

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; 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.

MAY 1st Status Update (1): AB 1595 (Chesbro) was introduced on February 3, 2014. It was amended on March 28, 2014 and again on April 21, 2014. The bill in its current form is attached to this report. AB 1595 had its first hearing on April 29, 2014 before the Assembly Human Services Committee. The bill passed from committee by consent, indicating strong support for the bill due to the significant efforts of the Council and staff to garner public and legislative support.

The legislation must be passed by Assembly Appropriations committee by May 23, and pass the full Assembly by May 30. On the Senate side, the bill must first pass Senate Human Services Committee by June 27 and then pass Senate Appropriations Committee by August 15. 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.

The Council initiated several activities to keep our community educated about the provisions contained in AB 1595 and to win support for its passage. The Council sponsored two public listening sessions, on February 10, 2014 and March 12, 2014 which collectively attracted over 120 participants. Council members and staff have visited several regions around the state to give presentations on the reasons for and importance of AB 1595. Informational materials have

been developed and distributed by the regional offices, including information in plain language (samples attached).

Specifically relating to the findings in this section: AB 1595, deletes Section 4551(a)(1), which gives the Governor authority to appoint deputy directors; a new Section 4551(a) is added which gives the Council executive director the authority to appoint ALL state council employees. AB 1595 deletes Section 4553(c) which give the Board of the Area Board the authority to select the area board’s executive director (subject to Council and Council ED approval), and prevents removal of the area board executive director without the consent of the Board of the Area Board.

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: Roberta Newton, Interim Executive Director; Chair to make appointments to Committee, consistent with existing bylaws; 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

MAY 1ST Status Update (2): The Bylaws have been duly revised to establish a Membership Committee. However, at its March 20, 2014 meeting, the Council lost its quorum before the Bylaws were slated to be taken up. There is, therefore, a slight delay in constituting the Membership Committee. The Council will act on the draft amended Bylaws at its May 29, 2014 meeting. The Council Chair has already selected the Membership Committee Chair and membership of the Committee so, once the Bylaws are approved, the membership Committee will be able to hold its first meeting in June as originally anticipated. (See attached Committee roster)

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: Roberta Newton, 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.

MAY 1st Status Update (3): Since the submission of this MTARS response in February, an additional family advocate Council member has been seated, leaving the Council with four remaining vacancies. Additionally, AB 1595 (which passed policy committee on April 29), ADDS Section 4521(b)(1)(C), requiring one Council member from each regional office area, retaining provisions for geographic diversity. Section 4521(b)(1), also requires Council membership to reflect the geographic, racial and ethnic diversity fo the state.

Please refer to Status Updates (1) for more information on AB 1595 and (2) for additional detail on the membership committee

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: Roberta Newton 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.

MAY 1st Status Update (4): AB 1595, streamlines the appointment process in several ways and takes other actions to reduce the occurrence of vacancies on the Council. Section 4521(b)(1) requires the Governor to appoint 20 Council members pursuant to the criteria of geographic racial and ethnic diversity of the state who are self-advocates of family members, consistent with the DD Act criteria for Council membership. Furthermore, Section 4521(b)(1) deletes the requirement that the Governor appoint representatives of the 13 area boards, nominated by the area boards. Further removing restrictions on the Governor’s appointment authority, AB 1595 deletes Section 4521(b)(2)(D and E) which gives the Senate Rules Committee and the Speaker of the Assembly the authority to nominate one Councilmember each.

Section 4521(b) also adds language giving the Governor authority to appoint any resident from the geographic areas of the regional offices, without indicating how many offices there are. This gives the Governor the appointment authority required by the DD Act, without interfering with the Council’s ability to determine the number and locations of its regional offices.

AB 1595, Section 4521(d) adds language that members’ terms begin on the date of their appointment; and Section 4521(d) deletes language that a Council member cannot serve more than 6 years. Section 4521(e) has language that allows members to serve until the Governor appoints their successor.

III.1 Membership policies	2013 MTARS Finding(5)
The Council has provisions that allow continuation of membership until a new member is appointed. Sec.125(b)(2)	The Council did not provide evidence of a policy for allowing the continuation of Council membership until a replacement member could be appointed.

California State Council on Developmental Disabilities Response

COUNCIL RESPONSE (5): The Council agrees with this finding, as there are conflicting provisions of state law.

In compliance with the DD Act, the Lanterman Act currently states:

4521(g) A member may continue to serve following the expiration of his or her term until the Governor appoints that member’s successor.

However, the Lanterman Act also contains a provision which contradicts both the DD Act and Section 4521(g), quoted above:

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.

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.

STAFF ASSIGNED: Mark Polit, Deputy Director for Policy and Planning with oversight by MTARS Committee

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.

MAY 1ST Status Update (5): AB 1595, Section 4521(d) deletes language that a Council member cannot serve more than 6 years. Section 4521(e) has language that allows members to serve until the Governor appoints their successor

III.1 Membership policies (continued)	2013 MTARS Finding(6)
The Council has a process to notify Governor re: membership and vacancies. Sec. 125(b)(2)	The Council did not provide evidence of a transparent and effective process to notify Governor regarding membership vacancies.

California State Council on Developmental Disabilities Response

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:

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 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: Roberta Newton, with MTARS Committee overseeing process

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

MAY 1ST Status Update (6): Although the corrective action, above, proposed addressing this finding administratively, the Council has decided to also codify the six month notification requirement. Therefore, AB 1595, Section 4251(e) ADDS a requirement to notify the Governor six month before a scheduled vacancy, replacing the language requiring notification 60 days before. The Membership Committee has not yet met. There are no further actions to report on this finding.

III.2 Membership requirements	2013 MTARS Finding(7)
60% of membership represent individuals with DD in the following categories: Sec.125(b)(3); Sec.125(b)(5) <ul style="list-style-type: none"> • 1/3 individuals with DD • 1/3 parents and guardians of children with developmental disabilities or 	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>immediate relatives of guardians of adults with developmental disabilities</p> <ul style="list-style-type: none"> • 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) 	
--	--

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: Roberta Newton, 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.

MAY 1st Status Update (7): An email and flyer were disseminated to the Council members and regional offices on February 28, 2014. (Please see attached). While we are aware that the flyer has been widely distributed at workshops and other events, we do not know how many potential Council members have been reached as a result of these outreach efforts. However, the campaign has had the added effect of publicizing the work of the Council throughout the state.

IV. PROGRAM ADMINISTRATION

IV.1. Five Year State Plan	2013 MTARS Finding(8)
<p>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)</p>	<p>There was inadequate evidence that the:</p> <ul style="list-style-type: none"> • 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.

	<ul style="list-style-type: none"> • 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; Chair to appoint State Plan Committee members; 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

MAY 1st Status Update (8): The Executive Committee of the Council has revised the Bylaws to establish a State Plan Committee. The Bylaws will be voted on at the May 29, 2014 Council meeting. The Council Chair has already selected the Chair and membership of the State Plan Committee (see attached roster).

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: Roberta Newton; MTARS committee to oversee

MAY 1st 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</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.

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

- (C) STATE FINANCIAL PARTICIPATION.—*The plan shall provide assurances that there will be reasonable State financial participation in the cost of carrying out the plan.*
- (D) CONFLICT OF INTEREST.—*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.*
- (K) STAFF ASSIGNMENTS.—*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.*
- (L) NONINTERFERENCE.—*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 the Council, except that the designated State agency shall have the authority necessary to carry out the responsibilities described in section 125(d)(3).*

Sec.124(c)(5)

- 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.

In regards to (C) *State Financial Participation*, 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.

In regards to (D) *Conflict of Interest*, 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.

In regards to (K) *Staff Assignments*, 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 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.

In regards to (L) *Noninterference*, it is very difficult to conclude whether the Council is free of interference:

- To avoid duplication, issues related to interference with the budget process are described under *VI.1 Fiscal Requirements*
- To avoid duplication, issues related to

	<p>interference with personnel are described under <i>II.1 Staff</i></p> <ul style="list-style-type: none"> 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>.
--	---

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: Roberta Newton, Interim Executive Director; Administrative Committee to oversee and report to MTARS Committee

MAY 1ST 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.

MAY 1st Status Update (9D): AB 1595, Section 4521(b)(1) eliminates the perceived conflict of interest by deleting the requirement that the Governor appoint representatives of the 13 area boards, nominated by the area boards, Section 4521(b)(1) preserves the geographic diversity by adding language giving the Governor authority to appoint any resident from the geographic areas of the regional offices, without indicating how many offices there are.

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 PPRs 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; State Plan Committee

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

MAY 1st Status Update (10): As previously noted, the State Plan Committee has been constituted but has not yet met. It should be noted that for the past year, each Council meeting includes a report of the activities of each regional office to implement the State Plan. Additionally, each Council meeting includes a report of the Council’s legislative and public policy activity and self-advocacy activities.

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>

California State Council on Developmental Disabilities Response

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.

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.

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.

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 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 O** for a sample of several Activity Forms and **ATTACHMENT P** 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.

MAY 1st Status Update (11): As previously noted, the Council Chair has appointed the membership of the

<p>State Plan Committee but the Committee has not yet met. The candidate for Planning Specialist has not yet initiated employment with the Council.</p>	
<p>An accounting of the manner in which funds paid to the State for a fiscal year were expended. Sec.125(c)(7)(G)</p>	<p>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.</p>
<p>VI. FISCAL</p>	
<p>VI.1 Fiscal Requirements</p>	<p>2013 MTARS Finding(12)</p>
<p>Council has authority to prepare, approve, and implement a budget to fund programs, projects, and activities. Sec125(c)(8)</p>	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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.
<p align="center">California State Council on Developmental Disabilities Response</p>	
<p>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.</p> <p>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.</p> <p>In May 2013, Council members received governance training, which included their obligations to approve and monitor the budget, from NACDD technical assistance staff.</p>	

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: Roberta Newton, Interim Executive Director; Administrative Committee to oversee activities

TIMELINES: Ongoing, monthly

MAY 1st Status Update (12): The Administrative Committee has continued to meet monthly. Among its activities, it reviewed mid-year expenditures and has overseen development of a 2014-15 Council budget, which will be reviewed at the May 29, 2014 Council meeting. At its February meeting, the Administrative Committee reviewed the draft Contract and Procurement manual and referred it to the Executive Committee which reviewed it in April and recommended presenting it to the Council at its May 29, 2014 meeting. See attached February, March and April 2014 Administrative Committee agendas.

As discussed under Corrective Action (1), the Council's legislation, AB 1595, passed out of the Assembly Human Services Committee on consent on April 29, 2014. This bill addresses the findings in this section concerning the Lanterman Act:

(1) The Lanterman Act requires the Council to provide funding to Area Boards: AB 1595, Section 4520(b) DELETES the establishment of area boards to perform advocacy, capacity building, and system change activities, and ADDS language allowing the Council to determine the number and location of its regional offices. Section 4553 is ADDED that gives the Council "full authority for how it uses its funds for implementation of the state plan, including, establishing, maintaining and operating its regional offices." Section 4540(c) DELETES the requirement that the Council disperse funds to operate the area boards. Section 4540(n) is REPEALED, which requires the Council to use the area boards to the maximum extent feasible to implement Council functions. AB 1595 REPEALS Section 4543(a) which establishes area boards and REPEALS Section 4543(b), which attaches the area boards to the state council. Section 4544 DELETES language establishing the area boards and replaces it with language on regional offices. Section 4546 DELETES language which establishes the appointed membership of the area boards and REPLACES IT with regional advisory committees, with only advisory functions, and with a membership within the Council's control. AB 1595 REPEALS Section 4548, encompassing ALL of pages 27-30, which describes the functions of the area boards, and replaces it with defining the limited advisory nature of the regional advisory committees. Section 4553 is REPEALED, which among other things requires the Council to staff the area boards. This is replaced with a new Section 4553 which states, "*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 regional offices.*" Finally, the word "area board" is replaced throughout the Lanterman Act with either "State Council" or "regional office", as applicable.

(2) 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: AB 1595, REPEALS Section 4551(a) which establishes deputy director positions and the Governor’s appointment authority for those positions. The legislation ADDS new Section 4551(a) which gives the Council executive director the authority to appoint ALL state council employees. The bill also REPEALS Section 4553(c) which gives the Board of the Area Board the authority to select the area board’s executive director (subject to Council and Council ED approval), and prevents removal of the area board executive director without the consent of the Board of the Area Board.

VI.2 Fiscal Policies

2013 MTARS Finding(13)

Council has policies to carry out appropriate subcontracting activities. Sec.125(c)(8)(A)

Council directs expenditures of funds for grants, contracts, interagency agreements that are binding contracts and other activities authorized by State Plan approval. 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 did not provide adequate evidence of that it has accurate financial accounting and record keeping:

- 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.
- 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 (DOF) 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: Roberta Newton, Interim Executive Director and Administrative Committee

TIMELINES: Refer to Corrective Action above

MAY 1st Status Update (13): Please refer to status update (12) for the recent activities of the Administrative Committee. Staff interviewed a candidate for Chief Deputy for Administration in April. Reference checks are pending. Contract and procurement staff have continued to upgrade their skills through pertinent classes sponsored by the state Department of General Services.

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)

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

<ul style="list-style-type: none"> 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. Sec125(d)(3)(D) Provides required non-Federal share. Sec125(d)(3)(E) Assists in obtaining appropriate State Plan assurances and consistency with state law. Sec125(d)(3)(F) Enters into MOU at request of Council. Sec125(d)(3)(G) 	<p>accounting procedures necessary to assure proper disbursement of, and accounting for, funds paid</p> <ul style="list-style-type: none"> 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, and use of Federal and non-Federal shares <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>
--	---

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: Roberta Newton, 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

MAY 1st Status Update (14): The Interim Executive Director and the Assistant Secretary of the DSA did conduct an evaluation of the DSA in April and presented its findings at the April 23, 2014 Administrative Committee. That review will be presented to the Council on May 29, 2014. Please see attached review. The Administrative Committee has received sample MOU's from other state councils, courtesy of our technical assistance colleagues at NACDD. These will be utilized to develop the California Council's MOU with its DSA.

AMENDED IN ASSEMBLY APRIL 21, 2014
AMENDED IN ASSEMBLY MARCH 28, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1595

Introduced by Assembly Member Chesbro

February 3, 2014

An act to amend Sections 4433, 4433.5, 4474.1, 4478, 4520, 4521, and 4525, 4530, 4535, 4540, 4544, 4545, 4547, 4550, 4552, 4561, 4562, 4563, 4564, 4565, 4566, 4626, 4628, 4629, 4635, 4640.6, 4646, 4646.5, 4648, 4649, 4650, 4659, 4662, 4669.2, 4677, 4685.8, 4701, 4702.6, 4705, 4775, 4830, 4831, 4832, and 4835 of, to amend the heading of Article 3 (commencing with Section 4530) of, to amend the heading of Article 6 (commencing with Section 4543) of, to amend the heading of Article 7 (commencing with Section 4550) of, Chapter 2 of Division 4.5 of, to repeal Sections 4543 and 4560 of, and to repeal and add Sections 4546, 4548, 4551, and 4553 of, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1595, as amended, Chesbro. State Council on Developmental Disabilities.

Existing federal law, the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 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.

Existing law establishes the State Council on Developmental Disabilities to, among other things, serve as the state planning council responsible for developing the California Developmental Disabilities State Plan and monitoring and evaluating the implementation of the plan. *Existing law requires the council to conduct activities related to meeting the objectives of the state plan. Existing law requires these activities to include, among other things, supporting and conducting technical assistance activities to assist public and private entities to contribute to the objectives of the state plan, and authorizes the activities to include, among other things, supporting and conducting activities to assist neighborhoods and communities to respond positively to individuals with disabilities and their families.*

This bill would revise the activities the council is authorized to do to include, among other things, encouraging and assisting in the establishment or strengthening of self-advocacy organizations led by individuals with developmental disabilities and appoint an authorized representative for persons with developmental disabilities, as specified. The bill would make additional changes relating to the activities of the council.

Existing

Existing law requires the Governor to appoint 31 voting members to the council, including ~~one member who is a parent, immediate relative, guardian, or conservator of a resident of a developmental center.~~ 13 members from the area boards and 7 members at large. Existing law requires the Governor, prior to appointing specified council members, to request and consider recommendations from organizations representing, or providing services to, or both, persons with developmental disabilities. Existing law also limits the term of those members to 3 years.

This bill would instead require 20 members of the council to 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, as specified. The bill would additionally require the Governor to consult with the current members of the council prior to appointing specified members and would require those members to serve no more than 2 terms.

Existing

Existing law also establishes the area boards on developmental disabilities to, among other things, conduct the local advocacy, capacity building, and systemic change activities required by the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, and to assist the council on implementing provisions of the act. Existing law requires area boards to locally assist the state council with the implementation of specified federal provisions and provides for the composition of area boards.

~~This bill would instead require the Governor to appoint a person with developmental disabilities who is a current or former resident of an institution or his or her immediate relative, guardian, or conservator and would require the council to conduct advocacy, capacity building, and systemic change activities, as specified. The bill would make additional changes relating to the term of membership on the council.~~

This bill would revise and recast the area boards as regional offices or the regional advisory committees of the regional offices, and transfer certain existing duties of the area boards to the regional offices or the regional advisory committees. The bill would require the regional advisory committees to advise the state council and its regional office on local issues and to identify and provide input regarding local systemic needs within its community. The bill would also transfer other certain duties of the area boards to the state council, including, among others, the duty to conduct the local, advocacy, capacity building, and systemic change activities required by the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000. The bill would make conforming changes.

Existing law requires the state council chairperson to appoint an executive director and to appoint an executive director for each area board, as specified. Existing law requires the state council to have responsibility for the selection, hiring, and supervision of all state council personnel.

This bill would instead require the executive director to appoint a director for each regional office and would instead require the state council, through its executive director, to have responsibility for the selection, hiring, and supervision of all state council personnel.

Existing law establishes the State Department of Developmental Services and sets forth its powers and duties, including, but not limited to, the administration of state developmental centers and the administration and oversight of community programs providing services to consumers with developmental disabilities and their families. Existing

law authorizes the department to contract with the council for the purpose of utilizing area boards to provide clients' rights advocacy services to individuals with developmental disabilities who reside in developmental centers and state hospitals.

This bill would instead authorize the department to contract with the council to provide clients' rights advocacy services to individuals with developmental disabilities who reside in developmental centers. The bill would make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
2 (a) The State Council on Developmental Disabilities engages
3 in advocacy, capacity building, and systems change activities so
4 that individuals with developmental disabilities and their families
5 are assisted by a comprehensive system of services and supports
6 to achieve self-determination, independence, productivity, and
7 inclusion in all aspects of community life.
8 (b) The council is funded through an appropriation governed
9 by the federal Developmental Disabilities Assistance and Bill of
10 Rights Act of 2000 (Public Law 106-402)(42 U.S.C. 15001 et
11 seq.).
12 SEC. 2. Section 4433 of the Welfare and Institutions Code is
13 amended to read:
14 4433. (a) The Legislature finds and declares all of the
15 following:
16 (1) The State of California accepts its responsibility to ensure
17 and uphold the rights of persons with developmental disabilities
18 and an obligation to ensure that laws, regulations, and policies on
19 the rights of persons with developmental disabilities are observed
20 and protected.
21 (2) Persons with developmental disabilities are vulnerable to
22 abuse, neglect, and deprivations of their rights.
23 (3) Clients' rights advocacy services provided by the regional
24 centers, the advocacy services currently provided by the department
25 at the state hospitals, and the services provided by the department's
26 Office of Human Rights may have conflicts of ~~interest~~, *interest* or
27 the appearance of a conflict of interest.

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

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

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

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

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

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

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

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

35 (c) For the purposes of this section, the Legislature further finds
36 and declares that because of a potential conflict of interest or the
37 appearance of a conflict of interest, the goals and purposes of the
38 regional center clients' rights advocacy services, the state hospitals,
39 and the services of the Office of Human Rights, cannot be
40 accomplished through the utilization of persons selected pursuant

1 to the regular civil service system, nor can the services be provided
2 through the department's contracts with regional centers.
3 Accordingly, contracts into which the department enters pursuant
4 to this section are permitted and authorized by paragraphs (3) and
5 (5) of subdivision (b) of Section 19130 of the Government Code.

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

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

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

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

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

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

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

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

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

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

3 4433.5. Notwithstanding Section 4433, the department may
4 contract with the State Council on Developmental Disabilities for
5 the purpose of providing clients' rights advocacy services to
6 individuals with developmental disabilities who reside in
7 developmental centers.

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

10 4474.1. (a) Whenever the State Department of Developmental
11 Services proposes the closure of a state developmental center, the
12 department shall be required to submit a detailed plan to the
13 Legislature not later than April 1 immediately prior to the fiscal
14 year in which the plan is to be implemented, and as a part of the
15 Governor's proposed budget. A plan submitted to the Legislature
16 pursuant to this section, including any modifications made pursuant
17 to subdivision (b), shall not be implemented without the approval
18 of the Legislature.

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

22 (c) Prior to submission of the plan to the Legislature, the
23 department shall solicit input from the State Council on
24 Developmental Disabilities, the Association of Regional Center
25 Agencies, the protection and advocacy agency specified in Section
26 4901, the local regional center, consumers living in the
27 developmental center, parents, family members, guardians, and
28 conservators of persons living in the developmental centers or their
29 representative organizations, persons with developmental
30 disabilities living in the community, developmental center
31 employees and employee organizations, community care providers,
32 the affected city and county governments, and business and civic
33 organizations, as may be recommended by local state Senate and
34 Assembly representatives.

35 (d) Prior to the submission of the plan to the Legislature, the
36 department shall confer with the county in which the developmental
37 center is located, the regional centers served by the developmental
38 center, and other state departments using similar occupational
39 classifications, to develop a program for the placement of staff of
40 the developmental center planned for closure in other

1 developmental centers, as positions become vacant, or in similar
2 positions in programs operated by, or through contract with, the
3 county, regional centers, or other state departments.

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

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

10 (1) A description of the land and buildings affected.

11 (2) A description of existing lease arrangements at the
12 developmental center.

13 (3) The impact on residents and their families.

14 (4) Anticipated alternative placements for residents.

15 (5) The impact on regional center services.

16 (6) Where services will be obtained that, upon closure of the
17 developmental center, will no longer be provided by that facility.

18 (7) Potential job opportunities for developmental center
19 employees and other efforts made to mitigate the effect of the
20 closure on employees.

21 (8) The fiscal impact of the closure.

22 (9) The timeframe in which closure will be accomplished.

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

25 4478. (a) The chairperson of an advisory board advising a
26 developmental center shall meet annually with the developmental
27 center director, the regional center directors, and a representative
28 of the State Council on Developmental Disabilities.

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

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

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

36 4520. (a) The Legislature finds that services for persons with
37 developmental disabilities constitute a major expenditure of public
38 funds, that these programs are provided by hundreds of public and
39 private statewide and local agencies, that the legal, civil, and
40 service rights of persons with developmental disabilities are

1 frequently denied, and that there is no effective method for
2 planning and coordinating the state's resources to assure these
3 rights. Therefore, a State Council on Developmental Disabilities
4 with authority independent of any single state service agency is
5 needed and is hereby created to conduct advocacy, capacity
6 building, and systemic change activities, as required by the federal
7 Developmental Disabilities Assistance and Bill of Rights Act of
8 2000 (Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.)).

9 (b) The Legislature further finds that the state faces unique
10 challenges because of its size and diversity, and that neighborhoods
11 and communities lack the support necessary to monitor system
12 functions and advocate for the rights and interests of persons with
13 developmental disabilities. Therefore, ~~local area boards on~~
14 ~~developmental disabilities shall be established to conduct the local~~
15 ~~advocacy, capacity building, and systemic change activities~~
16 ~~required by the federal Developmental Disabilities Assistance and~~
17 ~~Bill of Rights Act of 2000 (Public Law 106-402 (42 U.S.C. Sec.~~
18 ~~15001))~~; *in order to ensure that the council is accessible and*
19 *responsive to the diverse geographic, racial, ethnic, and language*
20 *needs of persons with developmental disabilities and their families*
21 *throughout California, the council shall establish, maintain, and*
22 *operate regional offices, and determine the number and location*
23 *of its regional offices.*

24 (c) This chapter, Chapter 3 (commencing with Section ~~4560~~),
25 ~~4561~~), Chapter 4 (commencing with Section 4571), and Division
26 4.7 (commencing with Section 4900), are intended by the
27 Legislature to secure full compliance with the requirements of the
28 Developmental Disabilities Assistance and Bill of Rights Act of
29 2000 (Public Law 106-402), as amended and extended, which
30 provides federal funds to assist the state in planning, coordinating,
31 monitoring, and evaluating services for persons with developmental
32 disabilities and in establishing a system to protect and advocate
33 the legal and civil rights of persons with developmental disabilities.

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

36 4521. (a) (1) All references to "council" or "state council"
37 in this ~~part~~ *division* shall be a reference to the State Council on
38 Developmental Disabilities.

1 (2) *“Developmental disability,” as used in this chapter, means*
2 *a developmental disability as defined in Section 15002(8) of Title*
3 *42 of the United State Code.*

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

7 ~~(1) One member from each of the 13 area boards on~~
8 ~~developmental disabilities described in Article 6 (commencing~~
9 ~~with Section 4543), nominated by the area board to serve as a~~
10 ~~council member, who shall be persons with a developmental~~
11 ~~disability, as defined in Section 15002(8) of Title 42 of the United~~
12 ~~States Code, or parents or guardians of minors with developmental~~
13 ~~disabilities or conservators of adults with developmental disabilities~~
14 ~~residing in California. Five of these members shall be persons with~~
15 ~~a developmental disability, as defined in Section 15002(8) of Title~~
16 ~~42 of the United States Code, three shall be parents, immediate~~
17 ~~relatives, guardians, or conservators of persons with developmental~~
18 ~~disabilities, and five shall be either a person with a developmental~~
19 ~~disability or a parent, immediate relatives, guardian, or conservator~~
20 ~~of a person with a developmental disability. The nominee from~~
21 ~~each area board shall be an area board member who was appointed~~
22 ~~by the Governor.~~

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

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

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

34 (C) *At least one member shall be from each of the geographic*
35 *areas of the regional offices established by the council, and those*
36 *persons shall be a person described in subparagraph (A) or (B)*
37 *and shall be a liaison of the state council to the local regional*
38 *constituency and the state council regional advisory committee of*
39 *the region.*

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

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

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

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

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

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

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

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

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

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

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

32 ~~(3) Seven members at large, appointed by the Governor, as~~
33 ~~follows:~~

34 ~~(A) Three shall be persons with developmental disabilities, as~~
35 ~~defined in Section 15002(8) of Title 42 of the United States Code.~~

36 ~~(B) One shall be a person with developmental disabilities who~~
37 ~~is a current or former resident of an institution or his or her~~
38 ~~immediate relative, guardian, or conservator.~~

1 ~~(C) One shall be a person who is a parent, immediate relative,~~
2 ~~guardian, or conservator of a person with a developmental disability~~
3 ~~living in the community.~~

4 ~~(D) One shall be a person who is a parent, immediate relative,~~
5 ~~guardian, or conservator of a person with a developmental disability~~
6 ~~living in the community, nominated by the Speaker of the~~
7 ~~Assembly.~~

8 ~~(E) One shall be a person with developmental disabilities, as~~
9 ~~defined in Section 15002(8) of Title 42 of the United States Code,~~
10 ~~nominated by the Senate Committee on Rules.~~

11 (c) Prior to appointing the 31 members pursuant to this section,
12 *described in paragraph (1) of, and subparagraph (E) of paragraph*
13 *(2) of, subdivision (b), the Governor shall request consult with the*
14 *current members of the council, and consider recommendations*
15 *from organizations representing persons with a broad range of*
16 *developmental disabilities, or persons interested in, or providing*
17 *services to, or both, persons with developmental disabilities, and*
18 *shall take into account socioeconomic, ethnic, and geographic*
19 *considerations of the state. disabilities.*

20 (d) The term of each member described in paragraph (1) of, *and*
21 *subparagraph (E) of paragraph (2) of, and paragraph (3) of,*
22 *subdivision (b) shall be for three years. Of the members first*
23 *appointed by the Governor pursuant to paragraph (1) of subdivision*
24 *(b), five shall hold office for three years, four shall hold office for*
25 *two years, and four shall hold office for one year. In no event shall*
26 *any member described in paragraph (1) of, subparagraphs (E) and*
27 *(H) of paragraph (2) of, and paragraph (3) of, subdivision (b) serve*
28 *for more than a total of six years of service. Service by any*
29 *individual on any state council on developmental disabilities*
30 *existing on and after January 1, 2003, shall be included in*
31 *determining the total length of service. The term of these members*
32 *shall begin on the date of appointment by the Governor and these*
33 *members shall serve no more than two terms.*

34 (e) A member may continue to serve following the expiration
35 of his or her term until the Governor appoints that member's
36 successor. The state council shall notify the Governor regarding
37 membership requirements of the council and shall notify the
38 Governor, *in writing, immediately when a vacancy occurs prior*
39 *to the expiration of a member's term, at least 60 days six months*

1 before a member's term expires, and when a vacancy on the council
2 remains unfilled for more than 60 days.

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

5 4525. (a) In order to prevent any potential conflicts of interest,
6 members of the state council may not be employees of a state,
7 local, or private agency or facility that provides services to persons
8 with a developmental disability, or be members of the governing
9 board of any entity providing the service, when the service is
10 funded in whole or in part with state funds.

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

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

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

23 (3) A person who serves as a member of ~~an area board~~ *a*
24 *regional advisory committee of the state council, established*
25 *pursuant to Article 6.*

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

29 *SEC. 9. The heading of Article 3 (commencing with Section*
30 *4530) of Chapter 2 of Division 4.5 of the Welfare and Institutions*
31 *Code is amended to read:*

32
33 *Article 3. ~~Location of State Council Designated State Agency~~*
34

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

37 4530. ~~For administrative purposes only, the state council shall~~
38 ~~be attached to~~ *(a) In accordance with federal law, the California*
39 *Health and Human Services Agency shall be the designated state*
40 *agency for support to the state council. The agency secretary shall*

1 ensure the state council is provided efficient accounting, financial
2 management, personnel, and other reasonable support services
3 when requested by the council in the performance of its mandated
4 responsibilities.

5 ~~The attachment of the state council to~~

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

11 ~~The administrative attachment of the state council to~~

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

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

19 4535. (a) The state council shall meet ~~at least six times each~~
20 ~~year, and, on call of its chairperson,~~ as often as necessary to fulfill
21 its duties. All meetings and records of the state council shall be
22 open to the public.

23 (b) The state council shall, by majority vote of the voting
24 members, elect its own chairperson and vice chairperson who shall
25 have full voting rights on all state council actions, from among the
26 appointed members, described in paragraph (1) ~~or (3)~~ of, *and*
27 *subparagraph (E) of paragraph (2) of*, subdivision (b) of Section
28 ~~4521, and 4521~~. *The council* shall establish any committees it
29 deems necessary or desirable. The chairperson shall appoint all
30 members of committees of the state council. The chairs and vice
31 chairs of the state council and its standing committees shall be
32 individuals with a developmental disability, or the parent, sibling,
33 guardian, or conservator of an individual with a developmental
34 disability.

35 (c) The state council may appoint technical advisory consultants
36 and may establish committees composed of professional persons
37 serving persons with developmental disabilities as necessary for
38 technical assistance. The state council may call upon
39 representatives of all agencies receiving state or federal funds for
40 assistance and information, and shall invite persons with

1 developmental disabilities, their parents, guardians, or conservators,
2 professionals, or members of the general public to participate on
3 state council committees, when appropriate.

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

8 ~~SEC. 8.~~

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

11 4540. In order to comply with the intent and requirements of
12 this division and Public Law 106-402 (42 U.S.C. Sec. 15001 et
13 seq.), the state council, in addition to any other responsibilities
14 established under this division and to the extent that resources are
15 available, shall do all of the following:

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

20 (b) Serve as the "state planning council" responsible for
21 developing the "California Developmental Disabilities State Plan,"
22 in accordance with requirements issued by the United States
23 Secretary of Health and Human Services, monitoring and
24 evaluating the implementation of this plan, reviewing and
25 commenting on other plans and programs in the state affecting
26 persons with developmental disabilities, and submitting these
27 reports as the United States Secretary of Health and Human
28 Services may reasonably request.

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

38 (d) Prepare and approve a budget, for the use of amounts paid
39 to the state to hire any staff and to obtain the services of any
40 professional, technical, or clerical personnel consistent with state

1 and federal law, as the council determines to be necessary to carry
2 out its functions.

3 (e) (1) Conduct activities related to meeting the objectives of
4 the state plan. To the extent that resources are available, these
5 activities shall include, *but are not limited to*, all of the following:

6 ~~(A) Through support of the area boards, engaging in~~
7 ~~geographically based outreach and individual and systemic~~
8 ~~advocacy to assist and enable individuals and families to obtain~~
9 ~~services, supports, and other forms of assistance.~~

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

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

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

29 ~~(B) Support and conduct~~

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

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

36 ~~(C) Support and conduct~~

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

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

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

7 ~~(D) Support and conduct~~

8 (I) *Supporting and conducting activities to educate the public*
9 *about the capabilities, preferences, and needs of individuals with*
10 *developmental disabilities and their families, and to develop and*
11 *support coalitions that support the policy agenda of the council,*
12 *including training in self-advocacy, education of policymakers,*
13 *and citizen leadership roles.*

14 ~~(E) Support and conduct~~

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

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

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

34 ~~(A) Support and conduct training for persons with developmental~~
35 ~~disabilities, their families, and personnel, to enable these~~
36 ~~individuals to obtain access to, or to provide, community services,~~
37 ~~individualized supports, and other forms of assistance.~~

38 ~~(B) Support and conduct activities to assist neighborhoods and~~
39 ~~communities to respond positively to individuals with disabilities~~
40 ~~and their families.~~

1 ~~(C) Support and conduct activities to eliminate barriers to access~~
2 ~~and use of community services by individuals with developmental~~
3 ~~disabilities, enhance system design and redesign, and enhance~~
4 ~~citizen participation.~~

5 ~~(D) Support and conduct, on a time-limited basis, activities to~~
6 ~~demonstrate new approaches to serving individuals with~~
7 ~~developmental disabilities that are a part of an overall strategy for~~
8 ~~systemic change.~~

9 ~~(f) Conduct other activities, including, but not limited to,~~

10 ~~(A) Appointing an authorized representative for persons with~~
11 ~~developmental disabilities according to all of the following:~~

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

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

36 ~~(iii) Pursuant to this section, the state council shall appoint a~~
37 ~~representative to advocate the rights and protect the interest of a~~
38 ~~person residing in a developmental center for whom community~~
39 ~~placement is proposed pursuant to Section 4803. The representative~~

1 *may obtain the advocacy assistance of the regional center clients'*
2 *rights advocate.*

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

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

14 ~~(g) Review and comment~~

15 *(D) Reviewing and commenting on pertinent portions of the*
16 *proposed plans and budgets of all state agencies serving persons*
17 *with developmental disabilities to include, but not be limited to,*
18 *the State Department of Education, the Department of*
19 *Rehabilitation, and the State Department of Developmental*
20 *Services. This review may include public hearings prior to the*
21 *submission of the Governor's Budget to the Legislature, with*
22 *advice directed to the Governor, and after introduction of the*
23 *Governor's Budget, with advice directed to the Legislature.*
24 *Services, and local agencies to the extent resources allow.*

25 ~~(h) (1) Prepare an annual written report of its activities, its~~
26 ~~recommendations, and an evaluation of the efficiency of the~~
27 ~~administration of this division to the Governor and the Legislature.~~

28 ~~(2) This report shall include both the statewide activities of the~~
29 ~~state council and the local activities of the area boards.~~

30 ~~(i) Review and publicly comment~~

31 *(E) (i) Reviewing the policies and practices of publicly funded*
32 *agencies that serve or may serve persons with developmental*
33 *disabilities to determine if the programs are meeting its obligations,*
34 *under local, state and federal laws. This authority shall include a*
35 *notice from a regional center to the state council when the regional*
36 *center believes a publicly funded program is failing to meet its*
37 *obligations in serving persons with developmental disabilities.*
38 *The regional center may provide the state council with a*
39 *comprehensive summary of the issues and the statute or regulation*
40 *alleged to be violated. If the state council finds that the agency is*

1 *not meeting its obligations, the state council shall inform the*
2 *director and the managing board of the noncomplying agency, in*
3 *writing, of its findings.*

4 *(ii) Within 15 days, the agency shall respond, in writing, to the*
5 *state council's findings. Following receipt of the agency's response,*
6 *if the state council continues to find that the agency is not meeting*
7 *its obligations, the state council shall pursue informal efforts to*
8 *resolve the issue.*

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

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

20 *(v) The state council shall review the report of the executive*
21 *director and shall take any action it deems necessary to resolve*
22 *the problem.*

23 *(F) Reviewing and publicly commenting on significant*
24 *regulations proposed to be promulgated by any state agency in the*
25 *implementation of this division.*

26 ~~*(j) Monitor the execution of this division and report directly to*~~
27 ~~*the Governor and the Legislature any delay in the rapid execution*~~
28 ~~*of this division.*~~

29 ~~*(k) Be responsible for monitoring*~~

30 *(G) Monitoring and evaluating the effectiveness of appeals*
31 *procedures established in this division.*

32 ~~*(f) Provide*~~

33 *(H) Providing testimony to legislative committees reviewing*
34 *fiscal or policy matters pertaining to persons with developmental*
35 *disabilities.*

36 ~~*(m) (1) Conduct, or cause*~~

37 *(I) Conducting, or causing to be conducted, investigations or*
38 *public hearings to resolve disagreements between state agencies,*
39 *or between state and regional or local agencies, or between persons*
40 *with developmental disabilities and agencies receiving state funds.*

1 These investigations or public hearings shall be conducted at the
2 discretion of the state council only after all other appropriate
3 administrative procedures for appeal, as established in state and
4 federal law, have been fully utilized.

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

10 ~~(2)~~

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

17 ~~(n) To the greatest extent possible, area boards shall participate~~
18 ~~in conducting the activities described in this section.~~

19 SEC. 13. The heading of Article 6 (commencing with Section
20 4543) of Chapter 2 of Division 4.5 of the Welfare and Institutions
21 Code is amended to read:

22
23 Article 6. ~~Area Boards on Developmental Disabilities~~ State
24 Council Regional Offices and Advisory Committees
25

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

28 ~~4543. (a) Because of the vast size, complexity, and diversity~~
29 ~~of the State of California, the Legislature finds that the planning~~
30 ~~activities of the State Council on Developmental Disabilities~~
31 ~~depend upon the direct involvement of local representatives~~
32 ~~familiar with the structure and operation of services and programs~~
33 ~~for persons with developmental disabilities. The Legislature further~~
34 ~~finds that the legal, civil, and service rights of persons with~~
35 ~~developmental disabilities cannot be adequately guaranteed~~
36 ~~throughout the state, and the state plan cannot be implemented,~~
37 ~~unless monitoring responsibility is established on a regional basis~~
38 ~~through area boards on developmental disabilities.~~

1 ~~(b) For administrative purposes and to ensure compliance with~~
2 ~~federal and state laws, the area boards shall be attached to the state~~
3 ~~council.~~

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

6 4544. (a) ~~The area boards state council shall establish regional~~
7 ~~offices that are accessible and responsive to the diverse~~
8 ~~geographic, ethnic, and language needs of consumers and families~~
9 ~~throughout the state. As of January 1, 2015, regional offices of~~
10 ~~the state council, in existence as of January 1, 2003, December~~
11 ~~31, 2014, shall continue to exist, within the same geographic~~
12 ~~regions of the state after January 1, 2003, but shall thereafter be~~
13 ~~constituted and shall operate according to this article state.~~

14 (b) *To ensure involvement of persons with developmental*
15 *disabilities, their families, and other members of the public at the*
16 *regional level and to ensure the responsiveness of the state council*
17 *and its regional offices to the geographic, ethnic, and language*
18 *diversity of the state, each regional office shall be advised by a*
19 *regional advisory committee. As of January 1, 2015, advisory*
20 *boards of the regional offices, known as area boards on*
21 *developmental disabilities, in existence on December 31, 2014,*
22 *shall thereafter be known as state council regional advisory*
23 *committees.*

24 (c) *All references to “regional office” in this chapter shall be*
25 *a reference to the state council regional offices. All references to*
26 *“regional advisory committees” in this chapter shall be a reference*
27 *to the state council regional advisory committees.*

28 (d) *State council regional offices and advisory committees shall*
29 *be constituted and shall operate according to this article.*

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

32 ~~4545. The State Council on Developmental Disabilities state~~
33 ~~council shall periodically conduct a thorough review of the~~
34 ~~geographic boundaries served by area boards regional offices to~~
35 ~~determine whether existing area board boundaries or the number~~
36 ~~of regional offices should be changed, or additional area boards~~
37 ~~should be established changed to more effectively implement this~~
38 ~~division. In conducting this review, the state council shall seek~~
39 ~~input from area boards, state council regional advisory committees,~~
40 ~~persons with developmental disabilities, family members, service~~

1 providers, advocates, and other interested parties. Prior to
2 recommending the establishment of new geographic boundaries,
3 the state council shall hold a public hearing within any existing
4 area board regional office geographic area affected by the proposed
5 change. The state council shall ~~submit to inform~~ the Governor and
6 the Legislature *at least 120 days before any recommendations for*
7 ~~changes in area board boundaries or recommendations that~~
8 ~~additional area boards be established. Any area board established~~
9 ~~after January 1, 2003, shall nominate a member to be appointed~~
10 ~~by the Governor as a voting member of the state council pursuant~~
11 ~~to Section 4521: the number or boundaries of regional offices.~~

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

14 ~~4546. After January 1, 2003, area boards shall be comprised~~
15 ~~as follows:~~

16 (a) ~~For areas consisting of one to four counties, the area board~~
17 ~~shall consist of a total of 12 voting members appointed by the~~
18 ~~governing bodies of the counties, each county appointing an equal~~
19 ~~number of voting members, and five voting members appointed~~
20 ~~by the Governor.~~

21 (b) ~~For areas consisting of five to seven counties, the area board~~
22 ~~shall consist of two voting members appointed by the governing~~
23 ~~body of each county, and five voting members appointed by the~~
24 ~~Governor.~~

25 (c) ~~For areas consisting of eight or more counties, the area board~~
26 ~~shall consist of one voting member appointed by the governing~~
27 ~~body of each county, and five members appointed by the Governor.~~

28 ~~Of the members first appointed, five shall serve for one year,~~
29 ~~five shall serve for two years, and the remaining members shall~~
30 ~~serve for three years. Subsequent members shall serve for three~~
31 ~~years. In counties with a population of more than 100,000, no~~
32 ~~member shall serve more than two consecutive three-year terms.~~

33 (d) ~~The governing bodies of the counties in each area shall select~~
34 ~~their appointees from among the following groups, and, to the~~
35 ~~extent feasible, in the following proportions:~~

36 (1) ~~Sixty percent from persons with developmental disabilities~~
37 ~~or the immediate relatives, guardians, or conservators of these~~
38 ~~persons.~~

39 (2) ~~Forty percent from representatives of the general public.~~

- 1 (e) The appointments made by the Governor shall meet the
2 requirements of paragraph (1) of subdivision (b) of Section 4521.
- 3 (f) (1) Prior to making their appointments, the Governor and
4 the governing bodies of counties shall request recommendations
5 from professional organizations, from organizations within the
6 area representing persons with developmental disabilities, and
7 from organizations and agencies within the area that deliver
8 services to these individuals.
- 9 (2) In making their appointments, the Governor and the
10 governing bodies of counties shall appoint persons who have
11 demonstrated interest and leadership in human service activities.
- 12 (g) (1) In order to prevent any potential conflicts of interest,
13 voting members of area boards shall not be employees of a state,
14 local, or private agency or facility that provides service to a person
15 with a developmental disability, or be members of the governing
16 board of any entity providing this service, when the service is
17 funded in whole or in part with state funds.
- 18 (2) For purposes of this section “employees of a state, local, or
19 private agency or facility that provides services to a person with
20 a developmental disability” shall not be deemed to include any of
21 the following:
- 22 (A) A parent, relative, guardian, or conservator who receives
23 public funds expressly for the purpose of providing direct services
24 to his or her child, relative, ward, or conservatee, respectively,
25 who is a person with a developmental disability.
- 26 (B) A person with a developmental disability who receives
27 employment services through a provider receiving state or federal
28 funds.
- 29 (C) A person who serves as a member of the state council.
- 30 (h) The Governor shall give consideration to the relative
31 populations of the counties within the area in selecting appointees
32 to the area boards.
- 33 (i) A member may continue to serve following the expiration
34 of his or her term until the Governor or appointing body of the
35 county appoints that member’s successor. The state council shall
36 notify the Governor or the appointing body of the county regarding
37 membership requirements of the area boards and shall notify the
38 Governor or the appointing body of the county at least 60 days
39 before a member’s term expires, and when a vacancy on an area
40 board remains unfilled for more than 60 days.

1 (j) All members of the area board shall be residents of the area.

2 (k) ~~The members of an area board shall serve without~~
3 ~~compensation, but shall be reimbursed for any actual and necessary~~
4 ~~expenses incurred in connection with the performance of their~~
5 ~~duties as members of the board or of committees established by~~
6 ~~the board.~~

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

9 4546. The state council shall establish procedures, according
10 to all of the following requirements, for recruiting and appointing
11 the membership of the regional advisory committees:

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

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

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

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

24 (c) Members shall serve for three-year terms. Members' terms
25 shall begin upon the date of their appointment. In counties with a
26 population of more than 100,000, no member shall serve more
27 than two consecutive three-year terms.

28 (d) (1) In order to prevent any potential conflicts of interest,
29 members of regional advisory committees shall not be employees
30 of a state, local, or private agency or facility that provides service
31 to a person with a developmental disability, or be members of the
32 governing board of any entity providing this service, when the
33 service is funded in whole or in part with state funds.

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

38 (A) A parent, relative, guardian, or conservator who receives
39 public funds expressly for the purpose of providing direct services

1 to his or her child, relative, ward, or conservatee, respectively,
2 who is a person with a developmental disability.

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

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

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

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

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

17 4547. (a) Each ~~area board~~ regional advisory committee shall
18 meet at least quarterly, and on call of the board chairperson, as
19 often as necessary to fulfill its duties. All meetings and records of
20 the ~~area board~~ regional advisory committee shall be open to the
21 public.

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

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

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

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

3 ~~4548. (a) Area boards shall locally assist the state council with~~
4 ~~the implementation of subtitles A and B of Title I of Public Law~~
5 ~~106-402 (42 U.S.C. Sec. 15001 et seq.).~~

6 ~~(b) Area boards shall protect and advocate the rights of all~~
7 ~~persons in the area with developmental disabilities.~~

8 ~~(c) Area boards shall conduct capacity building activities and~~
9 ~~provide advocacy for systemic change.~~

10 ~~(d) (1) The area board shall have the authority to pursue legal,~~
11 ~~administrative, and other appropriate remedies to ensure the~~
12 ~~protection of the legal, civil, and service rights of persons who~~
13 ~~require services or who are receiving services in the area. In~~
14 ~~carrying out this responsibility, area boards may appoint a~~
15 ~~representative to assist the person in expressing his or her desires~~
16 ~~and in making decisions and advocating his or her needs,~~
17 ~~preferences, and choices, where the person with developmental~~
18 ~~disabilities has no parent, guardian, or conservator legally~~
19 ~~authorized to represent him or her and the person has either~~
20 ~~requested the appointment of a representative or the rights or~~
21 ~~interests of the person, as determined by the area board, will not~~
22 ~~be properly protected or advocated without the appointment of a~~
23 ~~representative.~~

24 ~~(2) Where there is no guardian or conservator, the person's~~
25 ~~choice, if expressed, including the right to reject the assistance of~~
26 ~~a representative, shall be honored. If the person does not express~~
27 ~~a preference, the order of preference for selection of the~~
28 ~~representative shall be the person's parent, involved family~~
29 ~~member, or a volunteer selected by the area board. In establishing~~
30 ~~these preferences, it is the intent of the Legislature that parents or~~
31 ~~involved family members shall not be required to be appointed~~
32 ~~guardian or conservator in order to be selected. Unless the~~
33 ~~consumer expresses otherwise, or good cause otherwise exists, the~~
34 ~~request of the parents or involved family members to be appointed~~
35 ~~the representative shall be honored.~~

36 ~~(3) Where appropriate pursuant to this section, the area board~~
37 ~~shall appoint a representative to advocate the rights and protect~~
38 ~~the interests of a person residing in a developmental center for~~
39 ~~whom community placement is proposed pursuant to Section 4803.~~

1 (4) ~~The area board shall identify any evidence of the denial of~~
2 ~~these rights, shall inform the appropriate local, state, or federal~~
3 ~~officials of their findings, and shall assist these officials in~~
4 ~~eliminating all forms of discrimination against persons with~~
5 ~~developmental disabilities in housing, recreation, education, health~~
6 ~~and mental health care, employment, and other service programs~~
7 ~~available to the general population.~~

8 (c) ~~Area boards shall conduct, or cause to be conducted, public~~
9 ~~information programs for consumers, families, professional groups,~~
10 ~~and for the general public, to increase professional and public~~
11 ~~awareness of prevention and habilitation programs, and to eliminate~~
12 ~~barriers to social integration, employment, and participation of~~
13 ~~persons with developmental disabilities in all community activities.~~

14 (f) ~~Area boards shall encourage and assist in the establishment~~
15 ~~or strengthening of self-advocacy organizations led by individuals~~
16 ~~with developmental disabilities.~~

17 (g) (1) ~~To the extent that resources are available, area boards~~
18 ~~shall review the policies and practices of publicly funded agencies~~
19 ~~that serve or may serve persons with developmental disabilities,~~
20 ~~to determine if the programs are meeting their obligations under~~
21 ~~local, state, and federal laws. A regional center may notify the area~~
22 ~~board when the regional center believes a publicly funded program~~
23 ~~is failing to meet its obligations in serving persons with~~
24 ~~developmental disabilities. The regional center may provide the~~
25 ~~area board with a comprehensive summary of the issues and the~~
26 ~~statute or regulation alleged to be violated. If the area board finds~~
27 ~~that the agency is not meeting its obligations, the area board shall~~
28 ~~inform the director and the managing board of the noncomplying~~
29 ~~agency, in writing, of its findings.~~

30 (2) ~~Within 15 days, the agency shall respond, in writing, to the~~
31 ~~area board's findings. Following receipt of the agency's response,~~
32 ~~if the area board continues to find that the agency is not meeting~~
33 ~~its obligations, the area board shall pursue informal efforts to~~
34 ~~resolve the issue.~~

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

1 ~~(4) If the problem has not been resolved within 30 days~~
2 ~~following the public hearing, the area board may provide the state~~
3 ~~council with its findings and may request authorization to initiate~~
4 ~~legal action. An area board shall not initiate legal action without~~
5 ~~prior authorization from the state council. However, the area board~~
6 ~~may assist any other person, agency, or organization that may~~
7 ~~pursue litigation related to the area board's findings.~~

8 ~~(5) The executive director of the state council shall review the~~
9 ~~findings developed pursuant to this subdivision and may conduct~~
10 ~~additional factfinding investigations. The executive director shall~~
11 ~~report his or her findings to the state council within 30 days and~~
12 ~~shall recommend a course of action to be pursued by the council,~~
13 ~~the area board, or other state administrative or legislative officials.~~

14 ~~(6) The state council shall review the report of the executive~~
15 ~~director and shall take any action it deems necessary to resolve~~
16 ~~the problem. If the state council authorizes the area board to initiate~~
17 ~~legal action, the state council shall make legal assistance available~~
18 ~~to the area board pursuant to the legal services provisions of Public~~
19 ~~Law 106-402 (42 U.S.C. Sec. 15001 et seq.).~~

20 ~~(h) Area boards shall encourage the development of needed~~
21 ~~services and supports of good quality that do not result in~~
22 ~~duplication, fragmentation of services, and unnecessary~~
23 ~~expenditures. Prior to providing additional funds for major~~
24 ~~expansion of existing programs, creation of new programs, or~~
25 ~~establishment of pilot projects to test new methodologies of service~~
26 ~~delivery for persons with developmental disabilities within an area~~
27 ~~board catchment area, the department or regional center, as~~
28 ~~appropriate, shall consult with the area board regarding the~~
29 ~~appropriateness of those program developments.~~

30 ~~(i) In carrying out their review functions, area boards shall solicit~~
31 ~~the advice of knowledgeable professionals, consumers, and~~
32 ~~consumer representatives about problems within the service~~
33 ~~delivery system in the region. In enacting this article, it is the intent~~
34 ~~of the Legislature that the area boards not duplicate the functions~~
35 ~~assigned to other agencies that are routinely responsible for~~
36 ~~monitoring, regulating, or licensing programs for persons with~~
37 ~~developmental disabilities. Area boards may call upon these~~
38 ~~agencies for information and assistance in order to carry out their~~
39 ~~responsibilities more effectively. Unless otherwise prohibited by~~
40 ~~law, these agencies shall provide information requested by the area~~

1 boards, and shall cooperate fully in complying with all reasonable
2 requests for assistance.

3 ~~(j) (1) Area boards shall remain informed about the quality of
4 services in the area, and shall inform appropriate state and local
5 licensing agencies of alleged fire, safety, health, or other violations
6 of legally established standards, in any facility providing service
7 to persons with developmental disabilities, that may be brought to
8 the attention of the area board.~~

9 ~~(2) If an area board receives evidence of criminal misconduct
10 by an individual or agency funded in whole or in part with state
11 funds under this division, the area board shall immediately inform
12 appropriate public safety agencies about the alleged misconduct.~~

13 ~~(k) (1) Area boards shall cooperate with county coordinating
14 councils on developmental disabilities, other regional planning
15 bodies, and consumer organizations in the area. Area boards shall
16 comply with the reasonable requests of these groups and may
17 request the assistance of the groups in carrying out area board
18 responsibilities.~~

19 ~~(2) The governing body of any county within the area may
20 request that the area board study or investigate programs in the
21 county for persons with developmental disabilities. The area board
22 shall cooperate with county governments to the fullest extent
23 possible within the limitations of the resources of the board.~~

24 ~~(l) Each area board shall submit to the state council a summary
25 of its activities and accomplishments in the previous year. The
26 state council, in consultation with area boards, shall determine the
27 timing of, and format for, this summary.~~

28 ~~(m) It is the intent of the Legislature that area boards shall
29 maintain local discretion in conducting their advocacy activities.
30 The state council shall not direct the advocacy activities of the
31 area boards, except when specifically authorized by law, or when
32 necessary to ensure compliance with federal requirements.~~

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

35 *4548. (a) State council regional advisory committees shall*
36 *advise the state council and its regional office on local issues and*
37 *identify and provide input regarding local systemic needs within*
38 *their community. The regional advisory committees shall provide*
39 *input and be a source of data for the council to consider in the*
40 *formulation of the state plan and shall be a source of data for the*

1 state council's regional office reporting on state plan
2 implementation.

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

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

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

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

20 SEC. 22. The heading of Article 7 (commencing with Section
21 4550) of Chapter 2 of Division 4.5 of the Welfare and Institutions
22 Code is amended to read:

23

24 Article 7. State Council ~~and Area Board~~ Costs and Support
25 Services
26

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

29 4550. The state council's operating costs shall include honoraria
30 for state council members and actual and necessary expenses for
31 state council members, ~~costs associated with the area boards,~~
32 ~~members and regional advisory committee members,~~ as described
33 in this article, and other administrative, professional, and secretarial
34 support services necessary to the operation of the state council.
35 Federal developmental disability funds received by the state under
36 Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.), shall be
37 allotted in any one year for these operating costs. Each member
38 of the state council shall receive one hundred dollars (\$100) per
39 day for each full day of work performed directly related to council
40 business, not to exceed 50 days in any fiscal year, and shall be

1 reimbursed for any actual and necessary expenses incurred in
2 connection with the performance of their duties under this division.

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

5 ~~4551. (a) (1) Within the limit of funds allotted for these~~
6 ~~purposes, the state council chairperson, with the concurrence of a~~
7 ~~majority of the state council, shall appoint an executive director~~
8 ~~and, pursuant to paragraph (1) of subdivision (c) of Section 4553,~~
9 ~~shall appoint an executive director for each area board. The~~
10 ~~Governor, upon the recommendation of the executive director of~~
11 ~~the state council following consultation with the area boards, shall~~
12 ~~appoint a deputy director for area board operations. The Governor,~~
13 ~~upon recommendation of the executive director of the state council,~~
14 ~~shall appoint not more than two deputy directors. All other state~~
15 ~~council employees that the state council may require shall be~~
16 ~~appointed by the executive director, with the approval of the state~~
17 ~~council.~~

18 ~~(2) The executive director, all deputy directors, and each area~~
19 ~~board executive director, shall be paid a salary that is comparable~~
20 ~~to the director, deputy director, or manager of other state boards,~~
21 ~~commissions, or state department regional offices with similar~~
22 ~~responsibilities. The executive director and three deputy directors~~
23 ~~of the state council and the executive director of each area board~~
24 ~~shall be exempt from civil service.~~

25 ~~(b) Among other duties as the executive director of the state~~
26 ~~council may require, the deputy director for area board operations~~
27 ~~shall provide assistance to the area boards, including, but not~~
28 ~~limited to, resolving common problems, improving coordination,~~
29 ~~and fostering the exchange of information among the area boards~~
30 ~~and between the area boards and the state council.~~

31 ~~(c) Each area board executive director employed by the state~~
32 ~~on December 31, 2002, shall continue to be employed in a job~~
33 ~~classification at the same or higher salary by the council on January~~
34 ~~1, 2003, and thereafter, unless he or she resigns or is terminated~~
35 ~~from employment for good cause. The Executive Director of the~~
36 ~~Organization of Area Boards on December 31, 2002, shall continue~~
37 ~~to be employed in a job classification at the same or higher salary~~
38 ~~by the council on January 1, 2003, and shall serve as the deputy~~
39 ~~director of area board operations unless he or she resigns or is~~
40 ~~terminated from employment for good cause.~~

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

3 4551. (a) *Within the limit of funds allotted for these purposes,*
4 *the state council chairperson, with the concurrence of a majority*
5 *of the state council, shall appoint an executive director. The*
6 *executive director of the state council shall appoint a director for*
7 *each regional office. All state council employees that the state*
8 *council may require shall be appointed by the executive director.*

9 (b) *The executive director shall be paid a salary that is at least*
10 *comparable to the director of other state boards, commissions, or*
11 *state department regional offices with similar responsibilities. The*
12 *executive director and any deputy directors of the state council*
13 *shall be exempt from civil service.*

14 (c) *Each deputy director and other council staff positions*
15 *appointed by the Governor and employed by the state on December*
16 *31, 2014, shall continue to be employed in a job classification at*
17 *the same or higher salary by the council on January 1, 2015, and*
18 *thereafter, unless he or she resigns or is terminated from*
19 *employment for good cause.*

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

22 4552. *The state council may contract for additional assistance*
23 *with any public or private agency or individual to carry out*
24 *planning, monitoring, evaluation, and other responsibilities under*
25 *this division. In order to comply with Public Law 106-402 (42*
26 *U.S.C. Sec. 15001 et seq.) regulations, all personnel employed by*
27 *the state council shall be solely responsible, organizationally and*
28 *administratively, to the state council. The state council, through*
29 *its executive director, shall have responsibility for the selection,*
30 *hiring, and supervision of all this personnel.*

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

33 ~~4553. (a) The Legislature finds and declares that the advocacy,~~
34 ~~coordinating, appeals, and other related functions of area boards~~
35 ~~cannot be effectively provided unless area boards have staff support~~
36 ~~services from personnel directly responsible and accountable to~~
37 ~~the area board and state council. Area board staff shall be state~~
38 ~~employees of the state council.~~

39 ~~(b) (1) Each area board shall provide to the state council all~~
40 ~~information and documentation required by the council to prepare~~

1 and account for the expenditures of an annual budget that includes
2 the basic funding necessary for the area boards to meet the
3 requirements of applicable state and federal law. The state council,
4 in consultation with the area boards, shall determine the timing
5 of, and format for, the provision of this information and
6 documentation. An area board may present for consideration by
7 the state council a proposal for funds to support any additional
8 activities of the area board not anticipated to be funded through
9 their basic allocation. The state council shall review all area board
10 proposals and shall determine the amount of federal funds under
11 Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.) that shall be
12 allotted to each area board. Nothing in this section shall prevent
13 the appropriation of additional funds to the state council or area
14 boards, or both, from the General Fund or other sources. These
15 funds shall be used only for purposes of extending the activities
16 of the state council or area boards, or both, as authorized by state
17 or federal law.

18 (2) The state council may receive, on behalf of the council or
19 on behalf of any area board, grants of funds in addition to any
20 allocation of state funds or federal funds under Public Law 106-402
21 (42 U.S.C. Sec. 15001 et seq.), as authorized under this division.
22 These funds shall be used only for purposes of extending the
23 council's or area boards' activities as authorized by state or federal
24 law.

25 (c) (1) Each area board shall have an executive director,
26 nominated by the affirmative votes of a majority of the members
27 of the area board, appointed by the executive director of the state
28 council, and approved by the state council. The executive director
29 shall select and supervise persons to serve in any staff positions
30 as the area board and state council may authorize, pursuant to
31 subdivision (a) of Section 4551. The affirmative votes of a majority
32 of the members of the area board and approval of the state council
33 shall be necessary for removal of an executive director by the
34 executive director of the state council.

35 (2) Each area board, with the approval of the state council, may
36 contract for additional assistance to carry out its duties as
37 established by this division.

38 (3) Notwithstanding the Bagley-Keene Open Meeting Act
39 (Article 9 (commencing with Section 11120) of Chapter 1 of Part
40 1 of Division 3 of Title 2), an area board may meet in executive

1 session for purposes of discussing confidential matters, including,
2 but not limited to, personnel matters.

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

5 *4553. To the extent provided in Public Law 106-402 (42 U.S.C.*
6 *Sec. 15001 et seq.), the state council shall have full authority on*
7 *how it uses its funds for implementation of the state plan, including*
8 *establishing, maintaining, and operating its regional offices.*

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

11 ~~4560. The Legislature finds that whenever multiple,~~
12 ~~uncoordinated, and duplicative planning activities are conducted~~
13 ~~by different state agencies on behalf of persons with developmental~~
14 ~~disabilities, the result is confusion of responsibilities, a lack of~~
15 ~~systemwide priorities, and failure to make the most appropriate~~
16 ~~use of all federal, state, and local funds and programs.~~

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

19 ~~4561. In order to integrate all relevant state planning and~~
20 ~~budgeting, and in order to comply with federal requirements, a~~
21 *(a) A California Developmental Disabilities State Plan shall be*
22 *prepared by the state council not less often than once every five*
23 *years, and shall be reviewed and revised, as necessary, on an annual*
24 *basis. All references in this part to “state plan” shall be references*
25 *to the California Developmental Disabilities State Plan.*

26 ~~The~~

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

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

34 ~~4562. (a) The state council and the area boards on~~
35 ~~developmental disabilities shall conduct activities necessary to~~
36 ~~develop or and implement the state plan in the various regions of~~
37 ~~the state.~~

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

1 (b)

2 (c) In preparing this plan, the council shall utilize information
3 provided by the ~~area boards, regional offices and regional advisory~~
4 ~~committees of the state council~~, statewide and local entities,
5 individuals with developmental disabilities, family members, and
6 other interested parties, to help identify and prioritize actions
7 needed to improve California's system of services and supports
8 for persons with developmental disabilities. ~~The~~

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

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

17 4563. (a) ~~Area boards—The state council regional offices,~~
18 ~~assisted by the regional advisory committees~~, shall assess the extent
19 to which services, supports, and other forms of assistance are
20 available to individuals with developmental disabilities and their
21 families within the ~~area board catchment area, regions~~, and shall
22 make recommendations of objectives in both policy reform and
23 service demonstration, based on identified service and support
24 needs and priorities within the ~~area board catchment area, the~~
25 ~~region~~ to be included in the state plan.

26 (b) ~~Area boards—The state council regional offices~~ shall
27 participate ~~with the state council~~ in the development and
28 implementation of the state plan and shall ~~submit~~ *prepare* any
29 information concerning the ~~area's region's~~ services, needs, and
30 priorities to the state council in a time and format as ~~may be~~
31 ~~required~~ *the council may determine to be necessary* to meet federal
32 reporting requirements.

33 *SEC. 33. Section 4564 of the Welfare and Institutions Code is*
34 *amended to read:*

35 4564. The state ~~council, in conjunction with the area boards,~~
36 *council* shall conduct open hearings on the state plan and related
37 budgetary issues prior to submission of the plan pursuant to Section
38 4565.

39 *SEC. 34. Section 4565 of the Welfare and Institutions Code is*
40 *amended to read:*

1 4565. (a) The state plan shall be given to the Governor, the
2 Secretary of the California Health and Human Services Agency,
3 the protection and advocacy agency designated by the Governor
4 to fulfill the requirements and assurances of the federal
5 Developmental Disabilities Assistance and Bill of Rights Act of
6 2000, the Superintendent of Public Instruction, ~~and the Legislature,~~
7 ~~and to the chairpersons of all area boards~~ *Legislature* for review
8 and comment prior to its submission by the chairperson of the state
9 council to the United States Secretary of Health and Human
10 Services.

11 ~~Copies~~

12 (b) *Copies* of the state plan shall be provided, no later than
13 November 1 of each year, to the Director of Finance and to the
14 Legislature for guidance in the development of the Governor's
15 Budget and legislative review of the budget, and for guidance in
16 other legislation pertaining to programs for persons with
17 developmental disabilities.

18 *SEC. 35. Section 4566 of the Welfare and Institutions Code is*
19 *amended to read:*

20 4566. The state plan shall, in addition to the requirements
21 established herein, comply in substance and format with requests
22 of the *United States* Secretary of Health and Human Services.

23 *SEC. 36. Section 4626 of the Welfare and Institutions Code is*
24 *amended to read:*

25 4626. (a) The department shall give a very high priority to
26 ensuring that regional center board members and employees act
27 in the course of their duties solely in the best interest of the regional
28 center consumers and their families without regard to the interests
29 of any other organization with which they are associated or persons
30 to whom they are related. Board members, employees, and others
31 acting on the regional center's behalf, as defined in regulations
32 issued by the department, shall be free from conflicts of interest
33 that could adversely influence their judgment, objectivity, or loyalty
34 to the regional center, its consumers, or its mission.

35 (b) In order to prevent potential conflicts of interest, ~~no~~ a
36 member of the governing board or member of the program policy
37 committee of a regional center shall *not* be any of the following:

38 (1) An employee of the State Department of Developmental
39 Services or any state or local agency that provides services to a
40 regional center consumer, if employed in a capacity which includes

1 administrative or policymaking responsibility, or responsibility
2 for the regulation of the regional center.

3 (2) An employee or a member of the state council or ~~an area~~
4 ~~board~~: *a state council regional advisory committee*.

5 (3) Except as otherwise provided in subdivision (h) of Section
6 4622, an employee or member of the governing board of any entity
7 from which the regional center purchases consumer services.

8 (4) Any person who has a financial interest, as defined in Section
9 87103 of the Government Code, in regional center operations,
10 except as a consumer of regional center services.

11 (c) A person with a developmental disability who receives
12 employment services through a regional center provider shall not
13 be precluded from serving on the governing board of a regional
14 center based solely upon receipt of these employment services.

15 (d) The department shall ensure that no regional center employee
16 or board member has a conflict of interest with an entity that
17 receives regional center funding, including, but not limited to, a
18 nonprofit housing organization and an organization qualified under
19 Section 501(c)(3) of the Internal Revenue Code, that actively
20 functions in a supporting relationship to the regional center.

21 (e) The department shall develop and publish a standard
22 conflict-of-interest reporting statement. The conflict-of-interest
23 statement shall be completed by each regional center governing
24 board member and each regional center employee specified in
25 regulations, including, at a minimum, the executive director, every
26 administrator, every program director, every service coordinator,
27 and every employee who has decisionmaking or policymaking
28 authority or authority to obligate the regional center's resources.

29 (f) Every new regional center governing board member and
30 regional center executive director shall complete and file the
31 conflict-of-interest statement described in subdivision (e) with his
32 or her respective governing board within 30 days of being selected,
33 appointed, or elected. Every new regional center employee
34 referenced in subdivision (e) and every current regional center
35 employee referenced in subdivision (e) accepting a new position
36 within the regional center shall complete and file the
37 conflict-of-interest statement with his or her respective regional
38 center within 30 days of assuming the position.

1 (g) Every regional center board member and regional center
2 employee referenced in subdivision (e) shall complete and file the
3 conflict-of-interest statement by August 1 of each year.

4 (h) Every regional center board member and regional center
5 employee referenced in subdivision (e) shall complete and file a
6 subsequent conflict-of-interest statement upon any change in status
7 that creates a potential or present conflict of interest. For the
8 purposes of this subdivision, a change in status includes, but is not
9 limited to, a change in financial interests, legal commitment,
10 regional center or board position or duties, or both, or outside
11 position or duties, or both, whether compensated or not.

12 (i) The governing board shall submit a copy of the completed
13 conflict-of-interest statements of the governing board members
14 and the regional center executive director to the department within
15 10 days of receipt of the statements.

16 (j) A person who knowingly provides false information on a
17 conflict-of-interest statement required by this section shall be
18 subject to a civil penalty in an amount up to fifty thousand dollars
19 (\$50,000), in addition to any civil remedies available to the
20 department. An action for a civil penalty under this provision may
21 be brought by the department or any public prosecutor in the name
22 of the people of the State of California.

23 (k) The director of the regional center shall review the
24 conflict-of-interest statement of each regional center employee
25 referenced in subdivision (e) within 10 days of receipt of the
26 statement. If a potential or present conflict of interest is identified
27 for a regional center employee that cannot be eliminated, the
28 regional center shall, within 30 days of receipt of the statement,
29 submit to the department a copy of the conflict-of-interest statement
30 and a plan that proposes mitigation measures, including timeframes
31 and actions the regional center or the employee, or both, will take
32 to mitigate the conflict of interest.

33 (l) The department and the regional center governing board shall
34 review the conflict-of-interest statement of the regional center
35 executive director and each regional center board member to ensure
36 that no conflicts of interest exist. If a present or potential conflict
37 of interest is identified for a regional center director or a board
38 member that cannot be eliminated, the regional center governing
39 board shall, within 30 days of receipt of the statement, submit to
40 the department and the state council a copy of the

1 conflict-of-interest statement and a plan that proposes mitigation
2 measures, including timeframes and actions the regional center
3 governing board or the individual, or both, will take to mitigate
4 the conflict of interest.

5 *SEC. 37. Section 4628 of the Welfare and Institutions Code is*
6 *amended to read:*

7 4628. If, for good reason, a contracting agency is unable to
8 meet all the criteria for a governing board established in this
9 chapter, the director may waive ~~such~~ *those* criteria for a period of
10 time, not to exceed one year, with the approval of ~~the area board~~
11 ~~in the area and with the approval of the state council.~~

12 *SEC. 38. Section 4629 of the Welfare and Institutions Code is*
13 *amended to read:*

14 4629. (a) The state shall enter into five-year contracts with
15 regional centers, subject to the annual appropriation of funds by
16 the Legislature.

17 (b) The contracts shall include a provision requiring each
18 regional center to render services in accordance with applicable
19 provision of state laws and regulations.

20 (c) (1) The contracts shall include annual performance
21 objectives that shall do both of the following:

22 (A) Be specific, measurable, and designed to do all of the
23 following:

24 (i) Assist consumers to achieve life quality outcomes.

25 (ii) Achieve meaningful progress above the current baselines.

26 (iii) Develop services and supports identified as necessary to
27 meet identified needs.

28 (B) Be developed through a public process as described in the
29 department's guidelines that includes, but is not limited to, all of
30 the following:

31 (i) Providing information, in an understandable form, to the
32 community about regional center services and supports, including
33 budget information and baseline data on services and supports and
34 regional center operations.

35 (ii) Conducting a public meeting where participants can provide
36 input on performance objectives and using focus groups or surveys
37 to collect information from the community.

38 (iii) Circulating a draft of the performance objectives to the
39 community for input prior to presentation at a regional center board

1 meeting where additional public input will be taken and considered
2 before adoption of the objectives.

3 (2) In addition to the performance objectives developed pursuant
4 to this section, the department may specify in the performance
5 contract additional areas of service and support that require
6 development or enhancement by the regional center. In determining
7 those areas, the department shall consider public comments from
8 individuals and organizations within the regional center catchment
9 area, the distribution of services and supports within the regional
10 center catchment area, and review how the availability of services
11 and supports in the regional area catchment area compares with
12 other regional center catchment areas.

13 (d) Each contract with a regional center shall specify steps to
14 be taken to ensure contract compliance, including, but not limited
15 to, all of the following:

16 (1) Incentives that encourage regional centers to meet or exceed
17 performance standards.

18 (2) Levels of probationary status for regional centers that do
19 not meet, or are at risk of not meeting, performance standards. The
20 department shall require that corrective action be taken by any
21 regional center which is placed on probation. Corrective action
22 may include, but is not limited to, mandated consultation with
23 designated representatives of the Association of Regional Center
24 Agencies or a management team designated by the department, or
25 both. The department shall establish the specific timeline for the
26 implementation of corrective action and monitor its
27 implementation. When a regional center is placed on probation,
28 the department shall provide the ~~appropriate area board~~ *state*
29 *council* with a copy of the correction plan, timeline, and any other
30 action taken by the department relating to the probationary status
31 of the regional center.

32 (e) In order to evaluate the regional center's compliance with
33 its contract performance objectives and legal obligations related
34 to those objectives, the department shall do both of the following:

35 (1) Annually assess each regional center's achievement of its
36 previous year's objectives and make the assessment, including
37 baseline data and performance objectives of the individual regional
38 centers, available to the public. The department may make a special
39 commendation of the regional centers that have best engaged the
40 community in the development of contract performance objectives

1 and have made the most meaningful progress in meeting or
2 exceeding contract performance objectives.

3 (2) Monitor the activities of the regional center to ensure
4 compliance with the provisions of its contracts, including, but not
5 limited to, reviewing all of the following:

6 (A) The regional center's public process for compliance with
7 the procedures sets forth in paragraph (2) of subdivision (c).

8 (B) Each regional center's performance objectives for
9 compliance with the criteria set forth in paragraph (1) of
10 subdivision (c).

11 (C) Any public comments on regional center performance
12 objectives sent to the department or to the regional centers, and
13 soliciting public input on the public process and final performance
14 standards.

15 (f) The renewal of each contract shall be contingent upon
16 compliance with the contract including, but not limited to, the
17 performance objectives, as determined through the department's
18 evaluation.

19 *SEC. 39. Section 4635 of the Welfare and Institutions Code is*
20 *amended to read:*

21 4635. (a) If any regional center finds that it is unable to comply
22 with the requirements of this division or its contract with the state,
23 the regional center shall be responsible for informing the
24 department immediately that it does not expect to fulfill its
25 contractual obligations. Failure to provide the notification to the
26 department in a timely manner shall constitute grounds for possible
27 revocation or nonrenewal of the contract. If any regional center
28 makes a decision to cancel or not renew its contract with the
29 department, the regional center shall give a minimum of 90 days'
30 written notice of its decision.

31 (b) (1) If the department finds that any regional center is not
32 fulfilling its contractual obligations, the department shall make
33 reasonable efforts to resolve the problem within a reasonable period
34 of time with the cooperation of the regional center, including the
35 action described in paragraph (2) of subdivision (b) of Section
36 4629 or renegotiation of the contract.

37 (2) If the department's efforts to resolve the problem are not
38 successful, the department shall issue a letter of noncompliance.
39 The letter of noncompliance shall state the noncompliant activities
40 and establish a specific timeline for the development and

1 implementation of a corrective action plan. The department shall
2 approve the plan and monitor its implementation. Letters of
3 noncompliance shall be made available to the public upon request.
4 The letter of noncompliance shall not include privileged or
5 confidential consumer information or information that would
6 violate the privacy rights of regional center board members or
7 employees. The department shall notify the ~~appropriate area board~~
8 *state council* and shall provide the ~~area board~~ *state council* with a
9 copy of the corrective action plan, the timeline, and any other
10 action taken by the department relating to the requirements for
11 corrective action.

12 (c) If the department finds that any regional center continues to
13 fail in fulfilling its contractual obligations after reasonable efforts
14 have been made, and finds that other regional centers are able to
15 fulfill similar obligations under similar contracts, and finds that it
16 will be in the best interest of the persons being served by the
17 regional center, the department shall take steps to terminate the
18 contract and to negotiate with another governing board to provide
19 regional center services in the area. These findings may also
20 constitute grounds for possible nonrenewal of the contract in
21 addition to, or in lieu of, other grounds.

22 (d) If the department makes a decision to cancel or not renew
23 its contract with the regional center, the department shall give a
24 minimum of 90 days' written notice of its decision, unless it has
25 determined that the 90 days' notice would jeopardize the health
26 or safety of the regional center's consumers, or constitutes willful
27 misuse of state funds, as determined by the Attorney General.
28 Within 14 days after receipt of the notice, the regional center may
29 make a written protest to the department of the decision to
30 terminate or not renew the contract. In that case, the department
31 shall: (1) arrange to meet with the regional center and the
32 ~~appropriate area board~~ *state council* within 30 days after receipt
33 of the protest to discuss the decision and to provide its rationale
34 for the termination or nonrenewal of the contract, and to discuss
35 any feasible alternatives to termination or nonrenewal, including
36 the possibility of offering a limited term contract of less than one
37 fiscal year; and (2) initiate the procedures for resolving disputes
38 contained in Section 4632. To the extent allowable under state and
39 federal law, any outstanding audit exceptions or other deficiency

1 reports, appeals, or protests shall be made available and subject to
2 discussion at the meeting arranged under clause (1).

3 (e) When terminating or not renewing a regional center contract
4 and negotiating with another governing board for a regional center
5 contract, the department shall do all of the following:

6 (1) Notify the ~~area board~~, State Council on Developmental
7 Disabilities, all personnel employed by the regional center, all
8 service providers to the regional center, and all consumers of the
9 regional center informing them that it proposes to terminate or not
10 renew the contract with the regional center, and that the state will
11 continue to fulfill its obligations to ensure a continuity of services,
12 as required by state law, through a contract with a new governing
13 board.

14 (2) Issue a request for proposals prior to selecting and
15 negotiating with another governing board for a regional center
16 contract. The ~~local area board~~ *state council* shall review all
17 proposals and make recommendations to the department.

18 (3) Request the ~~area board~~ *state council* and any other
19 community agencies to assist the state by locating or organizing
20 a new governing board to contract with the department to operate
21 the regional center in the area. ~~Area boards~~ *The state council* shall
22 cooperate with the department when that assistance is requested.

23 (4) Provide any assistance ~~which~~ *that* may be required to ensure
24 that the transfer of responsibility to a new regional center will be
25 accomplished with minimum disruption to the clients of the service
26 program.

27 (f) In no event shall the procedures for termination or
28 nonrenewal of a regional center contract limit or abridge the state's
29 authority to contract with any duly authorized organization for the
30 purpose of service delivery, nor shall these procedures be
31 interpreted to represent a continued contractual obligation beyond
32 the limits of any fiscal year contract.

33 *SEC. 40. Section 4640.6 of the Welfare and Institutions Code*
34 *is amended to read:*

35 4640.6. (a) In approving regional center contracts, the
36 department shall ensure that regional center staffing patterns
37 demonstrate that direct service coordination are the highest priority.

38 (b) Contracts between the department and regional centers shall
39 require that regional centers implement an emergency response
40 system that ensures that a regional center staff person will respond

1 to a consumer, or individual acting on behalf of a consumer, within
2 two hours of the time an emergency call is placed. This emergency
3 response system shall be operational 24 hours per day, 365 days
4 per year.

5 (c) Contracts between the department and regional centers shall
6 require regional centers to have service coordinator-to-consumer
7 ratios, as follows:

8 (1) An average service coordinator-to-consumer ratio of 1 to
9 62 for all consumers who have not moved from the developmental
10 centers to the community since April 14, 1993. In no case shall a
11 service coordinator for these consumers have an assigned caseload
12 in excess of 79 consumers for more than 60 days.

13 (2) An average service coordinator-to-consumer ratio of 1 to
14 45 for all consumers who have moved from a developmental center
15 to the community since April 14, 1993. In no case shall a service
16 coordinator for these consumers have an assigned caseload in
17 excess of 59 consumers for more than 60 days.

18 (3) Commencing January 1, 2004, the following
19 coordinator-to-consumer ratios shall apply:

20 (A) All consumers three years of age and younger and for
21 consumers enrolled in the Home and Community-based Services
22 Waiver program for persons with developmental disabilities, an
23 average service coordinator-to-consumer ratio of 1 to 62.

24 (B) All consumers who have moved from a developmental
25 center to the community since April 14, 1993, and have lived
26 continuously in the community for at least 12 months, an average
27 service coordinator-to-consumer ratio of 1 to 62.

28 (C) All consumers who have not moved from the developmental
29 centers to the community since April 14, 1993, and who are not
30 described in subparagraph (A), an average service
31 coordinator-to-consumer ratio of 1 to 66.

32 (4) For purposes of paragraph (3), service coordinators may
33 have a mixed caseload of consumers three years of age and
34 younger, consumers enrolled in the Home and Community-based
35 Services Waiver program for persons with developmental
36 disabilities, and other consumers if the overall average caseload
37 is weighted proportionately to ensure that overall regional center
38 average service coordinator-to-consumer ratios as specified in
39 paragraph (3) are met. For purposes of paragraph (3), in no case

1 shall a service coordinator have an assigned caseload in excess of
2 84 for more than 60 days.

3 (d) For purposes of this section, “service coordinator” means a
4 regional center employee whose primary responsibility includes
5 preparing, implementing, and monitoring consumers’ individual
6 program plans, securing and coordinating consumer services and
7 supports, and providing placement and monitoring activities.

8 (e) In order to ensure that caseload ratios are maintained
9 pursuant to this section, each regional center shall provide service
10 coordinator caseload data to the department, annually for each
11 fiscal year. The data shall be submitted in the format, including
12 the content, prescribed by the department. Within 30 days of receipt
13 of data submitted pursuant to this subdivision, the department shall
14 make a summary of the data available to the public upon request.
15 The department shall verify the accuracy of the data when
16 conducting regional center fiscal audits. Data submitted by regional
17 centers pursuant to this subdivision shall:

18 (1) Only include data on service coordinator positions as defined
19 in subdivision (d). Regional centers shall identify the number of
20 positions that perform service coordinator duties on less than a
21 full-time basis. Staffing ratios reported pursuant to this subdivision
22 shall reflect the appropriate proportionality of these staff to
23 consumers served.

24 (2) Be reported separately for service coordinators whose
25 caseload includes any of the following:

26 (A) Consumers who are three years of age and older and who
27 have not moved from the developmental center to the community
28 since April 14, 1993.

29 (B) Consumers who have moved from a developmental center
30 to the community since April 14, 1993.

31 (C) Consumers who are younger than three years of age.

32 (D) Consumers enrolled in the Home and Community-based
33 Services Waiver program.

34 (3) Not include positions that are vacant for more than 60 days
35 or new positions established within 60 days of the reporting month
36 that are still vacant.

37 (4) For purposes of calculating caseload ratios for consumers
38 enrolled in the Home and Community-based Services Waiver
39 program, vacancies shall not be included in the calculations.

1 (f) The department shall provide technical assistance and require
2 a plan of correction for any regional center that, for two consecutive
3 reporting periods, fails to maintain service coordinator caseload
4 ratios required by this section or otherwise demonstrates an
5 inability to maintain appropriate staffing patterns pursuant to this
6 section. Plans of correction shall be developed following input
7 from the ~~local area board~~, *state council*, local organizations
8 representing consumers, family members, regional center
9 employees, including recognized labor organizations, and service
10 providers, and other interested parties.

11 (g) Contracts between the department and regional center shall
12 require the regional center to have, or contract for, all of the
13 following areas:

14 (1) Criminal justice expertise to assist the regional center in
15 providing services and support to consumers involved in the
16 criminal justice system as a victim, defendant, inmate, or parolee.

17 (2) Special education expertise to assist the regional center in
18 providing advocacy and support to families seeking appropriate
19 educational services from a school district.

20 (3) Family support expertise to assist the regional center in
21 maximizing the effectiveness of support and services provided to
22 families.

23 (4) Housing expertise to assist the regional center in accessing
24 affordable housing for consumers in independent or supportive
25 living arrangements.

26 (5) Community integration expertise to assist consumers and
27 families in accessing integrated services and supports and improved
28 opportunities to participate in community life.

29 (6) Quality assurance expertise, to assist the regional center to
30 provide the necessary coordination and cooperation with the ~~area~~
31 ~~board~~ *state council*, in conducting quality-of-life assessments and
32 coordinating the regional center quality assurance efforts.

33 (7) Each regional center shall employ at least one consumer
34 advocate who is a person with developmental disabilities.

35 (8) Other staffing arrangements related to the delivery of
36 services that the department determines are necessary to ensure
37 maximum cost-effectiveness and to ensure that the service needs
38 of consumers and families are met.

39 (h) Any regional center proposing a staffing arrangement that
40 substantially deviates from the requirements of this section shall

1 request a waiver from the department. Prior to granting a waiver,
2 the department shall require a detailed staffing proposal, including,
3 but not limited to, how the proposed staffing arrangement will
4 benefit consumers and families served, and shall demonstrate clear
5 and convincing support for the proposed staffing arrangement from
6 constituencies served and impacted, that include, but are not limited
7 to, consumers, families, providers, advocates, and recognized labor
8 organizations. In addition, the regional center shall submit to the
9 department any written opposition to the proposal from
10 organizations or individuals, including, but not limited to,
11 consumers, families, providers, and advocates, including
12 recognized labor organizations. The department may grant waivers
13 to regional centers that sufficiently demonstrate that the proposed
14 staffing arrangement is in the best interest of consumers and
15 families served, complies with the requirements of this chapter,
16 and does not violate any contractual requirements. A waiver shall
17 be approved by the department for up to 12 months, at which time
18 a regional center may submit a new request pursuant to this
19 subdivision.

20 (i) From February 1, 2009, to June 30, 2010, inclusive, the
21 following shall not apply:

22 (1) The service coordinator-to-consumer ratio requirements of
23 paragraph (1), and subparagraph (C) of paragraph (3), of
24 subdivision (c).

25 (2) The requirements of subdivision (e). The regional centers
26 shall, instead, maintain sufficient service coordinator caseload data
27 to document compliance with the service coordinator-to-consumer
28 ratio requirements in effect pursuant to this section.

29 (3) The requirements of paragraphs (1) to (6), inclusive, of
30 subdivision (g).

31 (j) From July 1, 2010, until June 30, 2013, the following shall
32 not apply:

33 (1) The service coordinator-to-consumer ratio requirements of
34 paragraph (1), and subparagraph (C) of paragraph (3), of
35 subdivision (c).

36 (2) The requirements of paragraphs (1) to (6), inclusive, of
37 subdivision (g).

38 (k) (1) Any contract between the department and a regional
39 center entered into on and after January 1, 2003, shall require that
40 all employment contracts entered into with regional center staff

1 or contractors be available to the public for review, upon request.
2 For purposes of this subdivision, an employment contract or portion
3 thereof may not be deemed confidential nor unavailable for public
4 review.

5 (2) Notwithstanding paragraph (1), the social security number
6 of the contracting party may not be disclosed.

7 (3) The term of the employment contract between the regional
8 center and an employee or contractor shall not exceed the term of
9 the state's contract with the regional center.

10 *SEC. 41. Section 4646 of the Welfare and Institutions Code is*
11 *amended to read:*

12 4646. (a) It is the intent of the Legislature to ensure that the
13 individual program plan and provision of services and supports
14 by the regional center system is centered on the individual and the
15 family of the individual with developmental disabilities and takes
16 into account the needs and preferences of the individual and the
17 family, where appropriate, as well as promoting community
18 integration, independent, productive, and normal lives, and stable
19 and healthy environments. It is the further intent of the Legislature
20 to ensure that the provision of services to consumers and their
21 families be effective in meeting the goals stated in the individual
22 program plan, reflect the preferences and choices of the consumer,
23 and reflect the cost-effective use of public resources.

24 (b) The individual program plan is developed through a process
25 of individualized needs determination. The individual with
26 developmental disabilities and, where appropriate, his or her
27 parents, legal guardian or conservator, or authorized representative,
28 shall have the opportunity to actively participate in the development
29 of the plan.

30 (c) An individual program plan shall be developed for any
31 person who, following intake and assessment, is found to be
32 eligible for regional center services. These plans shall be completed
33 within 60 days of the completion of the assessment. At the time
34 of intake, the regional center shall inform the consumer and, where
35 appropriate, his or her parents, legal guardian or conservator, or
36 authorized representative, of the services available through the
37 ~~local area board~~ *state council* and the protection and advocacy
38 agency designated by the Governor pursuant to federal law, and
39 shall provide the address and telephone numbers of those agencies.

1 (d) Individual program plans shall be prepared jointly by the
2 planning team. Decisions concerning the consumer's goals,
3 objectives, and services and supports that will be included in the
4 consumer's individual program plan and purchased by the regional
5 center or obtained from generic agencies shall be made by
6 agreement between the regional center representative and the
7 consumer or, where appropriate, the parents, legal guardian,
8 conservator, or authorized representative at the program plan
9 meeting.

10 (e) Regional centers shall comply with the request of a
11 consumer, or when appropriate, the request of his or her parents,
12 legal guardian, conservator, or authorized representative, that a
13 designated representative receive written notice of all meetings to
14 develop or revise his or her individual program plan and of all
15 notices sent to the consumer pursuant to Section 4710. The
16 designated representative may be a parent or family member.

17 (f) If a final agreement regarding the services and supports to
18 be provided to the consumer cannot be reached at a program plan
19 meeting, then a subsequent program plan meeting shall be
20 convened within 15 days, or later at the request of the consumer
21 or, when appropriate, the parents, legal guardian, conservator, or
22 authorized representative or when agreed to by the planning team.
23 Additional program plan meetings may be held with the agreement
24 of the regional center representative and the consumer or, where
25 appropriate, the parents, legal guardian, conservator, or authorized
26 representative.

27 (g) An authorized representative of the regional center and the
28 consumer or, when appropriate, his or her parent, legal guardian,
29 conservator, or authorized representative shall sign the individual
30 program plan prior to its implementation. If the consumer or, when
31 appropriate, his or her parent, legal guardian, conservator, or
32 authorized representative, does not agree with all components of
33 the plan, he or she may indicate that disagreement on the plan.
34 Disagreement with specific plan components shall not prohibit the
35 implementation of services and supports agreed to by the consumer
36 or, when appropriate, his or her parent, legal guardian, conservator,
37 or authorized representative. If the consumer or, when appropriate,
38 his or her parent, legal guardian, conservator, or authorized
39 representative, does not agree with the plan in whole or in part, he

1 or she shall be sent written notice of the fair hearing rights, as
2 required by Section 4701.

3 (h) (1) A regional center shall communicate in the consumer's
4 native language, or, when appropriate, the native language of his
5 or her family, legal guardian, conservator, or authorized
6 representative, during the planning process for the individual
7 program plan, including during the program plan meeting, and
8 including providing alternative communication services, as required
9 by Sections 11135 to 11139.7, inclusive, of the Government Code
10 and implementing regulations.

11 (2) A regional center shall provide alternative communication
12 services, including providing a copy of the individual program
13 plan in the native language of the consumer or his or her family,
14 legal guardian, conservator, or authorized representative, or both,
15 as required by Sections 11135 to 11139.7, inclusive, of the
16 Government Code and implementing regulations.

17 (3) The native language of the consumer or his or her family,
18 legal guardian, conservator, or authorized representative, or both,
19 shall be documented in the individual program plan.

20 *SEC. 42. Section 4646.5 of the Welfare and Institutions Code*
21 *is amended to read:*

22 4646.5. (a) The planning process for the individual program
23 plan described in Section 4646 shall include all of the following:

24 (1) Gathering information and conducting assessments to
25 determine the life goals, capabilities and strengths, preferences,
26 barriers, and concerns or problems of the person with
27 developmental disabilities. For children with developmental
28 disabilities, this process should include a review of the strengths,
29 preferences, and needs of the child and the family unit as a whole.
30 Assessments shall be conducted by qualified individuals and
31 performed in natural environments whenever possible. Information
32 shall be taken from the consumer, his or her parents and other
33 family members, his or her friends, advocates, authorized
34 representative, if applicable, providers of services and supports,
35 and other agencies. The assessment process shall reflect awareness
36 of, and sensitivity to, the lifestyle and cultural background of the
37 consumer and the family.

38 (2) A statement of goals, based on the needs, preferences, and
39 life choices of the individual with developmental disabilities, and
40 a statement of specific, time-limited objectives for implementing

1 the person's goals and addressing his or her needs. These objectives
2 shall be stated in terms that allow measurement of progress or
3 monitoring of service delivery. These goals and objectives should
4 maximize opportunities for the consumer to develop relationships,
5 be part of community life in the areas of community participation,
6 housing, work, school, and leisure, increase control over his or her
7 life, acquire increasingly positive roles in community life, and
8 develop competencies to help accomplish these goals.

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

12 (4) When developing an individual program plan for a transition
13 age youth or working age adult, the planning team shall consider
14 the Employment First Policy described in Chapter 14 (commencing
15 with Section 4868).

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

27 (6) When agreed to by the consumer, the parents, legally
28 appointed guardian, or authorized representative of a minor
29 consumer, or the legally appointed conservator of an adult
30 consumer or the authorized representative, including those
31 appointed pursuant to ~~subdivision (d) of Section 4548,~~
32 *subparagraph (A) of paragraph (2) of subdivision (e) of Section*
33 *4540*, subdivision (b) of Section 4701.6, and subdivision (e) of
34 Section 4705, a review of the general health status of the adult or
35 child, including medical, dental, and mental health needs, shall be
36 conducted. This review shall include a discussion of current
37 medications, any observed side effects, and the date of the last
38 review of the medication. Service providers shall cooperate with
39 the planning team to provide any information necessary to complete
40 the health status review. If any concerns are noted during the

1 review, referrals shall be made to regional center clinicians or to
2 the consumer's physician, as appropriate. Documentation of health
3 status and referrals shall be made in the consumer's record by the
4 service coordinator.

5 (7) (A) The development of a transportation access plan for a
6 consumer when all of the following conditions are met:

7 (i) The regional center is purchasing private, specialized
8 transportation services or services from a residential, day, or other
9 provider, excluding vouchered service providers, to transport the
10 consumer to and from day or work services.

11 (ii) The planning team has determined that a consumer's
12 community integration and participation could be safe and
13 enhanced through the use of public transportation services.

14 (iii) The planning team has determined that generic
15 transportation services are available and accessible.

16 (B) To maximize independence and community integration and
17 participation, the transportation access plan shall identify the
18 services and supports necessary to assist the consumer in accessing
19 public transportation and shall comply with Section 4648.35. These
20 services and supports may include, but are not limited to, mobility
21 training services and the use of transportation aides. Regional
22 centers are encouraged to coordinate with local public
23 transportation agencies.

24 (8) A schedule of regular periodic review and reevaluation to
25 ascertain that planned services have been provided, that objectives
26 have been fulfilled within the times specified, and that consumers
27 and families are satisfied with the individual program plan and its
28 implementation.

29 (b) For all active cases, individual program plans shall be
30 reviewed and modified by the planning team, through the process
31 described in Section 4646, as necessary, in response to the person's
32 achievement or changing needs, and no less often than once every
33 three years. If the consumer or, where appropriate, the consumer's
34 parents, legal guardian, authorized representative, or conservator
35 requests an individual program plan review, the individual program
36 shall be reviewed within 30 days after the request is submitted.

37 (c) (1) The department, with the participation of representatives
38 of a statewide consumer organization, the Association of Regional
39 Center Agencies, an organized labor organization representing
40 service coordination staff, and the ~~Organization of Area Boards~~

1 *state council* shall prepare training material and a standard format
2 and instructions for the preparation of individual program plans,
3 which embody an approach centered on the person and family.

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

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

10 *SEC. 43. Section 4648 of the Welfare and Institutions Code is*
11 *amended to read:*

12 4648. In order to achieve the stated objectives of a consumer's
13 individual program plan, the regional center shall conduct activities,
14 including, but not limited to, all of the following:

15 (a) Securing needed services and supports.

16 (1) It is the intent of the Legislature that services and supports
17 assist individuals with developmental disabilities in achieving the
18 greatest self-sufficiency possible and in exercising personal
19 choices. The regional center shall secure services and supports
20 that meet the needs of the consumer, as determined in the
21 consumer's individual program plan, and within the context of the
22 individual program plan, the planning team shall give highest
23 preference to those services and supports which would allow
24 minors with developmental disabilities to live with their families,
25 adult persons with developmental disabilities to live as
26 independently as possible in the community, and that allow all
27 consumers to interact with persons without disabilities in positive,
28 meaningful ways.

29 (2) In implementing individual program plans, regional centers,
30 through the planning team, shall first consider services and supports
31 in natural community, home, work, and recreational settings.
32 Services and supports shall be flexible and individually tailored
33 to the consumer and, where appropriate, his or her family.

34 (3) A regional center may, pursuant to vendorization or a
35 contract, purchase services or supports for a consumer from any
36 individual or agency ~~which~~ *that* the regional center and consumer
37 or, ~~where~~ *when* appropriate, his or her parents, legal guardian, or
38 conservator, or authorized representatives, determines will best
39 accomplish all or any part of that consumer's program plan.

1 (A) Vendorization or contracting is the process for identification,
2 selection, and utilization of service vendors or contractors, based
3 on the qualifications and other requirements necessary in order to
4 provide the service.

5 (B) A regional center may reimburse an individual or agency
6 for services or supports provided to a regional center consumer if
7 the individual or agency has a rate of payment for vendored or
8 contracted services established by the department, pursuant to this
9 division, and is providing services pursuant to an emergency
10 vendorization or has completed the vendorization procedures or
11 has entered into a contract with the regional center and continues
12 to comply with the vendorization or contracting requirements. The
13 director shall adopt regulations governing the vendorization process
14 to be utilized by the department, regional centers, vendors and the
15 individual or agency requesting vendorization.

16 (C) Regulations shall include, but not be limited to: the vendor
17 application process, and the basis for accepting or denying an
18 application; the qualification and requirements for each category
19 of services that may be provided to a regional center consumer
20 through a vendor; requirements for emergency vendorization;
21 procedures for termination of vendorization; the procedure for an
22 individual or an agency to appeal any vendorization decision made
23 by the department or regional center.

24 (D) A regional center may vendorize a licensed facility for
25 exclusive services to persons with developmental disabilities at a
26 capacity equal to or less than the facility's licensed capacity. A
27 facility already licensed on January 1, 1999, shall continue to be
28 vendorized at their full licensed capacity until the facility agrees
29 to vendorization at a reduced capacity.

30 (E) Effective July 1, 2009, notwithstanding any other ~~provision~~
31 ~~of law or regulation to the contrary~~, a regional center shall not
32 newly vendor a State Department of Social Services licensed
33 24-hour residential care facility with a licensed capacity of 16 or
34 more beds, unless the facility qualifies for receipt of federal funds
35 under the Medicaid Program.

36 (4) Notwithstanding subparagraph (B) of paragraph (3), a
37 regional center may contract or issue a voucher for services and
38 supports provided to a consumer or family at a cost not to exceed
39 the maximum rate of payment for that service or support
40 established by the department. If a rate has not been established

1 by the department, the regional center may, for an interim period,
2 contract for a specified service or support with, and establish a
3 rate of payment for, any provider of the service or support
4 necessary to implement a consumer's individual program plan.
5 Contracts may be negotiated for a period of up to three years, with
6 annual review and subject to the availability of funds.

7 (5) In order to ensure the maximum flexibility and availability
8 of appropriate services and supports for persons with
9 developmental disabilities, the department shall establish and
10 maintain an equitable system of payment to providers of services
11 and supports identified as necessary to the implementation of a
12 consumers' individual program plan. The system of payment shall
13 include provision for a rate to ensure that the provider can meet
14 the special needs of consumers and provide quality services and
15 supports in the least restrictive setting as required by law.

16 (6) The regional center and the consumer, or ~~where~~ *when*
17 appropriate, his or her parents, legal guardian, conservator, or
18 authorized representative, including those appointed pursuant to
19 ~~subdivision (d) of Section 4548, subparagraph (A) of paragraph~~
20 *(2) of subdivision (e) of Section 4540*, subdivision (b) of Section
21 4701.6, or subdivision (e) of Section 4705, shall, pursuant to the
22 individual program plan, consider all of the following when
23 selecting a provider of consumer services and supports:

24 (A) A provider's ability to deliver quality services or supports
25 ~~which~~ *that* can accomplish all or part of the consumer's individual
26 program plan.

27 (B) A provider's success in achieving the objectives set forth
28 in the individual program plan.

29 (C) ~~Where~~ *When* appropriate, the existence of licensing,
30 accreditation, or professional certification.

31 (D) The cost of providing services or supports of comparable
32 quality by different providers, if available, shall be reviewed, and
33 the least costly available provider of comparable service, including
34 the cost of transportation, who is able to accomplish all or part of
35 the consumer's individual program plan, consistent with the
36 particular needs of the consumer and family as identified in the
37 individual program plan, shall be selected. In determining the least
38 costly provider, the availability of federal financial participation
39 shall be considered. The consumer shall not be required to use the
40 least costly provider if it will result in the consumer moving from

1 an existing provider of services or supports to more restrictive or
2 less integrated services or supports.

3 (E) The consumer's choice of providers, or, ~~where~~ *when*
4 appropriate, the consumer's parent's, legal guardian's, authorized
5 representative's, or conservator's choice of providers.

6 (7) No service or support provided by any agency or individual
7 shall be continued unless the consumer or, ~~where~~ *when* appropriate,
8 his or her parents, legal guardian, or conservator, or authorized
9 representative, including those appointed pursuant to ~~subdivision~~
10 ~~(d) of Section 4548, subparagraph (A) of paragraph (2) of~~
11 ~~subdivision (e) of Section 4540,~~ subdivision (b) of Section 4701.6,
12 or subdivision (e) of Section 4705, is satisfied and the regional
13 center and the consumer or, when appropriate, the person's parents
14 or legal guardian or conservator agree that planned services and
15 supports have been provided, and reasonable progress toward
16 objectives have been made.

17 (8) Regional center funds shall not be used to supplant the
18 budget of any agency that has a legal responsibility to serve all
19 members of the general public and is receiving public funds for
20 providing those services.

21 (9) (A) A regional center may, directly or through an agency
22 acting on behalf of the center, provide placement in, purchase of,
23 or follow-along services to persons with developmental disabilities
24 in, appropriate community living arrangements, including, but not
25 limited to, support service for consumers in homes they own or
26 lease, foster family placements, health care facilities, and licensed
27 community care facilities. In considering appropriate placement
28 alternatives for children with developmental disabilities, approval
29 by the child's parent or guardian shall be obtained before placement
30 is made.

31 (B) Effective July 1, 2012, notwithstanding any other law or
32 ~~regulation to the contrary,~~ *regulation,* a regional center shall not
33 purchase residential services from a State Department of Social
34 Services licensed 24-hour residential care facility with a licensed
35 capacity of 16 or more beds. This prohibition on regional center
36 purchase of residential services shall not apply to any of the
37 following:

38 (i) A residential facility with a licensed capacity of 16 or more
39 beds that has been approved to participate in the department's

1 Home and Community Based Services Waiver or another existing
2 waiver program or certified to participate in the Medi-Cal program.

3 (ii) A residential facility service provider that has a written
4 agreement and specific plan prior to July 1, 2012, with the
5 vendoring regional center to downsize the existing facility by
6 transitioning its residential services to living arrangements of 15
7 beds or less or restructure the large facility to meet federal
8 Medicaid eligibility requirements on or before June 30, 2013.

9 (iii) A residential facility licensed as a mental health
10 rehabilitation center by the State Department of Mental Health or
11 successor agency under any of the following circumstances:

12 (I) The facility is eligible for Medicaid reimbursement.

13 (II) The facility has a department-approved plan in place by
14 June 30, 2013, to transition to a program structure eligible for
15 federal Medicaid funding, and this transition will be completed by
16 June 30, 2014. The department may grant an extension for the date
17 by which the transition will be completed if the facility
18 demonstrates that it has made significant progress toward transition,
19 and states with specificity the timeframe by which the transition
20 will be completed and the specified steps that will be taken to
21 accomplish the transition. A regional center may pay for the costs
22 of care and treatment of a consumer residing in the facility on June
23 30, 2012, until June 30, 2013, inclusive, and, if the facility has a
24 department-approved plan in place by June 30, 2013, may continue
25 to pay the costs under this subparagraph until June 30, 2014, or
26 until the end of any period during which the department has granted
27 an extension.

28 (III) There is an emergency circumstance in which the regional
29 center determines that it cannot locate alternate federally eligible
30 services to meet the consumer's needs. Under such an emergency
31 circumstance, an assessment shall be completed by the regional
32 center as soon as possible and within 30 days of admission. An
33 individual program plan meeting shall be convened immediately
34 following the assessment to determine the services and supports
35 needed for stabilization and to develop a plan to transition the
36 consumer from the facility into the community. If transition is not
37 expected within 90 days of admission, an individual program plan
38 meeting shall be held to discuss the status of transition and to
39 determine if the consumer is still in need of placement in the
40 facility. Commencing October 1, 2012, this determination shall

1 be made after also considering resource options identified by the
2 statewide specialized resource service. If it is determined that
3 emergency services continue to be necessary, the regional center
4 shall submit an updated transition plan that can cover a period of
5 up to 90 days. In no event shall placements under these emergency
6 circumstances exceed 180 days.

7 (C) (i) Effective July 1, 2012, notwithstanding any other law
8 or ~~regulation to the contrary~~, *regulation*, a regional center shall
9 not purchase new residential services from, or place a consumer
10 in, institutions for mental disease, as described in Part 5
11 (commencing with Section 5900) of Division 5, for which federal
12 Medicaid funding is not available. Effective July 1, 2013, this
13 prohibition applies regardless of the availability of federal funding.

14 (ii) The prohibition described in clause (i) shall not apply to
15 emergencies, as determined by the regional center, when a regional
16 center cannot locate alternate services to meet the consumer's
17 needs. As soon as possible within 30 days of admission due to an
18 emergency, an assessment shall be completed by the regional
19 center. An individual program plan meeting shall be convened
20 immediately following the assessment, to determine the services
21 and supports needed for stabilization and to develop a plan to
22 transition the consumer from the facility to the community. If
23 transition is not expected within 90 days of admission, an
24 emergency program plan meeting shall be held to discuss the status
25 of the transition and to determine if the consumer is still in need
26 of placement in the facility. If emergency services continue to be
27 necessary, the regional center shall submit an updated transition
28 plan to the department for an extension of up to 90 days. Placement
29 shall not exceed 180 days.

30 (iii) To the extent feasible, prior to any admission, the regional
31 center shall consider resource options identified by the statewide
32 specialized resource service established pursuant to subdivision
33 (b) of Section 4418.25.

34 (iv) The clients' rights advocate shall be notified of each
35 admission and individual program planning meeting pursuant to
36 this subparagraph and may participate in all individual program
37 planning meetings unless the consumer objects on his or her own
38 behalf.

39 (v) Regional centers shall complete a comprehensive assessment
40 of any consumer residing in an institution for mental disease as of

1 July 1, 2012, for which federal Medicaid funding is not available,
2 and for any consumer residing in an institution for mental disease
3 as of July 1, 2013, without regard to federal funding. The
4 comprehensive assessment shall be completed prior to the
5 consumer's next scheduled individual program plan meeting and
6 shall include identification of the services and supports needed
7 and the timeline for identifying or developing those services needed
8 to transition the consumer back to the community. Effective
9 October 1, 2012, the regional center shall also consider resource
10 options identified by the statewide specialized resource service.
11 For each individual program plan meeting convened pursuant to
12 this subparagraph, the clients' rights advocate for the regional
13 center shall be notified of the meeting and may participate in the
14 meeting unless the consumer objects on his or her own behalf.

15 (D) ~~Each~~ A person with developmental disabilities placed by
16 the regional center in a community living arrangement shall have
17 the rights specified in this division. These rights shall be brought
18 to the person's attention by any means necessary to reasonably
19 communicate these rights to each resident, provided that, at a
20 minimum, the Director of Developmental Services prepare,
21 provide, and require to be clearly posted in all residential facilities
22 and day programs a poster using simplified language and pictures
23 that is designed to be more understandable by persons with
24 cognitive disabilities and that the rights information shall also be
25 available through the regional center to each residential facility
26 and day program in alternative formats, including, but not limited
27 to, other languages, braille, and audio tapes, when necessary to
28 meet the communication needs of consumers.

29 (E) Consumers are eligible to receive supplemental services
30 including, but not limited to, additional staffing, pursuant to the
31 process described in subdivision (d) of Section 4646. Necessary
32 additional staffing that is not specifically included in the rates paid
33 to the service provider may be purchased by the regional center if
34 the additional staff are in excess of the amount required by
35 regulation and the individual's planning team determines the
36 additional services are consistent with the provisions of the
37 individual program plan. Additional staff should be periodically
38 reviewed by the planning team for consistency with the individual
39 program plan objectives in order to determine if continued use of
40 the additional staff is necessary and appropriate and if the service

1 is producing outcomes consistent with the individual program plan.
2 Regional centers shall monitor programs to ensure that the
3 additional staff is being provided and utilized appropriately.

4 (10) Emergency and crisis intervention services including, but
5 not limited to, mental health services and behavior modification
6 services, may be provided, as needed, to maintain persons with
7 developmental disabilities in the living arrangement of their own
8 choice. Crisis services shall first be provided without disrupting a
9 person's living arrangement. If crisis intervention services are
10 unsuccessful, emergency housing shall be available in the person's
11 home community. If dislocation cannot be avoided, every effort
12 shall be made to return the person to his or her living arrangement
13 of choice, with all necessary supports, as soon as possible.

14 (11) Among other service and support options, planning teams
15 shall consider the use of paid roommates or neighbors, personal
16 assistance, technical and financial assistance, and all other service
17 and support options which would result in greater self-sufficiency
18 for the consumer and cost-effectiveness to the state.

19 (12) When facilitation as specified in an individual program
20 plan requires the services of an individual, the facilitator shall be
21 of the consumer's choosing.

22 (13) The community support may be provided to assist
23 individuals with developmental disabilities to fully participate in
24 community and civic life, including, but not limited to, programs,
25 services, work opportunities, business, and activities available to
26 persons without disabilities. This facilitation shall include, but not
27 be limited to, any of the following:

28 (A) Outreach and education to programs and services within
29 the community.

30 (B) Direct support to individuals ~~which~~ *that* would enable them
31 to more fully participate in their community.

32 (C) Developing unpaid natural supports when possible.

33 (14) When feasible and recommended by the individual program
34 planning team, for purposes of facilitating better and cost-effective
35 services for consumers or family members, technology, including
36 telecommunication technology, may be used in conjunction with
37 other services and supports. Technology in lieu of a consumer's
38 in-person appearances at judicial proceedings or administrative
39 due process hearings may be used only if the consumer or, when
40 appropriate, the consumer's parent, legal guardian, conservator,

1 or authorized representative, gives informed consent. Technology
2 may be used in lieu of, or in conjunction with, in-person training
3 for providers, as appropriate.

4 (15) Other services and supports may be provided as set forth
5 in Sections 4685, 4686, 4687, 4688, and 4689, when necessary.

6 (16) Notwithstanding any other ~~provision of law or regulation~~
7 ~~to the contrary, regulation~~, effective July 1, 2009, regional centers
8 shall not purchase experimental treatments, therapeutic services,
9 or devices that have not been clinically determined or scientifically
10 proven to be effective or safe or for which risks and complications
11 are unknown. Experimental treatments or therapeutic services
12 include experimental medical or nutritional therapy when the use
13 of the product for that purpose is not a general physician practice.
14 For regional center consumers receiving these services as part of
15 their individual program plan (IPP) or individualized family service
16 plan (IFSP) on July 1, 2009, this prohibition shall apply on August
17 1, 2009.

18 (b) (1) Advocacy for, and protection of, the civil, legal, and
19 service rights of persons with developmental disabilities as
20 established in this division.

21 (2) Whenever the advocacy efforts of a regional center to secure
22 or protect the civil, legal, or service rights of any of its consumers
23 prove ineffective, the regional center or the person with
24 developmental disabilities or his or her parents, legal guardian, or
25 other representative may request ~~the area board to initiate action~~
26 ~~under the provisions defining area board advocacy functions~~
27 ~~established in this division.~~ *assistance from the state council.*

28 (c) The regional center may assist consumers and families
29 directly, or through a provider, in identifying and building circles
30 of support within the community.

31 (d) In order to increase the quality of community services and
32 protect consumers, the regional center shall, when appropriate,
33 take either of the following actions:

34 (1) Identify services and supports that are ineffective or of poor
35 quality and provide or secure consultation, training, or technical
36 assistance services for any agency or individual provider to assist
37 that agency or individual provider in upgrading the quality of
38 services or supports.

39 (2) Identify providers of services or supports that may not be
40 in compliance with local, state, and federal statutes and regulations

1 and notify the appropriate licensing or regulatory authority, or
2 request the ~~area board~~ *state council* to investigate the possible
3 noncompliance.

4 (e) When necessary to expand the availability of needed services
5 of good quality, a regional center may take actions that include,
6 but are not limited to, the following:

7 (1) Soliciting an individual or agency by requests for proposals
8 or other means, to provide needed services or supports not presently
9 available.

10 (2) Requesting funds from the Program Development Fund,
11 pursuant to Section 4677, or community placement plan funds
12 designated from that fund, to reimburse the startup costs needed
13 to initiate a new program of services and supports.

14 (3) Using creative and innovative service delivery models,
15 including, but not limited to, natural supports.

16 (f) Except in emergency situations, a regional center shall not
17 provide direct treatment and therapeutic services, but shall utilize
18 appropriate public and private community agencies and service
19 providers to obtain those services for its consumers.

20 (g) ~~Where~~ *When* there are identified gaps in the system of
21 services and supports or ~~where~~ *when* there are identified consumers
22 for whom no provider will provide services and supports contained
23 in his or her individual program plan, the department may provide
24 the services and supports directly.

25 (h) At least annually, regional centers shall provide the
26 consumer, his or her parents, legal guardian, conservator, or
27 authorized representative a statement of services and supports the
28 regional center purchased for the purpose of ensuring that they are
29 delivered. The statement shall include the type, unit, month, and
30 cost of services and supports purchased.

31 *SEC. 44. Section 4649 of the Welfare and Institutions Code is*
32 *amended to read:*

33 4649. Regional centers shall cooperate with ~~area boards~~ *the*
34 *state council* in joint efforts to inform the public of services
35 available to persons with developmental disabilities and of their
36 unmet needs, provide materials and education programs to
37 community groups and agencies with interest in, or responsibility
38 for, persons with developmental disabilities, and develop resource
39 materials, if necessary, containing information about local agencies,

1 facilities, and service providers offering services to persons with
2 developmental disabilities.

3 *SEC. 45. Section 4650 of the Welfare and Institutions Code is*
4 *amended to read:*

5 4650. Regional centers shall be responsible for developing an
6 annual plan and program budget to be submitted to the director no
7 later than September 1 of each fiscal year. An information copy
8 shall be submitted to the ~~area board~~ and state council by the same
9 date.

10 *SEC. 46. Section 4659 of the Welfare and Institutions Code is*
11 *amended to read:*

12 4659. (a) Except as otherwise provided in subdivision (b) or
13 (e), the regional center shall identify and pursue all possible sources
14 of funding for consumers receiving regional center services. These
15 sources shall include, but not be limited to, both of the following:

16 (1) Governmental or other entities or programs required to
17 provide or pay the cost of providing services, including Medi-Cal,
18 Medicare, the Civilian Health and Medical Program for Uniform
19 Services, school districts, and federal supplemental security income
20 and the state supplementary program.

21 (2) Private entities, to the maximum extent they are liable for
22 the cost of services, aid, insurance, or medical assistance to the
23 consumer.

24 (b) Any revenues collected by a regional center pursuant to this
25 section shall be applied against the cost of services prior to use of
26 regional center funds for those services. This revenue shall not
27 result in a reduction in the regional center's purchase of services
28 budget, except as it relates to federal supplemental security income
29 and the state supplementary program.

30 (c) Effective July 1, 2009, notwithstanding any other ~~provision~~
31 ~~of law or regulation to the contrary~~, regional centers shall not
32 purchase any service that would otherwise be available from
33 Medi-Cal, Medicare, the Civilian Health and Medical Program for
34 Uniform Services, In-Home Support Services, California Children's
35 Services, private insurance, or a health care service plan when a
36 consumer or a family meets the criteria of this coverage but chooses
37 not to pursue that coverage. If, on July 1, 2009, a regional center
38 is purchasing that service as part of a consumer's individual
39 program plan (IPP), the prohibition shall take effect on October
40 1, 2009.

1 (d) (1) Effective July 1, 2009, notwithstanding any other
2 ~~provision of law or regulation to the contrary~~, a regional center
3 shall not purchase medical or dental services for a consumer three
4 years of age or older unless the regional center is provided with
5 documentation of a Medi-Cal, private insurance, or a health care
6 service plan denial and the regional center determines that an
7 appeal by the consumer or family of the denial does not have merit.
8 If, on July 1, 2009, a regional center is purchasing the service as
9 part of a consumer's IPP, this provision shall take effect on August
10 1, 2009. Regional centers may pay for medical or dental services
11 during the following periods:

12 (A) While coverage is being pursued, but before a denial is
13 made.

14 (B) Pending a final administrative decision on the administrative
15 appeal if the family has provided to the regional center a
16 verification that an administrative appeal is being pursued.

17 (C) Until the commencement of services by Medi-Cal, private
18 insurance, or a health care service plan.

19 (2) When necessary, the consumer or family may receive
20 assistance from the regional center, the Clients' Rights Advocate
21 funded by the department, or ~~area boards on developmental~~
22 ~~disabilities~~ *the state council* in pursuing these appeals.

23 (e) This section shall not be construed to impose any additional
24 liability on the parents of children with developmental disabilities,
25 or to restrict eligibility for, or deny services to, any individual who
26 qualifies for regional center services but is unable to pay.

27 (f) In order to best utilize generic resources, federally funded
28 programs, and private insurance programs for individuals with
29 developmental disabilities, the department and regional centers
30 shall engage in the following activities:

31 (1) Within existing resources, the department shall provide
32 training to regional centers, no less than once every two years, in
33 the availability and requirements of generic, federally funded and
34 private programs available to persons with developmental
35 disabilities, including, but not limited to, eligibility requirements,
36 the application process and covered services, and the appeal
37 process.

38 (2) Regional centers shall disseminate information and training
39 to all service coordinators regarding the availability and

1 requirements of generic, federally funded and private insurance
2 programs on the local level.

3 *SEC. 47. Section 4662 of the Welfare and Institutions Code is*
4 *amended to read:*

5 4662. In the case of an emergency situation involving matters
6 upon which prompt action is necessary due to the disruption or
7 threatened disruption of regional center services, an emergency
8 meeting may be called without complying with the advanced notice
9 requirement of Section 4661. For the purposes of this article,
10 “emergency situation” means any activity which severely impairs
11 public health, safety, or both, as determined by a majority of the
12 members of the regional center board. In these situations, advance
13 notice shall be provided if practicable. In addition, the ~~area board~~
14 *state council regional office* shall be notified by telephone of each
15 emergency meeting. The minutes of an emergency meeting,
16 including a description of any actions taken at the meeting, shall
17 be mailed immediately to those persons described in Section 4661.

18 *SEC. 48. Section 4669.2 of the Welfare and Institutions Code*
19 *is amended to read:*

20 4669.2. (a) Notwithstanding any other ~~provision of law~~, and
21 provided that there shall be no reduction in direct service to persons
22 eligible for services under this article, a regional center, with the
23 approval of the State Department of Developmental Services, and
24 in consultation with the ~~local area boards~~, *state council*, consumer
25 and vendor advisory committees, and local advocacy organizations,
26 may explore and implement any regional center service delivery
27 alternative included in this section for consumers living in the
28 community, as follows:

29 (1) Alternative service coordination for consumers.

30 (2) Technical and financial support to consumers, and where
31 appropriate, their families, to provide or secure their own services
32 in lieu of services that regional centers would otherwise provide,
33 purchase, or secure. These programs shall be cost-effective in the
34 aggregate, and shall be limited to consumers who are at imminent
35 risk of moving to a more restrictive setting.

36 (3) Procedures whereby regional centers may negotiate levels
37 of payment with providers for delivery of specific services to a
38 group of consumers through a mutually agreed upon contract with
39 a specific term and a guaranteed reimbursement amount. Contracted

1 services may be for any specific service or combination of services
2 across vendor categories.

3 (4) Procedures whereby consumers, regional center
4 representatives, ~~area board representatives,~~ *the state council*, and
5 local service providers may jointly examine and make
6 recommendations to the department for reduced reporting and
7 recording requirements of regional centers. The recommendations
8 shall be made available upon request.

9 (5) Proposals to reduce reporting and recordkeeping
10 requirements at a regional center.

11 (6) Procedures whereby a regional center may lease a facility
12 and contract for the provision of services in that facility for regional
13 center clients.

14 (7) Procedures that encourage innovative approaches to the
15 sharing of administrative resources between regional centers and
16 other public and private agencies serving persons with
17 developmental disabilities.

18 (8) Proposals for a regional center to purchase a facility for its
19 own office space if it can be shown to be cost-effective. ~~No funds~~
20 *Funds* from a regional center's purchase of services budget shall
21 *not* be used for this purchase.

22 (b) Consultation pursuant to subdivision (a) shall occur during
23 the development of the proposal prior to the public hearing
24 conducted in accordance with Section 4669.75 and after the
25 completion of the public hearing.

26 (c) The regional center shall annually submit to the State
27 Department of Developmental Services a report on the
28 implementation of the service delivery options approved by the
29 department under this section. The report shall review the effects
30 of the proposal, if applicable, upon the regional center purchase
31 of service budget and the state budget, the impact on other regional
32 center services, and the impact on consumers served under the
33 proposal. This report shall be completed within 90 days of the end
34 of each fiscal year.

35 *SEC. 49. Section 4677 of the Welfare and Institutions Code is*
36 *amended to read:*

37 4677. (a) (1) All parental fees collected by or for regional
38 centers shall be remitted to the State Treasury to be deposited in
39 the Developmental Disabilities Program Development Fund, which
40 is hereby created and hereinafter called the Program Development

1 Fund. The purpose of the Program Development Fund shall be to
2 provide resources needed to initiate new programs, and to expand
3 or convert existing programs. Within the context of, and consistent
4 with, approved priorities for program development in the state
5 plan, program development funds shall promote integrated
6 residential, work, instructional, social, civic, volunteer, and
7 recreational services and supports that increase opportunities for
8 self-determination and maximum independence of persons with
9 developmental disabilities. Notwithstanding any other ~~provision~~
10 ~~of law or regulation to the contrary~~, commencing July 1, 2009,
11 parental fees remitted to the State Treasury shall be deposited in
12 accordance with Section 4784.

13 (2) In no event shall an allocation from the Program
14 Development Fund be granted for more than 24 months.

15 (b) (1) The State Council on Developmental Disabilities shall,
16 at least once every five years, request from all regional centers
17 information on the types and amounts of services and supports
18 needed, but currently unavailable.

19 (2) The state council shall work collaboratively with the
20 department and the Association of Regional Center Agencies to
21 develop standardized forms and protocols that shall be used by all
22 regional centers and ~~area boards~~ *the state council* in collecting and
23 reporting this information. In addition to identifying services and
24 supports that are needed, but currently unavailable, the forms and
25 protocols shall also solicit input and suggestions on alternative
26 and innovative service delivery models that would address
27 consumer needs.

28 (3) In addition to the information provided pursuant to paragraph
29 (2), the state council may utilize information from other sources,
30 including, but not limited to, public hearings, quality assurance
31 assessments conducted pursuant to Section 4571, regional center
32 reports on alternative service delivery submitted to the department
33 pursuant to Section 4669.2, and the annual report on self-directed
34 services produced pursuant to Section 4685.7.

35 (4) The department shall provide additional information, as
36 requested by the state council.

37 (5) Based on the information provided by the regional centers
38 and other agencies, the state council shall develop an assessment
39 of the need for new, expanded, or converted community services
40 and support, and make that assessment available to the public. The

1 assessment shall include a discussion of the type and amount of
2 services and supports necessary but currently unavailable including
3 the impact on consumers with common characteristics, including,
4 but not limited to, disability, specified geographic regions, age,
5 and ethnicity, face distinct challenges. The assessment shall
6 highlight alternative and innovative service delivery models
7 identified through their assessment process.

8 (6) This needs assessment shall be conducted at least once every
9 five years and updated annually. The assessment shall be included
10 in the state plan and shall be provided to the department and to the
11 appropriate committees of the Legislature. The assessment and
12 annual updates shall be made available to the public. The State
13 Council on Developmental Disabilities, in consultation with the
14 department, shall make a recommendation to the Department of
15 Finance as to the level of funding for program development to be
16 included in the Governor's Budget, based upon this needs
17 assessment.

18 (c) Parental fee schedules shall be evaluated pursuant to Section
19 4784 and adjusted annually, as needed, by the department, with
20 the approval of the state council. The July 1, 2009, parental fee
21 adjustment shall be exempt from this approval requirement. Fees
22 for out-of-home care shall bear an equitable relationship to the
23 cost of the care and the ability of the family to pay.

24 (d) In addition to parental fees and General Fund appropriations,
25 the Program Development Fund may be augmented by federal
26 funds available to the state for program development purposes,
27 when these funds are allotted to the Program Development Fund
28 in the state plan. The Program Development Fund is hereby
29 appropriated to the department, and subject to any allocations that
30 may be made in the annual Budget Act. In no event shall any of
31 these funds revert to the General Fund.

32 (e) The department may allocate funds from the Program
33 Development Fund for any legal purpose, provided that requests
34 for proposals and allocations are approved by the state council in
35 consultation with the department, and are consistent with the
36 priorities for program development in the state plan. Allocations
37 from the Program Development Fund shall take into consideration
38 the following factors:

1 (1) The future fiscal impact of the allocations on other state
2 supported services and supports for persons with developmental
3 disabilities.

4 (2) (A) The information on priority services and supports
5 needed, but currently unavailable, submitted by the regional
6 centers.

7 ~~Consistent~~

8 (B) ~~Consistent~~ with the level of need as determined in the state
9 plan, excess parental fees may be used for purposes other than
10 programs specified in subdivision (a) only when specifically
11 appropriated to the State Department of Developmental Services
12 for those purposes.

13 (f) Under no circumstances shall the deposit of federal moneys
14 into the Program Development Fund be construed as requiring the
15 State Department of Developmental Services to comply with a
16 definition of “developmental disabilities” and “services for persons
17 with developmental disabilities” other than as specified in
18 subdivisions (a) and (b) of Section 4512 for the purposes of
19 determining eligibility for developmental services or for allocating
20 parental fees and state general funds deposited in the Program
21 Development Fund.

22 *SEC. 50. Section 4685.8 of the Welfare and Institutions Code*
23 *is amended to read:*

24 4685.8. (a) The department shall implement a statewide
25 Self-Determination Program. The Self-Determination Program
26 shall be available in every regional center catchment area to provide
27 participants and their families, within an individual budget,
28 increased flexibility and choice, and greater control over decisions,
29 resources, and needed and desired services and supports to
30 implement their IPP. The statewide Self-Determination Program
31 shall be phased in over three years, and during this phase-in period,
32 shall serve up to 2,500 regional center consumers, inclusive of the
33 remaining participants in the self-determination pilot projects
34 authorized pursuant to Section 13 of Chapter 1043 of the Statutes
35 of 1998, as amended, and Article 4 (commencing with Section
36 4669.2) of Chapter 5. Following the phase-in period, the program
37 shall be available on a voluntary basis to all regional center
38 consumers who are eligible for the Self-Determination Program.
39 The program shall be available to individuals who reflect the
40 disability, ethnic, and geographic diversity of the state.

1 (b) The department in establishing the statewide program shall
2 do both of the following:

3 (1) For the first three years of the Self-Determination Program,
4 determine, as part of the contracting process described in Sections
5 4620 and 4629, the number of participants each regional center
6 shall serve in its Self-Determination Program. To ensure that the
7 program is available on an equitable basis to participants in all
8 regional center catchment areas, the number of Self-Determination
9 Program participants in each regional center shall be based on the
10 relative percentage of total consumers served by the regional
11 centers minus any remaining participants in the self-determination
12 pilot projects authorized pursuant to Section 13 of Chapter 1043
13 of the Statutes of 1998, as amended, and Article 4 (commencing
14 with Section 4669.2) of Chapter 5 or another equitable basis.

15 (2) Ensure all of the following:

16 (A) Oversight of expenditure of self-determined funds and the
17 achievement of participant outcomes over time.

18 (B) Increased participant control over which services and
19 supports best meet their needs and the IPP objectives. A
20 participant's unique support system may include the purchase of
21 existing service offerings from service providers or local
22 businesses, hiring his or her own support workers, or negotiating
23 unique service arrangements with local community resources.

24 (C) Comprehensive person-centered planning, including an
25 individual budget and services that are outcome based.

26 (D) Consumer and family training to ensure understanding of
27 the principles of self-determination, the planning process, and the
28 management of budgets, services, and staff.

29 (E) Choice of independent facilitators who can assist with the
30 person-centered planning process and choice of financial
31 management services providers vendored by regional centers who
32 can assist with payments and provide employee-related services.

33 (F) Innovation that will more effectively allow participants to
34 achieve their goals.

35 (c) For purposes of this section, the following definitions shall
36 apply:

37 (1) "Financial management services" means services or
38 functions that assist the participant to manage and direct the
39 distribution of funds contained in the individual budget, and ensure
40 that the participant has the financial resources to implement his or

1 her IPP throughout the year. These may include bill paying services
2 and activities that facilitate the employment of service and support
3 workers by the participant, including, but not limited to, fiscal
4 accounting, tax withholding, compliance with relevant state and
5 federal employment laws, assisting the participant in verifying
6 provider qualifications, including criminal background checks,
7 and expenditure reports. The financial management services
8 provider shall meet the requirements of Sections 58884, 58886,
9 and 58887 of Title 17 of the California Code of Regulations and
10 other specific qualifications established by the department. The
11 costs of financial management services shall be paid by the
12 participant out of his or her individual budget, except for the cost
13 of obtaining the criminal background check specified in subdivision
14 (w).

15 (2) "Independent facilitator" means a person, selected and
16 directed by the participant, who is not otherwise providing services
17 to the participant pursuant to his or her IPP and is not employed
18 by a person providing services to the participant. The independent
19 facilitator may assist the participant in making informed decisions
20 about the individual budget, and in locating, accessing, and
21 coordinating services and supports consistent with the participant's
22 IPP. He or she is available to assist in identifying immediate and
23 long-term needs, developing options to meet those needs, leading,
24 participating, or advocating on behalf of the participant in the
25 person-centered planning process and development of the IPP, and
26 obtaining identified services and supports. The cost of the
27 independent facilitator, if any, shall be paid by the participant out
28 of his or her individual budget. An independent facilitator shall
29 receive training in the principles of self-determination, the
30 person-centered planning process, and the other responsibilities
31 described in this paragraph at his or her own cost.

32 (3) "Individual budget" means the amount of regional center
33 purchase of service funding available to the participant for the
34 purchase of services and supports necessary to implement the IPP.
35 The individual budget shall be determined using a fair, equitable,
36 and transparent methodology.

37 (4) "IPP" means individual program plan, as described in Section
38 4646.

39 (5) "Participant" means an individual, and when appropriate,
40 his or her parents, legal guardian or conservator, or authorized

1 representative, who has been deemed eligible for, and has
2 voluntarily agreed to participate in, the Self-Determination
3 Program.

4 (6) “Self-determination” means a voluntary delivery system
5 consisting of a defined and comprehensive mix of services and
6 supports, selected and directed by a participant through
7 person-centered planning, in order to meet the objectives in his or
8 her IPP. Self-determination services and supports are designed to
9 assist the participant to achieve personally defined outcomes in
10 community settings that promote inclusion. The Self-Determination
11 Program shall only fund services and supports provided pursuant
12 to this division that the federal Centers for Medicare and Medicaid
13 Services determines are eligible for federal financial participation.

14 (d) Participation in the Self-Determination Program is fully
15 voluntary. A participant may choose to participate in, and may
16 choose to leave, the Self-Determination Program at any time. A
17 regional center shall not require or prohibit participation in the
18 Self-Determination Program as a condition of eligibility for, or
19 the delivery of, services and supports otherwise available under
20 this division. Participation in the Self-Determination Program shall
21 be available to any regional center consumer who meets the
22 following eligibility requirements:

23 (1) The participant has a developmental disability, as defined
24 in Section ~~4512~~ 4512, and is receiving services pursuant to this
25 division.

26 (2) The consumer does not live in a licensed long-term health
27 care facility, as defined in paragraph (44) of subdivision (a) of
28 Section 54302 of Title 17 of the California Code of Regulations.
29 An individual, and when appropriate his or her parent, legal
30 guardian or conservator, or authorized representative, who is not
31 eligible to participate in the Self-Determination Program pursuant
32 to this paragraph may request that the regional center provide
33 person-centered planning services in order to make arrangements
34 for transition to the Self-Determination Program, provided that he
35 or she is reasonably expected to transition to the community within
36 90 days. In that case, the regional center shall initiate
37 person-centered planning services within 60 days of that request.

38 (3) The participant agrees to all of the following terms and
39 conditions:

1 (A) The participant shall receive an orientation to the
2 Self-Determination Program prior to enrollment, which includes
3 the principles of self-determination, the role of the independent
4 facilitator and the financial management services provider,
5 person-centered planning, and development of a budget.

6 (B) The participant shall utilize the services and supports
7 available within the Self-Determination Program only when generic
8 services and supports are not available.

9 (C) The participant shall only purchase services and supports
10 necessary to implement his or her IPP and shall comply with any
11 and all other terms and conditions for participation in the
12 Self-Determination Program described in this section.

13 (D) The participant shall manage Self-Determination Program
14 services and supports within his or her individual budget.

15 (E) The participant shall utilize the services of a financial
16 management services provider of his or her own choosing and who
17 is vendored by a regional center.

18 (F) The participant may utilize the services of an independent
19 facilitator of his or her own choosing for the purpose of providing
20 services and functions as described in paragraph (2) of subdivision
21 (c). If the participant elects not to use an independent facilitator,
22 he or she may use his or her regional center service coordinator to
23 provide the services and functions described in paragraph (2) of
24 subdivision (c).

25 (e) A participant who is not Medi-Cal eligible may participate
26 in the Self-Determination Program and receive self-determination
27 services and supports if all other program eligibility requirements
28 are met and the services and supports are otherwise eligible for
29 federal financial participation.

30 (f) An individual receiving services and supports under a
31 self-determination pilot project authorized pursuant to Section 13
32 of Chapter 1043 of the Statutes of 1998, as amended, or pursuant
33 to Article 4 (commencing with Section 4669.2) of Chapter 5, may
34 elect to continue to receive self-determination services and supports
35 pursuant to this section or the regional center shall provide for the
36 participant's transition from the self-determination pilot program
37 to other services and supports. This transition shall include the
38 development of a new IPP that reflects the services and supports
39 necessary to meet the individual's needs. The regional center shall

1 ensure that there is no gap in services and supports during the
2 transition period.

3 (g) The additional federal financial participation funds generated
4 by the former participants of the self-determination pilot projects
5 authorized pursuant to Section 13 of Chapter 1043 of the Statutes
6 of 1998, as amended, or pursuant to Article 4 (commencing with
7 Section 4669.2) of Chapter 5, shall be used as follows:

8 (1) First, to offset the cost to the department for the criminal
9 background check conducted pursuant to subdivision (w), and
10 other administrative costs incurred by the department in
11 implementing the Self-Determination Program.

12 (2) With the remaining funds, to offset the costs to the regional
13 centers in implementing the Self-Determination Program,
14 including, but not limited to, operations costs for caseload ratio
15 enhancement, training for regional center staff, costs associated
16 with the participant's initial person-centered planning meeting,
17 the development of the participant's initial individual budget, and
18 the costs associated with training consumers and family members.

19 (h) If at any time during participation in the Self-Determination
20 Program a regional center determines that a participant is no longer
21 eligible to continue in, or a participant voluntarily chooses to exit,
22 the Self-Determination Program, the regional center shall provide
23 for the participant's transition from the Self-Determination Program
24 to other services and supports. This transition shall include the
25 development of a new IPP that reflects the services and supports
26 necessary to meet the individual's needs. The regional center shall
27 ensure that there is no gap in services and supports during the
28 transition period.

29 (i) An individual determined to be ineligible for or who
30 voluntarily exits the Self-Determination Program shall be permitted
31 to return to the Self-Determination Program upon meeting all
32 applicable eligibility criteria and upon approval of the participant's
33 planning team, as described in subdivision (j) of Section 4512. An
34 individual who has voluntarily exited the Self-Determination
35 Program shall not return to the program for at least 12 months.
36 During the first three years of the program, the individual's right
37 to return to the program is conditioned on his or her regional center
38 not having reached the participant cap imposed by paragraph (1)
39 of subdivision (b).

1 (j) An individual who participates in the Self-Determination
2 Program may elect to continue to receive self-determination
3 services and supports if he or she transfers to another regional
4 center catchment area, provided that he or she remains eligible for
5 the Self-Determination Program pursuant to subdivision (d). The
6 balance of the participant's individual budget shall be reallocated
7 to the regional center to which he or she transfers.

8 (k) The IPP team shall utilize the person-centered planning
9 process to develop the IPP for a participant. The IPP shall detail
10 the goals and objectives of the participant that are to be met through
11 the purchase of participant-selected services and supports. The
12 IPP team shall determine the individual budget to ensure the budget
13 assists the participant to achieve the outcomes set forth in his or
14 her IPP and ensures his or her health and safety. The completed
15 individual budget shall be attached to the IPP.

16 (l) The participant shall implement his or her IPP, including
17 choosing and purchasing the services and supports allowable under
18 this section necessary to implement the plan. A participant is
19 exempt from the cost control restrictions regarding the purchases
20 of services and supports pursuant to Sections 4648.5 and 4686.5.
21 A regional center shall not prohibit the purchase of any service or
22 support that is otherwise allowable under this section.

23 (m) A participant shall have all the rights established in Sections
24 4646 to 4646.6, inclusive, and Chapter 7 (commencing with Section
25 4700).

26 (n) (1) Except as provided in paragraph (4), the IPP team shall
27 determine the initial and any revised individual budget for the
28 participant using the following methodology:

29 (A) (i) Except as specified in clause (ii), for a participant who
30 is a current consumer of the regional center, his or her individual
31 budget shall be the total amount of the most recently available 12
32 months of purchase of service expenditures for the participant.

33 (ii) An adjustment may be made to the amount specified in
34 clause (i) if both of the following occur:

35 (I) The IPP team determines that an adjustment to this amount
36 is necessary due to a change in the participant's circumstances,
37 needs, or resources that would result in an increase or decrease in
38 purchase of service expenditures, or the IPP team identifies prior
39 needs or resources that were unaddressed in the IPP, which would

1 have resulted in an increase or decrease in purchase of service
2 expenditures.

3 (II) The regional center certifies on the individual budget
4 document that regional center expenditures for the individual
5 budget, including any adjustment, would have occurred regardless
6 of the individual's participation in the Self-Determination Program.

7 (iii) For purposes of clauses (i) and (ii), the amount of the
8 individual budget shall not be increased to cover the cost of the
9 independent facilitator or the financial management services.

10 (B) For a participant who is either newly eligible for regional
11 center services or who does not have 12 months of purchase service
12 expenditures, his or her individual budget shall be calculated as
13 follows:

14 (i) The IPP team shall identify the services and supports needed
15 by the participant and available resources, as required by Section
16 4646.

17 (ii) The regional center shall calculate the cost of providing the
18 services and supports to be purchased by the regional center by
19 using the average cost paid by the regional center for each service
20 or support unless the regional center determines that the consumer
21 has a unique need that requires a higher or lower cost. The regional
22 center shall certify on the individual budget document that this
23 amount would have been expended using regional center purchase
24 of service funds regardless of the individual's participation in the
25 Self-Determination Program.

26 (iii) For purposes of clauses (i) and (ii), the amount of the
27 individual budget shall not be increased to cover the cost of the
28 independent facilitator or the financial management services.

29 (2) The amount of the individual budget shall be available to
30 the participant each year for the purchase of program services and
31 supports. An individual budget shall be calculated no more than
32 once in a 12-month period, unless revised to reflect a change in
33 circumstances, needs, or resources of the participant using the
34 process specified in clause (ii) of subparagraph (A) of paragraph
35 (1).

36 (3) The individual budget shall be assigned to uniform budget
37 categories developed by the department in consultation with
38 stakeholders and distributed according to the timing of the
39 anticipated expenditures in the IPP and in a manner that ensures

1 that the participant has the financial resources to implement his or
2 her IPP throughout the year.

3 (4) The department, in consultation with stakeholders, may
4 develop alternative methodologies for individual budgets that are
5 computed in a fair, transparent, and equitable manner and are based
6 on consumer characteristics and needs, and that include a method
7 for adjusting individual budgets to address a participant's change
8 in circumstances or needs.

9 (o) Annually, participants may transfer up to 10 percent of the
10 funds originally distributed to any budget category set forth in
11 paragraph (3) of subdivision (n) to another budget category or
12 categories. Transfers in excess of 10 percent of the original amount
13 allocated to any budget category may be made upon the approval
14 of the regional center or the participant's IPP team.

15 (p) Consistent with the implementation date of the IPP, the IPP
16 team shall annually ascertain from the participant whether there
17 are any circumstances or needs that require a change to the annual
18 individual budget. Based on that review, the IPP team shall
19 calculate a new individual budget consistent with the methodology
20 identified in subdivision (n).

21 (q) (1) On or before December 31, 2014, the department shall
22 apply for federal Medicaid funding for the Self-Determination
23 Program by doing one or more of the following:

24 (A) Applying for a state plan amendment.

25 (B) Applying for an amendment to a current home- and
26 community-based waiver for individuals with developmental
27 disabilities.

28 (C) Applying for a new waiver.

29 (D) Seeking to maximize federal financial participation through
30 other means.

31 (2) To the extent feasible, the state plan amendment, waiver, or
32 other federal request described in paragraph (1) shall incorporate
33 the eligibility requirements, benefits, and operational requirements
34 set forth in this section. Except for the provisions of subdivisions
35 (k), (m), (p), and this subdivision, the department may modify
36 eligibility requirements, benefits, and operational requirements as
37 needed to secure approval of federal funding.

38 (3) Contingent upon approval of federal funding, the
39 Self-Determination Program shall be established.

1 (r) (1) The department, as it determines necessary, may adopt
2 regulations to implement the procedures set forth in this section.
3 Any regulations shall be adopted in accordance with the
4 requirements of Chapter 3.5 (commencing with Section 11340) of
5 Part 1 of Division 3 of Title 2 of the Government Code.

6 (2) Notwithstanding paragraph (1) and Chapter 3.5 (commencing
7 with Section 11340) of Part 1 of Division 3 of Title 2 of the
8 Government Code, and only to the extent that all necessary federal
9 approvals are obtained, the department, without taking any further
10 regulatory action, shall implement, interpret, or make specific this
11 section by means of program directives or similar instructions until
12 the time regulations are adopted. It is the intent of the Legislature
13 that the department be allowed this temporary authority as
14 necessary to implement program changes only until completion
15 of the regulatory process.

16 (s) The department, in consultation with stakeholders, shall
17 develop informational materials about the Self-Determination
18 Program. The department shall ensure that regional centers are
19 trained in the principles of self-determination, the mechanics of
20 the Self-Determination Program, and the rights of consumers and
21 families as candidates for, and participants in, the
22 Self-Determination Program.

23 (t) Each regional center shall be responsible for implementing
24 the Self-Determination Program as a term of its contract under
25 Section 4629. As part of implementing the program, the regional
26 center shall do both of the following:

27 (1) Contract with local consumer or family-run organizations
28 to conduct outreach through local meetings or forums to consumers
29 and their families to provide information about the
30 Self-Determination Program and to help ensure that the program
31 is available to a diverse group of participants, with special outreach
32 to underserved communities.

33 (2) Collaborate with the local consumer or family-run
34 organizations identified in paragraph (1) to jointly conduct training
35 about the Self-Determination Program.

36 (u) The financial management services provider shall provide
37 the participant and the regional center service coordinator with a
38 monthly individual budget statement that describes the amount of
39 funds allocated by budget category, the amount spent in the

1 previous 30-day period, and the amount of funding that remains
2 available under the participant's individual budget.

3 (v) Only the financial management services provider is required
4 to apply for vendorization in accordance with Subchapter 2
5 (commencing with Section 54300) of Chapter 3 of *Division 2 of*
6 Title 17 of the California Code of Regulations, for the
7 Self-Determination Program. All other service and support
8 providers shall not be on the federal debarment list and shall have
9 applicable state licenses, certifications, or other state required
10 documentation, including documentation of any other qualifications
11 required by the department, but are exempt from the vendorization
12 requirements set forth in Title 17 of the California Code of
13 Regulations when serving participants in the Self-Determination
14 Program.

15 (w) To protect the health and safety of participants in the
16 Self-Determination Program, the department shall require a
17 criminal background check in accordance with all of the following:

18 (1) The department shall issue a program directive that identifies
19 nonvendored providers of services and supports who shall obtain
20 a criminal background check pursuant to this subdivision. At a
21 ~~minimum~~ *minimum*, these staff shall include both of the following:

22 (A) Individuals who provide direct personal care services to a
23 participant.

24 (B) Other nonvendored providers of services and supports for
25 whom a criminal background check is requested by a participant
26 or the participant's financial management service.

27 (2) Subject to the procedures and requirements of this
28 subdivision, the department shall administer criminal background
29 checks consistent with the department's authority and the process
30 described in Sections 4689.2 to 4689.6, inclusive.

31 (3) The department shall electronically submit to the Department
32 of Justice fingerprint images and related information required by
33 the Department of Justice of nonvendored providers of services
34 and supports, as specified in paragraph (1), for the purposes of
35 obtaining information as to the existence and content of a record
36 of state or federal convictions and state or federal arrests and also
37 information as to the existence and content of a record of state or
38 federal arrests for which the Department of Justice establishes that
39 the person is free on bail or on his or her recognizance pending
40 trial or appeal.

1 (4) When received, the Department of Justice shall forward to
2 the Federal Bureau of Investigation requests for federal summary
3 criminal history information received pursuant to this section. The
4 Department of Justice shall review the information returned from
5 the Federal Bureau of Investigation and compile and disseminate
6 a response to the department.

7 (5) The Department of Justice shall provide a state or federal
8 response to the department pursuant to paragraph (1) of subdivision
9 (p) of Section 11105 of the Penal Code.

10 (6) The department shall request from the Department of Justice
11 subsequent notification service, as provided pursuant to Section
12 11105.2 of the Penal Code, for persons described in paragraph (1).

13 (7) The Department of Justice shall charge a fee sufficient to
14 cover the cost of processing the request described in this
15 subdivision.

16 (8) The fingerprints of any provider of services and supports
17 who is required to obtain a criminal background check shall be
18 submitted to the Department of Justice prior to employment. The
19 costs of the fingerprints and the financial management service's
20 administrative cost authorized by the department shall be paid by
21 the services and supports provider or his or her employing agency.
22 Any administrative costs incurred by the department pursuant to
23 this subdivision shall be offset by the funds specified in subdivision
24 (g).

25 (9) If the criminal record information report shows a criminal
26 history, the department shall take the steps specified in Section
27 4689.2. The department may prohibit a provider of services and
28 supports from becoming employed, or continuing to be employed,
29 based on the criminal background check, as authorized in Section
30 4689.6. The provider of services and supports who has been denied
31 employment shall have the rights set forth in Section 4689.6.

32 (10) The department may utilize a current department-issued
33 criminal record clearance to enable a provider to serve more than
34 one participant, as long as the criminal record clearance has been
35 processed through the department and no subsequent arrest
36 notifications have been received relative to the cleared applicant.

37 (11) Consistent with subdivision (h) of Section 4689.2, the
38 participant or financial management service that denies or
39 terminates employment based on written notification from the

1 department shall not incur civil liability or unemployment insurance
2 liability.

3 (x) To ensure the effective implementation of the
4 Self-Determination Program and facilitate the sharing of best
5 practices and training materials commencing with the
6 implementation of the Self-Determination Program, local and
7 statewide advisory committees shall be established as follows:

8 (1) Each regional center shall establish a local volunteer advisory
9 committee to provide oversight of the Self-Determination Program.
10 The regional center and the ~~area board~~ *State Council on*
11 *Developmental Disabilities* shall each appoint one-half of the
12 membership of the committee. The committee shall consist of the
13 regional center clients' rights advocate, consumers, family
14 members, and other advocates, and community leaders. A majority
15 of the committee shall be consumers and their family members.
16 The committee shall reflect the multicultural diversity and
17 geographic profile of the catchment area. The committee shall
18 review the development and ongoing progress of the
19 Self-Determination Program, including whether the program
20 advances the principles of self-determination and is operating
21 consistent with the requirements of this section, and may make
22 ongoing recommendations for improvement to the regional center
23 and the department.

24 (2) The State Council on Developmental Disabilities shall form
25 a volunteer committee, to be known as the Statewide
26 Self-Determination Advisory Committee, comprised of the chairs
27 of the 21 local advisory committees or their designees. The council
28 shall convene the Statewide Self-Determination Advisory
29 Committee twice annually, or more frequently in the sole discretion
30 of the council. The Statewide Self-Determination Advisory
31 Committee shall meet by teleconference or other means established
32 by the council, to identify self-determination best practices,
33 effective consumer and family training materials, implementation
34 concerns, systemic issues, ways to enhance the program, and
35 recommendations regarding the most effective method for
36 participants to learn of individuals who are available to provide
37 services and supports. The council shall synthesize information
38 received from the Statewide Self-Determination Advisory
39 Committee, local advisory committees, and other sources, shall
40 share the information with consumers, families, regional centers,

1 and the department, and shall make recommendations, as
2 appropriate, to increase the program's effectiveness in furthering
3 the principles of self-determination.

4 (y) Commencing January 10, 2017, the department shall
5 annually provide the following information to the appropriate
6 policy and fiscal committees of the Legislature:

7 (1) Number and characteristics of participants, by regional
8 center.

9 (2) Types and amount of services and supports purchased under
10 the Self-Determination Program, by regional center.

11 (3) Range and average of individual budgets, by regional center,
12 including adjustments to the budget to address the adjustments
13 permitted in clause (ii) of subparagraph (A) of paragraph (1) of
14 subdivision (n).

15 (4) The number and outcome of appeals concerning individual
16 budgets, by regional center.

17 (5) The number and outcome of fair hearing appeals, by regional
18 center.

19 (6) The number of participants who voluntarily withdraw from
20 the Self-Determination Program and a summary of the reasons
21 why, by regional center.

22 (7) The number of participants who are subsequently determined
23 to no longer be eligible for the Self-Determination Program and a
24 summary of the reasons why, by regional center.

25 (z) (1) The State Council on Developmental Disabilities, in
26 collaboration with the protection and advocacy agency identified
27 in Section 4900 and the federally funded University Centers for
28 Excellence in Developmental Disabilities Education, Research,
29 and Service, may work with regional centers to survey participants
30 regarding participant satisfaction under the Self-Determination
31 Program, and, when data is available, the traditional service
32 delivery system, including the proportion of participants who report
33 that their choices and decisions are respected and supported and
34 who report that they are able to recruit and hire qualified service
35 providers, and to identify barriers to participation and
36 recommendations for improvement.

37 (2) The council, in collaboration with the protection and
38 advocacy agency identified in Section 4900 and the federally
39 funded University Centers for Excellence in Developmental
40 Disabilities Education, Research, and Service, shall issue a report

1 to the Legislature, in compliance with Section 9795 of the
2 Government Code, no later than three years following the approval
3 of the federal funding on the status of the Self-Determination
4 Program authorized by this section, and provide recommendations
5 to enhance the effectiveness of the program. This review shall
6 include the program's effectiveness in furthering the principles of
7 self-determination, including all of the following:

8 (A) Freedom, which includes the ability of adults with
9 developmental disabilities to exercise the same rights as all citizens;
10 to establish, with freely chosen supporters, family and friends,
11 where they want to live, with whom they want to live, how their
12 time will be occupied, and who supports them; and, for families,
13 to have the freedom to receive unbiased assistance of their own
14 choosing when developing a plan and to select all personnel and
15 supports to further the life goals of a minor child.

16 (B) Authority, which includes the ability of a person with a
17 disability, or family, to control a certain sum of dollars in order to
18 purchase services and supports of their choosing.

19 (C) Support, which includes the ability to arrange resources and
20 personnel, both formal and informal, that will assist a person with
21 a disability to live a life in his or her community that is rich in
22 community participation and contributions.

23 (D) Responsibility, which includes the ability of participants to
24 take responsibility for decisions in their own lives and to be
25 accountable for the use of public dollars, and to accept a valued
26 role in their community through, for example, competitive
27 employment, organizational affiliations, spiritual development,
28 and general caring of others in their community.

29 (E) Confirmation, which includes confirmation of the critical
30 role of participants and their families in making decisions in their
31 own lives and designing and operating the system that they rely
32 on.

33 *SEC. 51. Section 4701 of the Welfare and Institutions Code is*
34 *amended to read:*

35 4701. "Adequate notice" means a written notice informing the
36 applicant, recipient, and authorized representative of at least all of
37 the following:

38 (a) The action that the service agency proposes to take, including
39 a statement of the basic facts upon which the service agency is
40 relying.

- 1 (b) The reason or reasons for that action.
- 2 (c) The effective date of that action.
- 3 (d) The specific law, regulation, or policy supporting the action.
- 4 (e) The responsible state agency with whom a state appeal may
- 5 be filed, including the address of the state agency director.
- 6 (f) That if a fair hearing is requested, the claimant has the
- 7 following rights:
 - 8 (1) The opportunity to be present in all proceedings and to
 - 9 present written and oral evidence.
 - 10 (2) The opportunity to confront and cross-examine witnesses.
 - 11 (3) The right to appear in person with counsel or other
 - 12 representatives of his or her own choosing.
 - 13 (4) The right to access to records pursuant to Article 5
 - 14 (commencing with Section 4725).
 - 15 (5) The right to an interpreter.
 - 16 (g) Information on availability of advocacy assistance, including
 - 17 referral to the developmental center or regional center clients'
 - 18 rights advocate, ~~area board~~, *the State Council on Developmental*
 - 19 *Disabilities*, publicly funded legal services corporations, and other
 - 20 publicly or privately funded advocacy organizations, including the
 - 21 protection and advocacy system required under federal Public Law
 - 22 95-602, the Developmental Disabilities Assistance and Bill of
 - 23 Rights Act (42 U.S.C.A. Sec. 6000 et seq.).
 - 24 (h) The fair hearing procedure, including deadlines, access to
 - 25 service agency records under Article 5 (commencing with Section
 - 26 4725), the opportunity to request an informal meeting to resolve
 - 27 the issue or issues, and the opportunity to request mediation which
 - 28 shall be voluntary for both the claimant and the service agency.
 - 29 (i) If the claimant has requested an informal meeting,
 - 30 information that it shall be held within 10 days of the date the
 - 31 hearing request form is received by the service agency.
 - 32 (j) The option of requesting mediation prior to a fair hearing,
 - 33 as provided in Section 4711.5. ~~Nothing in this~~ *This* section shall
 - 34 *not* preclude the claimant or his or her authorized representative
 - 35 from proceeding directly to a fair hearing in the event that
 - 36 mediation is unsuccessful.
 - 37 (k) The fair hearing shall be completed and a final administrative
 - 38 decision rendered within 90 days of the date the hearing request
 - 39 form is received by the service agency, unless the fair hearing

1 request has been withdrawn or the time period has been extended
2 in accordance with this chapter.

3 (l) Prior to a voluntary informal meeting, voluntary mediation
4 or a fair hearing, the claimant or his or her authorized representative
5 shall have the right to examine any or all documents contained in
6 the individual's service agency file. Access to records shall be
7 provided pursuant to Article 5 (commencing with Section 4725).

8 (m) An explanation that a request for mediation may constitute
9 a waiver of the rights of a medicaid home and community-based
10 waiver participant to receive a fair hearing decision within 90 days
11 of the date the hearing request form is received by the service
12 agency, as specified in subdivision (c) of Section 4711.5.

13 (n) That if a request for a fair hearing by a recipient is
14 postmarked or received by a service agency no later than 10 days
15 after receipt of the notice of the proposed action mailed pursuant
16 to subdivision (a) of Section 4710, current services shall continue
17 as provided in Section 4715. The notice shall be in clear,
18 nontechnical language in English. If the claimant or authorized
19 representative does not comprehend English, the notice shall be
20 provided in ~~such~~ any other language as the claimant or authorized
21 representative comprehends.

22 (o) A statement indicating whether the recipient is a participant
23 in the home and community-based services waiver.

24 *SEC. 52. Section 4702.6 of the Welfare and Institutions Code*
25 *is amended to read:*

26 4702.6. "Hearing request form" means a document that shall
27 include the name, address, and birth date of the claimant, date of
28 request, reason for the request, and name, address, and relationship
29 to the claimant of the authorized representative, if any, and whether
30 the claimant is a participant in the medicaid home and
31 community-based waiver. The hearing request form shall also
32 indicate whether the claimant or his or her authorized representative
33 is requesting mediation. A copy of the appointment of the
34 authorized representative, by the claimant or the ~~area board~~ *State*
35 *Council on Developmental Disabilities* if any, shall also be
36 included.

37 *SEC. 53. Section 4705 of the Welfare and Institutions Code is*
38 *amended to read:*

39 4705. (a) (1) Every service agency shall, as a condition of
40 continued receipt of state funds, have an agency fair hearing

1 procedure for resolving conflicts between the service agency and
2 recipients of, or applicants for, service. The State Department of
3 Developmental Services shall promulgate regulations to implement
4 this chapter by July 1, 1999, which shall be binding on every
5 service agency.

6 ~~Any~~

7 (2) *Any* public or private agency receiving state funds for the
8 purpose of serving persons with developmental disabilities not
9 otherwise subject to the provisions of this chapter shall, as a
10 condition of continued receipt of state funds, adopt and periodically
11 review a written internal grievance procedure.

12 (b) An agency that employs a fair hearing procedure mandated
13 by any other statute shall be considered to have an approved
14 procedure for purposes of this chapter.

15 (c) The service agency's mediation and fair hearing procedure
16 shall be stated in writing, in English and any other language that
17 may be appropriate to the needs of the consumers of the agency's
18 service. A copy of the procedure and a copy of the provisions of
19 this chapter shall be prominently displayed on the premises of the
20 service agency.

21 (d) All recipients and applicants, and persons having legal
22 responsibility for recipients or applicants, shall be informed
23 verbally of, and shall be notified in writing in a language which
24 they comprehend of, the service agency's mediation and fair
25 hearing procedure when they apply for service, when they are
26 denied service, when notice of service modification is given
27 pursuant to Section 4710, and upon request.

28 (e) If, in the opinion of any person, the rights or interests of a
29 claimant who has not personally authorized a representative will
30 not be properly protected or advocated, ~~the local area board~~ *State*
31 *Council on Developmental Disabilities* and the clients' right
32 advocate assigned to the regional center or developmental center
33 shall be notified, and ~~the area board~~ *State Council on*
34 *Developmental Disabilities* may appoint a person or agency as
35 representative, pursuant to ~~subdivision (d) of Section 4548,~~
36 *subparagraph (A) of paragraph (2) of subdivision (e) of Section*
37 *4540*, to assist the claimant in the mediation and fair hearing
38 procedure. The appointment shall be in writing to the authorized
39 representative and a copy of the appointment shall be immediately
40 mailed to the service agency director.

1 *SEC. 54. Section 4775 of the Welfare and Institutions Code is*
2 *amended to read:*

3 4775. The Legislature finds that the method of appropriating
4 funds for numerous programs for the developmentally disabled
5 affects the availability and distribution of services and must be
6 related to statewide planning. Therefore, the process for
7 determining levels of funding of programs must involve
8 consideration of the state plan established pursuant to Chapter 3
9 (commencing with Section ~~4560~~ 4561) of this division and the
10 participation of citizens who may be directly affected by funding
11 decisions.

12 *SEC. 55. Section 4830 of the Welfare and Institutions Code is*
13 *amended to read:*

14 4830. As used in this chapter:

15 (a) "Continuum" means a coordinated multicomponent services
16 system within the geographic borders of each of the ~~13 area boards~~
17 ~~on developmental disabilities~~ *regional offices of the State Council*
18 *on Developmental Disabilities* whose design shall support the
19 sequential developmental needs of persons ~~such so~~ that the pattern
20 of these services provides an unbroken chain of experience,
21 maximum personal growth and liberty.

22 (b) "Normalization" means making available programs, methods,
23 and titles ~~which that~~ are culturally normative, and patterns and
24 conditions of everyday life ~~which that~~ are as close as possible to
25 the norms and patterns of the mainstream of society.

26 (c) "Designated agency" means the legal entity selected by the
27 State Department of Developmental Services to be responsible for
28 organizing or providing services within each continuum or both.

29 *SEC. 56. Section 4831 of the Welfare and Institutions Code is*
30 *amended to read:*

31 4831. The State Department of Developmental Services may
32 develop the design and phase-in plan for continuums and may
33 designate one or more designated agencies to implement
34 community living continuums throughout the state, after
35 consideration of a recommendation from the ~~respective area board~~
36 ~~on developmental disabilities~~ *State Council on Developmental*
37 *Disabilities* in conjunction with recommendations from the
38 appropriate regional center.

39 *SEC. 57. Section 4832 of the Welfare and Institutions Code is*
40 *amended to read:*

1 4832. ~~An area board~~ (a) *The State Council on Developmental*
2 *Disabilities* may review and evaluate existing and proposed
3 community living arrangement programs within ~~their jurisdiction~~
4 *the various regions of the state* and may make a recommendation
5 to the Director of ~~the Department of~~ Developmental Services
6 concerning programs ~~which~~ *that* should be considered as the most
7 appropriate agency to be designated as responsible for the
8 implementation of the community living continuum within their
9 area. These programs shall include, but not be limited to, those
10 ~~which~~ *that* have been funded through the issuance of Mental
11 Retardation Private Institutions' Fund grants, Developmental
12 Disability Community Development grants, and model state
13 hospital programs. Consideration shall be given to all of the
14 following:

- 15 (a)
16 (1) Private nonprofit corporations.
17 (b)
18 (2) Public agencies.
19 (c)
20 (3) A joint powers agreement agency.

21 ~~At~~
22 (b) *At* least one-third of the board of directors, public or private
23 or an advisory committee in the event a public agency is selected,
24 shall be composed of consumer representatives, including members
25 of the immediate family of the consumer.

26 ~~No~~
27 (c) *A* person shall *not* serve as a director or advisory committee
28 member who has a financial interest, as defined in Section 87103
29 of the Government Code, in designated agency operations, except
30 with respect to any interest as a consumer of a designated agency
31 or regional center services.

32 *SEC. 58. Section 4835 of the Welfare and Institutions Code is*
33 *amended to read:*

34 4835. (a) The Director of Developmental Services may
35 establish uniform operational procedures, performance and
36 evaluation standards and utilization criteria for designated agencies
37 pursuant to this chapter.

38 ~~These~~

39 (b) *These* standards and criteria shall be developed with
40 participation by consumer organizations, ~~area boards~~ on

1 ~~developmental disabilities~~, *the State Council on Developmental*
2 *Disabilities*, the Association of Regional Center Agencies, the
3 State Department of Social Services, the State Department of
4 Health Care Services, the State Department of Education, and the
5 Department of Rehabilitation, and consultations with individuals
6 with experience in developmental services programming.



State Council on Developmental Disabilities



STATE OF CALIFORNIA

www.scdd.ca.gov • email • council@scdd.ca.gov

1507 21st Street, Suite 210
Sacramento, CA 95811

FACT SHEET

January 31, 2014

MONITORING AND TECHNICAL ASSISTANCE REVIEW SYSTEM REPORT (MTARS)

INTRODUCTION

The California State Council on Developmental Disabilities (SCDD) is an independent state agency that is funded by the federal **Administration on Intellectual and Developmental Disabilities (AIDD)** to increase the independence, productivity, self-determination, and inclusion and integration of individuals with developmental disabilities into their communities. State Councils are expected to adhere to and comply with the provisions of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402 (the DD Act). Each State Council is required to develop and implement a State Plan that lays out its activities to advance the purpose of the DD Act. To review California's State Plan, click here: www.scdd.ca.gov/res/docs/pdf/state%20plan/hq-scddstplanpublicversion.pdf

In order to ensure that the missions and functions of State Councils are carried out in accordance with the DD Act, AIDD staff may periodically conduct a site visit to monitor the activities of a Council. This is known as a Monitoring and Technical Assistance Review System Report site visit (MTARS). The AIDD conducted an MTARS of the California State Council on January 14–17, 2013. The AIDD released its MTARS report of the California State Council on November 22, 2013 with findings of noncompliance in four distinct areas of the DD Act.

MTARS FINDINGS

The 2013 MTARS report noted that AIDD teams had previously visited the California Council in 1994 and 2006 and had cited issues of noncompliance following those visits. They found that the noncompliance findings in 2013 were similar to and consistent with the 1994 and 2006 findings.

The AIDD found that these historical compliance issues centered primarily around conflicting provisions between California's Lanterman Act and the federal DD Act.

The AIDD found that the Lanterman Act includes provisions and requirements for the Council that are inconsistent with the requirements of the DD Act. An outline of the noncompliance issues are as follows:

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

January 2014

Page 2

- **Budget**
 - Council Funding of Area Boards
 - Clarity with the use of Federal vs. State Funds
 - Budget Development Process
 - Budget Execution Process

- **Hiring Authority**
 - Deputy Director Staff positions
 - Governor's Office role in Council Hiring Process

- **Membership**
 - Long-Term Unfilled Vacancies
 - Nomination Process

- **State Council Leadership and Activities**
 - State Council Control of Area Board Activities
 - Overlap of P&A and Area Board Duties
 - Council versus Area Board Roles & Responsibilities
 - Council Accountability over Area Board Activities

NEXT STEPS

The SCDD is required to develop and submit a Corrective Action Plan (CAP) to AIDD by February 14, 2014. The Council expects that some of the changes that are required to respond to the MTARS findings will require revisions to the Lanterman Act. These changes will have no impact at all on people's access to or eligibility for regional center services. The Council recognizes that the developmental disability community --- self-advocates, family members, service providers, and public officials --- need to have their voices heard while we engage in such a sensitive undertaking. Accordingly, during the coming months there will be many opportunities available for the public to weigh in. Starting in February, 2014, the Council will host listening sessions, public meetings and provide an email address for input and questions.

FURTHER INFORMATION

Please refer to the SCDD web site MTARS page for background information and upcoming events: www.scdd.ca.gov/mtarsadhoc.htm. Questions may be directed to Roberta Newton, Interim Executive Director at (916) 322-8481 or (866) 802-0514.



The Federal Review of the California State Council on Developmental Disabilities (SCDD)

Table of Contents

- ✿ What is the DD Act?
- ✿ What is the Administration on Intellectual and Developmental Disabilities (AIDD)?
- ✿ What is the State Council's job?
- ✿ What did AIDD find when it reviewed California?
- ✿ What does the Council need to do?
- ✿ What kinds of changes does the State Council have to make?
- ✿ What will happen at the local level?
- ✿ Will these changes affect my right to get services under the Lanterman Act?
- ✿ Do you want more information?

What is the DD Act?

The DD Act¹ is a federal law that supports people with developmental disabilities' rights. The DD Act also funds the State Council.

What is the Administration on Intellectual and Developmental Disabilities?

The Administration on Intellectual and Developmental Disabilities (AIDD) is the federal agency that makes sure the DD Act is put into action. AIDD supports a Council in every state and territory.

AIDD makes sure that the Councils follow federal rules. AIDD visits Councils to review its work. The review is called a Monitoring and Technical Assistance Review System (MTARS).

What is the State Council's job?

The California State Council is sometimes called the State Council on Developmental Disabilities or SCDD. The State Council gets DD Act funds to support people with developmental disabilities and their families. Some ways the State Council helps are:

- ✿ Improve the quality of life for people with disabilities.
- ✿ Advocate for individuals with developmental disabilities and their families to help design new community services and supports.

¹ The full name of the DD Act is the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

- ✿ Make sure that individuals and their families can get community services and supports.
- ✿ Develop a State Plan. The Plan must say how the State Council will improve services for individuals with developmental disabilities. The Council must take action to carry out the Plan.

To look at California's State Plan, [click here](#).

- ✿ Report the Council's work to AIDD.
- ✿ Prepare a budget. The budget puts the Plan into action. The budget must follow state and federal rules.
- ✿ Give grants to carry out the State Plan. The Council must make sure the funds are spent well.

What did AIDD find when it reviewed California?

AIDD reviewed the Council in January 2013. AIDD said that the Council did not follow all the federal rules. The rules the Council did not follow are:

- **Budget:**
 - State law cannot tell the Council how much money to give the Area Boards.
 - The Council must do a better job creating its budget.
 - The Council must do a better job showing how it spends its budget.
 - The SCDD can only spend its funds on costs the federal government allows.
- **Hiring Staff**
 - The Governor cannot hire any State Council staff.
 - The State Council Director must hire the Directors of the Area Boards.
- **Membership**
 - Too many Council member positions are not filled on time.
 - Members of the Council cannot be Area Board representatives.
- **State Council Work**
 - The State Council must decide what work the Area Boards can do.
 - The State Council must take more responsibility for the Area Board's work.
 - There is too much overlap between Disability Rights California and the Area Boards.

For additional information regarding this agenda, please contact Robin Maitino,
1507 21st Street, Suite 210, Sacramento, CA 95811, (916) 322-8481

What does the Council have to do?

The Council must give AIDD a Corrective Action Plan (CAP). The CAP is due on February 14, 2014.

The CAP must say how the State Council will fix the problems.

What kinds of changes does the State Council have to make?

- The State Council will have to do a better job of watching and using its funds.
- Part of the Lanterman Act that doesn't agree with the DD Act has to change. If the Lanterman Act doesn't change, California will not get DD Act funding.

What will happen at the local level?

- Area Board offices will remain in the community.
- The State Council and the Area Boards will have a closer relationship.
- Area Board offices will be renamed State Council Regional Offices.

Will these changes affect my right to get services under the Lanterman Act?

No. The parts of the Lanterman Act about regional centers and services will not change.

Do you want more information?

The State Council has created an MTARS Committee. The MTARS Committee will advise the Council on making changes. The changes will make sure that we follow federal rules.

You can find more information about the MTARS on the State Council's [web site](#).

You may also contact Roberta Newton, Interim Executive Director at (916) 322-8481 or (866) 802-0514.

For additional information regarding this agenda, please contact Robin Maitino,
1507 21st Street, Suite 210, Sacramento, CA 95811, (916) 322-8481



PUBLIC LISTENING SESSION

Federal Review of the State Council on Developmental Disabilities and The Council's Next Steps

About the Council: The State Council on Developmental Disabilities is established under state and federal law as an independent state agency to advocate for the rights of people with developmental disabilities and their families, and to assist the state in planning to better support their independence, productivity and inclusion in community life.

The Administration on Intellectual and Developmental Disabilities (AIDD) is the federal agency that oversees the work of the Council and its regional offices, the Area Boards. AIDD provides the funding for the Council to carry out its work. Recently, AIDD reviewed the work of the Council and found that the Council needs to make changes to be in compliance with federal law.

Purpose: The Council is in the process of developing a plan to correct the problems identified by AIDD. We want to provide information to individuals with developmental disabilities, families and community members about the steps the Council is taking. We also want to provide you with the opportunity to make comments.

DATE and TIME

DATE: Monday, February 10, 2014

Time: 1:30 pm – 3:00pm

HOW TO PARTICIPATE

On the telephone, call in at 800-839-9416. When prompted, enter 2982825#

In writing, submit written comments via email to: MTARS@scdd.ca.gov

MORE INFORMATION: Access related documents and fact sheets at

<http://www.scdd.ca.gov/mtarsadhoc.htm>

QUESTIONS? Please contact Roberta Newton, Executive Director or Mark Polit, Deputy Director at (916) 322-8481.



AREA BOARD TELECONFERENCE

Federal AIDD Review of the State Council on Developmental Disabilities

The Administration on Intellectual and Developmental Disabilities (AIDD) is the federal agency that provides the funding for the work of the Council and its regional offices, the Area Boards. As many of you know, the AIDD reviewed the work of the Council in January 2013 and issued the report of their review, known as the Monitoring and Technical Assistance Review (MTARS), in November 2013. The MTARS cited several specific areas in which California's Council is found to be out of compliance with the federal DD Act. The Council was given until February 14, 2014 to submit a proposed Plan of Correction (POC) to address these areas of noncompliance

Purpose of this Call: The Council has submitted the Plan of Correction and has begun to take steps to implement it. One of the most sensitive issues that we need to address is that California's Lanterman Act contains several provisions regarding state council structure and functions, area boards' structure and functions, governance and role of the Governor that are incompatible with the federal DD Act. We are holding this teleconference in order to provide information to area board members and staff about the steps the Council is proposing to take and to hear your thoughts on our future.

DATE and TIME

DATE: Wednesday, March 12, 2014

Time: 3:00 pm – 5:00pm

HOW TO PARTICIPATE

On the telephone, call in at 800-839-9416. When prompted, enter 2982825#

In writing, submit written comments via email to: MTARS@scdd.ca.gov

MORE INFORMATION: Access related documents and fact sheets at <http://www.scdd.ca.gov/mtarsadhoc.htm>

QUESTIONS? Please contact Roberta Newton, Executive Director or Mark Polit, Deputy Director at (916) 322-8481.

State Council on Developmental Disabilities

2014 DRAFT REVISIONS



BY-LAWS

**REVISED ON: April 9, 2013
CERTIFIED BY SCDD ON: May 15, 2013**

TABLE OF CONTENTS

Department Name and Definitions.....	4
State Council Responsibilities.....	4
State Council Principal Office.....	4
State Council Area of Service.....	4
State Council Membership	4
Appointment of Council Members.....	4
Term of Office for Council Members	5
Conflict of Interest	5
Vacancies on Council	5
Resignations of Council Members	6
Compensation and Expenses for Council Members	6
Parliamentary Authority/Rules.....	6
Council Meetings	7
Definition of Quorum	7
Voting Rights	7
Chairperson Pro Tem	7
Officers	7
Elections of Member Officers	8
Voting Procedure	8
Term of Office	8

Vacancies	8
Duties of Officers	8
Removal from Office (Members)	9
Executive Director	9
Appointment of Executive Director	9
Responsibilities and Duties of Executive Director.....	9
Removal from Appointment of Executive Director	10
Council Committees	10
Committee Authority	10
Standing Committees	11
(Draft changes made)	
Executive Committee	11
(Draft changes made)	
Strategic Planning Sub-Committee	13
Administrative Committee.....	13
Legislative and Public Policy Committee	14
Program Development Committee	14
Self-Advocates Advisory Committee.....	15
Employment First Committee.....	15
<u>Membership Committee</u>	<u>16</u>
<u>State Plan Committee.....</u>	<u>17</u>
Nominating Committee	<u>1746</u>
General Committee Information	<u>1618</u>
Council General Provisions	<u>4718</u>
Certification and Inspection Procedures	<u>4718</u>
Records, Reports and Inspection	<u>4718</u>

Amendments of By-Laws	4718
Indemnification	4719

CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
BY-LAWS

ARTICLE I. NAME & DEFINITIONS

The name of this organization shall be the State Council on Developmental Disabilities.

ARTICLE II. RESPONSIBILITIES

The responsibilities of the State Council on Developmental Disabilities are set forth in 42 United States Code Section 515001 et. seq. and Sections 4433.5, and 4520 et. seq., and 4868 of the California Welfare and Institutions Code.

ARTICLE III. PRINCIPAL OFFICE

The principal office of the Council shall be located in the County of Sacramento, California. The Council may change the principal office from one location to another within the county.

ARTICLE IV. AREA OF SERVICE

The area of service shall be the State of California.

ARTICLE V. MEMBERSHIP

Appointment to the Council requires each member to fully discharge his/her duties consistent with the responsibilities of representing persons with developmental disabilities. The membership of the Council shall consist of the categories of people in accordance with state and federal law.

SECTION 1. Appointments:

Pursuant to Division 4.5, Chapter 2, Article 1, Section 4521 (b)(1), (2), and (3) of the Welfare and Institutions Code, there shall be thirty-one (31) voting members on the Council appointed by the Governor, as follows:

- (a) Twenty (20) members of the Council shall be persons with a developmental disability (self-advocates) or parents, siblings, guardians or conservators (family-advocate) of these persons. In these By-laws these persons are referred to as self-advocates and family-advocates. Of the 20 members, thirteen (13) shall each be current members of the 13 Area Boards, one member from each board and representing consumers and families in their local catchment area; and, seven (7) shall be members at large that are comprised as follow: three (3) persons with developmental disabilities; one (1) person who is a parent, immediate relative, guardian, or conservator of a resident in a developmental center; one (1) person who is a parent, immediate relative, guardian, or conservator of a person with a

developmental disability living in the community; one (1) person who is a parent, immediate relative, guardian, or conservator of a person with a developmental disability living in the community nominated by the Speaker of the Assembly; and, one (1) person with a developmental disabilities nominated by the Senate Committee on Rules.

- (b) Eleven (11) members of the Council shall include: directors or members, as appropriate, of State departments or agencies or of local agencies as prescribed in state and federal laws. These persons are referred to as agency representatives in these By-laws and shall include a representative of a non-governmental agency or group concerned with the provision of services to persons with developmental disabilities, the Executive Director of Disability Rights California, and three (3) members appointed to represent the three California University Centers for Excellence (UCE) programs funded by the Administration on Developmental Disabilities, as the three California UCES.
- (c) Prior to appointing the thirty-one (31) members, the Governor shall request and consider recommendations from organizations representing or providing services, or both, to persons with developmental disabilities and shall take into account socioeconomic, ethnic, and geographic considerations of the state. The Council may, at the request of the Governor, coordinate Council and public input to the extent feasible to the Governor regarding recommendations for membership.

SECTION 2. Term of Office:

The term of office on the State Council shall be in accordance with state law. The term of each self or family advocate member shall be for three years. In no event shall any self or family advocate member serve for more than a total of six years.

SECTION 3. Conflict of Interest:

Pursuant to California Welfare and Institution Code Section 4525 the Council's approved Conflict of Interest Policy, is incorporated by reference into these By-laws.

SECTION 4. Vacancies:

A vacancy on the Council exists if any of the following events occur before the expiration of the term:

- (a) The death of the member.
- (b) An adjudication pursuant to a legal proceeding declaring that the member is physically or mentally incapacitated due to disease, illness, accident, or other condition and there is reasonable cause to believe that the member will not be able to perform the duties of office for the remainder of his/her term.
- (c) The member's resignation.
- (d) The member's removal from office.
- (e) The member's ceasing to be a legal resident of the state or the area the member was appointed to represent.

- (f) The member's absence from the state without the permission required by law beyond the period allowed by law.
- (g) The member's ceasing to discharge the duties of his/her office for the period of three consecutive meetings, except when prevented by sickness, or when absent from the state with the permission required by law. After three (3) consecutive unexcused absences, a member shall be considered as having ceased to discharge the duties of Council membership. An unexcused absence is an absence of a member when previous notice of absence has not been given to the Council Chair or Committee Chair and to the Executive Director by telephone, email, or mail.
- (h) The member's conviction of a felony or any offense involving a violation of his/her official duties. A member shall be deemed to have been convicted under this section when trial court judgment is entered.
- (i) The member's refusal or neglect to file his/her required oath, or declaration of conflict of interests within the time prescribed after being provided notice of non-compliance and a reasonable time to comply.
- (j) The decision of a competent tribunal declaring void the member's election or appointment.
- (k) The making of a vacating order or declaration of vacancy.
- (l) The member assumes a position or responsibility that violates the Council's conflict of interest policy.

~~The Governor shall be notified when a vacancy occurs and shall appoint a person to serve the unexpired term of the member being replaced. The 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.~~

SECTION 5. Resignations:

Members shall serve a designated term unless they resign, or are otherwise disqualified to serve, or until successors have been appointed, up to the maximum years allowed by State law. Any member may resign at any time by giving written notice to the Chairperson and to the Executive Director. Such resignation shall take effect on the date of receipt of such notice or any later time specified therein; and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

SECTION 6. Compensation and Expenses:

Self-advocate and family advocate members of the State Council shall receive honoraria pursuant to Government Code 11564.5, and Welfare and Institution Code Section 4550 not to exceed fifty (50) days in any fiscal year. All members shall be reimbursed for authorized actual and necessary expenses incurred in connection with the performance of their duties as Council members, in accordance with state regulations in the State Administrative Manual.

ARTICLE VI. MEETINGS

SECTION 1. Parliamentary Authority:

- (a) All meetings of the Council and its committees are public meetings governed by the Bagley-Keene Open Meeting Act (Government Code Section 11120, et. seq.).
- (b) Robert's Rules of Order shall be utilized as the rules for all Council and committee meetings except in instances of conflict with these By-laws, or provisions of State or federal law or regulations. The Vice-Chairperson shall serve as Parliamentarian.
- (c) The Council may adopt, from time-to-time, such policies and rules for the conduct of its meetings and affairs as may be required.

SECTION 2. Meetings:

- (a) There shall be no less than six (6) and no more than twelve (12) meetings of the Council per year.
- (b) Special meetings of the Council may be called by the Chairperson or, in case of absence or inability to act by the Chairperson, by the Vice-Chairperson. In case of a refusal to act by the Chairperson, a special meeting may be called by written request of nine (9) members of the Council. Only matters specified in the written notice of the meeting shall be considered at such a meeting.
- (c) Regular or special meetings of the Council shall be held at a place, date, and time designated by the Council or selected by the Chairperson.

SECTION 3. Quorum:

- (a) A quorum for the Council shall be a simple majority of the statutory required membership.
- (b) A quorum for each Council committee and sub-committee shall be a simple majority of the appointed members of that committee.

SECTION 4. Voting Rights of Members:

- (a) Each member shall be entitled to one vote, to be exercised in person. Proxy voting shall not be permitted.
- (b) Except as otherwise specifically provided in State law or these By-laws, all matters submitted for determination shall be decided by a majority vote.

SECTION 5. Chairperson Pro Tem:

If neither the Chairperson nor Vice-Chairperson is present to preside at a Council meeting, a

chairperson pro tem shall be elected by the majority vote of the Council members present.

ARTICLE VII. OFFICERS

SECTION 1. Officers:

The officers of the Council shall be a Chairperson and a Vice - Chairperson elected from among the self and family advocate members. These officers shall perform the duties described in these By-laws.

SECTION 2. Election of Member Officers:

Election of officers shall occur once every two years. The election shall be held during the last meeting of the appropriate calendar year. Only self and family advocate members shall be eligible to hold office.

SECTION 3. Voting Procedure:

Council officers shall be elected by a majority vote. Recommendations for officers shall be in the form of nominations from the Nominating Committee. Nominations may also be received from the floor prior to the election, but subsequent to the report of the Nominating Committee.

SECTION 4. Term of Office:

The Chairperson and Vice-Chairperson shall be elected for a term of two years. Individuals may be elected to these positions for no more than two consecutive terms. Their term of office shall begin the first day of the new calendar year.

SECTION 5. Vacancies:

If the Chairperson resigns or is permanently unable to serve during the term of office pursuant to Article V Section 4, the Vice-Chairperson shall become the Chairperson for the remainder of such term. Upon the vacancy of the Vice-Chairperson's term of office or if the Vice-Chairperson resigns or is permanently unable to serve during the term of office, the Chairperson shall appoint an interim Vice-Chairperson to serve until an election is conducted. The Chairperson shall also appoint a nominating committee of at least three (3) but not more than five (5) Council members that will provide a slate of nominations for the election of Vice-Chairperson during the next appropriate Council meeting.

The voting procedure established in Article VII, Section 3 shall be used for the election process of the permanent Vice-Chairperson.

SECTION 6. Duties of the Officers:

- (a) Chairperson - The responsibilities of the Chairperson are: to preside at all meetings of the Council; to appoint chairpersons and members to all Council committees, except the Nominating Committees, to appoint Council representatives in relation to other agencies and consumer groups; and to represent the Council as needed. The Chairperson shall have full voting rights on all Council actions.

- (b) Vice-Chairperson - The responsibilities of the Vice-Chairperson are to perform all the duties of the Chairperson if the Chairperson is absent or if the Chairperson requests the Vice-Chairperson to do so. When acting in the capacity of the Chairperson, the Vice-Chairperson has the same authority as the Chairperson. The Vice-Chairperson also serves as Chair of the Executive Committee and as Parliamentarian.

SECTION 7. Removal from Office:

Action to remove an officer shall be in accordance with the following procedure:

- (a) Written notification must be submitted by registered mail to the Executive Director from Council member(s) describing the specific cause for which removal is sought.
- (b) The Executive Director shall notify the officer charged by registered mail within two (2) working days of receiving the charges. Any member so notified shall have ten (10) days to respond to the group or individual responsible for notification. Following this ten (10) day period, the responsible parties shall notify the Executive Director within ten (10) days as to whether or not they wish to request removal of the officer. If the responsible parties are satisfied by the officer's response that no sufficient cause exists, the matter will be closed with written notice to the Executive Director and to the officer.
- (c) If the group or individual requesting removal is not satisfied by the response of the officer or if the officer fails to respond in ten (10) days, the Executive Director shall put the issue on the agenda at the beginning of the next Council meeting and inform the Council members as to the purpose of the agenda item.
- (d) Written charges shall be distributed and reviewed at the specified meeting of the Council.
- (e) A majority vote shall be required to remove a chairperson or vice-chairperson from office. If removal of the Chairperson is under consideration, the vice-chairperson shall preside.

ARTICLE VIII. EXECUTIVE DIRECTOR

SECTION 1. Appointment:

- (a) The Executive Director of the Council shall be appointed by and serve at the will of the Council in a position exempt from all civil service requirements pursuant to the California Constitution, Article 7, section 4(b) and Welfare and Institutions Code Section 4551(a)(2). The appointment of the Executive Director shall occur during a regular or special meeting of the Council.
- (b) A performance review of the Council Executive Director shall be coordinated by

the Executive Committee and conducted annually by the full Council.

SECTION 2. Responsibilities and Duties:

- (a) The Executive Director shall be the chief administrative officer of the Council and shall have all the authority and responsibility assigned to the director of a state agency including budget, personnel, and contractual transactions. These include authority for entering into and execution of agreements on behalf of the Council in order to implement the policies of the Council.
- (b) The Executive Director shall be under the direction and control of the Council and shall do and perform such other duties as may be assigned by the Council.
- (c) The Executive Director shall serve as clerk to the Council.

SECTION 3. Removal:

- (a) Action to remove the Executive Director of the Council shall be conducted in accordance with Government Code Section 11120, et. seq.
- (b) The Executive Committee of the Council may recommend removal of the Executive Director during a regular or special meeting. This recommendation shall be taken to the Council during a regular or special meeting for discussion and action.
- (c) A majority vote, during a regular or special Council meeting, shall be required to remove the Executive Director from his or her exempt appointment.

ARTICLE IX. COMMITTEES

SECTION 1. Authority:

- (a) Subject to the provision of these By-laws, all committees, with the exception of the Executive Committee, shall be advisory and shall not have the power to bind the Council except when specifically authorized by the Council to do so. Recommendations made by advisory committees shall be presented to the Council for adoption in the form of a motion.
- (b) Subject to provision of these By-laws, a vacancy in the membership of a committee, except the Nominating Committee, may be filled by the Council Chairperson.
- (c) A committee may meet upon call of the chairperson of the committee or the Council Chairperson.
- (d) Unless otherwise specified in these By-laws, the Chairperson and the Executive Director of the Council shall serve ex officio, without vote, on all committees, except the Nominating Committee.

- (e) A committee member may be removed from the committee by the Council Chair after three (3) consecutive unexcused absences. An unexcused absence is an absence of a member when previous notice of absence has not been given to the Committee Chair or Executive Director or appropriate Deputy Director by telephone, e-mail or mail.

SECTION 2. Standing Committees:

- (a) There shall be ~~six (6)~~ seventeen (17) standing committees of the State Council:
 - (1) Executive
 - (2) Administrative
 - (3) Legislative and Public Policy
 - ~~(4) Program Development~~
 - ~~(45) Self-Advocates Advisory~~
 - ~~(56) Employment First~~
 - ~~(67) Membership~~
 - ~~(78) State Plan Committee~~
- (b) The Chairperson and members of each of the standing committees shall be appointed by the Council Chairperson. In the event of a vacancy for any reason in membership or the Chairperson, a successor may be appointed by the Council Chairperson. The Chairpersons and Vice-Chairpersons of the State Council and of its standing committees shall be individuals with a developmental disability, or the parent, sibling, guardian, or conservator of an individual with a developmental disability (WIC 4535(b)). The All committee chairperson appointments shall be announced to the Council at the next available Council meeting.
- (c) The membership of all standing committees, except the Executive Committee, shall be open to non-members of the Council. The expenses of non-Council members may be reimbursed on the same basis as a Council member with the exception of the honorarium.
- (d) All members of the Council shall be expected to serve on at least one standing committee of the Council.
- (e) The charge of each of these committees shall be as follows:
 - (1) Executive Committee
The Executive Committee shall serve as the coordinating body to the Council. The Committee shall:
 - [a] Consist of the Council Chairperson, Vice-Chairperson, chairperson of the Legislative and Public Policy Committee, chairperson of the

Program Development Committee, ~~chairperson of the Strategic Planning Subcommittee~~, chairperson of the Self-Advocates Advisory Committee, chairperson of the Employment First Committee, ~~Chairperson of the State Plan Committee and the Chairperson of the Membership Committee, Chairperson of the Administrative Committee~~ and up to two (2) other Council members.

- [b] Be chaired by the Council Vice-Chairperson.
- [c] ~~Have delegated authority to Act act~~ on behalf of the Council between meetings, but shall not modify any action taken by the Council unless authorized by the Council to do so. The full Council at the next regular or special meeting shall receive a report of all Executive Committee actions taken between Council meetings.
- [d] Administrative matters shall be a standing agenda item at every meeting and shall include but not be limited to, budget reports, expenditure reports and other major administrative issues.
- [e] Make recommendations to the Council regarding approval of Community Program Development Grants (CPDG) projects to be funded, and allocations.
- [f] Appoint members of CPDG Grant Review team as needed.
- [g] Provide direction to the Executive Director regarding all matters pertaining to Council responsibilities.
- [h] Make recommendations to the Council regarding amendments to the By-laws, changes in committee structure or responsibilities.
- [i] Make recommendations to the Council regarding Council member training.
- [j] Make recommendations to the Council regarding the presentation of awards on behalf of the Council.
- [k] Make recommendations to the Council regarding matters assigned by the Council or the Council Chairperson.
- [l] Make recommendations to the Council regarding the appointment, evaluation, or removal of the Executive Director.
- [m] Monitor and evaluate California State Strategic Plan on Developmental Disabilities implementation and submit findings to the Council.

- [n] Review and make recommendations to the Council regarding area boards' requests to initiate litigation per Welfare and Institution Code Section 4548(g)(4) and (6).
- [o] Coordinate the Council's litigation activities, as needed, and make recommendations to the full Council.
- [p] ~~Make appointments to and receive recommendations from the Strategic Planning Sub-Committee.~~
- [q] Present a slate of nominees to be elected to the Nominating Committee. Election to the Nominating Committee shall occur at the September Council meeting during election years.
- ~~[r] Form and provide oversight for a State Plan Sub-Committee. This Sub-Committee will be formed periodically to review the existing State Plan and make progress toward an update.~~

~~This Sub-Committee shall:~~

- ~~(1) Advise the Executive Committee on the collection and reporting of information on needs, including unmet needs, priorities and emerging issues~~
- ~~(2) Make recommendations to the Executive Committee regarding policy priorities, goals and objectives for the California State Plan on Developmental Disabilities~~
- ~~(3) Advise the Executive Committee and full Council in the planning of the implementation and reporting of the goals and objectives of the Council's California State Plan on Developmental Disabilities.~~

Formatted: Indent: Left: 1.5", First line: 0"

Formatted: Indent: Left: 1.5", First line: 0", Tab stops: Not at 2.5"

Formatted: Indent: Left: 1.5", First line: 0"

Formatted: Indent: Left: 1.5", First line: 0", Tab stops: Not at 2.5"

(2) Administrative Committee

The Administrative Committee shall assist with monitoring the administrative and budgetary activities of the Council. The Committee shall:

- [a] Be composed of at least three (3) Council Members
- [b] Make recommendations to the Council regarding allocation of discretionary fiscal resources and other budgetary issues.

- [c] Make recommendations to the Council regarding budgeting for anticipated fiscal resources among Council operations and specific service priorities for inclusion in the California State Strategic Plan and the Governor's budget.
- [d] Make recommendations to the Council regarding monitoring and evaluating administrative contracts and agreements.
- [e] Make recommendations to Council regarding all contracts and agreements.
- [f] Monitor and evaluate administrative contracts and agreements; and take actions authorized in all Council contracts and agreements.
- [g] Make recommendations to the Council regarding administrative matters and policies including organizational charts and structure.

(3) Legislative and Public Policy Committee

The Legislative and Public Policy Committee shall implement the California State Strategic Plan on Developmental Disabilities objectives as assigned by the Council. The Committee shall:

- [a] Be composed of at least seven (7) members.
- [b] Review, comment and recommend positions on significant proposed legislation and/or proposed regulations.
- [c] Recommend legislation consistent with Council's responsibilities and objectives.
- [d] Recommend initiatives and policies consistent with Council responsibilities and objectives.
- [e] Provide testimony and recommendations to the Legislature with regard to matters pertaining to people with developmental disabilities.
- [f] Respond to other responsibilities as assigned by the Council or Council Chairperson.

(4) Program Development Committee

~~The Program Development Committee shall advise the Council in the development of services and projects designed to improve the quality of life for individuals with developmental disabilities and their families~~

~~The Committee shall:~~

~~[a] Be composed of at least seven (7) members.~~

~~[b] Make recommendations to the Council regarding the Community Program Development Grant (CPDG) application process and suggested priorities/criteria for proposals.~~

~~[c] Develop methods to market and implement successful CPDG projects throughout the State.~~

~~[d] Carry out other responsibilities as assigned by the Council or the Council Chairperson.~~

(45) Self-Advocates Advisory Committee

The Self-Advocates Advisory Committee shall advise the Council as a voice for all Californians with disabilities, by promoting State Council participation and peer advocacy that advances independence and inclusion. The Committee shall:

[a] Be composed of self-advocate members of the Council.

[b] Advise the Council regarding self-advocate needs related to serving the Council including manners in which to ensure participation and inclusion in all meetings.

[c] Advise the Council regarding policies, programs and any other area affecting self advocates in California.

[d] Review materials and other Council produced information to evaluate and make recommendations regarding plain language approaches.

[e] To ~~have nominate~~ a standing representative to the Statewide Self-Advocacy Network (SSAN).

(56) Employment First Committee

The Employment First Committee is responsible for ensuring the development of an Employment First Policy which has the intended outcome of significantly increasing the number of individuals with developmental disabilities who engage in integrated, competitive employment. The Committee shall:

[a] Be composed of a representative from each of the following:

(1) The Department of Developmental Services

- (2) The Department of Rehabilitation
- (3) The California Department of Education
- (4) One from each of the three University Centers of Excellence in California
- (5) Disability Rights California
- (6) Employment Development Department
- (7) Family Resource Center Network
- (8) Association of Regional Center Agencies
- (9) Service Employees International Union
- (10) The ARC
- (11) Four self-advocates
- (12) Four family advocates
- (13) Such others as deemed needed to implement the responsibilities of the Council.

- [b] Identify the respective roles and responsibilities of state and local agencies in enhancing integrated, competitive employment for people with developmental disabilities.
- [c] Identify strategies, best practices, and incentives for increasing integrated, competitive employment opportunities for people with developmental disabilities, including, but not limited to, ways to improve the transitional planning process for students 14 years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers.
- [d] Identify existing sources of employment data and recommend goals for, and approaches to measuring progress in, increasing integrated, competitive employment for persons with developmental disabilities.
- [e] Recommend legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in integrated, competitive employment, self-employment, and microenterprises and who earn wages at or above minimum wage.
- [f] Provide an annual report to the Governor and Legislature by July 1 of each year that describes the work and recommendations of the Committee.

(67) Membership Committee

The Membership Committee shall recruit, solicit and advise the Governor on appointments to and vacancies on the Council and on the Regional Advisory Committees. The Chairperson of the Committee is charged with submitting the Council's recommendations to the Governor. The

Formatted: Indent: Left: 1.5"

Committee shall:

- [a] be comprised of at least three (3) members, two (2) of which shall be Council members.
- [b] be comprised of self advocates and family advocates
- [c] meet at least quarterly
- [d] coordinate Council and public input regarding appointments to the Governor.
- [e] at least quarterly solicit recommendation for candidates via social media, email/web alerts, from among self-advocacy groups, family support groups, Federal Partners and service providers.
- [f] submit all recommendations for appointments to the Governor's Officer for consideration.
- [g] make a report of submissions to the Governor's Office to the Council during the next regular meeting.

Formatted: Indent: Left: 1.5", Hanging: 0.5"

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 1.5", Hanging: 0.5"

(78) State Plan Committee

The State Plan Committee shall be responsible for reviewing the current State Plan and monitor its implementation and completion of goals and objectives as well as develop subsequent plans. The Committee shall:

Formatted: Indent: Left: 0", Hanging: 1.5"

- [a] Be comprised of at least three (3) members
- [b] Meet at least quarterly.
- [c] Advise the Executive Committee on the collection and reporting of information on needs, including unmet needs, priorities and emerging issues
- [d] Make recommendations to the Council regarding policy priorities, goals and objectives for the California State Plan on Developmental Disabilities
- [e] Advise the Council in the planning of the implementation and reporting of the goals and objectives of the Council's California State Plan on Developmental Disabilities
- [f] Make recommendations to the Council regarding the grant

Formatted: Indent: Left: 0", Hanging: 1.5"

Formatted: Tab stops: 1.44", Left + Not at 1.06"

Formatted: Tab stops: 1.44", Left + Not at 1.06"

Formatted: Indent: Left: 1.44", Hanging: 0.56"

Formatted: Indent: Left: 0.5", Hanging: 1.5", Tab stops: 1.44", Left + Not at 2.5"

Formatted: Indent: Left: 1.44", Hanging: 0.56", Tab stops: 2.5", Left + Not at 1.06"

application process and suggested priorities/criteria for proposals.

[g] Develop methods to market and implement successful programs funded by these grants throughout the State.

[h] Carry out other responsibilities as assigned by the Council or the Council Chairperson.

Formatted: Font: 12 pt, Highlight

Formatted: Indent: Left: 1.44", Hanging: 0.56", Tab stops: 2.5", Left + Not at 1.06"

Formatted: Font: 10 pt, Not Bold

SECTION 3. Nominating Committee:

The Nominating Committee shall provide advice to the Council relative to the bi-annual election of Council officers. The Committee shall:

- (a) Be composed of at least three (3) and not more than five (5) Council members.
- (b) Be elected by the Council at the September Council meeting from a slate of nominations presented by the Executive Committee.
- (c) Serve for one year. Be elected at least forty-five (45) days prior to the annual election.

SECTION 4. Committees, Sub-Committees and Ad-Hoc Committees and Task Forces:

- (a) Committees, Sub-committees, Ad-Hoc committees and Task Forces may be established by the Council to carry out specified California State Strategic Plan on Developmental Disabilities objectives and purposes of the Council.
- (b) The term of office and, qualifications of these groups' chairpersons and members shall be established by the Council. The membership of Sub-Committees and Ad-Hoc committees shall be open to non-members of the Council and shall be appointed by the Chairperson of the Council. The expenses of non-Council members may be reimbursed on the same basis as a Council member with the exception of the honorarium.

ARTICLE X. COUNCIL GENERAL PROVISIONS

SECTION 1. Certification and Inspection:

The original or a copy of the By-laws, as amended or otherwise altered to date, certified by the Council shall be recorded and kept in a book that shall be kept in a location in the principal office of the Council, and such book shall be open to public inspection at all times during office hours.

SECTION 2. Records, Reports and Inspection:

- (a) The Council shall maintain adequate and correct accounts, books and records of all its business and properties.

- (b) Such records shall be kept at its principal place of business. All books and records shall be open to inspection by the Council and the general public, except those records or data regarding an employee, if such disclosure would constitute an unwarranted invasion of personal privacy, or records of the Council relating to its participation in a judicial proceeding.
- (c) An annual financial report and budgets shall be available for inspection at the Council's principal place of business.

ARTICLE XI. AMENDMENTS OF BY-LAWS

Subject to the limitations of federal and state law, these By-laws shall be reviewed at least annually. The Executive Committee shall be responsible for the annual review of the By-laws, submitting recommendations for adoption of new By-laws and amendments or repeal of existing By-laws to the Council. These By-laws may be amended, repealed or adopted by a two – thirds majority during any regular or special meeting of the Council so long as a draft of the proposed action was submitted in writing to the Council at least ten (10) days prior to the meeting.

ARTICLE XII. INDEMNIFICATION

SECTION 1. Definitions:

For the purposes of this Article XII, "agent" means any person who is or was a director or member as appropriate, officer, employee, or other agent of the Council. Proceeding means any threatened, pending, or completed action or proceeding, whether civil, criminal, administrative, or investigative; and expenses include without limitation attorney's fees and any expenses of establishing a right to indemnification under Section 4 or 5(b) of this Article XII.

SECTION 2. Indemnification in Actions by Third Parties:

The Council shall have power to indemnify any person who was or is a party or is threatened to be made a party to any proceeding (other than an action by or in the right of the Council to procure a judgment in its favor, by reason of the fact that such person is or was an agent of the Council, against expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred in connection with such proceeding if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Council and, in the case of a criminal proceeding, has no reasonable cause to believe the conduct of such person was unlawful. The termination of any proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in the best interests of the Council or that the person had reasonable cause to believe that the person's conduct was unlawful.

SECTION 3. Indemnification in Actions by or in the Right of the Council:

The Council shall have the power to indemnify any person who was or is a party or is threatened

to be made a party to any threatened, pending, or completed action by or in the right of the Council, to procure a judgment in its favor by reason of the fact that such person is or was an agent of the Council, against expenses actually and reasonably incurred by such person in connection with the defense or settlement of such action if such person acted in good faith, in a manner such person believed to be in the best interests of the Council, and with such care, including reasonable inquiry as an ordinarily prudent person in a like position would use under similar circumstances. No indemnification shall be made under this Section 3:

- (a) In respect of any claim, issue, or matter as to which such person shall have been adjudged to be liable to the Council in the performance of such person's duty to the Council, unless and only to the extent that the court in which such proceeding is or was pending shall determine upon application that, in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for the expenses which such court shall determine;
- (b) Of amounts paid in settling or otherwise disposing of a threatened or pending action, with or without court approval; or
- (c) Of expenses incurred in defending a threatened or pending action, which is settled or otherwise disposed of without court approval, unless it is settled with the approval of the Attorney General.

SECTION 4. Indemnification Against Expenses:

To the extent that an agent of the Council has been successful on the merits in defense of any proceeding referred to in Section 2 or 3 of this Article XII or in defense of any claim, issue, or matter therein, the agent shall be indemnified against expenses actually and reasonably incurred by the agent in connection therewith.

SECTION 5. Required Determinations:

Except as provided in Section 4 of this Article XII any indemnification under this Article XII shall be made by the Council only if authorized in the specific case, upon a determination that indemnification of the agent is proper in the circumstances because the agent has met the applicable standard of conduct set forth in Section 2 or 3 of this Article XII, by:

- (a) A majority vote of a quorum consisting of directors or members as appropriate, who are not parties to such proceeding; or
- (b) The court in which such proceeding is or was pending upon application made by the Council or the agent or the attorney or other person rendering services in connection with the defense, whether or not such application by the agent, attorney, or other person is opposed by the Council.

SECTION 6. Advance of Expenses:

Expenses incurred in defending any proceeding may be advanced by the Council prior to the final disposition of such proceeding upon receipt of an undertaking by or on behalf of the agent

to repay such amount unless it shall be determined ultimately that the agent is entitled to be indemnified as authorized in this Article XII.

SECTION 7. Other Indemnification:

No provision made by the Council to indemnify its or its subsidiary's directors or members as appropriate, or officers for the defense of any proceeding, whether contained in the Articles, Bylaws, a resolution directors or members as appropriate, or an agreement, or otherwise, shall be valid unless consistent with this Article XII. Nothing contained in this Article XII shall affect any right to indemnification to which persons other than such directors or members as appropriate, and officers may be entitled by contract or otherwise.

SECTION 8. Forms of Indemnification Not Permitted:

No indemnification or advance shall be made under this Article XII, except as provided in Section 4 or 5(b), in any circumstances where it appears:

- (a) That it would be inconsistent with a provision of the Articles, these By-laws, or an agreement in effect at the time of the accrual of the alleged cause of action asserted in the proceeding in which the expenses were incurred or other amounts were paid, which prohibits or otherwise limits indemnification; or
- (b) That it would be inconsistent with any condition expressly imposed by a court in approving a settlement.



changinglives

WHY JOIN THE COUNCIL?

- BECAUSE YOU BELIEVE THAT EVERYONE SHOULD HAVE EQUAL ACCESS TO THE BEST EDUCATION POSSIBLE
- BECAUSE YOU BELIEVE THAT EVERYONE SHOULD HAVE THE POWER TO DETERMINE THEIR OWN LIVES
- BECAUSE YOU BELIEVE IN THE EQUALITY AND INCLUSION OF PEOPLE WITH DEVELOPMENTAL DISABILITIES
- BECAUSE YOU WANT TO BE A PART OF THE CHANGE TO IMPROVE THE LIVES OF PEOPLE WITH DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES

BECOME A VOLUNTEER COUNCIL MEMBER WITH THE CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

The Council is established by the Lanterman Act and the federal Developmental Disabilities Act to advocate for the rights of people with developmental disabilities and promote their inclusion in all aspects of community life.

We are an independent state agency governed by a 31 member council appointed by the Governor. We promote systems change in areas such as employment, education, housing, and self-determination so people can have more independent and productive lives.

The Council has 13 regional offices throughout California, so we can listen to our diverse communities and support them through advocacy, training, and systems change.

If YOU are a person with a developmental disability or family member ready to change lives by improving the disabilities service system, please contact us for more information or apply to become a volunteer Council member. You can contact us at 866-802-0514 or council@scdd.ca.gov



CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

CONTRACTING AND PURCHASING POLICIES AND PROCEDURES

Adapted from the:

Demystifying Contracts Handbook

Produced by the California Department of Social Services Contracts and Financial
Analysis Bureau

Table of Contents

Types of Contractual Agreements
Request for Contract Services
Interagency Agreement
Standard Agreement (Consulting)
Standard agreement (Subvention)
CMAS Agreement
Contract Review Process and Timeframes
Various Components of the Bidding Process
Apply Appropriate Regulations and Policies
Program Responsibilities After Execution of Contract

TYPES OF CONTRACTUAL AGREEMENTS

A contract is a legally binding agreement between the California Department of Social Services (CDSS) and another entity, public or private, for the provision of goods or services. A contract sets forth the terms, conditions, and the statement of all work to be performed.

Proper classification of contracts is necessary as a first step in determining which solicitation process is appropriate for the contract, and what elements are required to be in the contract. There are several types of contracts and services.

1. Interagency Agreement (IA)

An interagency agreement is an agreement between two or more state agencies.

Examples include: An IA between SCDD and the Department of Developmental Services (DDS) to provide quality assurance activities.

2. Consultant Services

Defined as a contract for services of an advisory nature, which provides a recommended course of action or personal expertise. The contract calls for a "product of the mind" rather than the rendition of mechanical or physical skills. A "product of the mind" may include anything from answers to specific questions to the design of a system or plan.

Examples of consultant services contracts include: Legal services, expert witness services, training and technical assistance, strategic planning, etc.

3. Services Contract (Non-Consulting)

A services contract is a contract in which the contractor provides a duty or labor, of a non-consulting nature, and is usually a rendition of mechanical or physical skills.

For example: janitorial services, moving services, shredding services, and printing services.

4. Subvention Services

To be classified as a subvention services contract, the contract must:

a) provide assistance to local governments and/or aid to the public; and b) directly or through an intermediary, such as a nonprofit organization. Subvention services contracts are exempt from the competitive bidding requirements.

Examples: A contract with California Youth Connection to provide technical and outreach services to foster youth; a contract with the San Diego State University Foundation to provide training to social workers on child welfare services.

NOTE: The Department of General Services (DGS) has determined that grants provided by the SCDD do not qualify under the subvention agreement contract exception.

5. Public Works

An agreement for the erection, construction, alteration, repair, or improvement of any state-owned structure, building, road, or other state improvement of any kind.

Examples include: Electrical/cabling services and assembling modular furniture in State offices.

6. Information Technology (IT) Services

Services performed directly on or pertaining to electronic technology and telecommunications hardware, firmware, and software including but not limited to computerized and auxiliary automated information handling, system design and analysis, data conversion, computer programming, information storage and retrieval, voice, video, data communications, requisite system controls, simulation, electronic commerce, maintenance and repair, software licensing and support, training, and all related interactions between people and machines. Also included are services of an advisory nature requiring a recommended course of action or personal expertise as it pertains to an information technology project and information technology support functions.

SCDD has competitive purchasing authority to conduct bids for IT Services up to \$4,999.99. We also have purchasing authority to utilize the California Multiple Award Schedules (CMAs) and Master Agreements/Master Service Agreements.

7. California Multiple Award Schedule (CMAS) Contracts

The CMAS Program was established in May 1994 to enable State Agencies and local governments to obtain IT (and a limited number of non-IT services) without the need for DGS to issue a specific bid. The objective of the CMAS Program is to streamline purchases of goods and services by removing repetitive, resource intensive, costly and time consuming bid processes. CMAS vendors are approved by DGS, along with a description of the specific services and the maximum rates allowable for the services. Vendors interested in working with the State must apply directly to DGS. In order to obtain services from an authorized CMAS vendor, SCDD issues a request for offer (RFO), which results in a CMAS contract.

8. Memorandum of Understanding (MOU)

The DGS State Contracting Manual defines a memorandum of understanding as "a contract". For SCDD, the MOU usually does not contain dollars or fiscal provisions. The primary purpose of the MOU is to delineate the roles and responsibilities of the parties. Reimbursement for services are from other established sources such as the county administrative claim.

For example, each SCDD local office with a developmental center in its area has an MOU with that developmental center that outlines their individual roles and responsibilities. The fiscal provisions are outlined in the IA between the SCDD and DDS.

VARIOUS COMPONENTS OF THE BIDDING PROCESS

A. *Types of Bidding Processes*

The most frequently used types of bidding process in SCDD are the Request for Proposals (RFP) Primary and RFP Secondary and Master Agreements. However, other processes may be used as follows:

1. Request for Proposals (RFP)

The RFP is used to obtain complex services in which professional expertise is needed and bidders may utilize different methods and approaches during performance. Services may be complex, uncommon and/or unique.

An RFP seeks an answer to the following: "Here is what we wish to accomplish. Here are the qualification requirements, performance specifications, time frames, and other requirements that must be met. Describe how you would accomplish the job for us and for how much."

There are two types of RFPs:

RFP Primary and RFP Secondary - The major difference between the two is the way in which the winner is determined. In the RFP Primary, the contract is awarded to the responsible bidder with the lowest costs. In the RFP Secondary, the contract is awarded to the responsible bidder with the highest scored proposal.

a. RFP Primary

Bidders responding to the RFP Primary must submit their information in two envelopes. The written proposal describing the services and how they will be delivered will be placed in one envelope and the costs for providing the services must be sealed in a separate envelope. The sealed bids will be publicly opened at a later date.

Upon receipt of proposals, the Contracts Analyst will conduct an administrative review to determine if the proposals conform with the format and content requirements specified in the RFP, such as a table of contents, the correct number of copies, a signed Statement of Intent to Meet RFP Requirements, etc. The Contracts Analyst will also check that the costs information is sealed in a separate envelope. Failure to meet administrative requirements will deem the proposal to be nonresponsive to RFP requirements and disqualified for further consideration.

Proposals meeting administrative requirements are given to the Evaluation Committee for scoring. The Program Development Committee or Administrative Committee, as appropriate, shall serve as the Evaluation Committee in accordance with these policies. The Evaluation Committee will compare the proposals and bidders for conformance to RFP requirements such as minimum experience, professional qualifications, organizational structure, staffing and expertise, service methodology, timeframes, etc., and assign a score for each category. As stated in the RFP, proposals must obtain a minimum score, usually 80 percent, from the Evaluation Committee in order to qualify for the bid opening. All proposals with a score of 80 percent or higher will have their sealed bid publicly opened at the time and place specified in the RFP. The responsible bidder with the lowest costs will be awarded the contract, regardless of the score given by the Evaluation Committee on the proposal.

b. RFP Secondary

The RFP Secondary asks Bidders to submit all their information in one package. There is no need for a separate envelope shielding the costs information since there is no public bid opening.

The Contracts Analyst conducts an administrative review of all proposals received for responsiveness to RFP format and content requirements and gives them to the Evaluation Committee. The Evaluation Committee shall be the Program Developmental Committee or the Administrative Committee, as appropriate. The Evaluation Committee will compare the proposals and bidders for conformance to other RFP requirements such as minimum experience, professional qualifications, organizational structure, staffing and expertise, service methodology, timeframes, etc., and assign a score to each category. The costs for services are also scored in accordance with the formula specified in the RFP. Upon completion of the evaluation process, the contract is awarded to the bidder with the highest scored proposal.

2. Solicitation for Offers (SFO)

The SFO is used to obtain services off the California Multiple Award Schedules (CMAS). CMAS vendors have been preapproved by the Procurement Division of the Department of General Services and may be utilized by state agencies without formal bids. For vendor listings, see: www.pd.dgs.ca.gov

SCDD may issue a SFO that specifies the minimum service requirements and what information the CMAS vendor must provide for consideration of contract award. Typically, the CMAS vendor submits a narrative describing their qualifications, what services they will provide, along with the personnel and corresponding hourly rates.

For SFO's, the award is determined by "best value". Depending on the specific service being requested, "best value" can be defined as either lowest price or highest scored offer received. The decision must be clearly identified in the SFO.

3. Invitation for Bids (IFB)

The IFB is typically used to obtain simple, common, or routine services that may require personal or mechanical skills. An IFB seeks an answer to the following: "Here is exactly what we need to have done. Here are the qualification requirements, performance specifications, time frames, and requirements that must be met. How much will you charge us?"

Examples of services utilizing the IFB process are janitorial and moving services.

The bidder specifies the costs for the requested services on the Bid Form, which is included in the IFB. Bidder signs and returns the Bid Form to Contracts Analyst in a sealed envelope by the due date stated in the IFB. Sealed bids are then publicly opened on the due date and a pass or fail determination is made by the Contracts Analyst for responsiveness to IFB requirements. For example, if the IFB specifies a minimum number of years experience providing a particular service, the bidder must have that experience in order to qualify for the bid opening. The award is then made to the responsible bidder with the lowest costs.

4. Master Agreements

Master Agreements (also referred to as Master Service Agreements) are generally Statewide agreements that have been competitively bid and awarded by DGS. Master Agreements may be for IT Services and Non-IT Services. Each Master Agreement has its own ordering instructions and administrative fee (usually 1 to 2%). Additional information is available on the Department of General Services, Procurement Division website at www.pd.dgs.ca.gov/masters/.

Examples of services available under Master Agreements include unarmed security guards and business and management consulting services such as organization development, strategic planning, and performance measurements and evaluation.

B. Fundamental Rules for Competitive Bids

1. A State Agency may not draft any competitive bidding document in a manner that limits bidding directly or indirectly to any one bidder. (Public Contract Code Section 10339)
2. Services may not be split to avoid the need to advertise or obtain competitive bids. In particular, a series of related services that would normally be combined and bid as one job cannot be split into separate tasks, steps, phases, locations, or delivery times to avoid adhering to a state law, policy, or departmental procedure.
3. Sealed bids (and proposals, etc.) must be received by the time stated in the solicitation document. Bids received after the due date and time are not valid regardless of the circumstances causing the late submittal. If you receive a package requested by a solicitation document, please get it to the Contracts Analyst immediately.

C. Noncompetitively Bid (NCB) Contract

1. A noncompetitively bid contract is defined as one in which only a single business enterprise is afforded the opportunity to provide the specified services and the typical solicitation processes were not utilized. NCB Transactions of \$5,000 or more must be approved by the Executive Director, the full Council and, the Procurement Division of the Department of General Services (DGS). These approvals must be formally obtained and provided in writing before the contract is developed. For services under \$5,000, no NCB justification is required if fair and reasonable pricing has been established and documented. An NCB justification is required if fair and reasonable pricing cannot be established and documented or two bids cannot be obtained.
2. Approvals for an NCB contract transaction require the following documents:
 - Noncompetitively Bid Contract Justification (three page document from DGS), and
 - Request for Exemption from Advertising (form STD. 821).
3. At a minimum, the following questions must be addressed in the documents specified in #2 above:

- Why is the requested service restricted to one supplier? Explain why the acquisition was not competitively bid.
- Provide the background of events leading to this acquisition. Describe the uniqueness of the acquisition (why was the good/service/supplier or contractor chosen?)
- What are the consequences of not purchasing the good/service or contracting with the proposed supplier?
- What market research was conducted to substantiate noncompetition, including evaluation of other items considered?
- How was the price offered or costs for services determined to be fair and reasonable? Describe any cost savings realized or costs avoided by acquiring goods/services from this supplier.
- If the NCB request could have been competitively bid but was not due to insufficient time to complete the acquisition process, DGS requires a corrective action plan from the SCDD describing how competitive bids and processing of contracts will be managed.

REQUEST FOR CONTRACT SERVICES

Complete a form 704 - (GEN 704)

A completed form 704 must be submitted to the Deputy Director for Administration.

The GEN 704 consists of three pages.

1. Include the name of the contact person, telephone number, fax number and office number.
2. Indicate the type of request: Is the request for a Procurement/Bid such as a Solicitation for Offer (SFO), Master Service Agreement (MSA), Invitation for Bid (IFB), Request for Proposal (RFP)? Is the request for a contract such as an interagency agreement (IA), standard agreement (SA), CA Multiple Award Schedule (CMAS), memorandum of understanding (MOU), direct pay, or other?

If the request for the contract is to confirm the result of a bid or solicitation, please check the box after "Contracts" and specify the bid/solicitation number.

Fill out the name of the proposed contractor in the contractor information box. Always use the legal name of the contractor. If you know whether or not the contractor is a certified small business or disabled veteran business enterprise, please indicate by checking the yes or no box.

3. Is this an amendment or renewal to an existing service or contract?

If yes, enter the previous contract number and contractor name. If this is an amendment, the contract number to ensure that the right contract file is pulled to verify the contract term and amount prior to writing the amendment.

If this is a renewal to an existing service or contract, please enter the prior contract number to pull the former contract file to help draft the scope of work (SOW).

4. "Contract Term": Enter the proposed start date and ending date of the service period. You will be contacted and told if the proposed term is not realistic or attainable. For example, if the bidding process requires two months and there is only two weeks between the receipt of GEN 704 and the proposed start date.

If the request is to amend the term, enter the original start date and the revised or proposed end date, not the original end date. If the request is for amendments to revise the funding or scope of work and the term is not affected, enter the original end date.

Amendment effective date: Enter the date for which the change (in scope, increase or decrease in the amount of funding, hourly rate, etc.) is to take place. Provide us with your best estimate. The only rule here is that if you are extending the term, the effective date must be prior to the expiration of the original term, i.e., you want to extend the contract for 12 months, from June 30, 2013 through June 30, 2014. The effective date of amendment can be no later than June 30, 2013. If you have multiple actions like amending the term and increasing the funds, the effective date would be the earliest date in which an action takes place. If the contract ran out of money in March, the amendment date would be March and not June to extend the term.

5. Purpose/necessity of contract/amendment (concise description): Provide a brief and concise description of the contract service, e.g., provide development training and quality improvement services to persons with developmental disabilities. Attach the scope of work and budget detail (more information on SOW and budget after we get through the instructions on how to complete the GEN 704). Check the box on whether the service is mandated or not and provide the authority/legislative act. (More information on justification of services in Page 2). Enter the Index Code, PCA, object code (if known).

Funding, etc: Identify whether the funds are State, Federal, or both, and the percentage of each. Check Support or Local Assistance; whether the agreement is a payable or receivable contract or N/A (if an MOU); give us the amount of funds available by each state fiscal year and identify the funding source (budget/redirect, etc.)

6. Required Approvals and Signatures: The following signatures are currently required: Deputy Director for Local Area Offices (if applicable), Deputy Director for Administration and Executive Director.
7. Page 2: Required Justification For Contract Services

Check box on whether the service is mandated or not and provide the authority or legislation.

#1, Briefly describe the services to be provided.

#2, Describe why the services are critical or essential to the Department's mission and goals; Describe expected results or benefits to be achieved.

#3, Describe the consequences if this request for contract is denied.

#4, Describe possible alternatives to contracting.

#5, Describe why services cannot be performed by civil service employees, per Government Code 19130.

The State Constitution generally requires contracting to be limited to those services that cannot be performed by civil service employees except provided for in GC 19130 (a) and (b).

GC 19130(a) allows contracting out of services if the Department can clearly demonstrate that the proposed contract will result in actual overall cost savings to the State.

Standards for use of Personal Service Contracts

A "Personal Service contract" is defined as any contract, requisition, Purchase Order, etc. (except Public Works contracts), under which labor or personal services is a significant, separately identifiable element. The business or person performing these contractual services must be an Independent Contractor and does not have status as an employee of the State. A "cost savings-based Personal Service Contract" is any Personal Service Contract proposed to achieve cost savings and subject to the provisions of Government Code, Section 19130(a).

Before deciding to contract for personal services, as a requestor or initiator of a contract, you must meet one of the following criteria and provide justification to support the selection:

1. 19130(a) Personal services contracting is permissible to achieve cost savings when specific conditions are met. This would require an 11-Point Analysis as required by law for State Personnel Board approval and union review. (This may add an additional 30 - 60 days to the contract process.);

OR

2. 19130(b): Personal services contracting also shall be permissible when any of the following conditions can be met:
 - A.** The functions contracted are exempted from civil service by Section 4 of Article VII of the California Constitution, which describes exempt appointments.
 - B.** The contract is for a new state function and the Legislature has specifically mandated or authorized the performance of the work by Independent Contractors.
 - C.** The services contracted are not available within civil service, cannot be performed satisfactorily by civil service employees, or are of such a highly specialized or technical

nature that the necessary expert knowledge, experience, and ability are not available through the civil service system.

D. The services are incidental to a contract for the purchase or leases of real or personal property. Contracts under this criterion, known as service agreements," shall include, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented.

E. The legislative, administrative, or legal goals and purposes cannot be accomplished through the utilization of persons selected pursuant to the regular civil service system. Contracts are permissible under this criterion to protect against a conflict of interests or to insure independent and unbiased findings in cases where there is a clear need for a different, outside perspective. These contracts shall include, but not be limited to, obtaining expert witnesses in litigation.

F. The nature of the work is such that the Government Code standards for emergency appointments apply. These contracts shall conform with Article 8 (commencing with Section 19888) of Chapter 2.5 or Part 2.6.

G. State agencies need private counsel because a conflict of interest on the part of the Attorney General's office prevents it from representing the agency without compromising its position. These contracts shall require the written consent of the Attorney General, pursuant to Section 11040.

H. The Contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the state in the location where the services are to be performed.

I. The Contractor will conduct training courses for which appropriately qualified civil service instructors are not available, provided that permanent instructor positions in academies or similar settings shall be filled through civil service appointment.

J. The services are of such of an urgent, temporary, or occasional nature that the delay incumbent in their implementation under civil services would frustrate their very purpose.

***Justification Detail Required (Please explain why the above condition applies)

What to Include in a Scope of Work (SOW)

According to the standard contracting format established by DGS, the SOW is specified as Exhibit A in the majority of state contracts. The SOW is a description of the services and work to be performed.

It can be as brief as a paragraph or two, or as lengthy as a book, depending on the type of services and the level of understanding and agreement.

At a minimum and if applicable, the SOW should address the following:

1. Work specifications, requirements
2. Detailed work plan
3. Personnel, staffing
4. Objectives, major task
5. Results, deliverables
6. Timelines, progress reports
7. Evaluation and acceptance criteria

The Scope of Work should contain a clear, precise description of the work to be performed, services to be provided, problem to be solved, or the goals and objectives to be met as follows:

- Describe in realistic terms what the Contractor is to accomplish, including any desired approach to the problem and the specific functions, tasks, or activities that must be performed.
- Identify any practical and policy information, technological requirements or specifications, and legal limitations if any.
- Identify the specific questions to be answered or issues to be addressed.
- Define the manner in which the work is to be done.
- Describe the items to be delivered.
- Specify time schedules, including dates for commencement of performance and submission of progress reports, if any, and date of completion.
- Specify final meeting requirements between Contractor and CDSS when the contractor is to present his/her findings, conclusions, and recommendations (if applicable)
- Specify the format and number of copies to be made of the completed reports or product.
- Describe method of delivery and evaluation criteria for acceptance of service or product.

What to Include in a Budget

The budget format will differ according to the type of contract. The standard budget formats are:

- Lump sum payment upon completion, delivery, and acceptance of service.

- Deliverable-based, i.e., Upon completion of each training session at the contracted rate of \$5,000 per session.
- Monthly reimbursement of services, i.e., \$600 per month for janitorial services or \$50 per month for security alarm maintenance.
- Identification of the consultant(s), classification level and hourly rate of pay, up to the maximum amount of the contract or maximum number of hours within the contract period.
- Detailed line item budget showing personnel detail (names, job titles, monthly rate, percentage of time charged to the contract and employee benefits); operating and equipment expenses (rent, telephone, supplies, etc.) and indirect cost. Detailed line item budgets must include a narrative describing each line item.

***See Attachment 1 for SAMPLE contract agreement

CONTRACT REVIEW PROCESS and TIMEFRAMES

Upon completion of a GEN 704, Request for Contract Services, the following actions take place (10 – 30 working days):

1. Preliminary Review by Deputy of Administration(if statewide or administrative contract) or by Deputy for Local Area Offices (if request has been made by director of a Local Area Office) –
The appropriate Deputy shall review all proposed solicitation documents and timelines for compliance with State Contracting Manual. Once the review is complete, the Deputy of Admin or LAO signs and forwards the proposed contract to the Deputy Director of Administration for secondary review, if applicable.
2. The Deputy of Administration will review all financial documents and assure compliance with State Administration Manual and Department of Finance protocols. Once the review is complete, the Deputy for Administration signs and includes the completed contract packet for review and approval at the next Administrative Committee or Program Development Committee **COMMITTEE STILL MUST DETERMINE THE AMOUNT THAT CAN BE APPROVED BY ED OF COUNCIL. ADMINISTRATIVE COMMITTEE DISCUSSED A POSSIBLE 50,000 CEILING** (as appropriate.) The Chairperson of appropriate committee shall sign and certify that a full review and action has been taken to approve the contract.
3. The Deputy for Administration submits the complete solicitation package and approvals to full Council for review and final approval.
4. Once the solicitation package is approved by the full Council, advertising and/or bidding process may commence in accordance with the outlined process below depending on type of contract.

Please note: Contracts Analyst does not start writing the contract until full Council approval is obtained.

5. If the scope of work (SOW) and budget information are provided with the GEN 704, the Contracts Analyst will write the contract (5 to 10 working days)
If the SOW and budget information are insufficient, the Contracts Analyst will contact the submitter for additional information.
6. A draft of the contract is sent to the following for concurrent review. The specific reviews are determined by the type of service and amount of funds. (5 to 20 working days)
 - Budget Officer (only contracts containing more than \$20,000 per fiscal year).
 - Budget Officer signs the "Agreement/Summary" (STD215) and attaches funding information on the form
 - Legal Counsel
7. Contract is finalized and sent to Contractor for signature (3 to 10 working days)
8. Contract is signed and returned to SCDD (10 to 20 working days)
9. Once the Contractor's signature has been obtained, the contract is prepared for SCDD Executive Director signature. (3 to 10 working days)
10. If Department of General Services (DGS) review is not required, the contract is fully executed upon CDSS signature. Copies of the executed contract are distributed by the Contracts Analyst.

The following contracts require DGS review and approval: (add 5 to 10 working days)

- Standard Agreements and Interagency Agreements for \$50,000 and above
 - Contracts that limit the contractor's liabilities or require the State to indemnify or to hold the contractor harmless.
 - Contracts that provide for advance payment for services.
 - Any contract containing hazardous activities that may result in substantial risk of serious injury to persons or damage to property, such as transporting of persons by any mode of transportation (also requires automobile and public liability insurance)
11. Upon receipt of the approved contract from DGS, the Contracts Analyst notifies Program and Contractor of execution by sending out copies of the executed contract. (2 to 5 working days)

APPLY APPROPRIATE REGULATIONS AND POLICIES

Disabled Veteran Business Enterprise (DVBE) and Small Business (SB) and Microbusiness (MB) Participation Programs

There are two business enterprise participation programs with which we must interact: Disabled Veteran Business Enterprise (DVBE)

and Small Business (SB) and Microbusiness (MB) Enterprise. State agencies are measured on how well they achieve the mandated goals.

1. DVBE Program

The State of California established the DVBE Participation Program as one way to acknowledge disabled veterans for their service. The intent of the program is to further DVBE participation in State contracting by establishing a DVBE participation goal of at least 3% to ensure a portion of the state's overall annual contract dollars are awarded to certified DVBEs. For more information on the DVBE Program, visit the Internet site at <http://www.pd.dgs.ca.gov/dvbe>

Every year, State agencies are required to submit a report to the Department of General Services on the total dollar amount of purchases and contract awards to businesses and the portion of those awards given to certified DVBEs.

2. Small Business (SB) and Microbusiness (MB) Program

Through the enactment of the Small Business Procurement and Contract Act, a fair portion of the total State purchases, contracts, and subcontracts for commodities and services must be placed with certified small businesses or microbusinesses.

State Agencies have a SB/MB participation goal of 25 percent of the total dollar amount expended annually on purchase and contract awards.

A certified small business or microbusiness or a non-small business who subcontracts with a certified SB/MB firm is entitled to claim a five percent preference in bidding on procurements of goods or services. The five percent preference is used only for computation of the bid amount to determine the winning bidder and does not alter the actual amount of its bid.

PROGRAM RESPONSIBILITIES AFTER CONTRACT EXECUTION

The Contracts Managers shall be as follow: 1) the Budget Officer is the authorized SCDD representative responsible for administering administrative/business services contracts and, 2) the Deputy for Planning and Policy (OR PLANNING SPECIALIST) is the authorized SCDD representative responsible for administering local and statewide

grants/contracts. Each contract manager must evaluate the Contractor's performance and has the following responsibilities:

A. **Typical responsibilities**

1. After contract is executed, notify Contractor to begin work.
2. Monitor progress of work to ensure that services are performed according to the quality, quantity, objectives, timeframes, and manner specified in the contract; e.g., review progress reports and interim products.
3. Ensure that all work is completed and accepted before the contract expires.
4. Review invoices to substantiate expenditures for work performed prior to approving them. Ensure the invoice contains the contract number, index and PCA codes and is forwarded for payment in a timely manner.
5. Ensure that there are sufficient funds to pay for all services rendered as required by contract. Also ensure that funds are available if there is a change in the funding source specified in the contract.
6. Identify low spending levels and consider partial disencumbrance and reassignment of funds.
7. Notify appropriate SCDD personnel of equipment purchase, if applicable, and ensure property is tagged and inventoried before approving cost reimbursement.
8. Monitor use of Disabled Veteran Business Enterprises (DVBE) subcontractors to ensure attainment of approved contract participation goals.
9. Verify that the Contractor has fulfilled all requirements of the contract before approving the final invoice. The final invoice must include the statement "Final Billing".
10. Invoices must be received by SCDD within 90 days following each state fiscal year, or 90 days following the end of the contract term, whichever comes first.
11. Only for consulting services contracts of \$5,000 or more, complete the Contractor Evaluation form (STD.4) within 60 days of expiration of term.

12. Contact the Contracts Analyst for assistance with contract problems.

B. *Contract Manager "Don'ts"*

The Contract Manager is not authorized to take the following actions:

1. Do not instruct the Contractor to start work before the contract is executed and approved.
2. Do not informally change the description or scope of work of the contract without an amendment.
3. Do not direct Contractor to do work that is not specifically described in the contract.
4. Do not sign any Contractor's contract form (their version of an agreement).
5. Do not approve payment to Contractor for any work not performed or performed unsatisfactorily.
6. Do not extend the time period of the contract without an amendment.
7. Do not allow Contractor to incur costs over the amount set in the contract.

C. *Retention of Contract Records*

All contracts involving expenditures of public funds in excess of \$10,000 contain a provision that the contract is subject to the examination and audit of the awarding department or its delegate or the State Auditor for a period of three years after final payment under the agreement. Federally funded contracts have a record retention period of up to five years. When a contract audit is in dispute or litigation, the record retention period is extended.

D. *Record Keeping*

1. Label a file folder for each contract administered and include the following:
 - a. A log sheet to record any activities related to the contract. Each time you speak with anyone about the contract, make a note of the date of the discussion, and the subject matter discussed.
 - b. A file guide labeled "Invoices." Retain a copy of all invoices in this file guide.

- c. A copy of the executed contract and other pertinent documentation, such as a copy of the original contract request and any correspondence related to the contract or contractor.
2. Prepare a spreadsheet of expenditures showing the contract amount encumbered and the deduction for each invoice as it is approved for payment.
3. Document the notification to the Contractor of the start date. Work cannot begin before contract execution and the effective date of the contract. Although initial notification to start work may be verbal, it should also be documented in writing and a copy placed in the file. This practice protects the agency and the Contract Manager in the event of legal problems or an audit.
4. Monitor and document the performance and nonperformance of contract services in the contract file. If problems are encountered during the contract term, they should be fully documented. Letters to contractors should outline any problems related to substandard or nonperformance. If applicable, use contract specifications verbatim in the letters so that there is no doubt about the services covered in the contract. All letters about nonperformance should be sent by certified mail with copies to all concerned parties. A copy of the letter should be sent to the appropriate payment unit to eliminate the possibility of erroneous invoice payment.

E. *Oversee the completion of the contract*

To finalize or complete the contract process, contact Contractor to determine whether all invoices have been received. After the expiration of the contract, disencumber any remaining funds by notifying the appropriate payment unit at CDSS and the Contracts Analyst of the amount to be disencumbered. A copy should be retained in the contract file. Please note that if the term has not expired and the contract is still in force, any reduction of funds must be made by contract amendment.

F. *Terminate and/or Disencumber a Contract*

1. A contract may be terminated prior to the end (expiration date) of the term by sending a letter to the Contractor at least 30 days in advance of the effective date of termination.

All contracts contain a provision that permits SCDD to terminate the contract without cause provided adequate notice is given. The termination letter should be signed by the Executive Director and sent to the Contractor by certified mail. Upon release of the termination letter, Contract Manager will send a notice to the requesting program, CDSS Budget Bureau informing them of the termination and to request disencumbrance of funds. No amendment is necessary for terminating contracts.

2. If a contract has already expired, program should send a memo to CDSS Budget Bureau to request the disencumbrance of funds by identifying the contract number and the amount of funds to be disencumbered. The effective date for disencumbrance is the contract expiration date. No amendment is required.

G. Contractor Evaluation

Any consultant services contract of \$5,000 or more requires completion of a Contract/Contractor Evaluation (STD.4) within 60 days after completion of a contract. When a negative finding is made, the Contracts will forward a copy to the Department of General Services and the Contractor within five days of completion of the evaluation.

Contract/Contractor Evaluation forms are not public documents and should not be kept in the contract file.



ADMINISTRATIVE COMMITTEE MEETING NOTICE/AGENDA

Posted at www.scdd.ca.gov

DATE: February 27, 2014
TIME: 1:00 -3:00 p.m.
LOCATION: State Council on Developmental Disabilities
1507 21st Street, Suite 210
Sacramento, CA 95811
(916) 322-8481

TELECONFERENCE SITE:

Area Board 7

2580 North First Street, Suite 240
San Jose, CA 95131

Area Board 11

2000 E. Fourth Street, Ste. 115
Santa Ana, CA 92705

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 robin.maitino@scdd.ca.gov. Requests must be received by 5:00 pm February 20, 2014.

Page

- | | | |
|---|------------|---|
| 1. CALL TO ORDER | M. KENNEDY | |
| 2. ESTABLISHMENT OF QUORUM | M. KENNEDY | |
| 3. WELCOME/INTRODUCTIONS | M. KENNEDY | |
| 4. APPROVAL OF JANUARY 22, 2014 MINUTES | M. KENNEDY | 3 |

5. PUBLIC COMMENTS

This item is for members of the public only to provide an opportunity to comments and/or present Information to the Committee 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 Committee will provide a public comment period, not to exceed a total of seven minutes, for public comment prior to action on each agenda item.

6. MID-YEAR EXPENDITURE REPORTS	NEWTON/CACH	
7. DRAFT 2014-15 BUDGET	NEWTON/CACH	
8. RECOMMENDATIONS FOR GRANT FUNDING LEVEL FOR CYCLE 37	ALL	5
9. REVIEW OF 2014 WORK PLAN	R. NEWTON	6
10. REVIEW OF SAMPLE DSA MOU'S	R. NEWTON	10
11. REVIEW OF CONTRACT MANUAL	M. CORRAL	28
12. OTHER POLICIES AND PROCEDURES	ALL	
13. SCHEDULE 2014 MEETINGS & FUTURE AGENDA ITEMS	ALL	
14. ADJOURNMENT	M. KENNEDY	

For additional information regarding this agenda, please contact Robin Maitino,
1507 21st Street, Suite 210, Sacramento, CA 95811, (916) 322-8481



ADMINISTRATIVE COMMITTEE MEETING NOTICE/AGENDA

Posted at www.scdd.ca.gov

DATE: March 26, 2014
TIME: 1:00 - 3:00 p.m.
LOCATION: State Council on Developmental Disabilities
1507 21st Street, Suite 210
Sacramento, CA 95811
(916) 322-8481

TELECONFERENCE SITE:

Area Board 4

236 Georgia Street, Suite 201
Vallejo, CA 94590

Area Board 11

2000 E. Fourth Street, Suite 115
Santa Ana, CA 92705

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 robin.maitino@scdd.ca.gov. Requests must be received by 5:00 pm March 20, 2014.

Page

- | | | |
|---|-------------------|----------|
| 1. CALL TO ORDER | M. KENNEDY | |
| 2. ESTABLISHMENT OF QUORUM | M. KENNEDY | |
| 3. WELCOME/INTRODUCTIONS | M. KENNEDY | |
| 4. APPROVAL OF FEBRUARY 27, 2014 MINUTES | M. KENNEDY | 3 |

5. PUBLIC COMMENTS

This item is for members of the public only to provide an opportunity to comments and/or present Information to the Committee 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 Committee will provide a public comment period, not to exceed a total of seven minutes, for public comment prior to action on each agenda item.

6. APPROVE NEW CAPTIONING CONTRACT	R. NEWTON	5
7. DRAFT 2014-15 BUDGET	NEWTON/CACH	
8. REVIEW OF 2014 WORK PLAN	R. NEWTON	12
9. REVIEW OF REGIONAL CENTER CONFLICT OF INTEREST WAIVER PROCESS	R. NEWTON	19
10. REVIEW OF SAMPLE DSA MOU'S	ALL	24
11. DEVELOPMENT OF FACILITATION POLICY	ALL	42
12. OTHER POLICIES AND PROCEDURES	ALL	
13. FUTURE AGENDA ITEMS	ALL	
14. ADJOURNMENT	M. KENNEDY	

For additional information regarding this agenda, please contact Robin Maitino,
1507 21st Street, Suite 210, Sacramento, CA 95811, (916) 322-8481



ADMINISTRATIVE COMMITTEE MEETING NOTICE/AGENDA

Posted at www.scdd.ca.gov

DATE: April 23, 2014
TIME: 1:00 - 3:00 p.m.
LOCATION: State Council on Developmental Disabilities
1507 21st Street, Suite 210
Sacramento, CA 95811
(916) 322-8481

TELECONFERENCE SITE:

Area Board 4
236 Georgia Street, Suite 201
Vallejo, CA 94590

Area Board 11
2000 E. Fourth Street, Ste. 115
Santa Ana, CA 92705

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 robin.maitino@scdd.ca.gov. Requests must be received by 5:00 pm April 18, 2014.

Page

- | | | |
|---------------------------------------|------------|---|
| 1. CALL TO ORDER | M. KENNEDY | |
| 2. ESTABLISHMENT OF QUORUM | M. KENNEDY | |
| 3. WELCOME/INTRODUCTIONS | M. KENNEDY | |
| 4. APPROVAL OF MARCH 26, 2014 MINUTES | M. KENNEDY | 3 |

5. PUBLIC COMMENTS

This item is for members of the public only to provide an opportunity to comments and/or present Information to the Committee 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 Committee will provide a public comment period, not to exceed a total of seven minutes, for public comment prior to action on each agenda item.

6.	REVIEW OF MTARS WORK PLAN	R. NEWTON	5
7.	DSA REVIEW	R. NEWTON	8
8.	OFFICE LEASES	R. NEWTON	
9.	TRANSITION PLAN	R. NEWTON	9
10.	REVIEW OF SAMPLE DSA MOU'S	ALL	
11.	DEVELOPMENT OF FACILITATION POLICY	ALL	
12.	OTHER POLICIES AND PROCEDURES	ALL	
13.	FUTURE AGENDA ITEMS	ALL	
14.	ADJOURNMENT	M. KENNEDY	

For additional information regarding this agenda, please contact Robin Maitino,
1507 21st Street, Suite 210, Sacramento, CA 95811, (916) 322-8481

2013-14 EXPENDITURE REPORT

4100 State Council on Developmental Disabilities
 July 1, 2013 --- December 31, 2013

	Personal Services			Operating Expenses & Equipment			Total Expenditures		
	Budgeted	Year-to-Date Expenditures	Percentage Expended	Budgeted	Year-to-Date Expenditures	Percentage Expended	Budgeted	Year-to-Date Expenditures	Percentage Expended
Council Operations & Administration (BSG)	\$1,109,876	\$538,642	49%	\$469,831	\$322,635	69%	\$1,579,707	\$861,277	55%
Community Program Development Grant	\$0			\$625,491		0%	\$625,491	\$0	0%
Area Board 1									
* BSG	\$194,257	\$77,065	40%	\$57,230	\$19,959	35%	\$251,487	\$97,024	39%
* QA	\$140,120	\$69,093	49%	\$52,520	\$15,969	30%	\$192,640	\$85,062	44%
Area Board 2									
* BSG	\$243,378	\$127,577	52%	\$53,997	\$22,222	41%	\$297,375	\$149,799	50%
Area Board 3									
* BSG	\$211,156	\$105,579	50%	\$81,983	\$27,091	33%	\$293,139	\$132,670	45%
* QA	\$143,378	\$71,689	50%	\$59,800	\$19,111	32%	\$203,178	\$90,800	45%
Area Board 4									
* BSG	\$285,905	\$142,213	50%	\$63,281	\$18,123	29%	\$349,186	\$160,336	46%
* CRA	\$242,634	\$118,688	49%	\$50,595	\$19,972	39%	\$293,229	\$138,660	47%
Area Board 5									
* BSG	\$294,729	\$128,623	44%	\$88,469	\$32,187	36%	\$383,198	\$160,810	42%
* QA	\$141,491	\$65,777	46%	\$77,329	\$12,285	16%	\$218,820	\$78,062	36%
Area Board 6									
* BSG	\$213,606	\$112,694	53%	\$69,491	\$25,192	36%	\$283,097	\$137,886	49%
* QA	\$141,791	\$78,244	55%	\$52,652	\$13,399	25%	\$194,443	\$91,643	47%
Area Board 7									
* BSG	\$272,172	\$151,045	55%	\$91,286	\$40,292	44%	\$363,458	\$191,337	53%
* QA	\$0	\$0		\$0			\$0	\$0	
Area Board 8									
* BSG	\$294,153	\$115,363	39%	\$69,368	\$17,543	25%	\$363,521	\$132,906	37%
* CRA	\$361,594	\$143,567	40%	\$80,000	\$27,651	35%	\$441,594	\$171,218	39%
Area Board 9									
* BSG	\$262,811	\$112,001	43%	\$90,000	\$43,776	49%	\$352,811	\$155,777	44%

	Personal Services			Operating Expenses & Equipment			Total Expenditures		
	Budgeted	Year-to-Date Expenditures	Percentage Expended	Budgeted	Year-to-Date Expenditures	Percentage Expended	Budgeted	Year-to-Date Expenditures	Percentage Expended
Area Board 10									
* BSG	\$335,639	\$125,355	37%	\$80,037	\$33,467	42%	\$415,676	\$158,822	38%
* QA	\$358,837	\$185,144	52%	\$231,675	\$57,333	25%	\$590,512	\$242,477	41%
* CRA	\$234,895	\$141,757	60%	\$27,913	\$6,029	22%	\$262,808	\$147,786	56%
Area Board 11									
* BSG	\$276,528	\$151,364	55%	\$88,011	\$29,848	34%	\$364,539	\$181,212	50%
* CRA	\$211,434	\$103,338	49%	\$22,838	\$7,806	34%	\$234,272	\$111,144	47%
Area Board 12									
* BSG	\$155,324	\$78,770	51%	\$69,000	\$20,604	30%	\$224,324	\$99,374	44%
* QA	\$135,143	\$63,086	47%	\$56,800	\$25,475	45%	\$191,943	\$88,561	46%
* CRA	\$170,520	\$54,138	32%	\$20,300	\$2,141	11%	\$190,820	\$56,279	29%
Area Board 13									
* BSG	\$259,668	\$61,136	24%	\$99,481	\$16,907	17%	\$359,149	\$78,043	22%
* QA	\$141,791	\$51,636	36%	\$65,685	\$31,243	48%	\$207,476	\$82,879	40%
All Area Boards									
* BSG	\$3,299,326	\$1,488,785	45%	\$1,001,634	\$347,211	35%	\$4,300,960	\$1,835,996	43%
* QA	\$1,202,551	\$584,669	49%	\$596,461	\$174,815	29%	\$1,799,012	\$759,484	42%
* CRA	\$1,221,077	\$301,474	25%	\$201,646	\$35,261	17%	\$1,422,723	\$336,735	24%

**State Council On Developmental Disabilities
Headquarters Budget Analysis - Fiscal Year 2013/14
"As of January 1, 2014" -- All Funding Sources**

	(1)	(2)	(3)
	BUDGET *	EXPENDED Thru 12/31/13	UNEXPENDED BALANCE (Col. 1 - Col. 2)
<u>1. Personal Services:</u>			
Net Salaries & Wages	\$ 1,014,000	\$ 479,102	\$ 534,898
Temporary Help / Honorarium	\$ 67,000	\$ 36,670	\$ 30,330
Staff Benefits (44.75%)	\$ 484,000	\$ 206,014	\$ 277,986
Total Personnel Services	\$ 1,565,000	\$ 721,786	\$ 843,214
<u>2. Operating Expense:</u>			
General Expense	\$ 19,000	\$ 9,474	\$ 9,526
Printing	\$ 28,000	\$ 10,576	\$ 17,424
Communications	\$ 94,000	\$ 27,481	\$ 66,519
Postage	\$ 11,000	\$ 3,825	\$ 7,175
Travel-in-State :	\$ 242,000	\$ 142,047	\$ 99,953
Per Diem	\$ (16,000)	\$ (29,442)	\$ 13,442
Commercial Air	\$ (195,000)	\$ (94,029)	\$ (100,971)
Private Car	\$ (13,000)	\$ (7,712)	\$ (5,288)
Taxi & Shuttle	\$ (9,000)	\$ (5,159)	\$ (3,841)
Other	\$ (9,000)	\$ (5,705)	\$ (3,295)
Out-of-State Travel	\$ 2,000	\$ 1,434	\$ 566
Training (Tuition and Registration)	\$ 3,000	\$ 2,100	\$ 900
Facilities Operations (Rent)	\$ 121,000	\$ 60,962	\$ 60,038
Interdepartmental Services:	\$ 382,000	\$ 64,421	\$ 317,579
External Contract Services	\$ 40,000	\$ 31,287	\$ 8,713
Data Processing (Software, Supplies & Misc.)	\$ 15,000	\$ 4,281	\$ 10,719
Central Admin. Services : SWCAP	\$ 25,000	\$ -	\$ 25,000
Total Operating Expense	\$ 982,000	\$ 357,888	\$ 624,112
Total Headquarters (1 +2)	\$ 2,547,000	\$ 1,079,674	\$ 1,467,326

**State Council On Developmental Disabilities
Projected Headquarters Budget Need
Fiscal Year 2014/15**

	<u>PROJECTED BUDGET NEED *</u>
<u>1. Personal Services:</u>	
Net Salaries & Wages	\$ 1,127,000
Temporary Help / Honorarium	\$ 67,000
Staff Benefits (43.13%)	<u>\$ 486,000</u>
Total Personnel Services	<u><u>\$ 1,680,000</u></u>
<u>2. Operating Expense:</u>	
General Expense	\$ 19,000
Printing	\$ 28,000
Communications	\$ 94,000
Postage	\$ 11,000
Travel-in-State :	\$ 266,000
Per Diem	\$ (40,000)
Commercial Air	\$ (195,000)
Private Car	\$ (13,000)
Taxi & Shuttle	\$ (9,000)
Other	\$ (9,000)
Out-of-State Travel	\$ 2,000
Training (Tuition and Registration)	\$ 3,000
Facilities Operations (Rent)	\$ 121,000
Interdepartmental Services:	\$ 400,000
External Contract Services	\$ 40,000
Data Processing (Software, Supplies & Misc.)	\$ 15,000
Central Admin. Services :	
SWCAP	<u>\$ 25,000</u>
Total Operating Expense	<u><u>\$ 1,024,000</u></u>
3. Total Projected Headquarters Budget Need (1 +2)	<u>\$ 2,704,000</u>
4. Budgeted Amount Available	<u>\$ 2,386,000</u>
5. Unfunded Headquarters Budget Need (3 - 4)	<u><u>\$ 318,000</u></u>

*Includes Council Member Honorarium and Travel Costs.



REVIEW OF THE DESIGNATED STATE AGENCY (DSA)

a. DESIGNATED STATE AGENCY.—

1. RESPONSIBILITIES.—

- A. IN GENERAL.—The designated State agency shall, on behalf of the State, have the responsibilities described in subparagraphs (B) through (G).
- B. SUPPORT SERVICES.—The designated State agency shall provide required assurances and support services as requested by and negotiated with the Council.

Comments: Through a delegated agreement with the Department of Social Services (DSS), the DSA provides accounting, business services, administrative support, personnel support, and information technology support

- C. FISCAL RESPONSIBILITIES.—The designated State agency shall—
 - i. receive, account for, and disburse funds under this subtitle based on the State plan required in section 124; and
 - ii. provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, funds paid to the State under this subtitle.

Comments: DSS Fiscal Systems and Accounting Branch carry out all of the above fiscal responsibilities

- D. RECORDS, ACCESS, AND FINANCIAL REPORTS.—The designated State agency shall keep and provide access to such records as the Secretary and the Council may determine to be necessary. The designated State agency, if other than the Council, shall provide timely financial reports at the request of the Council regarding the status of expenditures, obligations, and liquidation by the agency or the Council, and the use of the Federal and non-Federal shares described in section 126, by the agency or the Council.

Comments: DSS provides monthly reports of expenditures, Year-end state and federal financial statements including reports of obligations and liquidation. Additional reports are identified in the DSS/SCDD Interagency Agreement (IA). DSS staff have consistently provided timely reports upon request.

- E. NON-FEDERAL SHARE.—The designated State agency, if other than the Council, shall provide the required non-Federal share described in section 126(c).

Comments: The support services provided by the DSA through DSS significantly exceed the cost paid by SCDD, thereby representing in-kind share of cost. Further, the requirement for a non-federal share in California is limited since 91% of the Council's activities are carried out by Council staff which does not require a non-federal share of cost.

- F. ASSURANCES.—The designated State agency shall assist the Council in obtaining the appropriate State plan assurances and in ensuring that the plan is consistent with State law.

Comments: The DSA has assisted the Council in obtaining state plan assurances. The DSA has not been involved in assessing whether the state plan is consistent with state law except insofar as one seat on the Council is assigned to a representative of the DSA and thus participated in the review of and approval of the state plan.

- G. MEMORANDUM OF UNDERSTANDING.—On the request of the Council, the designated State agency shall enter into a memorandum of understanding with the Council delineating the roles and responsibilities of the designated State agency.

Comments: The Council has not heretofore requested the DSA to enter into a memorandum of understanding but will do so during 2014.

It is recommended that the California Health and Human Services Agency remain as the DSA for the SCDD.

Review conducted April, 2014

Roberta Newton, Interim Executive Director, SCDD

Kristopher Kent, Assistant Secretary, Health and Human Services Agency



MTARS COMMITTEE MEETING NOTICE/AGENDA

Posted at www.scdd.ca.gov

DATE: January 9, 2013

TIME: 11:00 am – 2:00 pm

LOCATION: SCDD

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 robin.maitino@scdd.ca.gov. Requests must be received by 5:00 pm January 10, 2013.

- | | |
|----------------------------|------------|
| 1. CALL TO ORDER | J. AGUILAR |
| 2. ESTABLISHMENT OF QUORUM | J. AGUILAR |
| 3. WELCOME/INTRODUCTIONS | J. AGUILAR |
| 4. PUBLIC COMMENTS | |

*This item is for members of the public only to provide an opportunity to comments and/or present information to the Committee 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 Committee will provide a public comment period, not to exceed a total of seven minutes, for public comment prior to action on each agenda item.*

- | | |
|---|-----|
| 5. DISCUSSION OF MTARS REPORT AND ACTIONS TO DATE | ALL |
| 6. PROPOSED RESPONSE AND ACTIONS | ALL |

7. NEXT STEPS

ALL

8. ADJOURNMENT

J. AGUILAR

For additional information regarding this agenda, please contact Robin Maitino,
1507 21st Street, Suite 210, Sacramento, CA 95811, (916) 322-8481



MTARS COMMITTEE SPECIAL MEETING NOTICE/AGENDA

Posted at www.scdd.ca.gov

Notice provided to all national press wire services

DATE: January 16, 2014

TIME: 10:30 am – 12:30 pm

LOCATION: State Council on Developmental Disabilities
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 robin.maitino@scdd.ca.gov. Requests must be received by 5:00 pm January 13, 2014.

AGENDA

- | | |
|-----------------------------------|------------|
| 1. CALL TO ORDER | J. Aguilar |
| 2. ESTABLISHMENT OF QUORUM | J. Aguilar |
| 3. WELCOME/INTRODUCTIONS | J. Aguilar |
| 4. FINDING OF NECESSITY | J. Aguilar |

The MTARS Committee is required to make a finding (2/3 vote required) that the delay of the required 10 day notice would cause a substantial hardship on the agency. Meeting will only proceed if finding is made.

6. PUBLIC COMMENTS

This item is for members of the public only to provide an opportunity to 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.

5. DISCUSSION OF MTARS REPORT AND ACTIONS TO DATE

ALL

6. PROPOSED RESPONSE AND ACTIONS

ALL

7. NEXT STEPS

J. Aguilar

8. ADJOURNMENT

J. Aguilar

For additional information regarding this agenda, please contact Robin Maitino,
1507 21st Street, Suite 210, Sacramento, CA 95811, (916) 322-8481



MTARS COMMITTEE MEETING NOTICE/AGENDA

Posted on www.scdd.ca.gov

DATE: Friday, January 31, 2014
TIME: 11:00 a.m. – 2:00 p.m.
LOCATION: **State Council Headquarters**
1507 21st Street, Suite #210
Sacramento, CA 95811
(916) 322-8481

The public may listen in by calling:
Telephone: 1-800-839-9416, Code: 2982825#

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 robin.maitino@scdd.ca.gov. Requests must be received by 5:00 pm, January 24, 2014.

- | | |
|-----------------------------------|-------------------|
| 1. CALL TO ORDER | J. AGUILAR |
| 2. ESTABLISHMENT OF QUORUM | J. AGUILAR |
| 3. WELCOME/INTRODUCTIONS | J. AGUILAR |
| 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.



MTARS COMMITTEE MEETING NOTICE/AGENDA

Posted on www.scdd.ca.gov

DATE: Thursday, April 3, 2014
TIME: 10:00 a.m. – 11:30 p.m.
LOCATION: **State Council Headquarters**
1507 21st Street, Suite #210
Sacramento, CA 95811
(916) 322-8481

PUBLIC MAY CALL IN AT:

Telephone: 1-800-839-9416, Code: 2982825#

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 robin.maitino@scdd.ca.gov. Requests must be received by 5:00 pm, March 27, 2014.

- | | |
|-----------------------------------|-------------------|
| 1. CALL TO ORDER | J. AGUILAR |
| 2. ESTABLISHMENT OF QUORUM | J. AGUILAR |
| 3. WELCOME/INTRODUCTIONS | J. AGUILAR |
| 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.

- | | |
|---|-------------------|
| 5. DISCUSSION OF LEGISLATIVE STATUS,
REVISIONS AND ACTIONS TO DATE | ALL |
| 6. PUBLIC ENGAGEMENT PLAN | ALL |
| 7. NEXT STEPS | ALL |
| 8. ADJOURNMENT | J. AGUILAR |

For additional information regarding this agenda, please contact Robin Maitino,
1507 21st Street, Suite 210, Sacramento, CA 95811, (916) 322-8481