SCDD Operations After AB 1595
January 2015

The California State Council on Developmental Disabilities (SCDD) is currently in a time of transition to implement changes of Assembly Bill (AB) 1595 that took effect January 1, 2015. The purpose of this brief and its recommendations is to summarize relevant background and recommend policy level changes to bring operations of the Council into full compliance with the requirements of AB 1595 around SCDD Regional Offices and Regional Advisory Committees.

Background

Prior to January 1, 2015, existing California law required the SCDD to, among other things, serve as the state planning council responsible for developing the California Disabilities State Plan and monitoring and evaluating the implementation of the State Plan. The SCDD was required to conduct activities related to meeting the objectives of the State Plan.

State law also established the Area Boards on Developmental Disabilities 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 (Federal DD Act) and to assist the SCDD on implementing provisions of the Federal DD Act. The Area Boards were required to locally assist the SCDD with the implementation of specified federal provisions.

State law required the SCDD Chairperson to appoint an executive director for the Council and to appoint an executive director for each Area Board. Existing law also required the SCDD to have responsibility for the selection, hiring and supervision of all SCDD personnel.

In January of 2013, a team from the federal Administration on Intellectual and/or Developmental Disabilities (AIDD) visited SCDD and found several issues of concern around California's implementation of certain requirements of the Federal DD Act. These areas of concern were largely similar to areas of concern noted by AIDD in its 1994, 2001, and 2006 visits. In November of 2013, AIDD issued its findings that California was not in compliance with a number of provisions of the DD Act. AIDD made it clear that if SCDD could not comply with the Federal DD Act, the federal government would withdraw its financial support of SCDD. They

implemented a Monitoring and Technical Assistance Review System (MTARS) to move a correction process ahead.

By June of 2014, SCDD was able to reach agreement with AIDD on a Corrective Action Plan (CAP) to bring California into compliance. A major requirement of the CAP was to achieve adequate change in California law to bring California law into compliance with requirements of the Federal DD Act. SCDD established an MTARS Committee to develop and oversee completion of the CAP. The MTARS Committee worked closely with legislators and staff to draft AB 1595 which brought forward the necessary changes in the Lanterman Act. AB 1595 was passed by both the Assembly and Senate in August, 2014. It was signed into law by the Governor in September, 2014. The law went into effect on January 1, 2015.

Changes In The Law

California law presently states that the SCDD was established pursuant to the Federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Federal DD Act) to engage in advocacy, capacity building and systemic change activities that are consistent with policy contained in federal law and contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system that includes the provision of needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families. Pursuant to The law also expressly provides that SCDD shall independently exercise its authority and responsibilities under federal law, expend its federal funding allocation, and exercise all powers and duties that may be necessary to carry out the purposes contained in applicable federal law.

The law as passed also addressed the activities that the SCDD is authorized to conduct to include, among other things, encouraging and assisting in the establishment or strengthening of self-advocacy organizations led by individuals with developmental disabilities and additional changes relating to activities of the SCDD.

Changes were made to membership requirements for the multi-member governing council of SCDD. The 20 “nonagency” members on the council are to reflect the socioeconomic, geographic, disability, racial, ethnic, and language diversity of the state and shall be individuals with a developmental disability, or their parents, immediate relatives, guardians, or conservators residing in California. The law also makes some

specifications requiring the Governor to consult with current members (including nonagency members) of the council prior to appointing specific members and addresses terms of the members.

California law now recasts the area board offices previously established pursuant to the Lanterman Act as “regional offices” of SCDD and the area boards as “regional advisory committees.” The law establishes the regional offices and regional advisory committees as discretionary to the SCDD. Any regional offices and regional advisory committees established are to be constituted and operated according to policies and procedures set by the SCDD. The regional advisory committees are to advise the SCDD and its regional offices and identify and provide input regarding issues and systemic needs within the community and statewide implementation of the State Plan.

California law requires the SCDD to appoint an executive director and through its executive director to have responsibility for the selection, hiring, and supervision of all SCDD personnel.

Prior Council Actions

At its November 2014 meeting, the SCDD approved revisions to its Bylaws to bring the Bylaws into conformance with the changes contained in AB 1595. With respect to regional offices and regional advisory committees those changes were:

- Regional offices and regional advisory committees shall be constituted and operated according to policies and procedures of the Council;
- Being a part of the Council, regional offices and regional advisory committees are subject to the Bagley-Keene Act, the Public Records Act, and any other laws applicable to a state governmental entity;
- Public notices shall be provided at least 120 days before any changes in the number or boundaries of the regional offices;
- Bylaws, membership composition, terms of members, and membership eligibility in addition to other rules of the regional advisory committees shall be determined by the Council except as provided by Welfare and Institutions Code Section 4546;
- At the request of the Council, and according to the policy and procedures of the Council, regional advisory committees will advise, provide input, be a source of data, and perform other activities as described in Welfare and Institutions Code Section 4548.

POLICY RECOMMENDATIONS

SCDD Regional Offices

As of January 1, 2015, the SCDD will operate 13 Regional Offices. SCDD Regional Offices are established to function as satellite offices of, and report to, SCDD headquarters according to organizational authority established by the DD Act, the Lanterman Act, California civil service rules and other applicable federal and state law. SCDD Headquarters shall provide direction and support to SCDD Regional Offices consistent with SCDD policies. Each SCDD Regional Office and its staff will have a primary focus of carrying out goals of the State Plan to ensure statewide implementation.

SCDD Regional Advisory Committees

Each SCDD Regional Advisory Committee (RAC) shall advise the Council, including Regional Offices, as directed by the Council. Each RAC shall advise the Council according to the goals of the State Plan and consistent with the Federal DD Act and Lanterman Act. Regional Office staff shall support a RAC as appropriate. RAC members may receive reimbursement for necessary expenses incurred in connection with performance of their duties consistent with SCDD policies and protocols.