant to the relevant statute. This bill contains other existing laws.

Position: Support **Priority:** Letter, Hearing Testimony, & Meet with Legislative Staff

Notes:

--On May 27, 2010, the SCDD took a support position, directed staff to write a letter to the bill author and appropriate legislators, provide hearing testimony, and meet with the bill author and appropriate legislators.

--On April 8, 2010, LPPC recommended that SCDD takes a support position, encourages amendments, writes a letter to the bill author and appropriate legislators, provides hearing testimony, and meets with the bill author and appropriate legislators.

SBX8 4 (Committee on Budget and Fiscal Review) Social services. (C-03/08/2010 [html](#) [pdf](#))

Status: 03/08/2010-Chaptered by the Secretary of State, Chapter Number 4, Statutes of 2010

Current Location: 03/08/2010-S 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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Calendar Events:

Summary: Existing law establishes the State Department of Developmental Services and sets forth its powers and duties, including, but not limited to, administration of the Lanterman Developmental Disabilities Services Act, which requires the department to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families and sets forth the 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.

Position:

Priority:

AB 2537 (Silva) State agencies: adjudications: presiding officers.

From text dated: 04/14/10

Existing law, the Administrative Procedure Act, provides for the conduct of administrative adjudication proceedings of state agencies. Existing law provides for the disqualification of a presiding officer for bias, prejudice, or interest in the proceeding. Existing law authorizes an agency that conducts an adjudicative proceeding to provide by regulation for peremptory challenge of the presiding officer. This bill would require that certain agencies that conduct an adjudicative proceeding provide by regulation for peremptory challenge of the presiding officer in cases where the presiding officer is an administrative law judge, and authorize those agencies to provide by regulation for peremptory challenge of a presiding officer who is not an administrative law judge.

**AB
2212** (Fuentes)Minors: mental competency.

From text dated: 04/22/10

Existing statutory law, in counties that agree to be subject to these provisions pursuant to a resolution adopted by the board of supervisors, provides that when it appears to the court, or upon request of the prosecutor or counsel, that a minor who is alleged to come within the jurisdiction of the juvenile court as a person who is or may be found to be a ward of the juvenile court may have a serious mental disorder, is seriously emotionally disturbed, or has a developmental disability, the court may order that the minor be referred for evaluation by a licensed mental health professional. Existing court rules provide that if the court finds that there is reason to doubt that a child who is the subject of a petition to declare the child a ward of the juvenile court is capable of understanding the proceedings or of cooperating with the child's attorney, the court is required to stay the proceedings and conduct a hearing regarding the child's competence. If the court believes that a child who comes within that description is mentally disabled or may be mentally ill, the court may stay the proceedings and order that the child be taken to a facility for an evaluation, as specified. This bill would provide, with respect to a minor who is alleged to come within the jurisdiction of the juvenile court as a person who is or may be found to be a ward of the juvenile court, that if, during the pendency of any action, a doubt arises in the mind of the presiding officer that the minor who is the subject of the action has sufficient present ability to cooperate with his or her attorney with a reasonable degree of rational understanding and a rational as well as factual understanding of the proceedings against him or her, the court shall declare a doubt as to the minor's competency and suspend the proceedings. The bill would require, upon declaration of a doubt as to the minor's competency, the court to order that the question of the minor's competence be determined in a hearing, as specified. The bill would require the court to appoint an expert in the field of juvenile adjudicative competency, as specified, to evaluate whether the minor suffers from a mental disorder, developmental disability, or developmental immaturity and, if so, whether the condition impairs the minor's competency. The bill would require the Judicial Council to develop and

adopt rules to implement these requirements. The bill would require that, if the minor is found to be incompetent by a preponderance of the evidence, all proceedings remain suspended to determine whether there is a substantial probability that the minor will attain that capacity in the foreseeable future or the court no longer retains jurisdiction. The period of time during which these proceedings would be suspended would not exceed 6 months.

**SB
810** (Leno) Single-payer health care coverage.

From text dated: 01/13/10

Existing law does not provide a system of universal health care coverage for California residents. Existing law provides for the creation of various programs to provide health care services to persons who have limited incomes and meet various eligibility requirements. These programs include the Healthy Families Program administered by the Managed Risk Medical Insurance Board, and the Medi-Cal program administered by the State Department of Health Care Services. Existing law provides for the regulation of health care service plans by the Department of Managed Health Care and health insurers by the Department of Insurance. This bill would establish the California Healthcare System to be administered by the newly created California Healthcare Agency under the control of a Healthcare Commissioner appointed by the Governor and subject to confirmation by the Senate. The bill would make all California residents eligible for specified health care benefits under the California Healthcare System, which would, on a single-payer basis, negotiate for or set fees for health care services provided through the system and pay claims for those services. The bill would provide that a resident of the state with a household income, as specified, at or below 200% of the federal poverty level would be eligible for the type of benefits provided under the Medi-Cal program. The bill would require the commissioner to seek all necessary waivers, exemptions, agreements, or legislation to allow various existing federal, state, and local health care payments to be paid to the California Healthcare System, which would then assume responsibility for all benefits and services previously paid for with those funds. The bill would create the Healthcare Policy Board to establish policy on medical issues and various other matters relating to the system. The bill would create the Office of Patient Advocacy within the agency to represent the interests of health care consumers relative to the system. The bill would create within the agency the Office of Health Planning to plan for the health care needs of the population, and the Office of Health Care Quality, headed by a chief medical officer, to support the delivery of high quality care and promote provider and patient satisfaction. The bill would create the Office of

Inspector General for the California Healthcare System within the Attorney General's office, which would have various oversight powers. The bill would prohibit health care service plan contracts or health insurance policies from being issued for services covered by the California Healthcare System. The bill would create the Healthcare Fund and the Payments Board to administer the finances of the California Healthcare System. The bill would create the California Healthcare Premium Commission (Premium Commission) to determine the cost of the California Healthcare System and to develop a premium structure for the system that complies with specified standards. The bill would require the Premium Commission to recommend a premium structure to the Governor and the Legislature on or before January 1, 2013 , and to make a draft recommendation to the Governor, the Legislature, and the public 90 days before submitting its final premium structure recommendation. The bill would specify that only its provisions relating to the Premium Commission would become operative on January 1, 2011 , with its remaining provisions becoming operative on the date the Secretary of California Health and Human Services notifies the Legislature, as specified, that sufficient funding exists to implement the California Healthcare System. The bill would require that system to be operative within 2 years of that date and would provide for various transition processes for that period. The bill would extend the application of certain insurance fraud laws to providers of services and products under the system, thereby imposing a state-mandated local program by revising the definition of a crime. The bill would enact other related provisions relative to budgeting, regional entities, federal preemption, subrogation, collective bargaining agreements, compensation of health care providers, conflict of interest, patient grievances, independent medical review, and associated matters. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.



**Detail Sheet for:
FEDERAL LEGISLATION**

What is this agenda item about?

This agenda item is about the positions the SCDD has taken pertaining to federal bills. Additionally, S. 3412 will be discussed for the first time.

What has the LPPC done about this so far?

The LPPC has made recommendations to the SCDD in regards to taking positions on federal bills.

What needs to be decided at this meeting?

The LPPC needs to decide if it wishes to make a recommendation to SCDD regarding S. 3412.

What is the committee or staff recommendation?

Staff recommends that the LPPC reviews S. 3412, makes any appropriate comments, and decides if it will make a recommendation to the SCDD.

Are there attachments?

Yes. S. 3412 and a summary of the federal bills previously reviewed are attached.



State Council on Developmental Disabilities

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STATE OF CALIFORNIA
Arnold Schwarzenegger,
Governor

916.322.8481 Voice
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916.324.8420 TTY

LPPC Federal Bill Summary

The following bills were reviewed by the Legislative & Public Policy Committee (LPPC) on April 8, 2010. It was noted that the CLASS Act and Community Choice Act were both included in the recently passed health care reform bills. Therefore, the LPPC passed motions recommending the State Council on Developmental Disabilities support all of the other bills and write appropriate position letters.

On May 27, 2010, the Council voted for a support position for all of the bills, with the exception to the CLASS Act and Community Choice Act for the reasons noted above. The Council also directed staff to write appropriate position letters.

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 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

"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."

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.

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”. There will be no impact or change regarding eligibility for governmental programs.

S 3412 IS

111th CONGRESS

2d Session

S. 3412

To provide emergency operating funds for public transportation.

IN THE SENATE OF THE UNITED STATES

May 25, 2010

Mr. DODD (for himself, Mr. MENENDEZ, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN of Ohio, Mr. REED, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To provide emergency operating funds for public transportation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Public Transportation Preservation Act of 2010'.

SEC. 2. FINDINGS.

Congress finds the following:

- (1) The American Public Transportation Association estimates that since January 1, 2009, 84 percent of transit systems have raised fares, cut service or are considering one of those actions.
- (2) Many low-income workers, older Americans, and people with disabilities depend on transit service to get to jobs and health care. Reduced service and higher fares can have a devastating effect on their quality of life.
- (3) Millions of Americans use transit every day. Reduced transit service makes it harder for workers to access jobs and puts more cars on the road, worsening already bad traffic congestion in many metropolitan areas.

SEC. 3. EMERGENCY OPERATING FUNDS FOR PUBLIC TRANSPORTATION.

(a) General Authority- The Secretary of Transportation may make grants to States and designated recipients that receive funding under chapter 53, United States Code, for the operating costs of equipment and facilities for use in public transportation.

(b) Apportionment of Funds- Of the funds made available under this section--

- (1) 80 percent shall be apportioned in accordance with section 5336 of title 49, United States Code;
- (2) 10 percent shall be apportioned in accordance with section 5340 of title 49, United States Code; and
- (3) 10 percent shall be apportioned to other than urbanized areas in accordance with section 5311 of title 49, United States Code.

(c) Use of Funds-

(1) IN GENERAL- Except as provided in paragraph (2), the amounts apportioned to a State or urbanized area pursuant to subsection (b) shall be used--

(A) for operating expenses necessary to--

(i) restore a reduction in public transportation service and related workforce reductions;
or

(ii) rescind all or a portion of a fare increase;

if such reduction or increase was due to decreased State or local funding or farebox revenue, that occurred on or after January 1, 2009; and

(B) to prevent reductions or increases described in subparagraph (A) through September 30, 2011.

(2) EXCEPTION-

(A) IN GENERAL- If a recipient submits a certification to the Secretary that the recipient has not had a major reduction in public transportation service, as described in section 5307(d)(1)(I) of title 49, United States Code, or a fare increase as a result of decreased State or local operating funding, and will be able to avoid such reductions or increases through September 30, 2011, without the funds made available by this section, a recipient may use the funds to replace, rehabilitate, or repair existing transit capital assets used in public transportation as defined under section 5302(a)(10) of title 49, United States Code.

(B) USE OF REMAINING FUNDS- A recipient may use any remaining funds made available by this section to replace, rehabilitate, or repair existing transit capital assets used in public transportation as defined under section 5302(a)(10) of title 49, United States Code if that recipient has--

(i) restored a major reduction in public transportation service or rescinded a fare increase; and

(ii) is able to avoid reductions or increases described in paragraph (1)(B).

(d) Requirements- Applicable requirements of chapter 53 of title 49, United States Code, shall apply to funding provided under this section. Section 1101(b) of Public Law 109-59 (119 Stat. 1156) shall apply to funding provided under this section.

(e) Government Share of Costs- A grant under this section shall be, at the option of the recipient, up to 100 percent of the net cost of the project.

(f) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$2,000,000,000 to remain available for obligation through September 30, 2011.

(g) Funds Availability- Funds apportioned under this section and obligated on or before September 30, 2011, shall be expended on or before July 1, 2012.

(h) Oversight- Three-quarters of 1 percent of the funds available under paragraphs (1) and (2) of subsection (b), and one-half of 1 percent of the funds available under paragraph (3) of subsection (b), shall be provided for administrative expenses and program management oversight, and such funds shall be available through September 30, 2013.

END



**Detail Sheet for:
STATE BUDGET UPDATE**

What is this agenda item about?

The LPPC will hear a report on the May Revise of the Governor's Proposed Budget for 2010-2011.

What has the LPPC done about this so far?

The LPPC received a budget summary in last meeting's packet that is now outdated.

What needs to be decided at this meeting?

The LPPC needs to decide if it will take any action regarding the proposed budget.

What is the committee or staff recommendation?

Staff recommends that the LPPC reviews the May Revise, makes any appropriate comments, and decides what, if any, action it shall take.

Are there attachments?

No. It is expected that a summary of the May Revise will be distributed at the LPPC meeting.



**Detail Sheet for:
DEVELOPMENT OF LEGISLATIVE VISIT TOOLKITS**

What is this agenda item about?

The LPPC will review the legislative visit toolkit that is used.

What has the LPPC done about this so far?

SCDD staff presented the LPPC with information regarding legislative visit toolkits in the December 2009 meeting. Additionally, another sample packet was provided to the LPPC at the LPPC meeting on April 8th.

What needs to be decided at this meeting?

According to the December 2009 detail sheet for this item, the LPPC needs to decide whether or not it finds the use of the toolkit effective in assisting with legislative visits and if additional resources are necessary so staff can develop them.

What is the committee or staff recommendation?

Staff recommends that the LPPC reviews the legislative toolkits, make any appropriate comments and/or revisions, and supports the use of the toolkits.

Are there attachments?

Yes. The legislative toolkit that was used on Disability Capitol Action Day is attached under agenda item 5.1.3.



**Detail Sheet for:
SCDD Website**

What is this agenda item about?

This item is a report about the progress made to include specific information (special education resources, legislative tracking, and legislative current events) on the SCDD website.

What has the LPPC done about this so far?

The LPPC has recommended that the website include these items.

What needs to be decided at this meeting?

It is anticipated that no specific decision is needed.

What is the committee or staff recommendation?

Staff recommends that the LPPC hears the update, makes any appropriate comments, and decides if further action is necessary.

Are there attachments?

Yes, a print out of the special education resources is attached. One may view the page by going to the SCDD home page and clicking "Resources Online" or by directing your browser to:

http://www.scdd.ca.gov/Special_Education_Resources.htm.



[Home](#) → **Special Education Resources**

Special Education Resources

For your convenience, resources may be listed in more than one section. All resources are free.

Statewide Resources

→ [California Department of Education: Procedural Safeguard Referral Service](#)

Information and referral for resolving disputes regarding special education services.

Phone: (800) 926-0648

Located: Sacramento, CA

→ [California Department of Education: Special Education Division](#)

Author of "A Composite of Laws, California Special Education Programs".

Phone: (916) 319-0800

Located: Sacramento, CA

→ [California Rural Legal Assistance](#)

Serving lower income residents in rural areas.

Phone: (415) 777-2752

Located: Across California

→ [Disability Rights of California \(Formerly Protection and Advocacy Inc.\)](#)

Provides consultation, representation, and information on special education issues. Co-author of "Special Education Rights and Responsibilities" manual.

Phone: (800) 776-5746

Located: Across California

→ [Legal Aid Societies](#)

Provides special education consultation, information, and limited representation to families who have lower incomes.

Located: Locations in most metropolitan areas across California

⇒ [Office of Clients' Rights Advocacy](#)

The clients' rights advocates at the regional centers, who are employed by Disability Rights California, provide consultation, representation, and information on special education issues.

Phone: (866) 833-6712

Located: Across California

⇒ [Parents Helping Parents](#)

Provides support, information and workshops on special education law.

Phone: (408) 727-5775

Located: San Jose, CA

⇒ [United States Department of Education: Office of Civil Rights](#)

Ensures equal access to education and promotes education excellence for special education.

Phone: (415) 486-5555

Located: San Francisco, CA

E-Mail: ocr@edu.gov

⇒ [United States Department of Education: Office of Special Education Programs](#)

Oversees IDEA on a national level.

Toll Free: (800) 872-5327

Phone: (202) 401-2000

Located: Washington, D.C.

Articles/Books/Internet Only

⇒ [California Commission on Teacher Credentialing](#)

⇒ [CA Disability Community Action Network \(CDCAN\)](#)

⇒ [Disability Rights California's Special Education Publications](#)

⇒ [Eight Steps to Better IEP Meetings: Play Hearts, Not Poker](#)

- ⇒ [IEP Strategy Guide](#)
- ⇒ [IEP Training](#)
- ⇒ [Learn to Ask Questions, Get Services](#)
- ⇒ [Loving Parents Want What's "Best" for Child - School Only Needs to Provide an "Appropriate Program"](#)
- ⇒ [Paper Trails, Letter Writing, and Documentation](#)
- ⇒ [Response to Instruction and Intervention \(RTI\)](#)
- ⇒ [Self-Guided Tutorial on Special Education Law](#)
- ⇒ [Special Education Rights and Responsibilities Manual](#)
- ⇒ [Tactics and Strategy: The "Letter to a Stranger"](#)
- ⇒ [To Avoid Conflict, Prepare for Conflict; Rules of Adverse Assumptions](#)
- ⇒ [Wrightslaw](#)

Resources Specific to a Region

- ⇒ [California's 13 Area Board Locations](#)

The State Council includes 13 Area Board locations to serve the consumer population of California.

Located: Across California

- ⇒ [California Department of Education Diagnostic Centers:](#)

- ⇒ [Diagnostic Center North](#)

Phone: (510) 794-2500

Located: Fremont, CA

- ⇒ [Diagnostic Center Central](#)

Phone: (559) 243-4047

Located: Fresno, CA

- ⇒ [Diagnostic Center South](#)

Phone: (323) 222-8090

Located: Los Angeles, CA

- ⇒ [Community Alliance for Special Education \(CASE\)](#)

Free consults for residents of Napa, Solano, Santa Clara, and Santa

Cruz Counties. Free consults and follow-up as necessary for residents of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Sonoma, and West Contra Costa Counties.

Located: San Francisco, CA

Phone: (415) 431-2285

→ [Parents Helping Parents](#)

Provides support, information, and workshops on special education law for residents of San Joaquin, San Mateo, Santa Clara, and Santa Cruz Counties.

Located: San Jose, CA

Phone: (408) 727-5775

→ [Stanford Law School: Mills Legal Clinic](#)

Serves residents of the Bay area. Provides legal referrals and limited direct legal representation for lower income families facing special education issues.

Located: Palo Alto, CA

Phone: (650) 723-4336

→ [Disability Rights Education and Defense Fund \(DREDF\)](#)

Serving residents of Alameda, Contra Costa, and Yolo Counties.

Located: Berkeley, CA

Phone: (800) 348-4232

→ [Self Advocacy Council VI \(6\)](#)

Located: Stockton, CA

Phone: (209) 955-3624

→ [Disability Resources Agency for Independent Living \(DRAIL\)](#)

Below is a listing, by counties, along with corresponding phone contacts.

Amador, Calaveras and Tuolumne County: (209) 532-0963

Mariposa County: (209) 532-0963

San Joaquin County: (209) 477-8143

Stanislaus County: (209) 521-7260

→ [Family Resource Network of Stockton](#)

Serving residents of Amador, Calaveras, San Joaquin, Stanislaus, and

Tuolumne Counties.

Located: Stockton, CA

Phone: (209) 472-6374

Toll-Free: (800) 847-3030

E-Mail: frnfamilies@aol.com

→ [Family Resource Network of Los Angeles County](#)

A directory of family resource centers in Los Angeles County.

A special thanks to Area Boards 1, 6, 7, and 10 for their assistance in developing this information!

Site Last Updated: June 3, 2010

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Detail Sheet for: DISCUSSION/DEVELOPMENT OF POLICIES

What is this agenda item about?

This item is about the special education policy and proposed Lanterman Act policy.

The purpose of the policies is to enable representatives of the Council to take timely action consistent with those policies without requiring prior Council approval.

What has the LPPC done about this so far?

The LPPC submitted a policy regarding special education, which SCDD approved at the March meeting. At the LPPC meeting on April 8th, a proposal was made to amend this policy. Subsequently, a motion was made to have the proposed changes provided to the LPPC prior to the meeting and the issue would be placed on the agenda.

The LPPC made a recommendation to the Council to direct the LPPC to write a policy regarding the Lanterman Act.

What needs to be decided at this meeting?

The LPPC needs to decide what (if any) changes need to be made to the special education policy. Additionally, the LPPC needs to decide the details about how to develop a Lanterman Act policy that will be submitted for Council approval.

What is the committee or staff recommendation?

Staff recommends that the LPPC reviews the proposed special education policy, make any appropriate comments and/or revisions, and if appropriate, submits the newly revised policy to the Council for approval. Staff also recommends that the LPPC decides how the Lanterman Act policy will be developed and take action accordingly.

Are there attachments?

Yes. A copy of the special education policy with the proposed changes is attached.

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 all 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~~ In 1954 the U.S. Supreme Court decided ruled in *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, i~~ 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 the~~ 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 IDEA, 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~~ through 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.~~

IDEA is clear in the intent that all children should start their learning in the Least Restrictive Environment (LRE) of general education with the necessary supports and accommodations to make them successful and benefit from their education. The State Council on Developmental Disabilities considers that 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 . 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.

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, however (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 ~~se~~ difficult to understand and the process appears to favor the agency LEA over the family.

Agencies LEAs are more familiar with the system and better able to mount a judicial process than families of children with disabilities. 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 apparent lack of 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 in their LRE. 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 endeavor to promote and partner with others 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. The State Council supports the research that has established the importance of early intervention services for children under the age of 3. Therefore, the State Council on Developmental Disabilities supports the return of the "Stay Put" provision in early intervention services (part C of IDEA) to Special Education services (Part B of IDEA) so that there is no gap between the necessary services. this provision, as well as other provisions, that level the playing field between students with disabilities and schools.~~
4. ~~4As 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 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.~~
- 6.5. 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.

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~~7.6. 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, t~~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.

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~~8.7. To better measure the needs, frustrations, and satisfaction of families of children with developmental disabilities, t~~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. (do you mean Parental survey or do you really want surveys from state and LEA/s if Parental than say Parental surveys regarding...)

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~~8. 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.~~

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Do you really want to know just how little Sp Ed is funded or do you want to know how the districts are spending monies given to them for Sp Ed.. I don't think you will like the percentages and it will do nothing to support the cause of stopping the "encroachment" language? I suggest the following statement:

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The State Council on Developmental Disabilities supports the efforts of the State and LEAs, along with families, to encourage funding of IDEA to the permissive amount originally suggested by congress as up to 40% of the cost. The Council also supports transparency in the usage of Special Education funds received by LEAs.

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~~10.9. In order to be effective in achieving the above actions and further advocacy on behalf of children with disabilities and their families, t~~The State Council on Developmental Disabilities supports working with other advocacy groups through, local, state, and federal partnerships to coordinate actions, advocate for resources and identify areas of improvement related to special education.

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**Detail Sheet for:
SPECIAL EDUCATION STAKEHOLDER
WORKGROUP UPDATE**

What is this agenda item about?

This item will be an update regarding the Special Education Stakeholder Workgroup. The Workgroup met for the first time on May 11th.

What has the LPPC done about this so far?

The LPPC has received presentations pertaining to special education from Michael Rosenberg and the Council received one from Jim Bellotti of the California Department of Education. The LPPC, in association with Council action, formed this workgroup.

What needs to be decided at this meeting?

It is anticipated that no decisions need to be made regarding this item.

What is the committee or staff recommendation?

Staff recommends that the LPPC hears the update, makes any appropriate comments, and decides if any action is necessary.

Are there attachments?

No.