

The Designated State Agency

Roles, responsibilities and purpose

What does the Act say?

Each State/Territory shall designate a State agency that shall, on behalf of the State, provide support to the Council. Section 125(d)(1)

Who can be a DSA?

- The Council (if allowed by the laws of the State/Territory)
- A State agency that does not provide or pay for services for individuals with developmental disabilities (exception noted – if the designation was made prior to 1994 and the agency provides or pays for services for individuals with developmental disabilities, the designation stands)
- A State office including the immediate office of the Governor or a State planning office

Reference: Section 125(d)(2)(A)(i)(ii)(iii)

The Council must be able to serve as an independent advocate for individuals with developmental disabilities and their families.

The Council should periodically determine if their independence as an advocate is assured. This is accomplished through a review of the DSA.

What does the DSA do?

The DSA has six core responsibilities:

- Support Services
- Fiscal Responsibilities
- Records, Access and Financial Reports
- Non-federal Share
- Assurances
- Memorandum of Understanding

Reference: Section 125(d)(3)(B-G)

Support services

The DSA shall provide required assurances AND support services as *requested by and negotiated with* the Council.

Common examples –

- Personnel Services/Human Resource services
- Legal Services
- Contract Development Services
- IT Services
- Payroll Services
- Financial Responsibilities

Fiscal Responsibilities

The Designated State Agency receives, accounts for, and disburses funds.

The DSA provides for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, funds.

Records, Access and Financial Reports

The DSA shall keep and provide access to records as the Secretary and the Council determine to be necessary; the DSA (if other than the Council) shall provide timely financial reports at the request of the Council regarding the status of expenditures, obligations, and liquidation by the agency or the Council, and the use of Federal and non-Federal shares.

Federal and Non-federal share

The federal share is the cost of all projects in a State supported by an allotment to the State (with Title B funds) and may not be more than 75% of the total necessary costs of such projects (meaning a 25% non-federal share by the State) (Section 126 (a)(1-3)). There are 2 exceptions to this general statement and are:

- a) Projects whose activities or products target individuals with developmental disabilities who live in urban or rural poverty areas (as determined through US Census information) may not be more than 90% of federal funds which means a match of 10% non-federal share.
- b) Projects undertaken by the Council or Council staff to implement State plan activities may not be more than 100% of federal funds which means a match of 0% non-federal share.

The DSA (if other than the Council) shall provide the required non-federal share. Nonfederal share may be provided in cash or in kind, fairly evaluated including plant, equipment and services.

Contributions to projects by a political subdivision of a state (political subdivision is a governmental unit with the authority to level taxes on real or tangible property or offers a service or benefit to the public) may be considered to be a contribution by the State (in the case of a project supported by Title B funds).

State contributions and DSA contributions to provide support services to the Council may be counted as part of the State's non-federal share of projects supported under Title B.

Non-federal share required of Councils may vary from Council to Council.

Reference: Section 126 (a)(1-3); (c)(1-2)

Support Services Provided by Other Agencies

With the agreement of the DSA, the Council may use or contract with agencies other than the DSA to perform the functions of the DSA.

Reference: Section 125 (d) (4) (B)

Assurances

Assurances are outlined in the DD Act and include:

- Use of funds
- State financial participation
- Conflict of interest
- Urban and rural poverty areas
- Program accessibility standards
- Individualized services
- Human rights
- Minority participation
- Employee protections
- Staff assignments
- Noninterference
- State quality assurance
- Other assurances

Memorandum of Understanding

A memorandum of understanding (MOU) delineates the roles and responsibilities of the designated State agency and is initiated at the request of the Council (Section 125 (d)(3)(G)).

Use of funds

At the request of any State, a portion of such funds provided to such State under this subtitle for a fiscal year shall be available to pay up to $\frac{1}{2}$ of the expenditures found to be necessary by the Secretary for the proper and efficient exercise of the functions of the designated State agency NOT to exceed \$50,000 or 5% of the total Council allotment whichever is less. Section 124(5)(B)(vi)

Note: this will be included as an administrative cost