



California's protection and advocacy system
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#17: Fact Sheet on California's Budget Cuts to Developmental Disability Services & Programs - July 15, 2009

Transportation Services¹

These changes are included in the Budget Trailer Bill. They will be effective when the Budget is approved, unless the language is changed by the legislature.

The Lanterman Act currently requires regional centers to purchase transportation for consumers when no appropriate generic transportation is available and the IPP (Individual Program Plan) team decides that transportation is a needed service. The changes to the Lanterman Act provide additional criteria that must be considered before a regional center can purchase transportation.

How the Law Changed

As of July 1, 2009, when an IPP or IFSP (Individualized Family Service Plan) is developed, reviewed or changed the following transportation criteria apply:

1. Regional Centers cannot fund private, specialized transportation for adults who can safely access and use available public transportation.

¹ The changes are part of the Budget Trailer Bill AB x3 45.

You may find the law at http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0001-0050/abx3_45_bill_20090628_amended_asm_v98.html

The changes affecting Transportation are found in Welfare & Institutions Code, Section 4648.35.

2. Regional Centers must fund the least expensive transportation that meets the consumer's needs as set forth in the IPP or IFSP.
3. When required, the Regional Center must fund transportation from the place where a consumer lives to the least expensive service provider that meets the consumer's needs as set forth in the IPP or IFSP.²
4. For a minor child living with his or her family, the regional center will pay for transportation only when the family cannot provide transportation. If the family needs the regional center to pay for transportation, the family must provide written information, such as a brief letter, to the regional center

What Should You Do If the Regional Center Wants to Change Your Transportation Services?

If your regional center wants to change your transportation services, it must hold an IPP meeting.³ At the meeting, the IPP team must discuss if the new transportation criteria applies to you. For example, if you are an adult, you should discuss with the IPP team whether you can safely use public transportation, and what help you might need to use public transportation. You can also discuss if the proposed least costly transportation will meet your needs. Parents of a minor child can discuss whether they can provide transportation.

If you do not agree with the decision following the IPP meeting, the regional center must give you a written notice. The notice must be given 30 days before the change begins⁴.

If you want to appeal the decision and continue to receive these services, you must request a fair hearing within 30 days.⁵

- If you request the hearing within 10 days of receiving the notice, your services will be continued while the hearing process is conducted⁶; and

² The cost of the program is determined by combining the program costs with the cost of transporting a consumer to and from the program location.

³ See Welfare & Institutions Code Section 4646.4 (a)-(c).

⁴ See Welfare & Institutions Code Section 4710

⁵ See Welfare & Institutions Code Section 4710.5 (a)

⁶ See Welfare & Institutions Code Section 4715

- If you request the hearing after 10 days but still before the 30 day limit, you will receive the fair hearing but your services may be discontinued until the outcome of the hearing is known.⁷

When you appeal, you should indicate why the change will not work for you. For example, you cannot safely use public transportation, you cannot provide transportation for your minor child, or the least costly transportation will not meet your needs.

For more important information on how to appeal decisions by the regional center, read our fact sheet, Due Process and Hearing Rights.

⁷ See Welfare & Institutions Code Section 4710.5 (a)