

Assembly Bill No. 1147

CHAPTER 902

An act to amend Sections 4581, 4626.5, and 4726 of, and to add Section 4639.76 to, the Welfare and Institutions Code, relating to developmental services.

[Approved by Governor September 28, 2024. Filed with
Secretary of State September 28, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1147, Addis. Disability Equity, Transparency, and Accountability Act of 2024.

The Lanterman Developmental Disabilities Services Act makes the State Department of Developmental Services responsible for providing various services and supports to individuals with developmental disabilities, and for ensuring the appropriateness and quality of those services and supports. Pursuant to that law, the department contracts with regional centers to provide services and supports to persons with developmental disabilities.

This bill would enact the Disability Equity, Transparency, and Accountability Act of 2024, which would make various changes to the act for purposes including providing increased oversight of regional center operations and performance.

The bill would prohibit a regional center employee from accepting gifts over \$15 per year from specified entities and would require each regional center to establish a policy prohibiting regional center senior staff from hiring relatives, as specified. The bill also would, beginning on January 1, 2026, make regional centers subject to requirements of the California Public Records Act. Notwithstanding any other law, the bill would require access to records regarding an applicant for, or recipient of, services to be provided, upon request, to the applicant, recipient, or their authorized representative, as specified, unless expressly prohibited by law.

The bill would make related findings and declarations and state the legislative intent related to these provisions.

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

SECTION 1. This act shall be known, and may be cited, as the Disability Equity, Transparency, and Accountability Act of 2024.

SEC. 2. (a) The Legislature finds and declares as follows:

(1) The State Department of Developmental Services is responsible for overseeing the coordination and delivery of services and care of individuals

with intellectual and developmental disabilities through the Lanterman Developmental Disabilities Services Act.

(2) More than 450,000 Californians with developmental disabilities currently receive services and support funded by the department.

(3) The department contracts with 21 regional centers throughout California to coordinate service provisions to these individuals. These regional centers are private, nonprofit corporations that receive funding allocated by the Legislature and are overseen by the department. For the 2024–25 fiscal year, the state budget allocated fifteen billion three hundred million dollars (\$15,300,000,000) to fund regional center services and operations statewide out of fifteen billion eight hundred million dollars (\$15,800,000,000) appropriated for the entire program.

(4) California regional centers assert that they are not subject to the California Public Records Act because they are not state entities.

(5) The Legislature has included in the California Public Records Act nongovernmental entities, such as charter schools, that receive public funds and provide core governmental services.

(6) Without formal access to regional center information, there is a significant gap into the transparency of regional center operations and their budgets that makes it difficult to identify and change operational policies and practices generally, and in particular, those that disproportionately restrict services to communities of color.

(7) Regional centers carry out core governmental functions, and the limited statutory disclosure provisions that exist in the Lanterman Developmental Disabilities Services Act do not provide significant detail into the overall operation and spending of regional centers and their service authorization decisions.

(8) California has a strong policy preference in favor of providing public access to government records. Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code, Sec. 7921.000.) In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59, which amended the California Constitution to specifically protect the right of the public to access and obtain government records, stating that "[t]he people have the right of access to information concerning the conduct of the people's business, and . . . the writings of public officials and agencies shall be open to public scrutiny." Ten years later, voters approved Proposition 42 to further increase public access to government records by requiring local agencies to comply with the California Public Records Act, and with any future amendments to the act, as provided. (Cal. Const., Art. I, Sec. 3(b)(7).)

(9) Regional centers receive the totality of their funding from the state and federal governments, which exceeds fifteen billion dollars (\$15,000,000,000) in the 2024–25 fiscal year, for the purpose of providing services for Californians with developmental disabilities, and these services are a core governmental function and should be conducted in the open.

(b) It is the intent of the Legislature in enacting this act to ensure that all California regional centers are fully subject to the California Public Records Act in providing services to nearly 500,000 Californians with disabilities and their families, particularly since recent California State Auditor and Little Hoover Commission reports have found that stronger state oversight and transparency are needed to improve the quality and effectiveness of developmental services in California.

SEC. 3. Section 4581 of the Welfare and Institutions Code is amended to read:

4581. (a) The Secretary of California Health and Human Services, in coordination with the State Department of Developmental Services, shall lead the development and implementation of the master plan for developmental services referenced in Governor Gavin Newsom's January 2024 Budget proposal and in the subsequent proclamation by the Governor that declared March 2024 as Developmental Disabilities Awareness Month.

(b) Other state entities that interact with the State Department of Developmental Services shall be included in discussions with the Master Plan for Developmental Services Committee as applicable. These entities shall include, but not be limited to, the State Department of Health Care Services, the State Department of Social Services, the Department of Rehabilitation, the California Department of Aging, the State Department of Education, and the agencies listed in subdivision (f).

(c) The Secretary of California Health and Human Services shall solicit input through the committee, or through other means, from individuals with intellectual and developmental disabilities and their families, professionals in the developmental services field, and a broad range of subject matter experts on topics that may include, but are not limited to, regional center board accountability and transparency and the evaluation of regional centers, including performance, equity, and diversity.

(d) When the California Health and Human Services Agency convenes meetings of the master plan committee, the information and materials about the work of the master plan committee shall be posted on the California Health and Human Services Agency's internet website in a timely manner.

(e) By March 15, 2025, the Secretary of California Health and Human Services shall submit an initial report to the Governor and the Legislature that summarizes the recommended components of the master plan resulting from the master plan committee advisory process, the community roundtable discussions, and the public comment received.

(f) The secretary and the director shall work with other state agencies and departments, as necessary, to identify policies, efficiencies, and strategies necessary to implement the master plan, which may include any of the following:

- (1) The California Health and Human Services Agency.
- (2) The Government Operations Agency.
- (3) The State Department of Education.
- (4) The Labor and Workforce Development Agency.
- (5) The Transportation Agency.

- (6) The Business, Consumer Services, and Housing Agency.
- (7) The Behavioral Health Services Oversight and Accountability Commission.
- (8) The office of the Treasurer.
- (g) The workgroup shall solicit input from stakeholders and gather information on the experiences of Californians with intellectual and developmental disabilities and their families in the implementation process of the master plan.
- (h) The Secretary of California Health and Human Services shall submit master plan implementation updates to the Governor and the Legislature annually beginning March 15, 2026, to March 15, 2036, inclusive. The updates shall include, but are not limited to, identification of any statutory changes, funding requirements, and changes to the department's new case management system considered necessary to effectively implement the plan.
- (i) Any funding needed to support program enhancements proposed in the master plan is subject to an appropriation by the Legislature for those purposes.

(j) A report to be submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 4. Section 4626.5 of the Welfare and Institutions Code is amended to read:

4626.5. Each regional center shall submit a conflict-of-interest policy to the department by July 1, 2011, and shall post the policy on its internet website by August 1, 2011. The policy shall do, or comply with, all of the following:

- (a) Contain the elements of this section and be consistent with applicable law.
- (b) Define conflicts of interest.
- (c) Identify positions within the regional center required to complete and file a conflict-of-interest statement.
- (d) Facilitate disclosure of information to identify conflicts of interest.
- (e) Require candidates for nomination, election, or appointment to a regional center board, and applicants for regional center director to disclose any potential or present conflicts of interest prior to being appointed, elected, or confirmed for hire by the regional center or the regional center governing board.
- (f) Require the regional center and its governing board to regularly and consistently monitor and enforce compliance with its conflict-of-interest policy.
- (g) Prohibit a regional center employee from accepting a gift or gifts from a service provider, consumer, or consumer's family member valued over fifteen dollars (\$15) per year.
- (h) Establish a policy prohibiting regional center senior staff from hiring relatives at the center or any ancillary foundation and organization. The policy shall be included in the regional center contract and shall be included in training of the governing board.

SEC. 5. Section 4639.76 is added to the Welfare and Institutions Code, to read:

4639.76. (a) A regional center with which the department maintains a contract pursuant to Section 4629 shall be subject to the California Public Records Act (Chapter 1 (commencing with Section 7920.000) of Division 10 of Title 1 of the Government Code).

(b) This section shall become operative on January 1, 2026.

SEC. 6. Section 4726 of the Welfare and Institutions Code is amended to read:

4726. Notwithstanding any other law, access to records regarding an applicant for, or recipient of, services shall be provided, upon request, to the applicant, recipient, or their authorized representative, including the person appointed as a developmental services decisionmaker pursuant to Section 319, 361, or 726, for any purpose, including, but not limited to, the appeal process under this chapter, unless disclosure of the record is expressly prohibited by law.