**Stanford Intellectual and Developmental Disabilities Law and Policy Project**

**Lanterman Transparency Tracker Scoring Rulebook**

**June 2021**

The Lanterman Transparency Tracker, an interactive tool that allows users to track DDS’s and RCs’ compliance with online disclosures can be found here: <https://law.stanford.edu/siddlapp/lanterman-transparency-tracker/>. The comprehensive spreadsheet containing the ratings as well as various pieces of information about the various statutory requirements can be downloaded from this webpage as well using the hyperlinks provided at the bottom of the page.

**General rule for determining what qualifies as an individual requirement:**

For the purposes of this analysis, “requirement” is understood as a rule outlined in the Lanterman Developmental Services Act (Lanterman Act) and related laws that requires either the Department of Developmental Services (DDS) or regional centers (RCs) to publish information on their internet websites. In the California Welfare and Institutions Code (WIC), each statutory section has subdivisions, which then have paragraphs. When writing 4519.5(h)(6), for example, 4519.5 therefore refers to the WIC section, (h) refers to the subdivision, and (6) refers to the paragraph. For the purposes of our analysis, we treat each paragraph with a requirement, as defined above, as its own individual requirement. If a subdivision has a requirement but no paragraphs, we treat this subdivision as its own requirement as well. For each individual requirement, we then rate the RC’s and/or DDS. The only exception to this rule is:

* WIC sections 4519.5(c) and 4519.5(d) require RCs and DDS to publish data that is collected pursuant to section 4519.5(a)(1)-(6) and 4519.5(b). Instead of addressing each paragraph of section 4519.5(a) individually, we treat section 4519.5(a)(1)-(5) as a single requirement. This is because paragraphs (1)-(5) refer to different disaggregations of the same data.

Finally, even if DDS and RCs are required to disclose information by the same subdivision or paragraph, we split them up for the purposes of our analysis. Because of this, two statutes (4519.5(f)(2) and 4679(e), respectively) are included in both the DDS and RCs lists of requirements below.

**How we rated DDS and the RCs:**

We use a three-tiered compliance scale. We label DDS or the RC as being in “high” compliance with the requirement if the entity 1) meets *all* components of the requirement and 2) do so at the required frequency, starting with the date detailed by the statute (i.e. for *all* required time periods). “Component” here refers to a piece of information required by the transparency requirement. This changes by requirement, but it can refer to a document, a statistic, or a figure. Conversely, we label DDS or the RC as being in “low” compliance with the requirement if they do not meet *any* of the components of the requirement for *any* required time period. Finally, we label DDS or the RC as being in “medium” compliance with the requirement if they either 1) don’t comply with *all* components of the requirement but comply with some or 2) don’t totally comply with the required frequency or start date, but still report information for someof the required timeframe. Though this rule holds generally, we provide more granular, requirement-specific information about how we rated DDS or the RCs throughout the document below.

To rate the entities on their compliance this year, a pair of undergraduate students at Stanford University spent up to 15 minutes apiece per statutory requirement attempting to locate the required information on the reporting entity’s website. They completed the ratings between April 16, 2021 and June 17, 2021. It is important to note that between their review, the time of this writing, and the time a user is viewing this Rulebook, RCs’ levels of compliance may have changed. In the review, if neither member of the pair could find the information they sought within 15 minutes, they concluded that it was either nonexistent, or sufficiently well-hidden that most stakeholders would likewise be unable to find it. Additionally, if a document is *only* available through the search bar on an entity’s website (or requires a consumer to “sign in”) and cannot be found by navigating through the website alone, then we assume that the document was sufficiently well-hidden as well.

## **DDS Requirements:**

## Requirement 1: Instances of physical restraint

* Statute: [WIC §4436.5(c)(1)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4436.5.&lawCode=WIC)
* Document(s) Used: DDS restraint data
* Took Effect: January 1, 2016
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: First 2016 quarter (January-March)
* Latest Required Time Span: Most recent 2020 quarter (October-December)
* Frequency: Quarterly

## Requirement 2: Instances of chemical restraint

* Statute: [WIC §4436.5(c)(2)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4436.5.&lawCode=WIC)
* Document(s) Used: DDS restraint data
* Took Effect: January 1, 2016
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: First 2016 quarter (January-March)
* Latest Required Time Span: Most recent 2020 quarter (October-December)
* Frequency: Quarterly

## Requirement 3: Estimated DC budgets

* Statute: [WIC §4437(a)(1)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4437.&lawCode=WIC)
* Document(s) Used: Yearly DC budget estimates compiled by DDS
* Took Effect: June 27, 2016
* First reporting required by statute: February 1, 2017
* Earliest Required Time Span: Estimates for FY 2017-2018, published before February 2017
* Latest Required Time Span: Estimates for FY 2021-2022, published before February 2021
* Frequency: Annually

## Requirement 4: Supplemental budgets by RC

* Statute: [WIC §4437(a)(2)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4437.&lawCode=WIC)
* Document(s) Used: Yearly supplemental budget reports compiled by DDS
* Took Effect: June 27, 2016
* First reporting required by statute: February 1, 2017
* Earliest Required Time Span: Information for FY 2017-2018 budget, published before February 2017
* Latest Required Time Span: Information for FY 2021-2022 budget, published before February 2021
* Frequency: Annually
* Note(s): The supplemental budget information must be disaggregated by RC

## Requirement 5: Plans to close DC(s)

* Statute: [WIC §4474.11(a)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4474.11.&lawCode=WIC)
* Document(s) Used: DDS plan to close Sonoma Developmental Center
* Took Effect: June 24, 2015
* First reporting required by statute: October 1, 2015
* Earliest Required Time Span: N/A
* Latest Required Time Span: N/A
* Frequency: We require the plan be currently available and dated October 1, 2015 or earlier
* Note(s): DDS released the plan to close the Sonoma Developmental Center by the deadline and released plans for other developmental centers in 2016.

## Requirement 6: Residential capacity by RC

* Statute: [WIC §4474.15(b)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4474.15.&lawCode=WIC)
* Document(s) Used: Residential capacity reports
* Took Effect: June 27, 2016
* First reporting required by statute: Not specified in statute, but DDS has reports from November 2016
* Earliest Required Time Span: November 2016
* Latest Required Time Span: December 2020
  + Rationale: We allow a three month buffer, as it may take DDS time to compile the data. (these ratings were completed April-June, 2021).
* Frequency: Monthly
* Note(s): The statute requires DDS to include information on “monthly targets for individuals moving out of a developmental center.” Therefore, if the residential capacity reports do not include this information, we cannot rate DDS as being in “high” compliance.

Requirement 7: Summary of provider HCBS compliance

* Statute: [WIC 4519.2(b)(2)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.2.&lawCode=WIC)
* Document(s) Used: HCBS Final Rule Compliance Reports
* Took Effect: June 27, 2019
* First reporting required by statute: May 21, 2020
* Earliest Required Time Span: 2020
* Latest Required Time Span: 2021
* Frequency: At least every six months
* Note(s): We require at least two summaries from 2020, and one summary from 2021, for a “high” rating.

Requirement 8: Section 4731 Complaints

* Statute: [WIC 4519.2(c)(3)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.2.&lawCode=WIC)
* Document(s) Used: Consumers’ Rights Complaints and Fair Hearing Requests Reports
* Took Effect: June 27, 2019
* First reporting required by statute: January 10, 2020
* Earliest Required Time Span: FY 2017-2018
  + Rationale: The statute requires data to be published for the “prior two fiscal years.” The last two full fiscal years before January 10, 2020 are FY 2017-2018 and 2018-2019.
* Latest Required Time Span: FY 2019-2020
  + The statute requires data to be published for the “prior two fiscal years.” The last full fiscal year before January 10, 2021 is FY 2019-2020.
* Frequency: Annually
* Note(s): At the time of this rating, DDS publishes the Section 4731 Complaint data in the form of pdf reports. We therefore require DDS to publish reports annually, and we require each annual report to include Complaint data from the prior two fiscal years.

Requirement 9: Link to Protection & Advocacy Resources

* Statute: [WIC 4519.2(e)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.2.&lawCode=WIC)
* Document(s) Used: Links to Disability Rights California (DRC) webpage and/or DRC’s Office for Clients’ Rights Advocates subpage
* Took Effect: June 27, 2019
* First reporting required by statute: March 1, 2020
* Earliest Required Time Span: N/A
* Latest Required Time Span: N/A
* Frequency: Must have link(s) currently available
* Note(s): For “high” compliance, we require DDS to include a link to the P&A organization (Disability Rights California) and either (1) explicitly mention that the Clients’ Rights Advocates work under Disability Rights California or (2) include a link to the Office of the Clients’ Rights Advocates specifically.

Requirement 10: Regional Center Directives

* Statute: [WIC 4519.2(f)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.2.&lawCode=WIC)
* Document(s) Used: Directives issues to Regional Centers
* Took Effect: June 27, 2019
* First reporting required by statute: October 1, 2019
* Earliest Required Time Span: 2019
* Latest Required Time Span: 2021
* Frequency: All new directives
* Note(s): We require at least one directive per year for “high” compliance.

Requirement 11: Summary of Rate Study

* Statute: [WIC 4519.4(d)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.4.&lawCode=WIC)
* Document(s) Used: DDS Vendor Rate Study Responses to Public Comments
* Took Effect: June 27, 2019
* First reporting required by statute: October 1, 2019
* Earliest Required Time Span: October 1, 2019
* Latest Required Time Span: October 1, 2019
  + Rationale: The statute only requires one summary report.
* Frequency: We require the summary report be currently available for “high” compliance.
* Note(s): The statute requires DDS to post, on its website, “a summary of *public comments, departmental responses to those comments*, and any appropriate and necessary changes to the rate models contained in the rate study, submitted pursuant to Section 4519.8.” It is not clear if the “public comments” and “departmental responses” are to be related to the rate study (conducted pursuant to Section 4519.8) or the broader system reform process outlined in Section 4519.4. Because of this ambiguity, we only require the summary report to contain information on comments and the department’s responses (and changes to rate models) from the rate study specifically.

## Requirement 12: POS demographic breakdown

* Statute: [WIC §4519.5(d) requiring information from WIC §4519.5(a)(1)-(5)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.5.&lawCode=WIC)
* Document(s) Used: POS data, disaggregated by various demographic features
* Took Effect: June 27, 2012 for section 4519.5(a)(1)-(4); December 31, 2015 for section 4519.5(a)(5); June 27, 2012 for section 4519.5(d)
* First reporting required by statute: March 31, 2013 for information from section 4519.5(a)(1)-(4); December 31, 2015 for information from section 4519.5(a)(5)
* Earliest Required Time Span: FY 2011-2012 for information from section 4519.5(a)(1)-(4); FY 2014-2015 for information from section 4519.5(a)(5)
  + Rationale: Given that the RCs must report beginning in FY 2011-2012 (explained in previous requirement), we require that DDS make reports available on its website or link to RC reports for the same period.
* Latest Required Time Span: FY 2019-2020
* Frequency: Annually
* Note(s): The statute calls for DDS to publish the data on “a statewide basis,” which we interpret as requiring aggregate state data.

## Requirement 13: Rare language IPP requests

* Statute: [WIC §4519.5(d) requiring information from WIC §4519.5(a)(6)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.5.&lawCode=WIC)
* Document(s) Used: Number of instances when the written copy of the individual program plan was provided in a non-threshold language at the request of a consumer
* Took Effect: June 27, 2012 for section 4519.5(d); June 24, 2015 for section 4519.5(a)(6)
* First reporting required by statute: December 31, 2015
* Earliest Required Time Span: FY 2014-2015
  + Rationale: Given that the RCs must report beginning by December 31, 2015 (explained in previous requirement), we require that DDS make reports available on its website or link to RC reports for the same period.
* Latest Required Time Span: FY 2019-2020
* Frequency: Annually
* Note(s): The statute calls for DDS to publish the data on “a statewide basis,” which we interpret as requiring aggregate state data.

## Requirement 14: Demographics of consumers w/o POS

* Statute: [WIC §4519.5(d) requiring information from WIC §4519.5(b)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.5.&lawCode=WIC)
* Document(s) Used: POS data, disaggregated by various demographic features
* Took Effect: June 27, 2012 for section 4519.5(b); June 27, 2012 for section 4519.5(c)
* First reporting required by statute: March 31, 2013
* Earliest Required Time Span: FY 2011-2012
  + Rationale: Given the RCs must report beginning FY 2011-2012 (explained in previous requirement), we require that DDS make reports available on its website for the same period.
* Latest Required Time Span: FY 2019-2020
* Frequency: Annually
* Note(s): The statute calls for DDS to publish the data on “a statewide basis,” which we interpret as requiring aggregate state data. Therefore, DDS must provide aggregate state data to be in “high” compliance. Note additionally that the statute does not explicitly require DDS to publish data at the RC level.

## Requirement 15: POS disparities meeting reports

* Statute: [WIC §4519.5(f)(2)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.5.&lawCode=WIC)
* Document(s) Used: RC reports or letters to DDS regarding public meetings that address potential disparities in annual POS data
* Took Effect: January 1, 2015
* First reporting required by statute: August 31, 2015
* Earliest Required Time Span: A published report/letter by August 31, 2015
  + Rationale: Because we are not concerned with the schedule of meetings, but rather the publishing of the meeting information, we require the DDS to publish information, by RC, by the date listed by the statute. Note that the RC could have published information regarding meetings that addressed either FY 2013-2014 or FY 2014-2015 POS data. For a more detailed description on how we rated RCs on the requirement to publish disparity meeting reports, see RC requirement 4 below.
* Latest Required Time Span: FY 2018-2019 (i.e., meetings pertaining to FY 2018-2019 data)
  + Rationale: RCs are required to compile fiscal year data by the following December. For example, RCs must compile POS data for FY 2018-2019 by December 2019. This statute requires RCs and DDS to publish meeting information in August. Because we are writing this before August 2021, the most recent meeting information would be for FY 2018-2019 POS data.
* Frequency: Annually
* Note(s): Per Section §4519.5(f)(1)(b), We do not require RCs to include formal, explicitly demarcated meeting minutes in its meeting reports to be in full compliance with this requirement. Instead, we count RCs’ meeting reports as compliant with this requirement if they provide information or general indication about the outline of the meeting. Because RCs are submitting these reports to DDS, who later publishes them on its website for the purposes of this requirement, DDS cannot be in full compliance with this requirement unless the RC reports themselves are fully compliant with the statute.

## Requirement 16: Disparities grant information

* Statute: [WIC §4519.5(h)(6)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.5.&lawCode=WIC)
* Document(s) Used: DDS website listing the structure for the grant program, invitations for funding requests, lists of grant recipients, evaluation of prior grants
* Took Effect: June 27, 2017
* First reporting required by statute: January 1, 2018
* Earliest Required Time Span: Grants awarded in FY 2016-2017
  + Rationale: FY 2016-2017 was the last full fiscal year before the reporting requirement.
* Latest Required Time Span: Grants awarded in FY 2019-2020
* Frequency: Annually
* Note(s): The statute only requires DDS to publish four things: (1) a structure of the grant program; (2) final invitations for proposals if funding for a given year has not yet been allocated; (3) a list of grant recipients; and (4) evaluations of prior programs. For “high” compliance, we require: (1) to be currently available; either (2) or (3) to be available for every year; and (4) to be available for every year. Note that in the previous version of the Transparency Tracker, we did *not* require DDS to publish evaluations of prior programs, since we did not know whether or not the evaluations were actually available. However, because grant-funded Regional Centers and service providers must present program evaluations to DDS pursuant to this section, DDS should have access to the evaluations and therefore publish them on the DDS website for the purposes of this requirement.

## Requirement 17: Quality and access measures (on DDS Performance Dashboard)

* Statute: [WIC §4572(a)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4572.&lawCode=WIC)
* Document(s) Used: National Core Indicator (NCI) Adult In-Person Survey (AIPS) results, on DDS Performance Dashboard
* Took Effect: June 27, 2016
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: FY 2017-18
  + Rationale: This was the most recent NCI Adult In-Person Survey and has results available on the NCI website.
* Latest Required Time Span: FY 2017-18
* Frequency: Must have up to date (FY 2017-18) information currently available. If DDS has old versions of the data, we give a “medium” rating.

## Requirement 18: HCBS compliance measures (on DDS Performance Dashboard)

* Statute: [WIC §4572(b)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4572.&lawCode=WIC)
* Document(s) Used: Measures for HCBS compliance, on DDS Performance Dashboard
* Took Effect: June 27, 2016
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: 2020
  + Rationale: We require the Performance Dashboard to be up to date (not comprehensive) for this requirement and therefore only require reporting for 2020. It may take DDS time to compile the information, so we do not yet require 2021 information.
* Latest Required Time Span: 2020
* Frequency: Must have up to date (2020) information currently available
* Note(s): Prior to DDS’s website restructuring, the Performance Dashboard included a tab for HCBS Waiver compliance that did not contain any information. Following the restructuring, the Performance Dashboard does not include a tab for HCBS Waiver compliance.

## Requirement 19: Integrated employment trends (on DDS Performance Dashboard)

* Statute: [WIC §4572(c)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4572.&lawCode=WIC)
* Document(s) Used: Data on employment and wages, by RC, on Performance Dashboard
* Took Effect: June 27, 2016
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: 2020
  + Rationale: We require the Performance Dashboard to be up to date (not comprehensive) for this requirement and therefore only require reporting for 2020. It may take DDS time to compile the information, so we do not yet require 2021 information.
* Latest Required Time Span: 2020
* Frequency: Must have up to date (2020) information currently available
* Note(s): DDS’s employment panel on the Performance Dashboard includes information for each RC about average wages and percentage of consumers employed. In lieu of a precise definition of competitive integrated employment in the statute, we count this as being in full compliance with the content (not frequency and timeliness) requirements of the statute.

## Requirement 20: 4731 Complaints rate by RC (on DDS Performance Dashboard)

* Statute: [WIC §4572(d)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4572.&lawCode=WIC)
* Document(s) Used: Number of complaints referred to the department pursuant to subdivision (c) of section 4731, for every 1,000 consumers served, by each RC, on DDS Performance Dashboard
* Took Effect: June 27, 2016
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: FY 2015-16
  + Rationale: In December 2019, DDS dramatically changed its website. We originally rated DDS according to the previous Performance Dashboard contents, which included FY 2015-16 data on 4731 Complaints. We therefore require its current Performance Dashboard to include the same range of data.
* Latest Required Time Span: FY 2019-2020
  + In late 2019, DDS sent us, in response to various CPRA requests, data on 4731 Complaints, many of which were filed in FY 2018-19. We therefore believe that complaints from the most recent fiscal year (FY 2019-2020 in our case) should be available for publication on its Performance Dashboard.
* Frequency: Annual (i.e., complaints from every fiscal year)

## Requirement 21: Fair hearings rate by RC (on DDS Performance Dashboard)

* Statute: [WIC §4572(e)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4572.&lawCode=WIC)
* Document(s) Used: Number of fair hearings held for every one thousand consumers served, by each RC, on DDS Performance Dashboard
* Took Effect: June 27, 2016
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: FY 2015-16
  + Rationale: In December 2019, DDS dramatically changed its website. We originally rated DDS according to the previous Performance Dashboard contents, which included FY 2015-16 data on 4731 Complaints. We therefore require its current Performance Dashboard to include the same range of data.
* Latest Required Time Span: FY 2019-2020
  + In late 2019, DDS sent us, in response to various CPRA requests, data on fair hearings, many of which were decided in FY 2018-19. We therefore believe that complaints from the most recent fiscal year (FY 2019-2020 in our case) should be available for publication on its Performance Dashboard.
* Frequency: Because a 2019 version of the DDS website included annual data on its Performance Dashboard, we require the same on its current website.

## Requirement 22: Links to RC disclosures (on DDS Transparency Portal)

* Statute: WIC §4629.5(c)(1)
* Document(s) Used: RC links on Transparency Portal
* Took Effect: March 24, 2011
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: N/A
* Latest Required Time Span: N/A
* Frequency: Links to all RC website information must be currently available, and the webpages linked to *must* have the required disclosures. This means that if any RC failed to publish information in “high” compliance WIC §4629.5(b)(1)-(16) (each of which we rated RCs on), we could only rate DDS as being in “medium” compliance.

## Requirement 23: Biannual DDS audits (on DDS Transparency Portal)

* Statute: WIC §4629.5(c)(2)
* Document(s) Used: DDS audits on Transparency Portal
* Took Effect: March 24, 2011
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: Earliest DDS audit available on RC websites dated after March 24, 2011.
* Latest Required Time Span: Latest audit available on RC websites
* Frequency: Every audit available on RC websites dated after March 24, 2011 (the frequency of these documents is irregular)
* Note(s): Because the Welfare and Institutions Code requires both DDS and RCs to publish the biannual DDS audits, per WIC sections 4629.5(b)(2) and 4629.5(c)(2) respectively, we therefore cross-check DDS’s list of audits with the lists provided by RCs to verify the Portal’s comprehensiveness.

## Requirement 24: Vendor audits (on DDS Transparency Portal)

* Statute: WIC §4629.5(c)(3)
* Document(s) Used: Vendor audits on Transparency Portal
* Took Effect: March 24, 2011
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: FY 2011-12
* Latest Required Time Span: FY 2019-2020
* Frequency: Every vendor audit
* Note(s): DDS’s interpretation of the statute appears to be that it must publish the results of all audits that it is authorized to conduct through WIC § 4648.1(a). DDS completed an average of over five audits per year from 2002 to 2016, but has not published reports for any audits completed after 2016. We therefore rate DDS as being in “medium” compliance for this statute.

## Requirement 25: Biannual HCBS Waiver reviews (on DDS Transparency Portal)

* Statute: WIC §4629.5(c)(4)
* Document(s) Used: HCBS Waiver reviews on Transparency Portal
* Took Effect: March 24, 2011
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: Earliest HCBS Waiver reviews on RC websites dated after March 24, 2011
* Latest Required Time Span: Latest reviews available on RC websites
* Frequency: Every review available on RC websites dated after March 24, 2011 (the frequency of these documents is irregular)
* Note(s): Because the Welfare and Institutions Code requires both DDS and RCs to post HCBS Waiver reviews per [WIC sections 4629.5(b)(10)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC) and [4629.5(c)(4)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC) respectively, we therefore cross-check DDS’s list of HCBS reviews with the lists provided by RCs to verify whether or not the Portal is comprehensive. More concretely, if DDS has some audits but is missing an audit that is available on an RC website, then we rate DDS as being in “medium” compliance with the statute.

## Requirement 26: Biannual Targeted Case Management and Federal Nursing Home Reform Program reviews (on DDS Transparency Portal)

* Statute: WIC §4629.5(c)(5)
* Document(s) Used: Biannual Targeted Case Management and Federal Nursing Home Program reviews on Transparency Portal
* Took Effect: March 24, 2011
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: FY 2011, 2012, or 2013
  + Rationale: We require DDS to post the earliest audit completed after March 24, 2011, for each RC. Because each RC is on a different two-year review calendar, we assume that the earliest audit could have been conducted in 2011, 2012, or 2013, and therefore require a report for one of those years for each RC.
* Latest Required Time Span: 2019, 2020, or 2021
  + Rationale: We require DDS to post the most recent review for each RC. Because each RC is on a different two-year review calendar, we assume that a RC’s most recent audit could have been conducted in 2019, 2020, or 2021, and therefore require a report for one of those years for each RC.
* Frequency: Biannual
* Note(s): If a hyperlink to a report is broken, we consider that report to be unavailable and therefore rate DDS as being in “medium” compliance with the statute.

## Requirement 27: Early Start Program reviews (on DDS Transparency Portal)

* Statute: WIC §4629.5(c)(6)
* Document(s) Used: DDS provides four sets of reports ([here](https://www.dds.ca.gov/transparency/monitoring-reports/)) on its Transparency Portal: (1) Early Start Part C Annual Performance Reports; (2) Office of Special Education Programs Determination on the Early Start Annual Performance Report; (3) Early Start Local Performance Materials; (4) Early Start Regional Monitoring Reports.
* Took Effect: March 24, 2011
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: Reports related to FY 2010-2011 data for report types (1)-(3); undetermined for report type (4).
  + Rationale: We do not require DDS to publish these reports retroactively and therefore only require information related to FY 2010-2011 for report types (1)-(3). This is the year in which the requirement came into effect, and DDS made these data available on its original (now archived) website. Reports of type (4) are RC-specific and appear to be published on varying timelines. Furthermore, only one review is available for each RC, and for these reasons, we cannot determine the required reporting frequency, earliest required time span, or latest required time span.
* Latest Required Time Span: Reports related to FY 2017-18 or 2018-19 for report types (1)-(3); undetermined for report type (4).
  + Report types (1)-(3) are published annually and describe performance for the fiscal year one or two years prior (e.g. reports published in FY 2019-20 describe either FY 2017-18 or FY 2018-19). Because FY 2019-20 is the most recently completed fiscal year, we therefore require reports relating to performance in FY 2017-18 or 2018-19. As mentioned above, we are unable to determine frequency, earliest required time span, or latest required time span for report type (4).
* Frequency: Annual for types (1)-(3); undetermined for report type (4).

## Requirement 28: RC Performance Contracts and Year-End Reports (on DDS Transparency Portal)

* Statute: [WIC §4629.5(c)(7)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)
* Document(s) Used: Annual Performance Contracts and Year-End Reports on Transparency Portal
* Took Effect: March 24, 2011
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: 2012 Performance Contracts, 2011 Year-End Reports
  + Rationale: Performance Contracts are written prior to the start of the contract year (i.e. 2012 Performance Contracts are written in 2011) while Year-End Reports are compiled in the spring after the contract year (i.e. 2011 Year-End Reports were compiled in spring of 2012). Given that the statute does not specify a strict publication date, we require that DDS have available the first Performance Contract that was written and first Year-End Report that was compiled after the statute took effect.
* Latest Required Time Span: 2021 Performance Contracts, 2020 Year-End Reports
  + Rationale: Because Performance Contracts are written prior to the contract year, RCs should have published a 2021 Performance Contract before January 2021. Similarly, 2020 Year-End Reports should have been published by early 2021.
* Frequency: Annually
* Note(s): Because we do not know how the COVID-19 pandemic affected the Performance Contract process, we do not penalize RCs for publishing draft Performance Contracts in 2020 or 2021.

## Requirement 29: List of services by RC

* Statute: [WIC §4629.5(d)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)
* Document(s) Used: List of services purchased by RCs or provided directly to consumers by RCs and a brief description of those services
* Took Effect: January 1, 2018
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: N/A
* Latest Required Time Span: N/A
* Frequency: Must have link currently available

## Requirement 30: Budget and expenditures by RC

* Statute: [WIC §4631(c)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4631.&lawCode=WIC)
* Document(s) Used: RC and developmental centers estimates
* Took Effect: August 19, 1998
* First reporting required by statute: December 1, 1998 (annual reporting date changed to February 28 in subsequent legislation)
* Earliest Required Time Span: FY 1997-1998
  + Rationale: FY 1997-1998 was the last full fiscal year before the reporting requirement.
* Latest Required Time Span: FY 2019-2020
  + Per the statute, the budget and actual expenditures for FY 2019-20 should be published by Feb. 28, 2021
* Frequency: Annually
* Note(s): Section 4631 requires that “the report(s) shall include each regional center’s budget,” and we therefore require DDS to disaggregate budget information by RC accordingly

## Requirement 31: Work incentive program information

* Statute: [WIC §4639.75(a)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4639.75.&lawCode=WIC)
* Document(s) Used: Information for consumers on DDS’s website related to employment and employment opportunities
* Took Effect: January 1, 2007
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: N/A
* Latest Required Time Span: N/A
* Frequency: Must have information currently available

## Requirement 32: Vendor audit compliance (on DDS Performance Dashboard)

* Statute: [WIC §4652.5(d)(2)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4652.5.&lawCode=WIC)
* Document(s) Used: Vendor compliance data, by RC, on Performance Dashboard
* Took Effect: January 1, 2017
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: 2020
  + Rationale: We require the DDS Performance Dashboard to be up to date (not comprehensive) for this requirement and therefore only require reporting for 2020.
* Latest Required Time Span: N/A
* Frequency: Must have up to date (2020) information currently available
* Note(s): At the time of this review of DDS’s compliance with disclosure requirements (completed April-June, 2021), DDS labels RCs as having met or “partially met” vendor audit requirements. Because DDS does not define “partially met,” we have no way of knowing whether it means that all vendors are at least partially compliant or that some vendors are actually non-compliant, and the information is therefore too vague to be helpful to consumers. For this reason, we rate DDS as “medium.”

## Requirement 33: Links to community resource development proposals

* Statute: [WIC §4679(e)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4679.&lawCode=WIC)
* Document(s) Used: Any links to approved community resource development plan (CRDP) project proposals or community placement plan (CPP) project proposals, which we did not find on the Department’s website.
* Took Effect: June 27, 2017
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: Any community resource development plan funds for a “high” compliance rating, or community placement plan funds for a “medium” compliance rating, listed for any time following the passage of the statute
* Latest Required Time Span: N/A
* Frequency: For each approved project proposal
* Note(s): For a more detailed description of the relationship between CRDP and CPP funds, and how RCs performed in publishing their respective approved proposals, see RC requirement 23 below.

## Requirement 34: Supported living services (SLS) questionnaire

* Statute: [WIC §4689(p)(1)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4689.&lawCode=WIC)
* Document(s) Used: Standardized SLS questionnaire
* Took effect: June 27, 2012
* First reporting required by statute: June 30, 2012
* Earliest Required Time Span: N/A
* Latest Required Time Span: N/A
* Frequency: Must have questionnaire currently available

## Requirement 35: Family Cost Participation Plan

* Statute: [WIC §4783(i)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4783.&lawCode=WIC)
* Document(s) Used: Forms and documents necessary to administer the Family Cost Participation Plan
* Took Effect: August 16, 2004
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: N/A
* Latest Required Time Span: N/A
* Frequency: Must have information currently available

## **RC Requirements:**

Requirement 1: Summary of provider HCBS compliance

* Statute: [WIC 4519.2(b)(1)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.2.&lawCode=WIC)
* Document(s) Used: HCBS Final Rule Compliance Reports
* Took Effect: June 27, 2019
* First reporting required by statute: April 21, 2020
* Earliest Required Time Span: 2020
* Latest Required Time Span: 2021
* Frequency: At least every six months
* Note(s): We require at least two summaries from 2020, and one summary from 2021, for a “high” rating.

Requirement 2: Link to Protection & Advocacy Resources

* Statute: [WIC 4519.2(e)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.2.&lawCode=WIC)
* Document(s) Used: Links to Disability Rights California (DRC) webpage and/or DRC’s Office for Clients’ Rights Advocates subpage
* Took Effect: June 27, 2019
* First reporting required by statute: March 1, 2020
* Earliest Required Time Span: N/A
* Latest Required Time Span: N/A
* Frequency: Must have link(s) currently available.
* Note(s): For “high” compliance, we require RCs to include a link to the P&A organization (Disability Rights California) and either (1) explicitly mention that the Clients’ Rights Advocates work under Disability Rights California or (2) include a link to the Office of the Clients’ Rights Advocates specifically.

## Requirement 3: POS demographic breakdown

* Statute: [WIC §4519.5(c) requiring information from WIC §4519.5(a)(1)-(5)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.5.&lawCode=WIC)
* Document(s) Used: POS data, disaggregated by various demographic features
* Took Effect: June 27, 2012 for section 4519.5(a)(1)-(4); December 31, 2015 for section 4519.5(a)(5); June 27, 2012 for section 4519.5(c)
* First reporting required by statute: March 31, 2013 for information from section 4519.5(a)(1)-(4); December 31, 2015 for information from section 4519.5(a)(5)
* Earliest Required Time Span: FY 2011-2012 for information from section 4519.5(a)(1)-(4); FY 2014-2015 for information from section 4519.5(a)(5)
  + Rationale: If the RC’s first report pursuant to section 4519.5(a)(1)-(4) was for FY 2012-2013 (i.e. July 2012-June 2013), then the RC would not have been able to post the report by the March 31 deadline. Therefore, the first report had to be for the previous fiscal year.
* Latest Required Time Span: FY 2019-2020
  + Rationale: RCs are required to publish the required information about a given fiscal year in the following December. For example, data from FY 2019-20 must be published by December 2020.
* Frequency: Annually

## Requirement 4: Rare language IPP requests

* Statute: [WIC §4519.5(c) requiring information from WIC §4519.5(a)(6)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.5.&lawCode=WIC)
* Document(s) Used: Number of instances when the written copy of the individual program plan was provided in a non-threshold language at the request of a consumer after 60 days
* Took Effect: June 27, 2012 for section 4519.5(c); June 24, 2015 for section 4519.5(a)(6)
* First reporting required by statute: December 31, 2015
* Earliest Required Time Span: FY 2014-2015
* Latest Required Time Span: FY 2019-2020
  + Rationale: RCs are required to publish the required information about a given fiscal year in the following December. For example, data from FY 2019-20 must be published by December 2020.
* Frequency: Annually
* Note(s): We require Regional Centers to report the number of instances an IPP was given in a non-threshold language after 60 days from the request, even if the number of instances is zero. The fact that a Regional Center responded to all non-threshold language IPP requests in a timely fashion is valuable information both to consumers and to state agencies.

## Requirement 5: Demographics of consumers w/o POS

* Statute: [WIC §4519.5(c) requiring information from WIC §4519.5(b)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.5.&lawCode=WIC)
* Document(s) Used: POS data, disaggregated by various demographic features
* Took Effect: June 27, 2012
* First reporting required by statute: March 31, 2013
* Earliest Required Time Span: FY 2011-2012
  + Rationale: If the RC’s first report pursuant to section 4519.5(b) was for FY 2012-2013 (i.e. July 2012-June 2013), then the RC would not have been able to post the report by the March 31 deadline. Therefore, the first report had to be for the previous fiscal year.
* Latest Required Time Span: FY 2019-2020
  + Rationale: RCs are required to publish the required information about a given fiscal year in the following December. For example, data from FY 2019-20 must be published by December 2020.
* Frequency: Annually
* Note(s): The statute requires the information to be disaggregated by “residence type, as set forth by [WIC §4519.5(5)(a)].” §4519.5(5)(a) requires data categorized by residence type to be additionally subcategorized by “age, race or ethnicity, and primary language.” However, because of the ambiguity of “as set forth,” we do not require the subcategorization; simply breaking the data down by residence type (in addition to separately breaking the data down by age, race or ethnicity, and disability status) is sufficient for a “high” compliance rating.

## Requirement 6: POS disparities meeting reports

* Statute: [WIC §4519.5(f)(2)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4519.5.&lawCode=WIC)
* Document(s) Used: RC reports or letters to DDS regarding public meetings that address potential disparities in annual POS data
* Took Effect: January 1, 2015
* First reporting required by statute: August 31, 2015
* Earliest Required Time Span: A published report/letter by August 31, 2015
  + Rationale: Because we are not concerned with the schedule of meetings, but rather the publishing of the meeting information, we require the RC to publish information by the date listed by the statute. The RC could have therefore published information regarding meetings that addressed either FY 2013-2014 or FY 2014-2015 POS data.
* Latest Required Time Span: FY 2018-2019 (i.e., meetings pertaining to FY 2018-2019 data)
  + Rationale: RCs are required to compile fiscal year data by the following December. For example, RCs must compile POS data for FY 2018-2019 by December 2019. This statute requires RCs and DDS to publish meeting information in August. Because we are writing this before August 2021, the most recent meeting information would be for FY 2018-2019 POS data.
* Frequency: Annually
* Note(s): We do not require the inclusion of formal, explicitly demarcated meeting minutes for compliance with this requirement. Instead, we count RCs as compliant with the meeting minutes component of this requirement if they provide information or general indication about the outline of the meeting.

## Requirement 7: NCI AIPS Board Meeting Public Notices

* Statute: [WIC §4571(h)(1)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC&sectionNum=4571.)
* Document(s) Used: Notice(s) for a public board meeting discussing National Core Indicators data
* Took Effect: June 27, 2019
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: Once between 2019-2021
  + Rationale: We only require one meeting since the effective date of the statute for a “high” compliance rating. We recognize that only holding one meeting since June 27, 2019 would not satisfy the “annual” requirement of this statute, but because of the COVID-19 pandemic and because the collection of the FY 2019-2020 National Core Indicators Adult In-Person Survey (AIPS) was postponed, we err on the side of leniency here.
* Latest Required Time Span: Once between 2019-2021
  + Rationale: As mentioned above, we only require one meeting since the effective date of the statute for a “high” compliance rating. We recognize that only holding one meeting since June 27, 2019 would not satisfy the “annual” requirement of this statute, but because of the COVID-19 pandemic and because the collection of the FY 2019-2020 Adult In-Person Survey was postponed, we err on the side of leniency here.
* Frequency: Annually
* Note(s):
  + We rate a RC as being in “high” compliance if: the RC posted a meeting notice explicitly stating that the AIPS results would be discussed in the meeting; or the RC posted a meeting notice that hyperlinked to a meeting agenda that references AIPS results. We rate an RC as being in “medium” compliance if they post the meeting’s agenda but do *not* post a notice for the meeting. Finally, we also rate an RC as being in “medium” compliance if they posted a notice that explicitly mentioned the AIPS, but the meeting minutes published *after* the meeting do *not* mention the AIPS. This is because in that case, we are unable to verify if AIPS data was actually discussed.
  + Note that we interpret the “quality assurance instrument” outlined in this statute to refer to the AIPS. This is because DDS explicitly states that they comply with the requirements of [§4571](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC&sectionNum=4571.) using results from this survey (see their Regional Center Oversight Dashboard [here](https://www.dds.ca.gov/rc/dashboard/national-core-indicator/) for an example). Therefore, we do not count meetings that discuss *other* National Core Indicators surveys, such as the Family/Guardian Survey, as compliant with the requirements of this statute.

## Requirement 8: NCI Adult In-Person Survey Data

* Statute: [WIC §4571(h)(2)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC&sectionNum=4571.)
* Document(s) Used: National Core Indicators Adult In-Person Survey Data
* Took Effect: June 27, 2019
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: Any data discussed in meetings held pursuant to [WIC §4571(h)(1)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC&sectionNum=4571.)
* Latest Required Time Span: Any data discussed in meetings held pursuant to [WIC §4571(h)(1)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC&sectionNum=4571.)
* Frequency: Any data discussed in meetings held pursuant to [WIC §4571(h)(1)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC&sectionNum=4571.)
* Note(s):
  + The statute explicitly requires this data to be published in a machine-readable format. We therefore require RCs to post all data in a machine-readable format for “high” compliance.
  + The NCI results summary presented in Performance Contracts, which we assess under a different requirement, does not count for this requirement.
  + For a “high” compliance rating, RCs must publish NCI Adult In-Person Survey (AIPS) data discussed in each of the annual AIPS meetings held pursuant to WIC §4571(h)(1). However, if meetings are not conducted annually, we require NCI Adult In-Person Survey (AIPS) data from all intervening years that AIPS are conducted, and the latest AIPS data if the most recent required meeting was not held. For example, if there is a gap of more than one year between meetings, with the earlier meeting discussing data from FY 2012-2013 and the later meeting discussing data from FY 2017-2018, then all NCI in-person survey data between FY 2013-2014 and FY 2017-2018 must be published for “high” compliance.

## Requirement 9: Training for board members

* Statute: [WIC §4622(g)(3)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4622.&lawCode=WIC)
* Document(s) Used: RC website information on training and support for board members
* Took Effect: January 1, 2014
* First reporting required by statute: Not specified in statute
* Earliest required timespan: N/A
* Latest Required Time Span: N/A
* Frequency: Must have information currently available
* Note(s): This statute does not have specific language on required reporting frequency or the type of reporting necessary. We count the RCs as being in “high” compliance if they provide specific information about what training entails; “medium” compliance if they mention training, but offer no specific information about training content, either in their board bylaws or elsewhere; and “low” compliance if they do not meet the qualifications for “high” or “medium” compliance.

## Requirement 10: Annual independent audits

* Statute: [WIC §4629.5(b)(1)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)
* Document(s) Used: Independent financial audits
* Took Effect: March 24, 2011
* First reporting required by statute: As expeditiously as possible
* Earliest Required Time Span: FY 2010-2011
* Latest Required Time Span: FY 2019-2020
* Frequency: Annually

## Requirement 11: Biannual DDS audits

* Statute: [WIC §4629.5(b)(2)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)
* Document(s) Used: Biannual DDS audits
* Took Effect: March 24, 2011
* First reporting required by statute: As expeditiously as possible
* Earliest Required Time Span: Any audit listed on the [DDS biannual audit webpage](https://www.dds.ca.gov/transparency/monitoring-reports/regional-centers-biennial-fiscal-audit-reports/) that begins with FY 2009-2010 or later
* Latest Required Time Span: Latest audit on the DDS webpage
* Frequency: Every document listed on the DDS webpage dated after the implementation of the statute
* Note(s): Since the DDS biannual audit webpage may not necessarily include all audits, we rate an RC as being in “medium” compliance if it merely provides a link to the DDS page.

## Requirement 12: Contract awards

* Statute: [WIC §4629.5(b)(4)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)
* Document(s) Used: Contracts awarded with recipient, purpose, and amount
* Took Effect: March 24, 2011
* First reporting required by statute: As expeditiously as possible
* Earliest Required Time Span: FY 2011-2012
  + Rationale: The statute went into effect prior to the start of FY 2011-2012. This earliest required time span therefore requires RCs to post all contracts awarded after the statute went into effect. We choose this cutoff due to uncertainty about the ability of RCs to retrieve contract data for contracts awarded prior to the statute.
* Latest Required Time Span: FY 2019-2020
  + Rationale: Most RCs have multiple new contracts per year. We therefore require any contract documentation for the 2019-2020 year for full compliance.
* Frequency: Annually
* Note(s):
  + Some RCs only include contracts awarded for over $250,000. This amount cutoff is not specified in the statute, so we do not give these RCs a “high” compliance rating.
  + Most, but not all, RCs report contracts awarded in a given fiscal year. For RCs that do not aggregate in this manner, we list the year of their first reported contract and their last reported contract.

## Requirement 13: Service policies

* Statute: [WIC §4629.5(b)(5)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)
* Document(s) Used: Purchase of service policies
* Took Effect: March 24, 2011
* First reporting required by statute: As expeditiously as possible
* Earliest Required Time Span: N/A
* Latest Required Time Span: N/A
* Frequency: Must have policy/policies currently available
* Note(s):
  + As of June 27, 2018, RC POS policies for respite services must include “any procedures and assessment tools used by the regional center to determine the level of [respite] services needed by each consumer” as per [WIC section 4690.2(c)](https://advance.lexis.com/search/?pdmfid=1000516&crid=300c7a31-a8ba-4698-b5cf-aea1cf1fcd30&pdsearchterms=Cal+Wel+%26+Inst+Code+%C2%A7+4690.2&pdstartin=hlct%3A1%3A2&pdtypeofsearch=searchboxclick&pdsearchtype=SearchBox&pdqttype=and&pdpsf=hlct%3A1%3A2&pdquerytemplateid=&ecomp=b3s9k&earg=pdpsf&prid=fcff6687-bdd8-4ed9-896c-fc2ffb8e2e74). The statute was also amended by Trailer Bill [SB 81](https://advance.lexis.com/document/midlinetitle/?pdmfid=1000516&crid=d8cd7d7b-3669-44bd-a792-0e57bdd52557&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5WB6-8GC0-012C-S22B-00000-00&pdcomponentid=7494&ecomp=x7xfk&earg=sr1&prid=f4525783-5eb3-484c-a8bf-692145436133) (enacted June 27, 2019) and includes a requirement to report “any other policies, guidelines, or regional center-developed assessment tools used to determine the transportation, personal assistant, or independent or supported living service needs of a consumer.” Because all of these services are required under the Lanterman Act if a consumer’s disability requires them, we required RCs to have policies for all of the aforementioned services for a “high” compliance rating. Note that these policies do not have to be “standalone”: if a respite policy is included in a broader purchase of service policy document, we consider that to be compliant.

## Requirement 14: Service vendor information

* Statute: [WIC §4629.5(b)(6)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)
* Document(s) Used: Vendor directories
* Took Effect: March 24, 2011
* First reporting required by statute: As expeditiously as possible
* Earliest Required Time Span: N/A
* Latest Required Time Span: N/A
* Frequency: Must have a functional vendor directory currently available
* Note(s): We consider vendor addresses as a valid type of contact information for this requirement.

## Requirement 15: Board meeting minutes and agendas

* Statute: [WIC §4629.5(b)(7)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)
* Document(s) Used: Board meeting and board committee meeting agendas and minutes
* Took Effect: March 24, 2011
* First reporting required by statute: As expeditiously as possible
* Earliest Required Time Span: 2011
  + Rationale: Because we do not know when an RCs first meeting in 2011 was held, we require RCs to have minutes and an agenda for at least one meeting in 2011 to be considered for “high” compliance.
* Latest Required Time Span: 2021 (two meeting grace period)
* Frequency: Each meeting
* Note(s):
  + Minutes must be present for all board and board committee meetings, either consolidated or separately. We do not require agendas if the minutes are sufficiently detailed, since detailed minutes outline the meeting’s agenda.
  + We allow a two meeting grace period (from the time of this rating, completed April-June, 2021) for both board and board committee meetings. For example, if the RC is missing agendas and minutes for the two most recent meetings but is compliant for all previous meetings, then we count them as being in full compliance. (We know when RCs’ most recent meetings were because RCs publish their meeting schedules and they typically hold meetings in the same months every year.)

## Requirement 16: Board bylaws

* Statute: [WIC §4629.5(b)(8)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)
* Document(s) Used: Board bylaws
* Took Effect: March 24, 2011
* First reporting required by statute: As expeditiously as possible
* Earliest Required Time Span: N/A
* Latest Required Time Span: N/A
* Frequency: Must have bylaws currently available

## Requirement 17: Annual Performance Contracts and Year-End Reports

* Statute: [WIC §4629.5(b)(9)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)
* Document(s) Used: Performance Contracts and Year-End Reports
* Took Effect: March 24, 2011
* First reporting required by statute: As expeditiously as possible
* Earliest Required Time Span: 2012 Performance Contracts, 2011 Year-End Reports
  + Rationale: Performance Contracts are written prior to the start of the contract year (i.e. 2012 Performance Contracts are written in 2011) while Year-End Reports are compiled in the spring after the contract year (i.e. 2011 Year-End Reports are compiled in spring of 2012). Given that the statute does not specify a strict publication date is specified, we require that DDS have available the first Performance Contract that was written and first Year-End Report that was compiled after the statute took effect.
* Latest Required Time Span: 2021 Performance Contracts, 2020 Year-End Reports
  + Rationale: Because Performance Contracts are written prior to the contract year, RCs should have published a 2021 Performance Contract before January 2021. Similarly, 2020 Year-End Reports should have been published by early 2021.
* Frequency: Annually
* Note(s): Many RCs publish documents called performance “plans.” We consider these to count as the required Performance Contract documents.

## Requirement 18: Biannual HCBS Waiver reviews

* Statute: [WIC §4629.5(b)(10)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)
* Document(s) Used: HCBS Waiver Program reviews/reports/audits
* Took Effect: March 24, 2011
* First reporting required by statute: As expeditiously as possible
* Earliest Required Time Span: Any audit listed on DDS’s (now archived following the Department’s website restructuring) HCBS Waiver [audit webpage](https://www.dds.ca.gov/transparency/monitoring-reports/regional-center-biannual-home-and-community-based-services-waiver-targeted-case-management-and-federal-nursing-home-reform-reviews/) dated after the implementation of the statute
  + Rationale: Though the DDS HCBS Waiver audit webpage is not comprehensive (there are audits found on RC websites that are not included), we know that the audits that it lists exist and must therefore be posted.
* Latest Required Time Span: Latest audit on the DDS webpage
* Frequency: Every document listed on the DDS webpage dated after the implementation of the statute (the frequency of these documents is irregular).
* Note(s): Since the DDS HCBS Waiver web audit page may not necessarily include all audits, we rate an RC as being in “medium” compliance if it merely provides a link to the page.

## Requirement 19: Transparency/public information policy

* Statute: [WIC §4629.5(b)(11)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)
* Document(s) Used: Transparency and public information policies
* Took Effect: March 24, 2011
* First reporting required by statute: As expeditiously as possible
* Earliest Required Time Span: N/A
* Latest Required Time Span: N/A
* Frequency: Must have policy/policies currently available

## Requirement 20: Conflict of interest policy

* Statute: [WIC §4629.5(b)(12)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)
* Document(s) Used: Conflict of interest policies
* Took Effect: March 24, 2011
* First reporting required by statute: As expeditiously as possible
* Earliest Required Time Span: N/A
* Latest Required Time Span: N/A
* Frequency: Must have policy/policies currently available
* Note(s): At the time of this rating, completed in August, 2019, some RCs’ conflict of interest policy hyperlinks link to conflict of interest reporting forms. Because the forms include information about conflict of interest expectations and rules, we count these RCs as fully compliant.

## Requirement 21: Link to DDS purchased services

* Statute: [WIC §4629.5(b)(14)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)
* Document(s) Used: Link to DDS webpage about services provided by RCs or PDF document with similar information
* Took Effect: January 1, 2018
* First reporting required by statute: As expeditiously as possible
* Earliest Required Time Span: N/A
* Latest Required Time Span: N/A
* Frequency: Must have link currently available
* Note(s): At the time of this rating, completed April-June, 2021, there were different pages that at least one RC linked to: (1) [a pdf document](https://www.dds.ca.gov/wp-content/uploads/2019/03/RC_ServicesDescriptionsEnglish_20190304.pdf), created by DDS, that lists and describes services purchased by RCs; (2) [a landing page](https://www.dds.ca.gov/rc/rc-services/) on the DDS website, titled “Regional Center Services and Descriptions,” which has a link to the pdf from (1); (3) [a landing page](https://www.dds.ca.gov/rc/) titled “Regional Centers,” from which users can navigate to the landing page in (2); and (4) [a landing page](https://www.dds.ca.gov/services/) titled “Services” that does not specify which services are purchased by RCs and which are not. We rate RCs as being in “high” compliance if they link to (1) or (2); “medium” compliance if they link to (3); and “low” compliance if they link to (4) or do not provide any link at all.

## Requirement 22: Managerial salaries and benefits

* Statute: [WIC §4629.5(b)(15)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)
* Document(s) Used: Reports on personnel salaries, wages, and benefits for managerial positions
* Took Effect: January 1, 2019
* First reporting required by statute: As expeditiously as possible
* Earliest Required Time Span: We require the RCs to have posted the information within the past year at the time of this rating, completed April-June, 2021 (February 2020 - February 2021)
* Latest Required Time Span: N/A
* Frequency: Must have information currently available
* Note(s):
  + There are three scenarios when a RC would be rated as being in “high” compliance: (1) if a RC posts a single document that reports personnel salaries, wages, and benefits for managerial position; (2) the salary and benefits information are in different documents, but the benefits document hyperlinks to the salary schedule required by Requirement 21; and (3) the salary and benefits information are in different documents, but the documents are stored on the same landing page and are easily found using the landing page’s title and headers. If the RC has both salary and benefits information, but the information is on separate pages with no clear way of navigating between them, then we rate the RC as being in “medium” compliance. If the RC has neither salary nor benefits information, then we rate it as being in “low” compliance.
  + Note that we required RCs to have salaries and employee benefits dated *2020 or later* for a “high” compliance rating.

## Requirement 23: NCI Board Meeting Reports

* Statute: [WIC §4629.5(b)(16)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC) requiring information from [WIC §4571(h)(3)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4571.&lawCode=WIC)
* Document(s) Used: Reports submitted to DDS that discuss RC compliance with requirements related to AIPS-related board meetings.
* Took Effect: June 27, 2019
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: At least once between 2019-2021
  + Rationale: As mentioned above, we only require one meeting, and thus one report to DDS, since the effective date of the statute for a “high” compliance rating. We recognize that only holding one meeting since June 27, 2019 would not satisfy the “annual” requirement of this statute, but because of the COVID-19 pandemic and because the collection of the FY 2019-2020 National Core Indicators Adult In-Person Survey (AIPS) was postponed, we err on the side of leniency here.
* Latest Required Time Span: At least once between 2019-2021
  + Rationale: As mentioned above, we only require one meeting, and thus one report to DDS, since the effective date of the statute for a “high” compliance rating. We recognize that only holding one meeting since June 27, 2019 would not satisfy the “annual” requirement of this statute, but because of the COVID-19 pandemic and because the collection of the FY 2019-2020 National Core Indicators Adult In-Person Survey (AIPS) was postponed, we err on the side of leniency here.
* Frequency: As expeditiously as possible
* Note(s): We require that reports are published for each public board meeting discussing NCI AIPS data for “high” compliance, except for meetings that were conducted less than 60 days from the time of this rating on June 16, 2021.

## Requirement 24: Salary schedules

* Statute: [WIC §4629.5(b)(3)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC) requiring information from [WIC §4639.5(a)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4639.5.&lawCode=WIC)
* Document(s) Used: Personnel salary schedules
* Took Effect: March 24, 2011 for section 4629.5(b)(3); July 7, 2000 for section 4639.5(a)
* First reporting required by statute: As expeditiously as possible
* Earliest Required Time Span: 2011
* Latest Required Time Span: 2020
* Frequency: Annually

## Requirement 25: Administrative expenditures

* Statute: [WIC §4629.5(b)(3)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC) requiring information from [WIC §4639.5(b)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4639.5.&lawCode=WIC)
* Document(s) Used: Administrative expenditures reports
* Took Effect: March 24, 2011 for section 4629.5(b)(3); July 7, 2000 for section 4639.5(b)
* First reporting required by statute: As expeditiously as possible
* Earliest Required Time Span: FY 2010-2011
  + Rationale: Section 4639.5, which went into effect in 2011, requires RCs to publish this information by December 1 each year. We therefore require that RCs report information on expenditures for FY 2010-2011 to ensure they met the December 2011 deadline.
* Latest Required Time Span: FY 2019-2020
* Frequency: Annually

## Requirement 26: 2017 benefit and salary reports

* Statute: [WIC §4629.5(b)(13)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC) requiring information from [WIC §4639.5(d)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4639.5.&lawCode=WIC)
* Document(s) Used: Reports on allocation of 2016 Budget Act funding
* Took Effect: March 24, 2011 for section 4629.5(b)(13); March 1, 2016 for section 4639.5(d)
* First reporting required by statute: March 10, 2017
* Earliest Required Time Span: March 10, 2017
* Latest Required Time Span: October 1, 2017
* Frequency: Only these two reports (March 10 and October 1, 2017) are required
* Note(s): Section 4629.5(b)(3) requires RCs to publish *annual* reports created pursuant to section 4639.5. The reports on allocation of 2016 Budget Act funding are not annual reports, and are therefore governed by section 4629.5(b)(13) only.

## Requirement 27: Community resource development priorities

* Statute: [WIC §4679(c)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4679.&lawCode=WIC)
* Document(s) Used: RC priorities for community resource development
* Took Effect: June 27, 2017
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: FY 2020-2021
  + Rationale: The statute requires that RCs post their priorities prior to submitting proposals to DDS in order to allow for final stakeholder input. The deadline for submissions to RCs’ CRDP requests for proposals (which are posted after RC priorities are finalized) are generally in June and July for all RCs ([see North Bay Regional Center’s Request for Proposals page](https://nbrc.net/service-providers/requests-for-proposals/)). Therefore, for a “high” compliance rating, we require RCs to post FY 2020-2021 priorities, since these priorities should have been finalized by June or July, 2020. Additionally, the purpose of this requirement is to promote consumer and stakeholder input. Because the cycle of input restarts with each annual list of priorities, we are therefore only concerned with the most recent priorities.
* Latest Required Time Span: FY 2020-2021
* Frequency: Following the rationale provided in the “Earliest Required Time Span” section for this requirement, we only require the most recent Community Resource Plan priorities.
* Note(s):
  + Because the purpose of the statute is to promote consumer and stakeholder feedback, we require RCs to make clear in their priorities pages and/or documents that feedback is welcome for “high” compliance. Specifically, we require RCs to (1) provide either a phone number, email, or meeting invitation, and (2) state that the information from (1) is specifically for feedback about or discussion of the priorities.
  + Some RCs survey consumers and stakeholders in their catchment area to develop the CRDP priorities. If RCs post survey results but do not specifically say what their priorities are as a result of the survey results, then we rate them in “low” compliance.
  + If RCs only post CRDP-related requests for proposals, then we rate it as in “medium” compliance, since we do not know if the requests for proposals are an exhaustive list of the priorities themselves (for example, an RC might not have funding for all prioritized projects, so its RFP page would necessarily be incomplete).

## Requirement 28: Community resource development proposals

* Statute: [WIC §4679(e)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4679.&lawCode=WIC)
* Document(s) Used: Approved project proposals and the RCs’ project classification (i.e. whether or not the projects are classified as using community resource development plan (CRDP) or community placement plan (CPP) funds)
* Took Effect: June 27, 2017
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: Any community resource development plan funds for a “high” compliance rating, or community placement plan funds for a “medium” compliance rating, listed for any time following the passage of the statute
* Latest Required Time Span: N/A
* Frequency: For each approved project proposal
* Note(s):
  + According to this Department of Developmental Services [document](https://www.dds.ca.gov/CPP/docs/CPP_Guidelines.pdf), community resource development plan funds come from leftover community placement plan (CPP) funds. We therefore rate RCs as being in “medium” compliance with the requirement if they list any approved CPP projects, even if it is unclear whether or not the projects are funded with CRDP funding specifically. The intuition for this decision is that RCs may be classifying their CRDP projects as CPP projects because CRDP funding flows from CPP funding. If the RC lists neither, then we rate it as being in “low” compliance.
  + In the 2019 compliance evaluation, we recorded the earliest date reported for each type of projects listed by a RC in the earliest year reported field. For example, a RC who listed both CRDP projects and awarded contracts would have 2 different dates in the earliest year reported field. However, in this compliance evaluation, we record the earliest date reported of any approved/awarded project proposal as the earliest year reported regardless of the project’s classification (i.e., whether or not it is classified as using CRDP funds, CPP funds, or neither). The RC in the abovementioned example would now only have 1 date recorded as the earliest year reported.

## Requirement 29: Link to appeals procedure

* Statute: [WIC §4704.6](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4704.6.&lawCode=WIC)
* Document(s) Used: RC appeals webpages and hyperlinks to the DDS webpage containing descriptions of the appeals process
* Took Effect: January 1, 2018
* First reporting required by statute: Not specified in statute
* Earliest Required Time Span: N/A
* Latest Required Time Span: N/A
* Frequency: Must have links currently available
* Note(s): If RCs didn’t link to the DDS [appeals and complaints landing page](https://www.dds.ca.gov/general/appeals-complaints-comments/), we require that they have functioning links for the fair hearing process and 4731 Complaints, as these are the two processes outlined in the referenced WIC chapter, Chapter 7: Appeals Procedure.

**Note about quality assurance instrument transparency requirements (**[**§**](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)**4571(h)(1),** [**§**](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)**4571(h)(2), and** [**§**](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)**4629.5(b)(16)):**

[§](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)4571(a)-(g) of the California Welfare and Institutions Code requires DDS to utilize a “quality assurance instrument” to track the quality of services provided to people with I/DD across the state. The state has decided to administer the Adult In-Person Survey (AIPS), a survey created by National Core Indicators (NCI), every two years to meet the requirements of this statute (see the DDS Regional Center Oversight Dashboard [here](https://www.dds.ca.gov/rc/dashboard/national-core-indicator/), which outlines how they comply with [§](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)4571). Starting with the passage of Trailer Bill SB 81, effective June 27, 2019, [§](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)4571 also includes various transparency requirements for Regional Centers (RCs) related to the quality assurance instrument. Specifically: [§](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)4571(h)(1) requires RCs to present AIPS data to stakeholders at annual board meetings and post notices for these meetings on their internet websites; and [§](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)4571(h)(2) requires RCs to publish any "reports generated by [DDS] for the purposes subdivision [§](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)4571(h)" on their respective internet websites. We interpret the latter of these requirements, [§](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)4571(h)(2), as requiring RCs to publish AIPS data that are collected from people with I/DD in their respective catchment areas (and are then compiled into report form by DDS).

Following the annual public meetings, [§](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)4571(h)(3) requires RCs to then submit reports to DDS detailing their compliance with the meeting requirements of the statute. Although [§](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)4571 does not explicitly require RCs to publish these reports, [§](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)4629(b)(16) requires RCs to publish “[RC]-specific reports generated pursuant to, and for the purposes of, subdivision (h) of Section 4571.” We interpret this statute as requiring RCs to publish the reports that they submit to DDS pursuant to [§](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)4629(h)(3) on their internet websites as well. There are thus three transparency requirements for RCs that relate to the AIPS: [§](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)4571(h)(1), [§](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)4571(h)(2), and [§](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4629.5.&lawCode=WIC)4629.5(b)(16).

The AIPS is conducted once every two years in California. Unfortunately, due to the COVID-19 pandemic, data collection for the FY 2019-2020 AIPS was postponed, meaning that the most recent version of the California AIPS is FY 2017-2018 at the time of this writing. Therefore, there have been *no new AIPS data collected* since the passage of the aforementioned transparency requirements in Trailer Bill SB 81. Despite this, some RCs held meetings about the *FY 2017-2018 data*, and published the accompanying meeting notices, AIPS data, and the report submitted to DDS detailing their compliance with the meeting requirements on their internet websites. Since some RCs therefore met the three AIPS requirements, albeit using the FY 2017-2018 data, we rate RCs on these requirements in order to give credit where credit is due and highlight the actions of already-compliant RCs. However, because it would be unfair to expect all RCs to meet the requirements using the outdated data as some do (and indeed because the statutes do not require RCs to meet the requirements using past data), we use a different rating system for these requirements. Specifically, we have decided to use a [H], [M], and [L] scale instead of a High, Medium, and Low scale for these three AIPS requirements to distinguish them from all other requirements, which we *do* expect all RCs to comply with at the time of this writing. Additionally, we will not use this year’s ratings for the three AIPS requirements for any future analysis that tracks RC compliance with transparency requirements over time.