



MTARS COMMITTEE MEETING NOTICE/AGENDA

Posted on www.scdd.ca.gov

DATE: June 25, 2014

TIME: 1:00 p.m. – 4:00 p.m.

LOCATION: State Council Headquarters
 1507 21st Street, Suite #210
 Sacramento, CA 95811
 (916) 322-8481

Pursuant to Government code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact Robin Maitino at (916) 322-8481 or email thomas.johnson@scdd.ca.gov. Requests must be received by 5:00 pm, June 19, 2014.

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| 1. CALL TO ORDER | M. KENNEDY |
| 2. ESTABLISHMENT OF QUORUM | M. KENNEDY |
| 3. WELCOME/INTRODUCTIONS | M. KENNEDY |
| 4. PUBLIC COMMENTS | |

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

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| 5. REVIEW OF JUNE'S MTARS
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| 6. | UPDATE ON AIDD LEADERSHIP CALLS | M. KENNEDY | |
| 7. | MTARS COMMUNICATION PROCESS | M. KENNEDY | |
| 8. | UPDATE OF AB 1595 | M. POLIT | 30 |
| 9. | REVIEW OF STATE PLAN AND
COUNCIL ORGANIZATIONAL STRUCTURE | M. KENNEDY | 92 |
| 10. | REVIEW MTARS TIMELINE MATRIX
AND UPCOMING DUE DATES | M. POLIT | 104 |
| 11. | PLANNING FOR NEXT MEETINGS | M. KENNEDY | |
| 12. | ADJOURN | M. KENNEDY | |

June 4, 2014

To: California State Council on Developmental Disabilities Members
California State Council on Developmental Disabilities Staff

From: Molly Kennedy, Chair

Subject MTARS: June's Progressive Report

On June 2, 2014, we submitted our monthly MTARS progress report to the Administration on Intellectual and Developmental Disabilities (AIDD). As was reported to Council earlier, the AIDD approved the Council's MTARS corrective action plan. The progress report and its attachments are attached to this email. The highlights of our progress to complete the corrective action plan are listed below:

- AB 1595 was passed by the State Assembly in May. The Senate Human Services Committee will hear the bill on June 24. In response to AIDD comments, the Council passed a resolution on amending the bill, and a drafting group is working on the bill language.
- The Council established the Membership Committee through its bylaws at its May meeting. This new committee will have its first meeting this month to review vacant council positions and make recommendations to the Governor for consideration.
- A State Plan committee was also established through the bylaws revisions at the Council's May meeting. The Committee will begin to meet this month to provide oversight of implementing of the State Plan.
- The Contract Purchasing Manual has been drafted by the Administrative Committee and approved by the Council. This manual provides the process for contracting and procurements.

Thank you to Council Members and our staff for their time and commitment working to achieve progress in implementing the MTARS corrective action plan.

If you have questions or need clarification please feel free to contact me at kennedymolly901@gmail.com.

II. ORGANIZATIONAL ADMINISTRATION

II.1 Staff

2013 MTARS Finding (1)

The Director shall hire, supervise, and annually evaluate the staff of the Council. Sec. 125(c)(9)

The Council Director (not the Governor) should hire Council staff and supervise and annually evaluate them. Instead the:

- Council Director submits hiring recommendations to the Governor and the Governor has the final authority to hire two deputy level staff.
- The Council has the final approval for the hiring of other staff.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (1): The Council agrees with this finding.

CORRECTIVE ACTION (1): The Council proposes amending state law, the Lanterman Act, to provide that the Executive Director of the Council is the hiring authority for all Council staff. It is the Council’s intent to propose substantive revisions to the Lanterman Act to address this and other MTARS findings of noncompliance. The Governor’s office has indicated its support for relinquishing hiring authority in order to come into compliance with the DD Act.

STAFF ASSIGNED: Mark Polit, Deputy Director for Policy and Planning and Natalie Bocanegra, Staff Counsel; Council’s MTARS Committee to oversee process.

TIMELINES: Effective January 17, 2014, Assembly Member Wesley Chesbro agreed to sponsor a bill with intent language: “it is the intent of the Legislature to make statutory changes to Division 4.5 of the Welfare & Institutions Code as it pertains to the operations, structure and responsibilities of the Council. These changes will bring state law into full compliance with federal law, in order to provide for the continued operation of the Council.” Assembly Bill 1595 (AB 1595) was introduced on February 3, 2014. Please refer to Attachment B for an anticipated legislative timeline and outline of legislative concepts. Attachment C is AB 1595. The Council anticipates that the bill will be signed by the Governor in September 2014 and take effect January 1, 2015.

June 2nd Status Update (1): In May 14, AB 1595 passed from the Assembly Appropriations Committee to the Assembly floor by consent. On May 23, the bill then passed the Assembly by a vote of 73-0, and has now moved to the Senate, where it is to be heard in the Senate Human Services Committee on June 24.

On May 28, the MTARS Committee voted to amend AB 1595 based on concerns expressed by AIDD on technical assistance calls and in writing on May 27. On May 29, the full Council voted to accept the recommendations of the MTARS Committee, opening the way to amend AB 1595 to address AIDD comments. The text of the Council resolution reads:

- (1) Start the legislation with the DD Act and federal language authorities in the revisions to statute.
- (2) Review AIDD comments and make sure that language in statute reflects Council independence, free from state interference.
- (3) Add language that some state provisions in statute can be done by Council with federal funds, if it is consistent with the Council’s State Plan. Otherwise the Council may engage in other activities using other funds.

A workgroup will draft amendments, as directed by the Council, under the direction of the Council Chair, Molly Kennedy. The drafting workgroup is comprised of Catherine Blakemore (ED of Disability Rights California), Kris Kent (Assistant Secretary of the Health and Human Services Agency), Eric Gelber (Legislative Director of DDS), Mark Polit (SCDD Acting ED), and Natalie Bocanegra (SCDD Staff Counsel). We plan to amend the new language into AB 1595 by the Senate Human Services Committee meeting on June 24. All bills must be sent to the Governor by August 31, and signed or vetoed by the Governor by September 30. Bills signed by the Governor take effect January 1, 2015.

III. MEMBERSHIP

III.1 Membership policies

2013 MTARS Finding (2)

Membership recommendations solicited by Governor from a broad range of organizational sources including non-state agency members of the Council. Sec125(b)(1)(B)

The Council's membership nomination and appointment process has been historically inhibited by state bureaucracy. It is unclear if and how membership recommendations are solicited from a broad range of DD/ID organizational sources and non-state agency members of the Council.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (2): The Council agrees that it is in limited compliance with this finding. In this instance, California state law is consistent with the DD Act. The Lanterman Act, Welfare and Institutions Code (WIC) Section 4521 includes the following provision:

4521(c) Prior to appointing the 31 members pursuant to this section, the Governor shall request and consider recommendations from organizations representing, or providing services to, or both, persons with developmental disabilities, and shall take into account socioeconomic, ethnic, and geographic considerations of the state.

However, the Council has historically been somewhat passive in its involvement in the recruitment of new Council members. Currently, individual Council members may informally recommend that a colleague or acquaintance apply for appointment, but there is no organized process for soliciting their recommendations and submitting them to the Governor's Appointment office as required in Section 125(b)(1)(B). The Governor does proactively seek input from a variety of ID/DD organizations, but that effort is conducted independent of the Council's involvement.

CORRECTIVE ACTION (2): The Council will amend its bylaws to establish a Membership Committee to recruit, solicit and advise the Governor on appointments to the Council. Its membership will consist exclusively of self-advocates and family advocates who are community leaders and who may or may not be Council members. Part of the rationale for selecting non-Council members in addition to Council members to sit on this Committee is to permit the Council to strategically reach out to influential individuals in the I/DD field who have extensive contacts. In many cases, these individuals are not eligible to themselves sit on the Council because they wear multiple hats as both self/family advocate and disability professional. The Committee will consist of at least three members, a majority of whom are Council members.

Consistent with Council Bylaws, the Chair shall be a Council member. The Committee will meet quarterly at minimum and more frequently as needed. The bylaws will define its membership and responsibilities and will include language in Section 125(b)(1)(B) that the Membership Committee will "coordinate Council and public input to the Governor regarding all recommendations." Among its duties will be to develop recruitment materials and publicity strategy. The Membership Committee will, at least quarterly, solicit recommendations for candidates via social media, and email/web alerts from among the regional advisory committees, self-advocacy groups, family support groups, the Federal Partners and service providers. The Chair of the Membership Committee will be charged with submitting the Committee's recommendations to the Governor's Appointment Office.

STAFF ASSIGNED: Dr. Mike Clark, Interim Executive Director; MTARS Committee to oversee implementation.

TIMELINES: Council to amend Bylaws to create Membership Committee at its March 20, 2014 meeting. Chair to complete appointments to the Committee by May 9, 2014. Membership Committee to hold first meeting in June 2014. Please refer to Attachment D for Council's February 2014 draft updated Bylaws. Attachment E consists of the MTARS Committee Roster and Agendas

June 2nd Status Update (2): On May 29, the Council voted to revise the bylaws to establish a membership committee. The Council Chair has appointed members of the committee and a chair. The Membership Committee will hold its first meeting in June. The committee will be staffed by the incoming Interim Executive Director, Dr. Mike Clark. A copy of the membership roster the approved bylaws revision is attached.

III.1 Membership policies (continued)

2013 MTARS Finding (3)

Members reflect the state's diverse geographic locations, race, and ethnicity. Sec.125(b)(1)(C)

The appointment process for obtaining new Council members has hindered compliance with the DD Act. Currently, SCDD's membership composition does not meet the requirements for geographic, racial, and ethnic diversity.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (3): The Council has historically had several vacancies and currently has four vacancies for positions recommended by the Area Boards. However for the current 15 non-agency members of the Council, the ethnic and racial representation is as follows: 21% Latino, 7% black, 7% Asian. The membership is currently geographically diverse as well.

By design, the Council has historically enjoyed geographic diversity, since 13 seats are filled by members from the 13 regions covering the entire state.

CORRECTIVE ACTION (3): The newly constituted Membership Committee will formally take the lead in conducting outreach to unrepresented regions of the state and underserved communities. The Chair of the Membership Committee will solicit from among non-agency Council members, the regional advisory committees, self-advocacy leaders and family support groups, especially those whose membership is composed of individuals from traditionally underserved ethnic or racial minority communities.

Based on the many findings relating to membership policies, the Council has begun to develop legislative language to amend the Lanterman Act. This will result in an appointment process that continues to

promote geographic, racial and ethnic diversity. Currently, geographic diversity is established by having a seat assigned to each of the 13 regional advisory committees. It is anticipated that revisions to the Lanterman Act will preserve the geographic diversity by assuring that there will be at least one Council member from the geographic area encompassing each of the Council’s regional offices. The local regional advisory committees will be encouraged to recommend potential candidates, but the Governor retains authority to select the Council membership.

STAFF ASSIGNED: Dr. Mike Clark, Interim Executive Director; MTARS Committee to oversee

TIMELINES: As cited above with Membership Committee holding first meeting by June 30, 2014. Based on conversations with the Governor’s Appointment staff, we are optimistic that all vacancies will be filled by July 2014. Please see Attachment F for Council roster effective February 6, 2014.

June 2nd Status Update (3): As discussed under corrective action #2, the membership committee has been formed and is scheduled to meet in June. As discussed under corrective action #1, AB 1595 has been passed to Senate. There are no planned amendments relevant to this corrective action.

III.1 Membership policies (continued)

2013 MTARS Finding(4)

The Council has provisions to rotate membership. Sec.125(b)(2)

Each regional office (i.e. Area Board) representative has to be nominated by the governor. Membership rotation has been historically inhibited by the state’s bureaucratic appointment process. For example, one regional office has not had representation on the Council for two years.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (4): There have historically been challenges in filling Council vacancies. The requirement that these seats be filled by Governor-appointed representatives of each regional office’s board has complicated the appointment process.

CORRECTIVE ACTION (4): The anticipated revisions to the Lanterman Act which are being proposed, will streamline the appointment process significantly. The Council intends to also request that statutory language be revised so that a member’s term begins on the date of their appointment. Additional statutory language will be crafted so that members can continue to serve while awaiting replacement.

STAFF ASSIGNED: Dr. Mike Clark, Interim Executive Director, for activities of the Membership Committee; Mark Polit to oversee the legislative process; both overseen by MTARS Committee.

TIMELINES: As cited above, by June 30 2014 for first meeting of Membership Committee. Anticipated revisions to state law will go into effect January 1, 2015. Beginning no later than June 30 2014, via the Membership Committee as its vehicle, it is anticipated that the Council will enjoy a collaborative and shared mission with the Governor’s office in constituting the Council.

June 2nd Status Update (4): The revisions in law through AB 1595, discussed above in Status Update (1), have moved from the Assembly to the Senate. There are no planned amendments to AB 1595 relevant to this corrective action.

<i>III.1 Membership policies</i>	<i>2013 MTARS Finding(5)</i>
<p>The Council has provisions that allow continuation of membership until a new member is appointed. Sec.125(b)(2)</p>	<p>The Council did not provide evidence of a policy for allowing the continuation of Council membership until a replacement member could be appointed.</p>
<p>California State Council on Developmental Disabilities Response</p>	
<p>COUNCIL RESPONSE (5): The Council agrees with this finding, as there are conflicting provisions of state law.</p> <p>In compliance with the DD Act, the Lanterman Act currently states: <i>4521(g) A member may continue to serve following the expiration of his or her term until the Governor appoints that member's successor.</i></p> <p>However, the Lanterman Act also contains a provision which contradicts both the DD Act and Section 4521(g), quoted above: <i>4521(d) ... In no event shall any member described in paragraph (1) of, subparagraphs (E) and (H) of paragraph (2) of, and paragraph (3) of, subdivision (b) serve for more than a total of six years of service.</i></p> <p>CORRECTIVE ACTION (5): The Council is proposing an amendment to the Lanterman Act to clarify that Council member may continue serving until a new member is appointed. The bylaws will be updated in November 2014 to reflect changes in the Lanterman Act from AB 1595.</p> <p>STAFF ASSIGNED: Mark Polit, Deputy Director for Policy and Planning with oversight by MTARS Committee</p> <p>TIMELINES: As previously cited, legislation has been introduced with the assumption that it will be signed by the Governor in September and go into effect January 1, 2015.</p>	
<p>June 2nd Status Update (5): The revisions in law through AB 1595, discussed above in Status Updated (1), have moved from the Assembly to the Senate. There are no planned amendments to AB 1595 relevant to this corrective action.</p>	
<i>III.1 Membership policies (continued)</i>	<i>2013 MTARS Finding(6)</i>
<p>The Council has a process to notify Governor re: membership and vacancies. Sec. 125(b)(2)</p>	<p>The Council did not provide evidence of a transparent and effective process to notify Governor regarding membership vacancies.</p>
<p>California State Council on Developmental Disabilities Response</p>	
<p>COUNCIL RESPONSE (6): Although a process exists in state law to address vacancies, in practice there have indeed been long-standing vacancies. The Lanterman Act states: <i>4521(g) The state council shall notify the Governor regarding membership requirements of the council and shall notify the Governor at least 60 days before a member's term expires, and when a vacancy on the council</i></p>	

remains unfilled for more than 60 days.

CORRECTIVE ACTION (6): The Membership Committee shall propose to the Council a formalized process for documenting these provisions and the Council will adopt revisions to its bylaws accordingly. This will include: 1) Notifying the Governor six months in advance when feasible; 2) Submitting multiple recommendations to the Governor for consideration; 3) Soliciting support from the DSA when vacancies remain for more than four months; 4) Reporting persistent vacancies to AIDD through the PPR process; 5) Soliciting technical assistance from AIDD when persistent vacancies exist.

STAFF ASSIGNED: Dr. Mike Clark, Interim Executive Director, with MTARS Committee overseeing process

TIMELINE: Membership Committee to propose revisions to bylaws by December 31, 2014.

June 2nd Status Update (6): The revisions in law through AB 1595, discussed above, have moved from the Assembly to the Senate. There are no planned amendments to AB 1595 relevant to this corrective action.

On May 29, The Council revised the bylaws to form a membership committee that meets at least quarterly, solicits recommendations for candidates, makes recommendations to the Governor, and reports to the Council quarterly on these activities. The Council chair has appointed members and a chair of the committee. The first meeting of the membership committee will be in June.

III.2 Membership requirements	2013 MTARS Finding(7)
<p>60% of membership represent individuals with DD in the following categories: Sec.125(b)(3); Sec.125(b)(5)</p> <ul style="list-style-type: none"> • 1/3 individuals with DD • 1/3 parents and guardians of children with developmental disabilities or immediate relatives of guardians of adults with developmental disabilities • 1/3 combination • At least one is immediate relative or guardian of an individual with developmental disabilities who resides or previously resided in an institution or an individual with developmental disabilities who currently/previously resided in an institution in the State. Sec.125(b)(6) 	<p>Historically the Council has had long term vacancies. Several membership rosters have been submitted since last year and four membership vacancies were filled just prior to the on-site monitoring visit. An updated membership roster is requested as part of the FY14 State Plan Amendment to AIDD to ensure compliance.</p>

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (7): The Council has historically had several vacancies.

CORRECTIVE ACTION (7): With the creation of the Membership Committee, we foresee a more engaged Council, wherein the Council will actively involve itself in seeking out and promoting candidates for the

Governor's consideration. The Chair of the Membership Committee and the staff assigned to support that Committee will be working with the Governor's Office to rapidly fill existing vacancies. An updated membership roster was submitted as part of the FY14 State Plan Amendment. (Attachment F contains the current Council roster as of February 3, 2014.) It should also be noted that the Governor's Assistant Appointment Secretary, Sarah Greenseid, sits on the MTARS Committee with the commitment of the Governor's office to ensure the state's compliance with the DD Act.

STAFF ASSIGNED: Dr. Mike Clark, Interim Executive Director, with oversight by MTARS Committee

TIMELINES: Immediate and ongoing, calls to Governor's office bi-monthly, at minimum. A follow-up email will be sent to document the contact. Council members, staff and regional advisory members will be informed of an aggressive campaign to recruit new members via an email to be disseminated by February 28, 2014.

June 2nd Status Update (7): On May 29, The Council revised the bylaws to form a membership committee that meets at least quarterly, solicits recommendations for candidates, makes recommendations to the Governor, and reports to the Council quarterly on these activities. The Council chair has appointed members and a chair of the committee. The first meeting of the membership committee will be in June.

IV. PROGRAM ADMINISTRATION

IV.1. Five Year State Plan

2013 MTARS Finding(8)

The plan shall focus on Council efforts to bring about the purpose of this subtitle, by specifying 5-year goals, as developed through data driven strategic planning, for advocacy, capacity building, and systemic change related to the areas of emphasis, to be undertaken by the Council. Sec.124(c)(4)(A)

There was inadequate evidence that the:

- Council engages in data-driven strategic planning to develop the State Plan and takes the primary role in the planning process.
- State Plan is the Council's Plan and that activities are undertaken by the Council versus the State Plan being one that is configured by and for the Area Boards.
- Council is free from state interference in the development of the State Plan. The state's DD agency awarded the Council two contracts: (1) Client Rights Advocacy and (2) Volunteer Advocacy Services. This state supported work is documented in the Goal 2 in the Council's State Plan which states: "local offices provide assistance that include systems navigation, technical assistance, attendance to Individualized Education Plan meetings and assistance with due process". The review team heard more about these two projects during interviews and public forum testimony than any other Council supported activity. While AIDD does not question the merit of the projects and the quality of the work being done by Council staff, it raises serious questions about whether the state is directing the

Council's State Plan or whether the Council is developing the State Plan.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (8): In developing the California State Council State Plan, the Council is very unique and fortunate in having 13 local offices placed throughout the State. Compared to other states, California is an exceptionally large and diverse State with the 8th largest economy in the world. Further, because of the vast size and complexity of the State, the California State Council developed a unique, comprehensive, data-driven strategy to gather information in developing the State Plan. In past Plan development cycles, the Council relied on organizing public meetings which drew sparse audiences to a few central locations. Notwithstanding the richness of that material, it was limiting and did not utilize the networks and contacts of each of our regional offices.

The regional offices of the Council developed local needs assessments, utilizing the skills and insights of their advisory board members, local officials, school district personnel, and service providers.

The Area Board Implementation Guide assisted each of our local offices in focusing their energy and identifying the needs of their community. The process included a number of locally based public forums, which provided additional input to the work of the staff and volunteers who assisted the local offices in carrying out the identified local needs. At least one Council member attended each regional forum. It was this process repeated across each region that contributed to the development of the Council's State Plan. This was the first time that such a large number of local citizens had the opportunity to directly provide significant input into the development of the State Plan.

The work of the Strategic Planning Sub-Committee was to take this extensive data, quantify it, organize it into focus areas, and ultimately establish measurable goals and outcomes. The draft State Plan was presented to the Council which recommended revisions that were made by the Strategic Planning Sub-Committee. The State Plan that was ultimately submitted by the Council reflected data and stakeholder input that was collected throughout the state.

Please see ATTACHMENT G for documentation of the State Plan development process, including agendas/minutes of Strategic Planning Subcommittee

CORRECTIVE ACTION (8): As described in greater detail in the subsequent Section on Program Performance Report, the Council previously had a Strategic Planning Sub-Committee which oversaw the development of the 5 Year State Plan. That committee went dormant when the Planning Specialist position became vacant in 2011. As described in the later section, the Council intends to reconstitute as a Standing Committee, the State Plan Committee to both oversee implementation of the current State Plan, draft and submit to the Council the annual PPR, recommend State Plan Amendments as necessary, and begin planning for each subsequent 5 Year State Plan. It will be the job of the State Plan Committee to present to the Council at each Council meeting a document that demonstrates the Council's progress toward the specific goals and objectives.

STAFF ASSIGNED: Mark Polit, Deputy Director for Policy and Planning; Staff analyst with specialty in planning, starting in June; State Plan Committee reports to Council; MTARS Committee to ensure timely actions taken.

TIMELINES: Chair to appoint members of State Plan Committee by April 1, 2014. The Committee will meet quarterly with its first meeting to occur no later than June 30, 2014

June 2nd Status Update (8): The Bylaws were revised by the Council on May 29 to establish a State Plan Committee. The committee will advise the Council on the collection and reporting of information on unmet needs, priorities and emerging issues; make recommendations to the Council regarding priorities, goals and objectives for the State Plan; advise the Council on the implementation and reporting of progress on the State Plan; and make recommendations to the Council on priorities for grants to meet State Plan goals and objectives. The Council Chair has already selected the Chair and membership of the State Plan Committee (see attached roster).

The first meeting of the State Plan Committee will be June 23. This meeting will include training by Sheryl Matney of NACDD on the responsibilities of the Council with respect to state plan development, tracking implementation, and amending the state plan. The focus will be on where we are currently in the cycle: Gathering data on and ensuring adequate plan implementation. The State Plan Committee will begin its review of how the regional offices contribute to plan implementation, including the gathering of data and the Council's review of that data. This is the first step in developing more strategic control of implementation of the State Plan.

The MTARS Committee is charged with overseeing the implementation of the MTARS Corrective Action Plan and making recommendations to the Executive Committee and the Council related to the CAP. Therefore, The MTARS Committee will monitor the work of the State Plan Committee and independently review in depth the current State Plan, the controls over implementation of the State Plan, and the council organizational structure. These reviews will take place over the next several months and may lead to additional recommendations to the Executive Committee and the full Council.

The State Plan Committee should be supported by the Planning Specialist, a position appointed by the Governor. This position has been vacant for nearly three years. The candidate recommended by the Council's executive director for Planning Specialist was not appointed by the Governor to fill that position. Since the appointment process for a staff position can take significant time, the Council's Acting Executive director advertised on May 23rd for a comparable position through civil service to directly hire an analyst who can fill many of the functions of the Planning Specialist. The posting will close on June 9, and we hope to hire a qualified candidate by the June 23rd meeting of the State Plan Committee. The Deputy Director of Policy and Planning will then staff the State Plan Committee with the assistance of this analyst. The Planning Specialist position will no longer be critical-path for implementation of this corrective action and will be filled at a later time.

COUNCIL RESPONSE (8) REGARDING THE COUNCIL'S TWO CONTRACTS (BULLET 3)

Council staff evidently gave confusing information when discussing the two state contracts (actually, Interagency Agreements) held by SCDD as the AiDD team's understanding of the nature of the two contracts is inaccurate. To clarify, the Council has two contracts with DDS: one contract is to provide both Client Rights Advocacy and Volunteer Advocacy Services (CRA/VAS), solely to the 1383 residents of California's state developmental centers. The second contract is to administer the National Core Indicators surveys statewide, known in California as the Quality Assurance Program.

The references made in the Finding regarding the outpouring of support for Goal 2 activities, are actually references to the advocacy, collaboration, training, and outreach that is conducted in the community by the staff that are housed in our local area offices. These activities are quantified in the State Plan as Objectives 2a), 2b), and 2c). The CRA/VAS contract is referenced in Objective 2d) of Goal 2: "The Council will collaborate with federal developmental disability partners and other key stakeholders to protect the rights of residents in Developmental Centers and other large facilities. The Council will be involved in the planning and implementation of any closure process of a Developmental Center."

The CRA/VAS contract is limited in scope to providing advocacy and training to the residents, families and staff of California's five state-operated facilities, including self-advocacy assistance. There are only twelve Council employees throughout the state who work on the CRA/VAS contract and they are solely assigned to that contract and solely paid via that contract. These funds are identified in the Budget Section of the PPR as non-federal funds.

It should be noted that the Council entered into this contract voluntarily as it was seen as a means for having a voice in the state's policies and long term service planning especially as it relates to the planned closure of California's remaining institutions. As with any contract, either party, DDS or SCDD, may terminate the contract.

In 1997 legislation was passed to address a persistent conflict of interest in the provision of client's rights advocacy services for individuals served in the community by the network of regional centers and the individuals who lived in state-run institutions. The contract requires the Council to:

(1) Provide clients' rights advocacy services to persons with developmental disabilities who are consumers of regional centers and to individuals who reside in the state developmental centers and hospitals, including ensuring the rights of persons with developmental disabilities, and assisting persons with developmental disabilities in pursuing administrative and legal remedies.

(2) Investigate and take action as appropriate and necessary to resolve complaints from, or concerning persons with, developmental disabilities residing in licensed health and community care facilities regarding abuse, and unreasonable denial, or punitive withholding, of rights guaranteed under this division.

(3) Provide consultation, technical assistance, supervision and training, and support services for clients' rights advocates that were previously the responsibility of the Office of Human Rights.

(4) Coordinate the provision of clients' rights advocacy services in consultation with the department, stakeholder organizations, and persons with developmental disabilities and their families representing California's multicultural diversity.

(5) Provide at least two self-advocacy trainings for consumers and family members. (our emphasis)

As a result of our role in the developmental centers, the State Council has been a key participant in the closure of three state institutions and the movement of former residents into an array of innovative new community living models.

For a clearer understanding of the scope of work and duties of staff assigned to this contract, please refer to **ATTACHMENT H** which consists of the CRA/VAS Interagency Agreement. Additionally, **ATTACHMENT I** contains the staff roster for the project. **ATTACHMENT J** contains the 2013 CRA and VAS Annual Reports. **CORRECTIVE ACTION (8)**: The Council welcomes AIDD's guidance on the appropriateness of our work on this contract. It should be noted that the existence of this state contract has in no way deterred the Council from taking a variety of policy positions, even when critical of the administration and including criticism of the state's continued reliance on institutional settings. Most recently, the Council was an invited participant on the 2013 Task Force on the Future of California's State Developmental Centers.

STAFF ASSIGNED: Mark Polit, Deputy Director of Policy and Planning; MTARS committee to oversee

June 2nd Status Update (8): No action expected regarding this finding.

IV.1. Five Year State Plan	2013 MTARS Finding(9)
<p>Plan must include assurances related to:</p> <ul style="list-style-type: none"> ➤ (B) USE OF FUNDS - <i>At the request of any State, a portion of such funds provided to such State under this subtitle for any fiscal year shall be available to pay up to 1 /2 (or the entire amount if the Council is the designated State agency) of the expenditures found to be necessary by the Secretary for the proper and efficient exercise of the functions of the designated State agency, except that not more than 5 percent of such funds provided to such State for any fiscal year, or \$50,000, whichever is less, shall be made available for total expenditures for such purpose by the designated State agency</i> ➤ (C) STATE FINANCIAL PARTICIPATION.—<i>The plan shall provide assurances that there will be reasonable State financial participation in the cost of carrying out the plan.</i> ➤ (D) CONFLICT OF INTEREST.—<i>The plan shall provide an assurance that no member of such Council will cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest.</i> ➤ (K) STAFF ASSIGNMENTS.—<i>The plan shall provide assurances that the staff and other personnel of the Council, while working for the Council, will be responsible solely for assisting the Council in carrying out the duties of the Council under this subtitle and will not be assigned duties by the designated State agency, or any other agency, office, or entity of the State.</i> ➤ (L) NONINTERFERENCE.—<i>The plan shall provide assurances that the designated State agency, and any other agency, office, or entity of the State, will not interfere with the advocacy, capacity building, and systemic change activities, budget, personnel, State Plan development, or plan implementation of</i> 	<p>The Council did not provide adequate evidence that the plan is supported by the assurances in Section 125(c)(5)(B - D) and (K - L).</p> <p>Regarding (B) <i>Use of Funds</i>, the review team could not draw any conclusions about the Council based on the information provided about the expenditures for the DSA. It was stated during interviews that:</p> <ul style="list-style-type: none"> ◦ The DSA charges the Council an indirect rate for the services it provides. ◦ The rate stated by Council staff was in excess of the 5% or \$50,000 limit. ◦ Staff did not know the DSA's indirect policy and no written policy was provided. ◦ The Council is required to pay the indirect rate. The Council staff stated it does so from two contracts the state awards to the Council. <p>In regards to (C) <i>State Financial Participation</i>, when the review team inquired about how the state provides match, there were comments about state contract funds being factored in but there was a tremendous lack of clarity on this matter.</p> <p>In regards to (D) <i>Conflict of Interest</i>, the majority of the Council is comprised of non-agency representatives who are Area Board representatives. There are 13 Areas Board representatives on the Council and 7 "at large" members. The Area Board representatives sit on the State Council and on the Advisory Committee to the Area Boards. This dual role presents a conflict of interest and gives the appearance of a conflict of interest. The Council does not have a policy or procedure to address this.</p> <p>In regards to (K) <i>Staff Assignments</i>, it appears that Council staff is carrying out work directed by the state and not necessarily the Council through the state funded Client Rights Advocacy and Volunteer Advocacy Services projects. Through these contracts, Council staff conducts assessments and monitoring in the State's developmental</p>

<p><i>the Council, except that the designated State agency shall have the authority necessary to carry out the responsibilities described in section 125(d)(3).</i></p> <p>Sec.124(c)(5)</p>	<p>centers. Providing direct services is outside the purview of the Council's responsibilities. Furthermore, this work is in support of the two state contracts and therefore directs the work carried out by Council staff located in the regional office. Since it is work created by and for the state, it raises questions as to whether the Council staff is assisting the Council or the state.</p> <p>In regards to (L) <i>Noninterference</i>, it is very difficult to conclude whether the Council is free of interference:</p> <ul style="list-style-type: none"> • To avoid duplication, issues related to interference with the budget process are described under <i>VI.1 Fiscal Requirements</i> • To avoid duplication, issues related to interference with personnel are described under <i>II.1 Staff</i> • To avoid duplication, issues related to interference with State Plan development are described in the Section above <i>IV.1. Five Year State Plan</i>.
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California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (9 B and C): The Council agrees that there has been a lack of clarity on the two issues of (B) Use of Funds; and (C) State Financial Participation. With the staff turnover experienced in recent years, there is a lack of institutional knowledge. This is an area in which the Council would appreciate technical assistance.

To clarify our current practice, the Council has an Interagency Agreement (IA) in the amount of \$390,000 with the California Department of Social Services (CDSS) to provide administrative support services in the areas of accounting; some IT support; some human resources services; procurement; and contracting. We have assigned \$50,000 of these costs to the DSA functions. However, the scope of administrative work performed by the Department of Social Services far exceeds the required duties of the DSA. For example, the Council does not have state-approved delegated purchasing authority. Its purchasing authority is held by DSS and therefore, all contracts are encumbered by DSS on behalf of SCDD. We believe it is appropriate for the Council to assign some of the cost of our CDSS Interagency Agreement as General Management costs. If not for this Interagency Agreement, the Council would have to bring these functions in-house, at substantially greater cost. The \$390,000 CDSS IA is broken down as follows:

- \$50,000.....DSA Functions
- \$136,960..... Council General Management costs
- \$92,040.....Funds from State CRA/VAS contract
- \$111,000.....Funds from State QA (NCI) contract

The CDSS states that the cost of providing the support services as outlined in the IA, far exceeds the

\$390,000 paid by SCDD. According to the CDSS, the services more accurately cost \$620,000. Therefore, the difference between the \$620,000 worth of support services provided to the Council versus the \$390,000 paid for these services, represents California's State Financial Participation.

Please see ATTACHMENT K for a copy of the CDSS Interagency Agreement as well as supplemental information from CDSS on this matter.

Additionally, it should be noted that, to a very large degree, the California Council implements its State Plan through staff activities which requires no match. In Fiscal Year 2013, the Council awarded \$580,414 in grants, which represents 9% of our allotment. The grantees did provide matching/in-kind funds for a total match of \$284,276 or nearly 50% of the funds awarded. Please see ATTACHMENT L for (FY 2013) Cycle 35 Grants and the current (FY 2014) Cycle 36 Grants.

CORRECTIVE ACTION (9 B and C): We provide this added documentation in order to assure sufficient clarity. The Council welcomes input from AIDD if further evidence is required to ensure that we are properly addressing assurances.

STAFF ASSIGNED: Dr. Mike Clark, Interim Executive Director; Administrative Committee to oversee and report to MTARS Committee

June 2nd Status Update (9B, 9C): No action planned regarding this finding

Response(9) Regarding (D), Conflict of Interest

The California State Council on Developmental Disabilities (Council) is comprised of 31 members; 11 members are agency representatives, 7 members are statewide, or "at-large" and 13 members are from the local area advisory boards.

The regional advisory board members are appointed first by the Governor to the area advisory board and secondly by the Governor to the Council.

For California, the Legislature expressly determined that the planning activities of the Council depend on the direct involvement of Council members familiar with the structure and operation of services and programs for persons with developmental disabilities in areas throughout the state. The Legislature found this necessary due to the expansive geographical size of the state of California and its complexity and diversity. To this end, WIC 4525 expressly exempts Council members from the local area advisory boards from the conflict of interest criteria.

CORRECTIVE ACTION (9 D): Based on the many findings relating to membership policies, as previously reported, the Council has begun to develop legislative language to amend the Lanterman Act. This is intended to result in an appointment process that eliminates the perceived conflict of interest. Currently, geographic diversity is established by having a seat assigned to each of the 13 regional advisory committees. It is anticipated that revisions to the Lanterman Act will preserve the geographic diversity by assuring that there is at least one Council member from each of the geographic areas that encompasses each regional office. The local regional advisory committees will be encouraged to recommend potential candidates to the Council's Membership Committee and directly to the Governor's Appointment Office, but

the Governor retains authority to select the Council membership.

STAFF ASSIGNED: Mark Polit, Deputy Director for Policy and Planning for legislative action; Staff Counsel to confer on Conflict of Interest provisions; MTARS Committee to oversee.

TIMELINES: As previously noted, legislation is expected to be effective January 1, 2015.

June 2nd Status Update (9D): The revisions in law through AB 1595, discussed above, have moved from the Assembly to the Senate. There are no planned amendments to AB 1595 relevant to this corrective action, except that regional offices and advisory committees will no longer be required.

RESPONSE TO K (Staff Assignments): Our response is addressed under Response 8, previously cited. It should again be noted that the Council's activities with respect to serving the residents of state developmental centers is documented in the State Plan under Objective 2d; thus staff who implement the CRA/VAS contract are carrying out work that is consistent with the Council's role and mission, with leveraged state funds.

IV.2 State Plan Implementation

2013 MTARS Finding(10)

The Council shall implement the State Plan by conducting and supporting advocacy, capacity building, and systemic change activities Sec.125(c)(5)

The Council's 5-year plan implementation does not promote advocacy, capacity building, and systemic change at the state level. As discussed above, the review team heard more about the two state funded projects implemented by the Area Boards. Since so much attention was paid to the two state funded projects, the review team did not hear about a coherent set of activities implemented by the Council at the state level.

The Council is providing direct services through the two state contracts. This type of activity is outside the purview of the Council's responsibilities and appears to overlap with P&A functions.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (10): The Council believes it is in compliance with this provision of Sec.125(c)(5)

The review team focused a great deal on the relationship between the Council's local offices and the Council. As such, we did not fully explore our state level work on advocacy, capacity building, and systemic change. Apparently, the Council and its staff did not adequately communicate the state level work the Council performs. We will discuss some of this information below and add information on activities since the review team has visited.

In 2013, the Council sponsored AB 1041, Employment First Policy, and played a major role in SB 468, Self-Determination, a bill sponsored by Disability Rights California and Autism Society of Los Angeles. On October 10, 2013, Governor Brown signed both bills into law, creating a turning point in how California delivers services and supports to people with IDD. Combined, these bills may be the most significant

change in California law affecting people with IDD since the passage of the Lanterman Act in 1969. These bills are fundamental to the purpose of the DD Act in promoting self-determination, independence, productivity, and integration and inclusion in all facets of community life. Also, as the DD Act envisioned, the Council worked very closely on both bills with some of our federal partners (DRC on SB 468 and the Tarjan Center, UCLA, on AB 1041).

With respect to state-level capacity building, for example, the Council worked with self-advocacy leaders to establish the Statewide Self-Advocacy Network (SSAN). The SSAN is supported by the Council, but will eventually be an independent 501(c)(3) organization. It is comprised of representatives from each of the 13 regions, the Council's Self-Advocacy Advisory Committee, each of the four federal DD partners, the California Foundation for Independent Living Centers, and People First of California. This is a dynamic group of self-advocacy leaders from around the state that is focused on influencing state level policy and building self-advocacy capacity and leadership at the local level.

Other examples of state level capacity building would include our sponsorships of major statewide conferences, an annual major contribution to the Youth Leadership Forum, which trains self-advocacy leaders of the future, and the Council's Program Development Grants.

With respect to state level advocacy, the PFRs submitted annually contain significant information on the extent of state level advocacy. Since the review team visited in January, the Council wrote 308 letters (including 240 to state legislators, 10 to the Governor, and 57 to the California Congressional Delegation and US Senators). In addition, the Council had over 145 legislative, Congressional and administration meetings.

Besides AB 1041, Employment First Policy, the Council sponsored two other bills: (1) The Council worked closely with Autism Speaks to co-sponsor SB 163, which sought to protect the rights of families to be reimbursed for insurance co-pays and deductibles for autism therapies approved by the state. That bill was defeated. The Council will continue to work with autism advocates to seek protection for those rights. (2) The Council also co-sponsored SB 577 which would create a new service category for job exploration and discovery. This bill is an important part of the strategy to remove barriers to the employment of people with developmental disabilities in integrated competitive employment. This was a two-year bill, passed out of the Senate in January 2014, and is now being considered by the Assembly.

At the federal level, the Council opposed the proposed sequestration cuts to health and human services and wrote the entire California Congressional delegation, informing them of the potential impact on individuals with developmental disabilities and their families. The Council also opposed proposed federal cuts to federal health programs, such as Medicaid. Council staff visited and spoke with staff and members in 15 congressional offices.

With respect to systems change, the Council has been a leading advocate for the last six years for making integrated competitive employment an option for people with developmental disabilities in the state. For example, during this time, the Council sponsored six pieces of employment related legislation. Three of these were signed into law: (1) SB 1270 (2006) authorized the Council to conduct extensive public meetings with stakeholders, consumers, and family members to recommend to the Legislature and Governor steps to increase integrated employment options and more individualized day services. (2) In

2009, at the Council's request, AB 287 established the Employment First Committee within the Council that serves as a forum for all relevant departments and stakeholders to meet and develop strategies to improve employment outcomes. (3) In October of 2013, the Governor signed AB 1041, the Employment First Policy. In part because of the Council's work over the years, this Employment First Policy was not just an executive order or a statement by the department, but represents a consensus view of the DD stakeholder community.

Also with respect to systems change, the Council has played a key role, since 1998, in development of the Self-Determination option in California. The area boards have been partners with the regional centers in implementation of the five Self-Determination pilots. They staffed the pilot advisory committees at the local and state level. The Council contributed significantly to the first Self-Determination bill in 2011 and to the legislation that was signed into law this year.

Beside these highlights, the Council is active in most of the key state level policy forums affecting people with IDD. The Council is a lead agency in California Employment Consortium for Youth (CECY), a project of national significance funded by AIDD. The Council convenes the Employment First Committee which complements the work of CECY in providing a forum for key stakeholders and departments to address barriers to employment of people with IDD. The Council was recently represented on the Secretary's "Future of the DCs Task Force", which made recommendations supported by the Administration for the downsizing and closure of the DCs and the development of a new generation of community services for people with high behavioral needs. We are represented on the ODEP Vision Quest state team comprised of key department, academic and advocacy representatives. We participate in a cross-disability collaboration between leaders of the Tarjan Center and Councils and Committees with statutory responsibilities for the employment of people with disabilities. We participate in stakeholder workgroups convened by the department on state budget and, currently, Self-Determination. We have participated for the last 12 years in broad stakeholder collaborations within the I/DD advocacy and stakeholder communities (The Community Imperative Strategy Group and the Lanterman Coalition). And finally, the Council has a strong internal policy structure with a Deputy Director of Policy and planning, policy support staff, and a Legislative and Public Policy Committee that usually meets 8 or 9 times per year and makes recommendations to the Council on legislation, policy, regulation and state budget issues.

While there is already a great deal of activity, we strive to have a much larger influence and more effectively drive state level policy on a broader scale. We are also increasing the exchange of information between headquarters and regional offices. We appreciated the MTARS' team suggestions for improved work with the regional offices.

Our state level policy work is inextricably linked to and benefits enormously from the Council's regional presence. The Legislative and Public Policy Committee (LPPC) and the Council benefit from the regional offices and regional advisory committees' close connection to their communities. What is happening locally informs our decision making at the state level.

The Council also benefits from our reach into local communities when advancing policy change. For example, the information alerts distributed by the Council are typically forwarded on through our local office databases to what is ultimately a broad statewide network of local/regional/minority organizations and their contact lists. This multiplier effect would indicate that a Council information alert on a topic of

high interest would reach at least 30,000 individuals. In 2013, the Council's work on both Employment First Policy and Self-Determination legislation helped contribute to a huge outpouring of support for these bills, and ultimately, their being signed into law.

Finally, once new policy is adopted, it is necessary to ensure implementation of that policy through information dissemination; training people with developmental disabilities, families, professionals and local regional centers; monitoring the implementation in local communities, where the policies are being implemented; and advocating for corrective actions when implementation lags.

Please refer to Attachments M and N for further information on the Council's self-advocacy activities and its most recent Employment First Report, which is disseminated to the Legislature and the Governor.

CORRECTIVE ACTION (10): The newly reconstituted State Plan Committee, which will hold its first meeting by June 30, 2014, will develop a template that captures data on state plan implementation at both the local and statewide level. It will be distributed on at least a quarterly basis to the full Council and utilized to complete the PPR.

STAFF ASSIGNED: Mark Polit, Deputy Director for Policy and Planning; Staff planning analyst; State Plan Committee

TIMELINES: Starting no later than June 30, 2014 and quarterly thereafter.

June 2nd Status Update (10): The Bylaws were revised by the Council on May 29 to establish a State Plan Committee. Among its responsibilities, the committee will advise the Council on the collection and reporting of information on unmet needs, priorities and emerging issues and advise the Council on the implementation and reporting of progress on the State Plan. The Council chair has already selected the chair and membership of the State Plan Committee (attached).

The first meeting of the State Plan Committee will be June 23. This meeting will include training by Sheryl Matney of NACDD on the responsibilities of the Council with respect to state plan development, tracking implementation, and amending the state plan. The focus will be on where we are currently in the cycle: Gathering data on and ensuring adequate plan implementation. The State Plan Committee will begin its review of how the regional offices contribute to plan implementation, including the gathering of data and the Council's review of that data. This is the first step in developing more strategic control of implementation of the State Plan.

As discussed under status update (8), the MTARS Committee is charged with overseeing the implementation of the MTARS Corrective Action Plan and making recommendations to the Executive Committee and the Council related to the CAP. Therefore, The MTARS Committee will monitor the work of the State Plan Committee and independently review in depth the current State Plan and the controls over implementation of the State Plan.

V. EVALUATION AND REPORTS

<i>Program Performance Report</i>	<i>2013 MTARS Finding(11)</i>
<p>The Council annually prepares and transmits to the Secretary a report containing information about the progress made in achieving the goals. The report includes:</p> <ul style="list-style-type: none"> • Extent to which each goal of Council was achieved. Sec.125(c)(7)(A) • Description of strategies that contributed to achieving goals. Sec.125(c)(7)(B) • Extent to which each goal was not achieved, describes factors that impeded goal achievement. Sec.125(c)(7)(C) • Separate information on self-advocacy goal. Sec.125(c)(7)(D) 	<p>Overall the Council's Program Performance Report does not specifically describe how each Area Board is contributing to State Plan implementation. Because there are 13 regional offices implementing different parts of the Council State Plan, it is difficult to determine how State Plan achievement is being measured and evaluated.</p> <p>Some Area Boards referenced using "mini-plans" to document which parts of the Council State Plan they were implementing. Other Area Boards did not provide evidence of having "mini-plans". Without consistent use of Area Board "mini-plans" or some other tool it is unclear how the Council can assess progress made in achieving goals.</p>
<p>California State Council on Developmental Disabilities Response</p>	
<p>COUNCIL RESPONSE (11): The State Council funds 13 regional offices throughout the state. Each office has program staff that offer ongoing outreach, education, training and technical assistance to their local community. These activities are aligned with the Developmental Disabilities Act and are vital in furthering the objectives of the State Plan. The Council provides ongoing monitoring of the regional offices to ensure their activities correlate to the implementation of the State Plan.</p>	
<p>The Council is cognizant that it is the Council's State Plan, not the Area Boards'. With a broad ambitious State Plan and many staff throughout the state implementing it, the compiling of data for the Program Performance Report is challenging. We have been further hampered in that the position of Planning Specialist that would assist in coordination of this effort has been vacant for two years.</p>	
<p>For the 2012 PPR, California used DD Suite for the first time. All program staff were given access to DD Suite and each staff entered activity narratives directly; however, staff were not held to a specific schedule for reporting activities and outcomes. As a result, the PPR data lacked continuity and cohesion. This year the Council developed an Activity Form, which is a tool to achieve consistency in reporting progress on State Plan-related activities. All program staff now use the Activity form for reporting on each distinct activity. The Activity Reports are turned in to the Deputy Director for Policy and Planning on a bimonthly basis (per the timeline structure of DD Suite) and data is entered into DD Suite by one individual. This approach has resulted in a far more cohesive PPR. It has also resulted in a far more accurate document, demonstrating even better outcomes.</p>	
<p>While the PPR is a comprehensive report of the Council's overall performance in implementing the State Plan, the individual Activity Forms provide the more specific data and document the details on how each objective is being implemented. The Activity Forms tell the Council what each regional office is doing to implement the State Plan. The State Plan Committee will be able to use the Activity Forms to better assess</p>	

the performance of each regional office and the Council overall in implementing the State Plan. This in turn will also permit the Council to do more accurate budget planning and grant planning to fill the gaps in achieving outcomes. Please see ATTACHMENT D for a sample of several Activity Forms and ATTACHMENT F for the 2013 PPR.

CORRECTIVE ACTION (11): The Council had a Strategic Planning Committee to oversee the development of the State Plan and the ongoing progress in implementing the State Plan. When the Planning Specialist position became vacant two years ago, however, the Strategic Planning Committee became inactive. In 2013, the Council took steps to reinstate a re-named State Plan Subcommittee; however, at this point it has not yet convened. The Council Executive Director is in the process of filling the Planning Specialist position, having identified a qualified candidate to fill the position of Planning Specialist on January 23, 2014. It is anticipated that the individual will begin her position on or around April 1, 2014. The Planning Specialist will be responsible for training program staff in reporting obligations and ensuring that the Council is kept abreast of progress made in implementing the State Plan. The State Plan Committee will be charged with reviewing the individual Activity forms and based on that data, developing a matrix that illustrates the Council's progress in implementing the State Plan. The chart will be provided to the Council at least quarterly. The information will be used by the Program Development Committee (PDC) to assist in determining priorities for grants. It will be used by the Administrative Committee to help guide fiscal priorities.

STAFF ASSIGNED: Mark Polit, Deputy Director for Policy and Planning who will supervise the Planning Specialist; MTARS Committee to oversee.

TIMELINES: The State Plan Committee will meet beginning no later than June 30 2014 and will convene at a minimum, quarterly. The Chair will appoint the members of this Committee no later than April 1, 2014.

June 2nd Status Update (11): The Bylaws were revised by the Council on May 29 (see attached) to establish a State Plan Committee. Among its responsibilities, the committee will advise the Council on the collection and reporting of information on unmet needs, priorities and emerging issues and advise the Council on the implementation and reporting of progress on the State Plan. The Council chair has already selected the chair and membership of the State Plan Committee.

The first meeting of the State Plan Committee will be June 23. This meeting will include training by Sheryl Matney of NACDD on the responsibilities of the Council with respect to state plan development, tracking implementation, and amending the state plan. The focus will be on where we are currently in the cycle: Gathering data on and ensuring adequate plan implementation. The State Plan Committee will begin its review of how the regional offices contribute to plan implementation, including the gathering of data and the Council's review of that data. This is the first step in developing more strategic control of implementation of the State Plan.

The candidate recommended by the Council's executive director for Planning Specialist was not appointed by the Governor to fill that position. Since the appointment process for a staff position can take significant time, the Council's Acting Executive director advertised on May 23rd for a comparable position through civil service to directly hire an analyst who can fill many of the functions of the Planning Specialist. The posting will close on June 9, and we hope to hire a qualified candidate by the June 23rd meeting of the State

Plan Committee. The Deputy Director of Policy and Planning will then staff the State Plan Committee with the assistance of this analyst. The Planning Specialist position will no longer be critical path for implementation of this corrective action and will be filled at a later time.

An accounting of the manner in which funds paid to the State for a fiscal year were expended. Sec.125(c)(7)(G)

The Council presented several documents that detailed different aspects of how the federal allotment is being spent, but overall the review team could not determine how the budget is developed and executed and how expenditure data is calculated.

VI. FISCAL

VI.1 Fiscal Requirements

2013 MTARS Finding(12)

Council has authority to prepare, approve, and implement a budget to fund programs, projects, and activities. Sec125(c)(8)

The Council did not provide adequate evidence on how it developed or implemented its budget to fund programs, projects, and activities. Council members expressed a strong need for more fiscal transparency and training on state versus federal fiscal policy and the Council's budget development/implementation process.

In addition, the Lanterman continues to include language that is inconsistent with the DD Act, posing challenges for the Council to be in compliance with the federal law:

- The Lanterman Act requires the Council to provide funding to Area Boards.
- The Lanterman Act provisions require the Council to hire staff at the deputy director level thereby interjecting a line item in the Council's budget and limiting its authority to develop a budget.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (12): In this section we address both Sec 125(c)(7)(G): The PPR includes an accounting of the manner in which funds paid to the State for a fiscal year were expended; and Sec 125(c)(8) Fiscal Requirements since both specifically address the Council's role in developing, implementing and tracking its budget.

As the MTARS report later states, at the time of the site visit the Council lacked a Budget Officer (Administrative Service Manager) and unfortunately, the previous Executive Director had provided little budgetary information to the Council. The Administrative Committee was re-established in January 2013 and has met ten (10) times in 2013, nearly monthly. The Administrative Committee's first undertaking was to develop a 2013 Administrative Work Plan, based on the recommendations of the November 2012 Audit Report from the Department of Health Care Services. Additionally, the Committee ensured that the Council received quarterly expenditure reports in 2013 and approved the Council's budget for FY 2014.

In May 2013, Council members received governance training, which included their obligations to approve

and monitor the budget, from NACDD technical assistance staff.

At its July 2013 Council meeting, members received training from our Department of Finance (DOF) Analyst on the state budgeting process. Because the California Council implements its State Plan largely through staff activities and because it also retains a network of 13 regional offices, a large proportion of the federal grant is assigned to personnel and facility costs. Since these are largely predictable costs, much though not all, of the budget is necessarily based on historical expenditures. The budget approved by the Council breaks out costs in two categories: Personal Services and Operating Expenses and Equipment. However, the Administrative Committee reviewed a more detailed line item budget. It was the Administrative Committee that examined the Council's allocation of funds to determine how we would absorb the sequestration cut in FY 13 and into the future. The Administrative Committee recommended and the Council agreed that staff vacancies at the local area offices would not be filled.

Additionally, the re-established Administrative Committee receives programmatic and grant information from the Program Development Committee (PDC) that is used to guide fiscal decisions. The Chair of the Administrative Committee also sits on the PDC.

In 2000, California Department of Finance staff devised a cost allocation methodology that would enable the Council to assign costs by state plan goal. That methodology has been reviewed and revised periodically, most recently with the development of the current state plan. The formula is utilized by the state's primary accounting system, known as Calstars. As a result, Calstars provides monthly expenditure data, broken out several different ways, including by state plan goal.

For further insight into the Council's efforts to correct identified fiscal weaknesses and inadequacies, please also refer to the attached Fiscal Integrity and State Manager's Accountability Act report (FISMA Report). The FISMA report is a required biannual report of California state departments to examine the adequacy of the agency's system of internal controls.

As previously stated, the Council is pursuing legislation that will bring state law into compliance with the federal DD Act. This will include revised language that removes any provision that interferes with the Council's autonomy in establishing its budget.

ATTACHMENT Q: Administrative Committee Roster; **ATTACHMENT R:** Administrative Committee packets of January 2013, February 2013, March 2013, April 2013, June 2013, July 2013, August 2013, October 2013, November 2013, January 8, 2014, January 22, 2014. Quarterly budget reports and Council's approved 2014 budget (two versions, with and without sequestration cut) are included. **ATTACHMENT S:** November Calstars report; **ATTACHMENT T:** FISMA Report

CORRECTIVE ACTION (12): The Council has made steady progress in establishing the necessary oversight and ensuring that the Council members are well informed about fiscal and budget processes. The Council now receives quarterly expenditure reports, develops and approves the annual budget. Further, the Council recognizes and welcomes that AIDD staff will be providing close supervision of our progress in this area. The Administrative Committee will continue to meet monthly. The Administrative Committee has set the following priorities for its work in 2014:

1. Ensure that all MTARS noncompliance findings of a fiscal/administrative nature are resolved.

2. Take a more active role in developing the Council's 2015 budget. (Presented at May 2014 Council meeting)
3. Ensure that the Council has a comprehensive Policies and Procedures Manual. (Completion by December 31, 2014)
4. Oversee the process of establishing an MOU with the DSA and evaluating the functions of the DSA. (Evaluation completed by May 2014. MOU completed by November 30, 2014.)

{Refer to Attachment U: 2014 Administrative Work Plan

STAFF ASSIGNED: Dr. Mike Clark, Interim Executive Director; Mark Polit, Deputy Director of Policy and Planning; Natalie Bocanegra, Staff Counsel; Catherine Blakemore, Disability Rights California; Eric Gelber, Legislative Director, DDS; Kris Kent, Assistant Secretary, DSA; Administrative Committee to oversee administrative activities. MTARS Committee to oversee legislation.

TIMELINES: Ongoing, monthly

June 2nd Status Update (12): On May 29th, the Council approved the 2014/15 State Council budget and the contracts manual. The budget is attached as part of the Administrative Committee agenda of May 27, attached. The Contracts Manual has been previously submitted. The Council adopted the manual with the understanding that staff would make technical changes to the manual. The updated manual will be submitted with the July 1 update.

Staff Counsel is reviewing the status of current procedures and the need for updating or creation of new policies and procedures. The November Council meeting is scheduled to approve a full policies and procedures manual.

The revisions in law through AB 1595, discussed above, have moved from the Assembly to the Senate.

In response to AIDD comments, on May 28, the MTARS Committee voted to amend AB 1595 based on concerns expressed by AIDD on technical assistance calls and in writing on May 27. On May 29, the full Council voted to accept the recommendations of the MTARS Committee (see status update (1)), opening the way to amend AB 1595 to address AIDD comments. A workgroup will draft amendments, as directed by the Council, under the direction of the incoming Council Chair, Molly Kennedy. The drafting workgroup is comprised of Catherine Blakemore (ED of Disability Rights California), Kris Kent (Assistant Secretary of the Health and Human Services Agency), Eric Gelber (Legislative Director of DDS), Mark Polit (SCDD Currently Acting ED), and Natalie Bocanegra (SCDD Staff Counsel). We plan to amend the new language into AB 1595 by the Senate Human Services Committee meeting on June 24.

VI.2 Fiscal Policies	2013 MTARS Finding(13)
<p>Council has policies to carry out appropriate subcontracting activities. Sec.125(c)(8)(A)</p> <p>Council directs expenditures of funds for grants, contracts, interagency agreements that are binding contracts and other activities authorized by State Plan approval.</p>	<p>The Council did not provide adequate evidence of that it has accurate financial accounting and record keeping:</p> <ul style="list-style-type: none"> • At the time of the on-site visit, the Administrative Services Manager position was vacant and the Council did not have a staff person dedicated to managing the Council's finances.

Sec.125(c)(8)(C)

Grantee shall keep records that disclose:

- Amount and disposition of assistance by recipient
- Total cost of project or undertaking in connection with assistance given
- Amount of project costs supplied by other sources
- Such other records that will facilitate an effective audit

Sec.103

- The Council could only provide limited information on the Council's fiscal policies during the on-site visit pertinent to the requirements in the DD Act.
- The Council experienced fiscal impropriety under the previous Executive Director (Board Resource contract)
- The state auditor's findings substantiate the immediate need for financial management systems. (Reference: *California Department of Finance Management Letter dated August 17, 2012*)

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (13): The Council agrees that these findings accurately describe the Council in January 2013, but has since taken a number of strong steps to rectify that situation. We believe that the Council is now on a far stronger fiscal footing and that our policies and practices are transparent to the members, the public, and our business associates.

In July 2013 the Council was able to hire a new Budget Officer (the delay was due to legal procedures associated with the previous budget officer) She has been working closely with Department of Finance staff and our accounting colleagues at the CDSS.

Immediately following her appointment as Acting (now Interim) Executive Director, Ms. Newton sought and received approval from the Council to enter into an Interagency Agreement for the California Department of Health Care Services Financial Audits Branch (FAB) to expand upon the Department of Finance Management Letter's findings, issued August 17, 2012. (Note: Department of Finance (DCF) staff were unavailable to conduct the follow-up.) The DSA was instrumental in securing the services of the FAB audit staff. Specifically, the request was for the audit team to examine all of the Council's practices around contracting and procurement and to provide recommendations. Those recommendations became the basis for an **Administrative Work Plan** which staff has been implementing throughout 2013 and Council has been overseeing, through the Administrative Committee. The Administrative Committee regularly reports to the Council on our progress.

In December 2013, staff completed a draft Contract and Purchasing Manual that to a large degree is based upon the manual utilized by the Department of Social Services. The Manual focuses on the Council's procedures for contracting and procurement. The draft Manual was reviewed by the Administrative Committee in January 2014. A second draft will be presented at the February 27, 2014 Administrative Committee meeting. It is anticipated that the Contract and Purchasing Manual will be one element of a more comprehensive Policies and Procedures Manual to be developed throughout 2014. Target completion date: December 31, 2014. The Council does continue to be hampered by staff management vacancies, especially that of the Chief Deputy for Administration. We have been assured that the Governor's Appointment Office will cooperate with the Council's Interim Executive Director in filling these positions expeditiously during this transitional period while legislation is pending to remove the Governor's hiring authority.

Please see ATTACHMENT V: Department of Health Care Services Audit Report and ATTACHMENT W:

2013 and 2014 SCDD Work Plans and **ATTACHMENT X: SCDD Draft Contract Manual**

CORRECTIVE ACTION (13): The Council is advertising for a Chief Deputy for Administration (advertisements have been placed in Monster, Idealist, Opportunity Knocks, Exec Searches, and Capitol Weekly) and a Deputy for Area Board Operations. The Administrative Committee will review a second draft of the Contract and Purchasing Manual in February 2014 and it will go to the Council for review and approval thereafter. As opportunities arise, administrative staff are attending contract development and oversight classes. For example, the contract analyst is registered for a two day class titled "Monitoring Grants and Cooperative Agreements for Federal Personnel" in April 2014.

STAFF ASSIGNED: Mike Clark, Interim Executive Director and Administrative Committee

TIMELINES: Refer to Corrective Action above

June 2nd Status Update (13): The contracts manual was approved by the Council on May 29. The Contracts Manual has been previously submitted. The Council adopted the manual with the understanding that staff would make technical changes to the manual. The updated manual will be submitted with the July 1 update.

The Council Acting Executive Director and the incoming Interim Executive Director interviewed and has requested that the Governor's Office move forward with the appointment of a qualified candidate for the position of Chief Deputy. We are hoping for an appointment in the beginning of June. Contract and procurement staffs have continued to upgrade their skills through classes offered by the Department of General Services. In the last year, they have attended classes and workshops on: Basic Acquisition Certification Program, Acquisitions under \$5,000, Evaluation Criteria, Documentation, and Statement of Work.

VII. DESIGNATED STATE AGENCY

VII.2 Responsibilities of DSA

2013 MTARS Finding(14)

- Receives, accounts for, and disburses funds under subtitle based on State Plan. Sec125(d)(3)(C)(i)
- Provides the appropriate fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, funds paid to the state. Sec125(d)(3)(C)(ii)
- Keeps and provides access to records as Secretary and Council may determine necessary and timely financial reports regarding status of expenditures, obligations, and liquidation by agency or Council, and use of Federal and non-Federal shares.

As mentioned above the Council's recent experience with fiscal impropriety under the previous Executive Director (Board Resource contract) and the state auditor's findings substantiates the DSA's need to establish processes, policies, and procedures that promote:

- Accurate receipt, accounting, and disbursement of funds
- Provision of appropriate fiscal control and fund accounting procedures necessary to assure proper disbursement of, and accounting for, funds paid
- Access to records as the Secretary and Council may determine necessary
- Timely development and dissemination of financial reports regarding status of expenditures, obligations, and liquidation by agency or Council,

<p>Sec125(d)(3)(D)</p> <ul style="list-style-type: none"> • Provides required non-Federal share. <p>Sec125(d)(3)(E)</p> <ul style="list-style-type: none"> • Assists in obtaining appropriate State Plan assurances and consistency with state law. <p>Sec125(d)(3)(F)</p> <ul style="list-style-type: none"> • Enters into MOU at request of Council. <p>Sec125(d)(3)(G)</p>	<p>and use of Federal and non-Federal shares</p> <p>The Council does not have a Memorandum of Understanding with the DSA.</p> <p>There was no evidence that the Council has conducted a formal evaluation of the DSA at any point and time.</p> <p>Several Council staff position and DSA functions appear duplicative. Several DSA functions are performed by Council staff at the central office, specifically in the areas of: contracting, budget, fiscal, and personnel.</p>
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California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (14): The Council Interim Executive Director has met on multiple occasions with the DSA throughout 2013, specifically to discuss DSA functions.

Currently, the DSA is in the process of obtaining final approval from the California Department of General Services on their revised fiscal control and purchasing authority policies and procedures. Based on these policies and procedures, the Council's legal Counsel has adapted it and developed a Contract and Purchasing Manual policy handbook that establishes procedures to ensure accurate and appropriate fiscal controls. As previously noted, that manual is currently under review by the Administrative Committee. Once approved by the Committee, the Full Council will review and approve, anticipated at the May 2014 Council meeting. (Please refer to ATTACHMENT X)

Council staff members have already attended several trainings regarding their fiduciary obligations as well as proper and standard accounting procedures that will ensure accuracy and dependability in accounting and disbursement of funds.

All policies and procedures ensure that while staff is responsible for the daily work, the full Council retains control over authorizing expenditure of funds in accordance with federal laws, rules, and State Plan goals and objectives.

Neither the Council nor the DSA perceive duplication of Council staff duties with DSA functions. The Department of Social Services' Interagency Agreement (Attachment K) identifies DSA functions in considerable detail. We have attached the Duty Statements for our Contract Analyst, Contract/Procurement Analyst, Personnel Specialist, Budget Officer, and Information Systems Specialist. While it is certainly true that those positions correspond to DSA functions, Council staff coordinate duties with DSA (DSS) staff. They are complementary, not duplicative. For example, the Council's Personnel Specialist is the first line contact with our 65 (federally funded) employees. She handles duties associated with changes in benefits, salary, work hours, promotion or adverse actions. DSA staff have access to the state government mainframe and State Controller's Office and therefore are charged with inputting the transactional changes. Additionally, there are no Council staff who carry out accounting functions. Without direct access to Calstars, the state's multimillion dollar accounting system, we depend on DSS to handle these functions in a more cost effective manner than we could.

ATTACHMENT K: DSS Interagency Agreement; ATTACHMENT Y: FIVE (5) DUTY STATEMENTS

CORRECTIVE ACTION (14): The Council agrees that it will develop and enter into a Memorandum of Understanding (MOU) with the DSA during calendar year 2014. This effort will be coordinated by the Administrative Committee. The DSA is represented on the Administrative Committee by Kristopher Kent, Assistant Secretary, Health and Human Services Agency. The Council itself will approve the MOU and it will be signed by the Chairperson.

The Council agrees that it will conduct a formal evaluation of the DSA during calendar year 2014 again through the Administrative Committee. It should be noted, however, that Council management has met periodically with DSA staff to address deliverables, timelines, best practices in IT support and communication, among other issues.

STAFF ASSIGNED: Dr. Mike Clark, Interim Executive Director, and the Administrative Committee

TIMELINES: Review current DSA functions; review sample MOUs from other states by April 2014 Administrative Committee. Draft MOU and meet with DSA to discuss review by July 2014 Administrative Committee. Meet with DSA and discuss/revise as needed draft MOU by September 2014. Execute and sign MOU at November 2014 Council meeting

June 2nd Status Update (14): On May 29, the Council accepted the review of the DSA, completing that portion of the corrective action. On May 27th the Administrative Committee began its review of the MOUs with DSAs from other states (See attached Administrative Committee packet of May 27, 2014).

2013-2014 AB-1595 Chesbro (A)

97 - Amended Assembly 4/21/14

June 11, 2014 Amendments to Legislative Counsel

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

~~SECTION 1. The Legislature finds [1] and declares the following:~~

~~(a) The State Council on Developmental Disabilities as required by the federal Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. 150001 et seq, engages in advocacy, capacity building, and systems change activities so that individuals with developmental disabilities and their families are assisted by a comprehensive system of services and supports to achieve self-determination, independence, productivity, and inclusion in all aspects of community life.~~

~~(b) The council is established by and funded through an appropriation governed by the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106-402)(42 U.S.C. 15001 et seq.).~~

SEC. 2. Section 4433 of the Welfare and Institutions Code is amended to read:

4433. (a) The Legislature finds and declares all of the following:

(1) The State of California accepts its responsibility to ensure and uphold the rights of persons with developmental disabilities and an obligation to ensure that laws, regulations, and policies on the rights of persons with developmental disabilities are observed and protected.

(2) Persons with developmental disabilities are vulnerable to abuse, neglect, and deprivations of their rights.

(3) Clients' rights advocacy services provided by the regional centers, the advocacy services currently provided by the department at the state ~~hospitals~~^[12]~~developmental centers~~, and the services provided by the department's Office of Human Rights may have conflicts of *interest* or the appearance of a conflict of interest.

(4) The services provided to individuals with developmental disabilities and their families are of such a special and unique nature that they cannot satisfactorily be provided by state agencies or regional centers and must be contracted out pursuant to paragraph (3) of subdivision (b) of Section 19130 of the Government Code.

(b) (1) To avoid the potential for a conflict of interest or the appearance of a conflict of interest, beginning January 1, 1998, the department shall contract for clients' rights advocacy services. The department shall solicit a single statewide contract with a nonprofit agency that results in at least three responsive bids that meet all of the criteria specified in paragraph (2) to perform the services specified in subdivision (d). If three responsive bids are not received, the department may rebid the contract on a regional basis, not to exceed three regional contracts and one contract for developmental centers and headquarters.

(2) Any contractor selected shall meet the following requirements:

(A) The contractor can demonstrate the capability to provide statewide advocacy services to individuals with developmental disabilities living in developmental centers and in the community.

(B) The contractor does not directly or indirectly provide services to individuals with developmental disabilities, except advocacy services.

(C) The contractor has knowledge of the service system, entitlements, and service rights of persons receiving services from regional centers and in state hospitals.

(D) The contractor can demonstrate the capability of coordinating services with the protection and advocacy agency specified in Division 4.7 (commencing with Section 4900).

(E) The contractor has not provided any services, except advocacy services, to, or been employed by, any regional center or the Association of Regional Center Agencies during the two-year period prior to the effective date of the contract.

(c) For the purposes of this section, the Legislature further finds and declares that because of a potential conflict of interest or the appearance of a conflict of interest, the goals and purposes of the regional center clients' rights advocacy services, the state hospitals, and the services of the Office of Human Rights, cannot be accomplished through the utilization of persons selected pursuant to the regular civil service system, nor can the services be provided through the department's contracts with regional centers. Accordingly, contracts into which the department enters pursuant to this section are permitted and authorized by paragraphs (3) and (5) of subdivision (b) of Section 19130 of the Government Code.

(d) The contractor shall do all of the following:

(1) Provide clients' rights advocacy services to persons with developmental disabilities who are consumers of regional centers and to individuals who reside in the state developmental centers and hospitals, including ensuring the rights of persons with developmental disabilities, and assisting persons with developmental disabilities in pursuing administrative and legal remedies.

(2) Investigate and take action as appropriate and necessary to resolve complaints from, or concerning persons *with* developmental disabilities residing in licensed health and community

care facilities regarding abuse, and unreasonable denial, or punitive withholding, of rights guaranteed under this division.

(3) Provide consultation, technical assistance, supervision and training, and support services for clients' rights advocates that were previously the responsibility of the Office of Human Rights.

(4) Coordinate the provision of clients' rights advocacy services in consultation with the department, stakeholder organizations, and persons with developmental disabilities and their families representing California's multicultural diversity.

(5) Provide at least two self-advocacy trainings for consumers and family members.

(e) In order to ensure that individuals with developmental disabilities have access to high quality advocacy services, the contractor shall establish a grievance procedure and shall advise persons receiving services under the contract of the availability of other advocacy services, including the services provided by the protection and advocacy agency specified in Division 4.7 (commencing with Section 4900).

(f) The department shall contract on a multiyear basis for a contract term of up to five years, subject to the annual appropriation of funds by the Legislature.

(g) This section shall not prohibit the department and the regional centers from advocating for the rights, including the right to generic services, of persons with developmental disabilities.

| SEC. 3. Section 4433.5 of the Welfare and Institutions Code is amended to read:

~~4433.5. Notwithstanding Section 4433, the department may contract with the State Council [13] on Developmental Disabilities for the purpose of providing clients' rights advocacy services to individuals with developmental disabilities who reside in developmental centers.~~

| SEC. 4. Section 4474.1 of the Welfare and Institutions Code is amended to read:

~~4474.1. (a) Whenever the State Department of Developmental Services proposes the closure of a state developmental center, the department shall be required to submit a detailed plan to the Legislature not later than April 1 immediately prior to the fiscal year in which the plan is to be implemented, and as a part of the Governor's proposed budget. A plan submitted to the Legislature pursuant to this section, including any modifications made pursuant to subdivision (b), shall not be implemented without the approval of the Legislature.~~

~~(b) A plan submitted on or before April 1 immediately prior to the fiscal year in which the plan is to be implemented may be subsequently modified during the legislative review process.~~

~~(c) Prior to submission of the plan to the Legislature, the department shall solicit input from the State Council on Developmental Disabilities, the Association of Regional Center Agencies, the~~

protection and advocacy agency specified in Section 4901, the local regional center, consumers living in the developmental center, parents, family members, guardians, and conservators of persons living in the developmental centers or their representative organizations, persons with developmental disabilities living in the community, developmental center employees and employee organizations, community care providers, the affected city and county governments, and business and civic organizations, as may be recommended by local state Senate and Assembly representatives.

(d) Prior to the submission of the plan to the Legislature, the department shall confer with the county in which the developmental center is located, the regional centers served by the developmental center, and other state departments using similar occupational classifications, to develop a program for the placement of staff of the developmental center planned for closure in other developmental centers, as positions become vacant, or in similar positions in programs operated by, or through contract with, the county, regional centers, or other state departments.

(e) Prior to the submission of the plan to the Legislature, the department shall hold at least one public hearing in the community in which the developmental center is located, with public comment from that hearing summarized in the plan.

(f) The plan submitted to the Legislature pursuant to this section shall include all of the following:

- (1) A description of the land and buildings affected.
- (2) A description of existing lease arrangements at the developmental center.
- (3) The impact on residents and their families.
- (4) Anticipated alternative placements for residents.
- (5) The impact on regional center services.
- (6) Where services will be obtained that, upon closure of the developmental center, will no longer be provided by that facility.
- (7) Potential job opportunities for developmental center employees and other efforts made to mitigate the effect of the closure on employees.
- (8) The fiscal impact of the closure.
- (9) The timeframe in which closure will be accomplished.

SEC. 5. Section 4478 of the Welfare and Institutions Code is amended to read:

4478. (a) The chairperson of an advisory board advising a developmental center shall meet annually with the developmental center director, the regional center directors, and a representative of the State Council on Developmental Disabilities.

(b) The chairpersons shall be allowed necessary expenses incurred in attending these meetings.

(c) It is the intent of the Legislature that the department assist the development of annual regional meetings required by this section.

SEC. 6. Section 4520 of the Welfare and Institutions Code is amended to read:

~~4520. (a) The Legislature finds that [14]in each of the 56 states and territories, the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106-402)(42 U.S.C. 15001 et seq.) establishes State Councils on Developmental Disabilities that work to promote the core values of the Act: Self-determination, independence, productivity, integration, and inclusion in all aspects of community life. services for persons with developmental disabilities constitute a major expenditure of public funds, that these programs are provided by hundreds of public and private statewide and local agencies, that the legal, civil, and service rights of persons with developmental disabilities are frequently denied, and that there is no effective method for planning and coordinating the state's resources to assure these rights. Therefore, a State Council on Developmental Disabilities with authority independent of any single state service agency is needed and is hereby created to conduct advocacy, capacity building, and systemic change activities, as required by the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.)).~~

~~(b) The Legislature finds that California's State Council on Developmental Disabilities was established pursuant to the federal Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. section 150001 et seq.), amended by Public Law 106-402 (the Developmental Disabilities Assistance and Bill of Rights Act of 2000), to engage in advocacy, capacity building, and systemic change activities that are consistent with the policy of federal law and contribute to a coordinated, consumer- and family-centered, consumer- and family directed, comprehensive system that includes needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families. It is the intent of the Legislature that the state council independently exercises its authority and responsibilities under federal law, and expends its federal funding allocation and exercise all the powers and duties as may be necessary to carry out the purpose of applicable federal law.) The Legislature further finds that the state faces unique challenges because of its size and diversity, and that neighborhoods and communities lack the support necessary to monitor system functions and advocate for the rights and interests of persons with developmental disabilities.~~

~~(c) The Legislature finds that the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.)) requires the council to promote certain principles that include:~~

~~(1) Individuals with developmental disabilities, including those with the most severe developmental disabilities, are capable of self-determination, independence, productivity, and~~

~~integration and inclusion in all facets of community life, but often require the provision of community services, individualized supports, and other forms of assistance;~~

~~(2) Individuals with developmental disabilities and their families have competencies, capabilities, and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individuals.~~

~~(3) Individuals with developmental disabilities and their families are the primary decision makers regarding the services and supports such individuals and their families receive, including regarding choosing where the individuals live from available options, and play decision-making roles in policies and programs that affect the lives of such individuals and their families;~~

~~(4) The council faces unique challenges in ensuring access and furthering these principles due to the state's size, diversity, and a service delivery system that promotes significant local control.~~

~~(5) Therefore, it is the intent of the Legislature that the state council, consistent with its authority and responsibilities under federal law, ensure that the council is accessible and responsive to the diverse, geographic, racial, ethnic, and language needs of persons with developmental disabilities and their families throughout California, which in part may, as determined by the council, be achieved through the establishment of regional offices, the number and location of which may be determined by the council. in order to ensure that the council is accessible and responsive to the diverse geographic, racial, ethnic, and language needs of persons with developmental disabilities and their families throughout California, the council shall may establish, maintain, and operate one or more regional offices, and shall periodically determine the number and location of its regional offices.~~

~~(ed) This chapter (Sections 4520 to 4555), Chapter 3 (commencing with Sections 45610 to 4568), Chapter 4 (commencing with Section 4571), [15] and Division 4.7 (commencing with Section 4900), are intended by the Legislature to secure full compliance with the requirements of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106-402), as amended and extended, which provides federal funds to assist the state in planning, coordinating, monitoring, and evaluating services for persons with developmental disabilities and in establishing a system to protect and advocate the legal and civil rights of persons with developmental disabilities.~~

~~(e) [16] The council may use funds and other allotments allocated to the council in accordance with the purposes of the Developmental Disabilities Assistance and Bill of Rights Act. Nothing in this section shall preclude the council from using funding other than the funding made available through the Developmental Disabilities Assistance and Bill of Rights Act in any manner consistent with applicable federal and state law.~~

SEC. 7. Section 4521 of the Welfare and Institutions Code is amended to read:

4521. (a) (1) All references to “*council*” or “state council” in this *division* shall be a reference to the State Council on Developmental Disabilities.

(2) "Developmental disability," as used in this chapter, means a developmental disability as defined in Section 15002(8) of Title 42 of the United State Code.

(b) There shall be 31 voting members on the state council appointed by the Governor from among the residents of the state, as follows:

(1) Twenty members of the council shall be nonagency members who reflect the socioeconomic, geographic, disability, racial, ethnic, and language diversity of the state, and who shall be persons with a developmental disability or their parents, immediate relatives, guardians, or conservators residing in California. Of the 20 members:

(A) At least seven members shall be persons with developmental disabilities.

(B) At least seven members shall be a person who is a parent, immediate relative, guardian, or conservator of a person with a developmental disability.

~~(C) At least one member shall be from each of the geographic areas of each the council regional office that the council may establish offices established by the council, and those persons shall be a person described in subparagraph (A) or (B) and shall be a liaison from of the state council to consumers and family members in the local regional constituency and the state council regional advisory committee of the region. To ensure that the council membership be geographically representative of the State, as required by federal law, the Governor shall appoint the members described in subparagraphs (A) and (B) from the geographical area of each regional office of offices, if established by the council. As determined by the council, each such member may serve as a liaison from the council to consumers and family members in the geographical area of each regional office including those serving on any state council regional advisory committee.~~

(D) At least one of the members shall be a person with a developmental disability who is a current or former resident of an institution or his or her immediate relative, guardian, or conservator.

(2) Eleven members of the council shall include the following:

(A) The Secretary of California Health and Human Services, or his or her designee, who shall represent the agency and the state agency that administers funds under Title XIX of the Social Security Act for people with developmental disabilities.

(B) The Director of Developmental Services or his or her designee.

(C) The Director of Rehabilitation or his or her designee.

(D) The Superintendent of Public Instruction or his or her designee.

(E) A representative from a nongovernmental agency or group concerned with the provision of services to persons with developmental disabilities.

(F) One representative from each of the three university centers for excellence in the state, pursuant to Section 15061 et seq. of Title 42 of the United States Code, providing training in the field of developmental services. *or its his or her designee.* These individuals shall have expertise in the field of developmental disabilities.

(G) The Director of Health Care Services or his or her designee.

(H) The executive director of the agency established in California to fulfill the requirements and assurance of Title I, Subtitle C, of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 for a system to protect and advocate the rights of persons with developmental disabilities, or his or her designee.

(I) The Director of the California Department of Aging or his or her designee.

(c) Prior to appointing the members *described in paragraph (1) of, and subparagraph (E) of paragraph (2) of, subdivision (b),* the Governor shall *consult with the current members of the council, including the non-agency members of the council,* [17]and consider recommendations from organizations representing *persons with a broad range of developmental disabilities, or persons interested in,* or providing services to, or both, persons with developmental-disabilities.

(d) The term of each member described in paragraph (1) of, *and* subparagraph (E) of paragraph (2) of, subdivision (b) shall be for three years. *The term of these members shall begin on the date of appointment by the Governor and these members shall serve no more than two terms.*

(e) A member may continue to serve following the expiration of his or her term until the Governor appoints that member's successor. The state council shall notify the Governor regarding membership requirements of the council and shall notify the Governor. *in writing, immediately when a vacancy occurs prior to the expiration of a member's term,* at least *six months* before a member's term expires, and when a vacancy on the council remains unfilled for more than 60 days.

SEC. 8. Section 4525 of the Welfare and Institutions Code is amended to read:

4525. (a) In order to prevent any potential conflicts of interest, members of the state council may not be employees of a state, local, or private agency or facility that provides services to persons with a developmental disability, or be members of the governing board of any entity providing the service, when the service is funded in whole or in part with state funds.

(b) For purposes of this section, "employees of a state, local, or private agency or facility that provides services to persons with a developmental disability" shall not be deemed to include any of the following:

(1) A parent, relative, guardian or conservator, who receives public funds expressly for the purpose of providing direct services to his or her child, relative, ward or conservatee, respectively, who is a person with a developmental disability.

(2) A person with a developmental disability who receives employment services through a provider receiving state or federal funds, *or who receives funds directly to pay for his or her own services and supports.*

(3) A person who serves as a member of *a regional advisory committee of the state council, if established pursuant to Article 6.*

(c) This section shall not apply to the appointments made pursuant to subparagraphs (A), (B), (C), (D), (F), (G), (H), and (I) of paragraph (2) of subdivision (b) of Section 4521.

SEC. 9. The heading of Article 3 (commencing with Section 4530) of Chapter 2 of Division 4.5 of the Welfare and Institutions Code is amended to read:

Article 3. Designated State Agency

SEC. 10. Section 4530 of the Welfare and Institutions Code is amended to read:

4530. (a) ~~In accordance with federal law, the~~ *The California Health and Human Services Agency shall be the designated state agency for support to the state council.* The agency secretary shall ensure the state council is provided efficient accounting, financial management, personnel, and other reasonable support services when requested by the council in the performance of its mandated responsibilities.

(b) *The designation of the California Health and Human Services Agency shall not limit the council's scope of concern to health programs or limit the council's responsibilities or functions regarding all other pertinent state and local programs, as defined in Article 5 (commencing with Section 4540) of this chapter.*

(c) *The designation of the California Health and Human Services Agency shall not interfere in any way with the provisions of Section 4552 requiring all personnel employed by the council to be solely responsible, organizationally and administratively, to the council.*

SEC. 11. Section 4535 of the Welfare and Institutions Code is amended to read:

4535. (a) The state council shall meet ~~at least six times per year~~, ~~and, on call of its chairperson,~~ as often as necessary to fulfill its duties. All meetings and records of the state council shall be open to the public.

(b) The state council shall, by majority vote of the voting members, elect its own chairperson and vice chairperson who shall have full voting rights on all state council actions, from among the appointed members, described in paragraph (1) of, *and subparagraph (E) of paragraph (2) of,*

subdivision (b) of Section 4521. *The council* shall establish any committees it deems necessary or desirable. The chairperson shall appoint all members of committees of the state council. The chairs and vice chairs of the state council and its standing committees shall be individuals with a developmental disability, or the parent, sibling, guardian, or conservator of an individual with a developmental disability.

(c) The state council may appoint technical advisory consultants and may establish committees composed of professional persons serving persons with developmental disabilities as necessary for technical assistance. The state council may call upon representatives of all agencies receiving state or federal funds for assistance and information, and shall invite persons with developmental disabilities, their parents, guardians, or conservators, professionals, or members of the general public to participate on state council committees, when appropriate.

(d) When convening any task force or advisory group, the state council shall make its best effort to ensure representation by consumers and family members representing the state's multicultural diversity.

SEC. 12. Section 4540 of the Welfare and Institutions Code is amended to read:

~~4540. In order to comply with the intent and requirements of this division and Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.), the state council, in addition to any other responsibilities established under this division and to the extent that resources are available, shall do all of The state council is the entity established pursuant to Public Law 106-402 (42 U.S.C. section 15001 et seq.) in the State to do the following:~~

(a) Serve as an advocate for individuals with developmental disabilities and, through council members, staff, consultants, and contractors and grantees, conduct advocacy, capacity building, and systemic change activities.

~~(b) Serve as the "state planning council" responsible for developing the "California Developmental Disabilities State Plan." Develop and implement the council's State Plan in accordance with requirements issued by the United States Secretary of Health and Human Services; monitoring and evaluating the implementation of this plan; reviewing and commenting on other plans and programs in the state affecting persons with developmental disabilities; and submitting these reports as the United States Secretary of Health and Human Services may reasonably request. The council may review and comment on other plans and programs in the state affecting persons with developmental disabilities.~~

(c) Serve as the official agency responsible for planning the provision of the federal funds allotted to the state under Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.), *by conducting and supporting advocacy, capacity building, and systemic change activities. The council may itself conduct these activities and may provide grant funding to local agencies in compliance with applicable state and federal law, for those same purposes.*

(d) Prepare and approve a budget, for the use of amounts paid to the state to hire any staff and to obtain the services of any professional, technical, or clerical personnel consistent with state and federal law, as the council determines to be necessary to carry out its functions.

~~(e) (1) Conduct To the extent that resources are available, the council shall implement the State Plan by conducting activities such as those in subsections A through K, related to meeting the objectives of the state plan. To the extent that resources are available, and as appropriate under its state plan and federal mandate, these activities shall may include, but are not limited to, all of the following:~~

(A) Encouraging and assisting in the establishment or strengthening of self-advocacy organizations led by individuals with developmental disabilities.

(B) Supporting and conducting geographically based outreach activities to identify individuals with developmental disabilities and their families who otherwise might not come to the attention of the council and assist and enable the individuals and families to obtain services, individualized supports, and other forms of assistance, including access to special adaptation of generic community services or specialized services.

(C) Supporting and conducting training for persons who are individuals with developmental disabilities, their families, and personnel, including professionals, paraprofessionals, students, volunteers, and other community members, to enable those persons to obtain access to, or to provide, community services, individualized supports, and other forms of assistance, including special adaptation of generic community services or specialized services for individuals with developmental disabilities and their families.

(D) Supporting and conducting technical assistance activities to assist public and private entities to contribute to the objectives of the state plan.

(E) Supporting and conducting activities to assist neighborhoods and communities to respond positively to individuals with developmental disabilities and their families.

(F) Supporting and conducting activities to promote interagency collaboration and coordination at the state and local levels to better serve, support, assist, or advocate for individuals with developmental disabilities and their families.

(G) Coordinating with related councils, committees, and programs to enhance coordination of services.

(H) Supporting and conducting activities to eliminate barriers to access and use of community services by individuals with disabilities, enhance systems design and redesign, and enhance citizen participation to address issues identified in the state plan.

(I) Supporting and conducting activities to educate the public about the capabilities, preferences, and needs of individuals with developmental disabilities and their families, and to develop and

support coalitions that support the policy agenda of the council, including training in self-advocacy, education of policymakers, and citizen leadership roles.

(J) Supporting and conducting activities to provide information to policymakers by supporting and conducting studies and analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations. The council may provide the information directly to federal, state, and local policymakers, including the Congress of the United States, the federal executive branch, the Governor, the Legislature, and state agencies in order to increase the abilities of those policymakers to offer opportunities and enhance or adapt generic services to meet the needs of, or provide specialized services to, individuals with developmental disabilities and their families.

(K) Supporting, on a time-limited basis, activities to demonstrate new approaches to serving individuals with developmental disabilities that are a part of an overall strategy for systemic change.

~~*(f) Prepare an annual ⁽¹¹⁴⁾written report of its activities, its recommendations, and an evaluation of the efficiency of the administration of this division to the Governor and the Legislature. This report shall include both the statewide and regional activities of the state council.*~~

~~*(g) Except as ⁽¹¹⁴⁾otherwise provided in this division, the state council shall not engage in the administration of the day-to-day operation of service programs identified in the state plan, nor in the financial management and accounting of funds. These activities shall be performed by appropriate agencies designated in the state plan.⁽¹¹⁵⁾*~~

~~SEC. xx. Section 4541 of the Welfare and Institutions Code is added to read:~~

~~(2) These activities may also include, but shall not be limited to, all of the following:~~

~~4541. In ⁽¹¹⁴⁾its sole discretion, in support of the activities specified in Section 4540 and for the purpose of implementing the State Plan adopted pursuant to 42 U.S.C. Sec 150001, et seq., the council may engage in activities, including but not limited to, the following:~~

~~*(aB) Conducting public hearings and forums and the evaluation and issuance of public reports on the programs identified in the state plan, as may be necessary to carry out the duties of the state council.*~~

~~*(bC) Identifying the denial of rights of persons with disabilities and informing the appropriate local, state, or federal officials of their findings, and assisting these officials in eliminating all forms of discrimination against persons with developmental disabilities in housing, recreation, education, health and mental health care, employment, and other service programs available to the general population.*~~

~~*(eD) Reviewing and commenting on pertinent portions of the proposed plans and budgets of all state agencies serving persons with developmental disabilities to include, but not be limited to, the State Department of Education, the Department of Rehabilitation, and the State Department of Developmental Services, and local agencies to the extent resources allow.*~~

~~(dE) (1i) Promoting systems change and implementation [17] by~~ Reviewing the policies and practices of publicly funded agencies that serve or may serve persons with developmental disabilities to determine if the programs are meeting its obligations, under local, state and federal laws. ~~This authority shall include a notice from a regional center to the state council when the regional center believes a publicly funded program is failing to meet its obligations in serving persons with developmental disabilities. The regional center may provide the state council with a comprehensive summary of the issues and the statute or regulation alleged to be violated. If the state council finds that the agency is not meeting its obligations, the state council shall may inform the director and the managing board of the noncomplying agency, in writing, of its findings.~~

~~(2ii) Within 15 days, the agency shall respond, in writing, to the state council's findings. Following receipt of the agency's response, if the state council continues to find that the agency is not meeting its obligations, the state council shall may [113] pursue informal efforts to resolve the issue.~~

~~(3iii) If, within 30 days of implementing informal efforts to resolve the issue, the state council continues to find that the agency is not meeting its obligations under local, state, or federal statutes, the state council may shall conduct a public hearing to receive testimony on its findings.~~

~~(iv) The executive director [119] of the state council shall review the findings developed pursuant to this subdivision and may conduct additional fact finding investigations. The executive director shall report his or her finding to the state council within 30 days and shall recommend a course of action to be pursued by the state council or other state administrative or legislative officials.~~

~~(4v) The state council shall review the report of the executive director and shall may take any action it deems necessary to resolve the problem.~~

~~(eF) Reviewing and publicly commenting on significant regulations proposed to be promulgated by any state agency in the implementation of this division.~~

~~(fG) Monitoring and evaluating the effectiveness of appeals procedures established in this division.~~

~~(gH) Providing testimony to legislative committees reviewing fiscal or policy matters pertaining to persons with developmental disabilities.~~

~~(hI) Conducting, or causing to be conducted, investigations or public hearings to resolve disagreements between state agencies, or between state and regional or local agencies, or between persons with developmental disabilities and agencies receiving state funds. These investigations or public hearings shall be conducted at the discretion of the state council only after all other appropriate administrative procedures for appeal, as established in state and federal law, have been fully utilized.~~

~~(i) Appointing an authorized [120] representative [21] for persons with developmental disabilities according to all of the following:~~

~~(1) To ensure the protection of civil and service rights of persons with developmental disabilities, the state council may appoint a representative to assist the person in expressing his or her desires and in making decisions and advocating his or her needs, preferences, and choices, when the person with developmental disabilities has no parent, guardian, or conservator legally authorized to represent him or her and the person has either requested the appointment of a representative or the rights or interests of the person, as determined by the state council, will not be properly protected or advocated without the appointment of a representative.~~

~~(2) When there is no guardian or conservator, the individual's choice, if expressed, including the right to reject the assistance of a representative, shall be honored. If the person does not express a preference, the order of preference for selection of the representative shall be the person's parent, involved family members, or a volunteer selected by the state council. In establishing these preferences, it is the intent of the Legislature that parents or involved family members shall not be required to be appointed guardian or conservator in order to be selected. Unless the person with developmental disabilities expresses otherwise, or good cause otherwise exists, the request of the parents or involved family members to be appointed the representative shall be honored.~~

~~(3) Pursuant to this section, the state council shall appoint a representative to advocate the rights and protect the interest of a person residing in a developmental center for whom community placement is proposed pursuant to Section 4803. The representative may obtain the advocacy assistance of the regional center clients' rights advocate.~~

~~(j) [22] The council may undertake other activities prescribed in statute that are consistent with the purposes of Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.)) and the council's state plan developed pursuant to Section 4540(b).~~

~~(f) Prepare [23] an annual written report of its activities, its recommendations, and an evaluation of the efficiency of the administration of this division to the Governor and the Legislature. This report shall include both the statewide and regional activities of the state council.~~

~~(g) Except [24] as otherwise provided in this division, the state council shall not engage in the administration of the day-to-day operation of service programs identified in the state plan, nor in the financial management and accounting of funds. These activities shall be performed by appropriate agencies designated in the state plan.~~

SEC. 13. The heading of Article 6 (commencing with Section 4543) of Chapter 2 of Division 4.5 of the Welfare and Institutions Code is amended to read:

Article 6. State Council Regional Offices and Advisory Committees

SEC. 14. Section 4543 of the Welfare and Institutions Code is repealed.

SEC. 15. Section 4544 of the Welfare and Institutions Code is amended to read:

4544. (a) The state council shall ~~may~~^{may} establish regional offices that are accessible ~~to~~ and responsive to the diverse geographic, ethnic, and language needs of consumers and families throughout the state. As of January 1, 2015, regional offices of the state council, in existence as of December 31, 2014, shall continue to exist, within the same geographic regions of the state.

(b) To ensure involvement of persons with developmental disabilities, their families, and other members of the public at the regional level and to ensure the responsiveness of the state council and its regional offices to the geographic, ethnic, and language diversity of the state, each ~~any~~ regional office ~~established by the council may~~^{may} shall be advised by a regional advisory committee. As of January 1, 2015, advisory boards of the regional offices, known as area boards on developmental disabilities, in existence on December 31, 2014, shall thereafter be known as state council regional advisory committees.

(c) All references to "regional office" in this chapter shall be a reference to ~~the~~ state council regional offices. All references to "regional advisory committees" in this chapter shall be a reference to ~~the~~ state council regional advisory committees.

(d) ~~State council regional offices and advisory committees shall be constituted and shall operate according to this article. Any state council regional offices and advisory committees established by the council shall be constituted and shall operate according to~~ ^{such policies and procedures that may be established by the council.}

SEC. 16. Section 4545 of the Welfare and Institutions Code is amended to read:

4545. ~~The state council shall periodically conduct a thorough review of the geographic boundaries served by regional offices to determine whether existing boundaries or the number of regional offices should be changed to more effectively implement this division. In conducting this review, the state council shall seek input from state council regional advisory committees, persons with developmental disabilities, family members, service providers, advocates, and other interested parties. Prior to the establishment of new geographic boundaries, the state council shall hold a public hearing within any existing regional office geographic area affected by the proposed change. The state council shall inform the Governor and the Legislature at least 120 days before any changes in the number or boundaries of regional offices. The state council~~ ^{may} periodically review the number and geographic boundaries of regional offices needed to effectively implement this division, by such methods as conducting public hearings in affected regions and seeking input from state council regional advisory committees, persons with developmental disabilities, family members, service providers, advocates, and other interested parties. Public notice shall be provided at least 120 days before any changes in the number or boundaries of regional offices.

SEC. 17. Section 4546 of the Welfare and Institutions Code is repealed.

SEC. 18. Section 4546 is added to the Welfare and Institutions Code, to read:

~~4546. The membership of any regional advisory committees established or continued by the state council, upon expiration of the terms of members that exist on January 1, 2015, shall be determined through policies and procedures established by the council. The state council shall establish procedures, according to all of the consistent with following requirements, for determining the size and recruiting and appointing the membership of the its regional advisory committees:~~

~~(a) Membership of the regional advisory committees shall reflect the geographic, racial, ethnic, and language diversity of the local region. The regional advisory committees shall include an equal number of representatives from each one of the counties within its jurisdiction.~~

~~(b) The composition of the regional advisory committees shall be in the following proportions:~~

~~(1) At least 60 percent of the committee shall be persons with developmental disabilities or their parents, immediate relatives, guardians, or conservators.~~

~~(2) No more than 40 percent of the committee shall be representative of the general public.~~

~~(c) Members shall serve for three-year terms and may not serve more than two consecutive three-year terms. Members' terms shall begin upon the date of their appointment. In counties with a population of more than 100,000, no member shall serve more than two consecutive three-year terms.~~

~~(d) (1) In order to prevent any potential conflicts of interest, members of regional advisory committees shall not have a conflict of interest as defined in [add section for council conflicts] be employees of a state, local, or private agency or facility that provides service to a person with a developmental disability, or be members of the governing board of any entity providing this service, when the service is funded in whole or in part with state funds.~~

~~(2) For purposes of this section "employees of a state, local, or private agency or facility that provides services to a person with a developmental disability" shall not be deemed to include any of the following:~~

~~(A) A parent, relative, guardian, or conservator who receives public funds expressly for the purpose of providing direct services to his or her child, relative, ward, or conservatee, respectively, who is a person with a developmental disability.~~

~~(B) A person with a developmental disability who receives employment services through a provider receiving state or federal funds or who receives funds directly to pay for his or her own services and supports.~~

~~(C) A person who serves as a member of the state council.~~

~~(e) All members of the a regional advisory committee shall be residents of the area served by the regional office.~~

~~(f) The members of a regional advisory committee shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties as members of the regional advisory committee or of its subcommittees.~~

SEC. 19. Section 4547 of the Welfare and Institutions Code is amended to read:

~~4547. (a) Each regional advisory committee [B1] shall meet at least quarterly, and on call of the board chairperson, as often as necessary to fulfill its advisory duties. All meetings and records of the area board regional advisory committee shall be open to the public.~~

~~(b) (1) Each regional advisory committee shall, by majority vote of the voting members, elect its own chairperson from among its members who are persons with developmental disabilities, or parents, immediate relatives, guardians, or conservators of these persons, and shall establish any committees it deems necessary or desirable. The chairperson shall appoint all members of committees of the regional advisory committee.~~

~~(2) A regional advisory committee may call upon representatives of all agencies receiving state funds, for assistance and information, and shall invite persons with developmental disabilities, their parents, immediate relatives, guardians, or conservators, professionals, or members of the general public to participate on the regional advisory committee.~~

~~(3) When convening any task force or advisory group, the regional advisory committee shall make its best effort to ensure representation by consumers and family members representing the community's multicultural diversity.~~

SEC. 20. Section 4548 of the Welfare and Institutions Code is repealed.

SEC. 21. Section 4548 is added to the Welfare and Institutions Code, to read:

~~4548. State council regional advisory committees, at the request of the council, shall advise the council and its regional office on local issues and identify and provide input regarding local systemic needs within their community; provide input and be a source of data for the council to consider in the formulation of the state plan; provide public information programs for consumers, families, professional groups, and for the general public, to increase professional and public~~

~~awareness of areas identified in the state plan; and engage in other activities as requested by the council. (a) State council regional advisory committees at the request of the council shall do the following:~~

~~(i) advise the state council and its regional office on local issues and identify; and provide input regarding local systemic needs within their community; The regional advisory committees shall (ii) provide input and be a source of data for the council to consider in the formulation of the state plan, and shall be a source of data for the state council's regional office reporting on state plan implementation.~~

~~(iii) provide~~

~~(b) Regional advisory committees may conduct, or cause to be conducted, public information programs for consumers, families, professional groups, and for the general public, to increase professional and public awareness of prevention and habilitation programs, and to eliminate barriers to social integration, employment, and participation of persons with developmental disabilities in all community activities and other areas identified in the state plan.~~

~~(iv) engage in other activities as requested by the council~~

~~(c) Regional advisory committees shall remain informed about the quality of services in the region.~~

~~(d) Regional advisory committees shall cooperate with county coordinating councils on developmental disabilities, other regional planning bodies, and consumer organizations in the region.~~

~~(e) Each regional advisory committee shall submit to the state council a summary of its activities and accomplishments in the previous year. The state council shall determine the timing of, and format for, this summary.~~

SEC. 22. The heading of Article 7 (commencing with Section 4550) of Chapter 2 of Division 4.5 of the Welfare and Institutions Code is amended to read:

Article 7. State Council Costs and Support Services

SEC. 23. Section 4550 of the Welfare and Institutions Code is amended to read:

4550. The state council's operating costs shall ~~may~~ ~~not~~ include honoraria for state council members and actual and necessary expenses for state council members and regional advisory committee members, as described in this article, and other administrative, professional, and secretarial support services necessary to the operation of the state council. Federal developmental disability funds received by the state under Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.), shall be allotted in any one year for these operating costs. Each member of the state council shall receive one hundred dollars (\$100) per day for each full day of work performed directly related to council business, not to exceed 50 days in any fiscal year, and shall be reimbursed for any

actual and necessary expenses incurred in connection with the performance of their duties under this division.

SEC. 24. Section 4551 of the Welfare and Institutions Code is repealed.

SEC. 25. Section 4551 is added to the Welfare and Institutions Code, to read:

4551. (a) Within the limit of funds allotted for these purposes, the state council ~~chairperson, with the concurrence of a majority of the state council,~~ shall appoint an executive director. The ~~executive director of the state council shall appoint~~ ^{[[33]]} a director for each regional office. All state council employees that the state council may require shall be appointed by the executive director.

(b) ~~The executive director shall be paid a salary~~ ^{[[34]]} that is at least ~~comparable to the director of other state boards, commissions, or state department regional offices with similar responsibilities.~~ The executive director and any deputy directors of the state council shall be exempt from civil service. ~~All council staff positions exempt from civil service on December 31, 2014, shall remain exempt on January 1, 2015 and thereafter.~~

(c) Each ~~deputy director and other council staff positions~~ appointed by the Governor and employed by the state on December 31, 2014, shall continue to be employed ^{[[36]]} in a job classification at the same or higher salary by the council on January 1, 2015, and thereafter, unless he or she resigns or is terminated from employment ~~for good cause.~~ ^{[[37]]}

SEC. 26. Section 4552 of the Welfare and Institutions Code is amended to read:

4552. The state council may contract for additional assistance with any public or private agency or individual to carry out planning, monitoring, evaluation, and other responsibilities under this division. In order to comply with Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.) regulations, all personnel employed by the state council shall be solely responsible, organizationally and administratively, to the state council. The state council, *through its executive director*, shall have responsibility for the selection, hiring, and supervision of all this personnel.

SEC. 27. Section 4553 of the Welfare and Institutions Code is repealed.

SEC. 28. Section 4553 is added to the Welfare and Institutions Code, to read:

4553. To the extent provided in Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.), the state council shall have full authority on how it uses its funds for implementation of the state plan, including establishing, maintaining, and operating ~~its any~~ ^{[[38]]} regional offices.

SEC. 29. Section 4560 of the Welfare and Institutions Code is repealed.

SEC. 30. Section 4561 of the Welfare and Institutions Code is amended to read:

~~4561. (a) A California Developmental [139]Disabilities State Plan shall be prepared by the state council not less often than once every five years, and shall be reviewed and revised, as necessary, on an annual basis. All references in this part to "state plan" shall be the state plan required by Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.), references to the California Developmental Disabilities State Plan.~~

(b) The state plan shall include, but not be limited to, all state plan requirements contained in subtitles A and B of Title I of Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.), or requirements established by the United States Secretary of Health and Human Services.

SEC. 31. Section 4562 of the Welfare and Institutions Code is amended to read:

4562. (a) The state council shall conduct activities necessary to develop *and* implement the state plan in the various regions of the state.

(b) The state plan and its implementation shall be responsive to the needs of the state's diverse geographic, racial, ethnic, and language communities.

(c) In preparing this plan, the council shall ~~may [40]~~ utilize information provided by ~~the any~~ regional offices and regional advisory committees of the state council, statewide and local entities, individuals with developmental disabilities, family members, and other interested parties, to help identify and prioritize actions needed to improve California's system of services and supports for persons with developmental disabilities.

(d) The purpose of the plan shall be to ensure a coordinated and comprehensive system of community services and supports that is consumer and family centered and consumer and family directed, and to enable individuals with developmental disabilities to exercise self-determination, independence, productivity, and to be integrated and included in all facets of community life.

SEC. 32. Section 4563 of the Welfare and Institutions Code is amended to read:

~~4563. (a) The state council regional offices [41] assisted by the regional advisory committees, shall assess the extent to which services, supports, and other forms of assistance are available to individuals with developmental disabilities and their families within the regions, and shall make recommendations of objectives in both policy reform and service demonstration, based on identified service and support needs and priorities within the region to be included in the state plan. The state council shall assess the extent to which services, supports, and other forms of assistance are available to individuals with developmental disabilities and their families~~