



California's Protection & Advocacy System
Toll-Free (800) 776-5746

Transportation Services¹ – Fact Sheet

July 2011, Pub #F051.01

The State Legislature required the Department of Developmental Services (DDS) to reduce its budget by 174 million dollars for this fiscal year (2011-2012), in addition to the required 334 million dollar reduction effective July, 2009.² As a result, there are changes to the types and amounts of services that regional centers can purchase. This fact sheet describes the 2011 changes to transportation services, any exemptions to those changes (including references to the 2009 changes), and what will happen if the regional center wants to change your services.

The Lanterman Act requires regional centers to purchase transportation for consumers when no appropriate generic transportation is available and the Individual Program Plan (IPP) team decides that transportation is a needed service. The 2009 changes to the Lanterman Act provided additional criteria that must be considered before a regional center can purchase transportation, and the 2011 changes require the development of a transportation access plan, if appropriate.

HOW THE LAW CHANGED

In 2009, the law changed so that when an IPP or Individualized Family Service Plan (IFSP) is developed, reviewed or changed, the following transportation criteria apply:³

¹ The changes are part of the Budget Trailer Bill (TBL) AB104. You may find the law at http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0101-0150/ab_104_bill_20110630_chaptered.html. The changes affecting Transportation are found in Welfare and Institutions Code sections 4646.5, 4648.35.

² The new law requires DDS to obtain even greater savings if certain triggers are not met in the state budget throughout the year. Disability Rights California will discuss this on its website if the triggers are not met.

³ This section is effective upon enactment of the TBL, which was July 28, 2009.

1. Regional centers cannot fund private, specialized transportation for adults who can safely access and use available public transportation.
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.⁴
4. For a minor child living with his or her family, the regional center will fund 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.

Effective July 1, 2011, if the consumer is receiving transportation services from the regional center, then a transportation access plan shall be developed when:

1. The regional center is purchasing private, specialized transportation services or services from a residential, day or other provider, excluding vouchered service providers, to transport the consumer to and from day or work services;
2. The planning team has determined that a consumer's community integration and participation could be safe and enhanced through the use of public transportation services; and,
3. The planning team has determined that such generic transportation services are available and accessible.

⁴ 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.

The transportation access plan must be determined to be appropriate by the planning team, and shall be developed by the IPP team to maximize independence and community integration and participation for the consumer. The transportation access plan shall identify the services and supports necessary to assist the consumer in accessing public transportation. Such services and supports may include, but are not limited to, mobility training services and the use of transportation aides.

What Will Happen If the Regional Center Wants to Change Your Services?

If your regional center wants to change your transportation services, it must either hold an IPP meeting and reach agreement with you about the change, or give you a written notice.⁵ The notice must be given 30 days before the change begins.⁶ The notice must give you the following information:

- the action the regional center is taking;
- the basic facts about why the regional center is making its decision;
- the reason for the action;
- the effective date; and,
- the specific law, regulation or policy that supports the action.⁷

If you are already receiving the service and you disagree with the regional center's decision and want to continue to receive it, you must request a fair hearing within 10 days of receiving the notice.⁸ Otherwise, the request must be made within 30 days.⁹ If exemptions are available and you think

⁵ Usually, decisions about the services you need must be decided by an IPP team. Welfare and Institutions Code section 4646.4(a)-(c). However, the law says if a regional center wants to reduce, end or change a service in your IPP without your consent, it has to give you a 30 day notice first. Welfare and Institutions Code section 4710

⁶ Welfare and Institutions Code section 4710

⁷ Welfare and Institutions Code section 4701. The information must also be in the language you understand.

⁸ Welfare and Institutions Code section 4715

⁹ Welfare and Institutions Code section 4710.5(a)

you meet an exemption, remember to additionally put “I meet an exemption” into your fair hearing request.

For more important information on how to appeal decisions by the regional center, read our fact sheet, Regional Center Due Process and Hearing Rights at <http://www.disabilityrightsca.org/pubs/F02601.pdf>.

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.