

**ASSEMBLY BILL**

**No. 1041**

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**Introduced by Assembly Member Chesbro**  
**(Principal coauthor: Assembly Member Garcia)**  
(Principal coauthor: Senator Beall)  
**(Coauthor: Assembly Member Ammiano)**

February 22, 2013

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An act to amend Sections 4646.5 and 4868 of, and to add Section 4869 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1041, as introduced, Chesbro. Developmental services: Employment First Policy.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide support and services to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements.

Existing law requires the State Council on Developmental Disabilities to, among other responsibilities, form a standing Employment First Committee to identify strategies and recommend legislative, regulatory, and policy changes to increase integrated employment, as defined, self-employment, and microenterprises for persons with developmental disabilities, as specified.

This bill would define competitive employment, microenterprises, and self-employment for these purposes. This bill would require each regional center planning team, when developing an individual program

plan for a transition age youth or working age adult, to consider a specified Employment First Policy. The bill would also require regional centers to ensure that consumers, beginning at 16 years of age, and, where appropriate, other specified persons, are provided with information about the Employment First Policy, about options for integrated competitive employment, and about services and supports, including postsecondary education, available to enable the consumer to transition from school to work, and to achieve the outcomes of obtaining and maintaining integrated competitive employment. The bill would authorize the department to request information from regional centers on current and planned activities related to the Employment First Policy.

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. Section 4646.5 of the Welfare and Institutions  
2 Code is amended to read:  
3 4646.5. (a) The planning process for the individual program  
4 plan described in Section 4646 shall include all of the following:  
5 (1) Gathering information and conducting assessments to  
6 determine the life goals, capabilities and strengths, preferences,  
7 barriers, and concerns or problems of the person with  
8 developmental disabilities. For children with developmental  
9 disabilities, this process should include a review of the strengths,  
10 preferences, and needs of the child and the family unit as a whole.  
11 Assessments shall be conducted by qualified individuals and  
12 performed in natural environments whenever possible. Information  
13 shall be taken from the consumer, his or her parents and other  
14 family members, his or her friends, advocates, authorized  
15 representative, if applicable, providers of services and supports,  
16 and other agencies. The assessment process shall reflect awareness  
17 of, and sensitivity to, the lifestyle and cultural background of the  
18 consumer and the family.  
19 (2) A statement of goals, based on the needs, preferences, and  
20 life choices of the individual with developmental disabilities, and  
21 a statement of specific, time-limited objectives for implementing  
22 the person’s goals and addressing his or her needs. These objectives  
23 shall be stated in terms that allow measurement of progress or

1 monitoring of service delivery. These goals and objectives should  
2 maximize opportunities for the consumer to develop relationships,  
3 be part of community life in the areas of community participation,  
4 housing, work, school, and leisure, increase control over his or her  
5 life, acquire increasingly positive roles in community life, and  
6 develop competencies to help accomplish these goals.

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

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

14 ~~(4)~~

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

26 ~~(5)~~

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, subdivision  
32 (b) of Section 4701.6, and subdivision (e) of Section 4705, a review  
33 of the general health status of the adult or child, including medical,  
34 dental, and mental health needs, shall be conducted. This review  
35 shall include a discussion of current medications, any observed  
36 side effects, and the date of *the* last review of the medication.  
37 Service providers shall cooperate with the planning team to provide  
38 any information necessary to complete the health status review. If  
39 any concerns are noted during the review, referrals shall be made  
40 to regional center clinicians or to the consumer's physician, as

1 appropriate. Documentation of health status and referrals shall be  
2 made in the consumer’s record by the service coordinator.

3 ~~(6)~~

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

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

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

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

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

23 ~~(7)~~

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 shall prepare training material and a standard format and  
2 instructions for the preparation of individual program plans, which  
3 ~~embodies~~ *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. 2. Section 4868 of the Welfare and Institutions Code is  
11 amended to read:

12 4868. (a) The State Council on Developmental Disabilities  
13 shall form a standing Employment First Committee consisting of  
14 the following members:

15 (1) One designee of each of the members of the state council  
16 specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph  
17 (2) of subdivision (b) of Section 4521.

18 (2) A member of the consumer advisory committee of the state  
19 council.

20 (b) In carrying out the requirements of this section, the  
21 committee shall meet and consult, as appropriate, with other state  
22 and local agencies and organizations, including, but not limited  
23 to, the Employment Development Department, the Association of  
24 Regional Center Agencies, one or more supported employment  
25 provider organizations, an organized labor organization  
26 representing service coordination staff, and one or more consumer  
27 family member organizations.

28 (c) The responsibilities of the committee shall include, but need  
29 not be limited to, all of the following:

30 (1) Identifying the respective roles and responsibilities of state  
31 and local agencies in enhancing integrated and gainful employment  
32 opportunities for people with developmental disabilities.

33 (2) Identifying strategies, best practices, and incentives for  
34 increasing integrated employment and gainful employment  
35 opportunities for people with developmental disabilities, including,  
36 but not limited to, ways to improve the transition planning process  
37 for students 14 years of age or older, and to develop partnerships  
38 with, and increase participation by, public and private employers  
39 and job developers.

1 (3) Identifying existing sources of employment data and  
 2 recommending goals for, and approaches to measuring progress  
 3 in, increasing integrated employment and gainful employment of  
 4 people with developmental disabilities.

5 (4) Recommending legislative, regulatory, and policy changes  
 6 for increasing the number of individuals with developmental  
 7 disabilities in integrated employment, self-employment, and  
 8 microenterprises, and who earn wages at or above minimum wage,  
 9 including, but not limited to, recommendations for improving  
 10 transition planning and services for students with developmental  
 11 disabilities who are 14 years of age or older. This shall include,  
 12 but shall not be limited to, the development of ~~an Employment~~  
 13 ~~First Policy~~; *a policy with the intended outcome of which is a*  
 14 ~~significant increase in~~ *significantly increasing* the number of  
 15 individuals with developmental disabilities who engage in  
 16 integrated employment, self-employment, and microenterprises,  
 17 and in the number of individuals who earn wages at or above  
 18 minimum wage. This proposed policy shall be in furtherance of  
 19 the intent of this division that services and supports be available  
 20 to enable persons with developmental disabilities to approximate  
 21 the pattern of everyday living available to people without  
 22 disabilities of the same age and that support their integration into  
 23 the mainstream life of the community, and that those services and  
 24 supports result in more independent, productive, and normal lives  
 25 for the persons served. The proposed ~~Employment First Policy~~  
 26 *policy* shall not limit service and support options otherwise  
 27 available to consumers, or the rights of consumers, or, where  
 28 appropriate, parents, legal guardians, or conservators to make  
 29 choices in their own lives.

30 (d) *For purposes of this chapter, the following definitions shall*  
 31 *apply:*

32 (1) *“Competitive employment” means work in the competitive*  
 33 *labor market that is performed on a full-time or part-time basis*  
 34 *in an integrated setting and for which an individual is compensated*  
 35 *at or above the minimum wage, but not less than the customary*  
 36 *wage and level of benefits paid by the employer for the same or*  
 37 *similar work performed by individuals who are not disabled.*

38 (d) ~~For purposes of this chapter, “integrated~~

1 (2) “*Integrated employment*” ~~shall have the same definition as~~  
2 *means* “integrated work” as defined in subdivision (o) of Section  
3 4851.

4 (3) “*Microenterprises*” *means small businesses owned by*  
5 *individuals with developmental disabilities who have control and*  
6 *responsibility for decisionmaking and overseeing the business,*  
7 *with accompanying business licenses, taxpayer identification*  
8 *numbers other than social security numbers, and separate business*  
9 *bank accounts. Microenterprises may be considered integrated*  
10 *competitive employment.*

11 (4) “*Self-employment*” *means an employment setting in which*  
12 *an individual works in a chosen occupation, for profit or fee, in*  
13 *his or her own small business, with control and responsibility for*  
14 *decisions affecting the conduct of the business.*

15 (e) The committee, by July 1, 2011, and annually thereafter,  
16 shall provide a report to the appropriate policy committees of the  
17 Legislature and to the Governor describing its work and  
18 recommendations. The report due by July 1, 2011, shall include  
19 the proposed ~~Employment First Policy~~ *policy* described in  
20 paragraph (4) of subdivision (c).

21 SEC. 3. Section 4869 is added to the Welfare and Institutions  
22 Code, to read:

23 4869. (a) (1) In furtherance of the intent of this division to  
24 make services and supports available to enable persons with  
25 developmental disabilities to approximate the pattern of everyday  
26 living available to people without disabilities of the same age, to  
27 support the integration of persons with developmental disabilities  
28 into the mainstream life of the community, and to bring about more  
29 independent, productive, and normal lives for the persons served,  
30 it is the policy of the state that opportunities for integrated,  
31 competitive employment shall be given the highest priority for  
32 working age individuals with development disabilities, regardless  
33 of the severity of their disabilities. This policy shall be known as  
34 the Employment First Policy.

35 (2) Implementation of the policy shall be consistent with, and  
36 shall not infringe upon, the rights established pursuant to this  
37 division, including the right of people with developmental  
38 disabilities to make informed choices with respect to services and  
39 supports through the individual program planning process.

- 1 (3) Integrated competitive employment is intended to be the  
2 first option considered by planning teams for working age  
3 individuals, but individuals may choose goals other than integrated  
4 competitive employment.
- 5 (4) This chapter shall not be construed to expand the existing  
6 entitlement to services for persons with developmental disabilities  
7 described in this division.
- 8 (5) This chapter shall not alleviate schools of their responsibility  
9 to provide transition services to individuals with developmental  
10 disabilities.
- 11 (b) Regional centers shall ensure that consumers, beginning at  
12 16 years of age, and, where appropriate, their parents, legal  
13 guardians, or conservators, are provided with information, in a  
14 language that the consumer and, as appropriate, the consumer's  
15 representative understand, about the Employment First Policy,  
16 about options for integrated competitive employment, and about  
17 services and supports, including postsecondary education, available  
18 to enable the consumer to transition from school to work, and to  
19 achieve the outcomes of obtaining and maintaining integrated  
20 competitive employment.
- 21 (c) The department may request information from regional  
22 centers on current and planned activities related to the Employment  
23 First Policy.