

AMENDED IN SENATE APRIL 24, 2014

AMENDED IN SENATE APRIL 3, 2014

**SENATE BILL**

**No. 1160**

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**Introduced by Senator Beall**

February 20, 2014

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An act to amend Section 4851 of, and to add Section 4870 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1160, as amended, Beall. Employment.

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, developed in accordance with prescribed requirements. Under existing law, as part of the individual program plan, the regional center may refer an adult consumer to habilitation services, including group services and individualized services in the context of employment. Existing law defines "group services" for these purposes to mean job coaching in a group supported employment placement at a job coach-to-consumer ratio of not less than 1 to 3 nor more than 1 to 8 where services to a minimum of 3 consumers are funded by the regional center or the Department of Rehabilitation. Existing law defines "individualized services" to mean job coaching and other supported employment services for regional center-funded consumers in a supported employment placement at a job coach-to-consumer ratio of 1 to 1, and that decrease over time until stabilization is achieved.

This bill would require, for group services, a job coach-to-consumer ratio of not less than 1 to 2 nor more than 1 to 8 where services to a minimum of 2 consumers are funded by the regional center or the Department of Rehabilitation. The bill would recast the definition of “individualized services’ services” to provide, in part, job coaching and other supported employment services that decrease over time consistent with the consumer’s individualized program plan and abilities with the goal of achieving stabilization, when possible.

Existing law establishes the “Employment First Policy” which provides that it is the policy of the state that opportunities for integrated, competitive employment shall be given the highest priority for working-age individuals with developmental disabilities, regardless of the severity of their disabilities.

This bill would require, when ~~awarding a state department awards~~ a contract for goods or services, ~~that an awarding department of the state give it to give~~ a scoring preference of 5% ~~in the scoring of to a bid by a business that proposes to provide the goods or services to the state when in which~~ at least 10% of the personnel ~~of the business involved in doing so are California residents with developmental disabilities receiving~~ who are providing the goods or services receive support services under the Lanterman Developmental Disabilities Services Act. The bill would state findings and declarations of the Legislature regarding the employment of persons with developmental disabilities.

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) With broad support, in 2013, the “Employment First Policy”
- 3 legislation was signed into law in California, declaring that it is
- 4 the policy of the state that employment for persons with
- 5 developmental disabilities be given the highest priority. However,
- 6 due to cuts in the state budget, employment rates for
- 7 community-based supported employment programs remain 10
- 8 percent below 2006 levels, and over 70 percent of the population
- 9 with developmental disabilities that is age-appropriate for
- 10 employment remains unemployed or underemployed.

1 (b) Persons with developmental disabilities should have  
2 employment opportunities with job training, reasonable  
3 accommodation, and individual supports that enable them to move  
4 towards being economically self-sufficient.

5 (c) Regional center service coordinators, community-based  
6 program providers, disability advocates, and family members  
7 involved in employment-related services for persons with  
8 developmental disabilities have the responsibility to provide  
9 information to them regarding the full spectrum of employment  
10 options.

11 (d) All relevant federal and state laws and regulations designed  
12 to protect persons with significant developmental disabilities from  
13 economic manipulation or abuse should be fully enforced. The  
14 *State Department of Developmental Services* should provide  
15 adequate training, technical assistance, oversight, and other reviews  
16 to ensure full compliance with the law.

17 SEC. 2. Section 4851 of the Welfare and Institutions Code is  
18 amended to read:

19 4851. The definitions contained in this chapter shall govern  
20 the construction of this chapter, with respect to habilitation services  
21 provided through the regional center, and unless the context  
22 requires otherwise, the following terms shall have the following  
23 meanings:

24 (a) “Habilitation services” means community-based services  
25 purchased or provided for adults with developmental disabilities,  
26 including services provided under the Work Activity Program and  
27 the Supported Employment Program, to prepare and maintain them  
28 at their highest level of vocational functioning, or to prepare them  
29 for referral to vocational rehabilitation services.

30 (b) “Individual program plan” means the overall plan developed  
31 by a regional center pursuant to Section 4646.

32 (c) “Individual habilitation service plan” means the service plan  
33 developed by the habilitation service vendor to meet employment  
34 goals in the individual program plan.

35 (d) “Department” means the State Department of Developmental  
36 Services.

37 (e) “Work activity program” includes, but is not limited to,  
38 sheltered workshops or work activity centers, or community-based  
39 work activity programs certified pursuant to subdivision (f) or

1 accredited by CARF, the ~~Rehabilitation Accreditation Commission.~~  
2 *Commission on Accreditation of Rehabilitation Facilities.*

3 (f) “Certification” means certification procedures developed by  
4 the Department of Rehabilitation.

5 (g) “Work activity program day” means the period of time  
6 during which a Work Activity Program provides services to  
7 consumers.

8 (h) “Full day of service” means, for purposes of billing, a day  
9 in which the consumer attends a minimum of the declared and  
10 approved work activity program day, less 30 minutes, excluding  
11 the lunch period.

12 (i) “Half day of service” means, for purposes of billing, any day  
13 in which the consumer’s attendance does not meet the criteria for  
14 billing for a full day of service as defined in subdivision (g), and  
15 the consumer attends the work activity program not less than two  
16 hours, excluding the lunch period.

17 (j) “Supported employment program” means a program that  
18 meets the requirements of subdivisions (n) to (s), inclusive.

19 (k) “Consumer” means any adult who receives services  
20 purchased under this chapter.

21 (l) “Accreditation” means a determination of compliance with  
22 the set of standards appropriate to the delivery of services by a  
23 work activity program or supported employment program,  
24 developed by CARF, the ~~Rehabilitation Accreditation Commission,~~  
25 and applied by the commission or the department.

26 (m) “CARF” means CARF the ~~Rehabilitation Accreditation~~  
27 ~~Commission.~~ *Commission on Accreditation of Rehabilitation*  
28 *Facilities.*

29 (n) “Supported employment” means paid work that is integrated  
30 in the community for individuals with developmental disabilities.

31 (o) “Integrated work” means the engagement of an employee  
32 with a disability in work in a setting typically found in the  
33 community in which individuals interact with individuals without  
34 disabilities other than those who are providing services to those  
35 individuals, to the same extent that individuals without disabilities  
36 in comparable positions interact with other persons.

37 (p) “Supported employment placement” means the employment  
38 of an individual with a developmental disability by an employer  
39 in the community, directly or through contract with a supported

1 employment program. This includes provision of ongoing support  
2 services necessary for the individual to retain employment.

3 (q) “Allowable supported employment services” means the  
4 services approved in the individual program plan and specified in  
5 the individual habilitation service plan for the purpose of achieving  
6 supported employment as an outcome, and may include any of the  
7 following:

8 (1) Job development, to the extent authorized by the regional  
9 center.

10 (2) Program staff time for conducting job analysis of supported  
11 employment opportunities for a specific consumer.

12 (3) Program staff time for the direct supervision or training of  
13 a consumer or consumers while they engage in integrated work  
14 unless other arrangements for consumer supervision, including,  
15 but not limited to, employer supervision reimbursed by the  
16 supported employment program, are approved by the regional  
17 center.

18 (4) Community-based training in adaptive functional and social  
19 skills necessary to ensure job adjustment and retention.

20 (5) Counseling with a consumer’s significant other to ensure  
21 support of a consumer in job adjustment.

22 (6) Advocacy or intervention on behalf of a consumer to resolve  
23 problems affecting the consumer’s work adjustment or retention.

24 (7) Ongoing support services needed to ensure the consumer’s  
25 retention of the job.

26 (r) “Group services” means job coaching in a group supported  
27 employment placement at a job coach-to-consumer ratio of not  
28 less than 1 to 2 nor more than 1 to 8 where services to a minimum  
29 of two consumers are funded by the regional center or the  
30 Department of Rehabilitation. For consumers receiving group  
31 services, ongoing support services shall be limited to job coaching  
32 and shall be provided at the worksite.

33 (s) “Individualized services” means job coaching and other  
34 supported employment services for regional center-funded  
35 consumers in a supported employment placement at a job  
36 coach-to-consumer ratio of 1 to 1 and that decrease over time,  
37 consistent with the consumer’s individualized program plan and  
38 abilities with the goal of achieving stabilization, when possible.  
39 Individualized services may be provided on or off the jobsite.

1 SEC. 3. Section 4870 is added to the Welfare and Institutions  
2 Code, to read:  
3 4870. When ~~awarding a state department awards~~ a contract  
4 for goods or services, ~~an awarding department of the state~~ *it* shall  
5 give a *scoring* preference of 5 percent ~~in the scoring of~~ *to* a bid by  
6 a business ~~that proposes to provide in which at least 10 percent of~~  
7 ~~the personnel who are providing the goods or services to the state~~  
8 ~~when at least 10 percent of the personnel of the business involved~~  
9 ~~in doing so are California residents with developmental disabilities~~  
10 ~~receiving~~ *receive* support services under the Lanterman  
11 Developmental Disabilities Services Act.