

Information and Technical Assistance Center for Councils on Developmental Disabilities (ITACC)

DD Council Final Rule Crosswalk of 1997 Rule to 2015 Final Rule Implementing the DD Act of 2000

1997 Rule Implementing the DD Act of 1995	2015 Rule Implementing the DD Act of 2000	Notes
No corresponding language	Sec. III. Discussion of Final Rule Many provisions of the DD Act specifically require grantees to engage in such activities as advocacy, capacity building, and/or systems change activities (sections 101(b)(1); 104(a)(3)(D)(ii)(I-III); 121(1); 124(c)(4); 124(c)(4)(L); 125(c)(2); 143(a)(2)(A)(i); 161(2)).	Preamble discusses distinction between lobbying and educational activities included in the statute. 2015 Rule supports and clarifies the law’s requirements for DD Council programs to educate policymakers
<p><b>Sec. 1385.1 General.</b></p> <p>Except as specified in Sec. 1385.4, the requirements in this part are applicable to the following programs and projects:</p> <ul style="list-style-type: none"> <li>(a) Federal Assistance to State Developmental Disabilities Councils;</li> <li>(b) Protection and Advocacy of the Rights of Individuals with Developmental Disabilities;</li> <li>(c) Projects of National Significance; and</li> <li>(d) University Affiliated Programs (UAPs).</li> </ul>	<p><b>§ 1385.1 General.</b></p> <p>Except as specified in §1385.4, the requirements in this part are applicable to the following programs and projects:</p> <ul style="list-style-type: none"> <li>(a) Federal Assistance to State Councils on Developmental Disabilities;</li> <li>(b) Protection and Advocacy for Individuals with Developmental Disabilities;</li> <li>(c) Projects of National Significance; and</li> <li>(d) National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service.</li> </ul>	Minor changes; updated language
<p><b>§ 1385.2 Purpose of the regulations.</b> These regulations implement the Developmental Disabilities Assistance and Bill of Rights Act as amended (42 U.S.C. 6000, et seq.).</p>	<p><b>§ 1385.2 Purpose of the regulations.</b> These regulations implement the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.).</p>	Updated language to reflect the rule implements the 2000 statute
<p><b>§ 1385.3 – updated Definitions</b></p> <p><b>ACF</b> means the Administration for Children and Families within the Department of Health and Human Services.</p> <p><b>Act</b> means the Developmental Disabilities Assistance and Bill of Rights Act, as amended (42 U.S.C. 6000 et. seq).</p>	<p><b>§ 1385.3 Definitions</b></p> <p><b>ACL.</b> The term “ACL” means the Administration for Community Living within the U.S. Department of Health and Human Services.</p> <p><b>Act.</b> The term “Act” means the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act of 2000) (42 U.S.C. 15001 et seq.).</p>	Definitions of particular note: Accessibility, AIDD, Advocacy Activities, Capacity Building Activities, Developmental Disability, Systemic Change Activities, and State.

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<p><b>ADD</b> means the Administration on Developmental Disabilities, within the Administration for Children and Families.</p> <p><b>Commissioner</b> means the Commissioner of the Administration on Developmental Disabilities, Administration for Children and Families, Department of Health and Human Services or his or her designee.</p> <p><b>Department</b> means the U.S. Department of Health and Human Services (HHS).</p> <p><b>Developmental disability</b> shall have the same meaning in 45 CFR parts 1385, 1386, 1387, and 1388 as it does in the Developmental Disabilities Act, section 102(8), which reads ``the term `developmental disability' means a severe, chronic disability of an individual 5 years of age or older that--</p> <p>(1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;</p> <p>(2) Is manifested before the individual attains age 22;</p> <p>(3) Is likely to continue indefinitely;</p> <p>(4) Results in substantial functional limitations in three or more of the following areas of major life activity--</p> <p>(i) Self-care;</p> <p>(ii) Receptive and expressive language;</p> <p>(iii) Learning;</p> <p>(iv) Mobility;</p> <p>(v) Self-direction;</p>	<p><b>AIDD.</b> The term “AIDD” means the Administration on Intellectual and Developmental Disabilities, within the Administration for Community Living at the U.S. Department of Health and Human Services.</p> <p><b>Accessibility.</b> The term “Accessibility” means that programs funded under the DD Act of 2000 and facilities which are used in those programs meet applicable requirements of section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), its implementing regulation, 45 CFR part 84, the Americans with Disabilities Act of 1990, as amended , Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and its implementing regulation, 45 CFR part 80. (1) For programs funded under the DD Act of 2000, information shall be provided to applicants and program participants in plain language and in a manner that is accessible and timely to: 49 (i) Individuals with disabilities, including accessible web sites and the provision of auxiliary aids and services at no cost to the individual; and (ii) Individuals who are limited English proficient through the provision of language services at no cost to the individual, including: (A) Oral interpretation; (B) Written translations; and (C) Taglines in non-English languages indicating the availability of language services.</p> <p><b>Advocacy activities.</b> The term “advocacy activities” means active support of policies and practices that promote systems change efforts and other activities that further advance self-determination and inclusion in all aspects of community living (including housing, education, employment, and other aspects) for individuals with developmental disabilities, and their families.</p>	

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<p>(vi) Capacity for independent living; and                      (vii) Economic self-sufficiency.                      (5) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, supports, or other assistance that is of lifelong or extended duration and is individually planned and coordinated, except that such term, when applied to infants and young children means individual from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided." Such determination shall be made on a case-by-case basis and any State eligibility definition of developmental disability or policy statement which is more restrictive than that of the Act does not apply as the Act takes precedence.</p> <p><b>Protection and Advocacy Agency</b> means the organization or agency designated in a State to administer and operate a protection and advocacy (P&amp;A) system for individuals with developmental disabilities under part C of the Developmental Disabilities Assistance and Bill of Rights Act, as amended (A P&amp;A System under part C is authorized to investigate incidents of abuse and neglect regarding persons with developmental disabilities; pursue administrative, legal and appropriate remedies or approaches to ensure protection of, and advocacy for, the rights of such individuals; and</p>	<p><b>Areas of emphasis.</b> The term “areas of emphasis” means the areas related to quality assurance activities, education activities and early intervention activities, child care-related activities, health-related activities, employment-related activities, housing-related activities, transportation-related activities, recreation-related activities, and other services available or offered to individuals in a community, including formal and informal community supports that affect their quality of life.</p> <p><b>Assistive technology device.</b> The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially, modified or customized, that is used to increase, maintain, or improve functional capabilities of individuals with developmental disabilities.</p> <p><b>Assistive technology service.</b> The term "assistive technology service" means any service that directly assists an individual with a developmental disability in the selection, acquisition, or use of an assistive technology device. Such term includes: conducting an evaluation of the needs of an individual with a developmental disability, including a functional evaluation of the individual in the individual's customary environment; purchasing, leasing, or otherwise providing for the acquisition of an assistive technology device by an individual with a developmental disability; selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing an assistive technology device; coordinating and using another therapy, intervention, or service with an assistive technology device, such as a therapy, intervention, or service associated with an</p>	

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<p>provide information on and referral to programs and services addressing the needs of such individuals (section 142(a)(2)(A).); and advocacy programs under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (PAIMI Act), as amended, (42 U.S.C. 10801 et seq.) the Protection and Advocacy of Individual Rights Program (PAIR), (29 U.S.C. 794(e); and the Technology-Related Assistance for Individuals With Disabilities Act of 1988, as amended (29 U.S.C. 2212(e)). The Protection and Advocacy agency also may be designated by the Governor of a State to conduct the Client Assistance Program (CAP) authorized by section 112 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. 732). Finally, the Protection and Advocacy agency may provide advocacy services under other Federal programs.</p>	<p>education or rehabilitation plan or program; providing training or technical assistance for an individual with a developmental disability, or, where appropriate, a family member, guardian, advocate, or authorized representative of an individual with a developmental disability; and providing training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of, an individual with developmental disabilities.</p> <p><b>Capacity building activities.</b> The term “capacity building activities” means activities (e.g. training and technical assistance) that expand and/or improve the ability of individuals with developmental disabilities, families, supports, services and/or systems to promote, support and enhance self-determination, independence, productivity and inclusion in community life.</p> <p><b>Center.</b> The term “Center” means a University Center for Excellence in Developmental Disabilities Education, Research, and Service (UCEDD) established under subtitle D of the Act.</p> <p><b>Child care-related activities.</b> The term “child care-related activities” means advocacy, capacity building, and systemic change activities that result in families of children with developmental disabilities having access to and use of child care services, including before school, after-school, and out-of-school services, in their communities.</p> <p><b>Culturally competent.</b> The term “culturally competent,” used with respect to services, supports,</p>	

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	<p>and other assistance means that services, supports, or other assistance that are conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of individuals who are receiving the services, supports or other assistance, and in a manner that has the greatest likelihood of ensuring their maximum participation in the program involved.</p> <p><b>Department.</b> The term “Department” means the U.S. Department of Health and Human Services.</p> <p><b>Developmental disability.</b> The term “developmental disability” means a severe, chronic disability of an individual that: (1) Is attributable to a mental or physical impairment or combination of mental and physical impairments; (2) Is manifested before the individual attains age 22; (3) Is likely to continue indefinitely; (4) Results in substantial functional limitations in three or more of the following areas of 52 major life activity: (i) Self-care; (ii) Receptive and expressive language; (iii) Learning; (iv) Mobility; (v) Self-direction; (vii) Capacity for independent living; and (viii) Economic self-sufficiency. (5) Reflects the individual’s need for a combination and sequence of special, interdisciplinary or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated. (6) An individual from birth to age nine, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting three or more of the criteria described in paragraphs (1) through (5) of this definition, if the individual, without services and</p>	

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	<p>supports, has a high probability of meeting those criteria later in life.</p> <p><b>Early intervention activities.</b> The term “early intervention activities” means advocacy, capacity building, and systemic change activities provided to infants and young children described in the definition of “developmental disability” and their families to enhance the development of the individuals to maximize their potential, and the capacity of families to meet the special needs of the individuals.</p> <p><b>Education activities.</b> The term “education activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities being able to access appropriate supports and modifications when necessary, to maximize their educational potential, to benefit from lifelong educational activities, and to be integrated and included in all facets of student life.</p> <p><b>Employment-related activities.</b> The term “employment-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities acquiring, retaining, or advancing in paid employment, including supported employment or self-employment, in integrated settings in a community.</p> <p><b>Family support services.</b> The term “family support services” means services, supports, and other assistance, provided to families with a member or members who have developmental disabilities, that are designed to: strengthen the family's role as primary caregiver; prevent inappropriate out-of-the-home placement of the members and maintain family unity; and reunite, whenever possible, families with members</p>	

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	<p>who have been placed out of the home. This term includes respite care, provision of rehabilitation technology and assistive technology, personal assistance services, parent training and counseling, support for families headed by aging caregivers, vehicular and home modifications, and assistance with extraordinary expenses associated with the needs of individuals with developmental disabilities.</p> <p><b>Fiscal year.</b> The term “fiscal year” means the Federal fiscal year unless otherwise specified.</p> <p><b>Governor.</b> The term “Governor” means the chief executive officer of a State, as that term is defined in the Act, or his or her designee who has been formally designated to act for the Governor in carrying out the requirements of the Act and the regulations.</p> <p><b>Health-related activities.</b> The term “health-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities 54 having access to and use of coordinated health, dental, mental health, and other human and social services, including prevention activities, in their communities.</p> <p><b>Housing-related activities.</b> The term “housing-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of housing and housing supports and services in their communities, including assistance related to renting, owning, or modifying an apartment or home.</p> <p><b>Inclusion.</b> The term "inclusion", used with respect to individuals with developmental disabilities, means the acceptance and encouragement of the presence and participation of individuals with developmental</p>	

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	<p>disabilities, by individuals without disabilities, in social, educational, work, and community activities, that enable individuals with developmental disabilities to have friendships and relationships with individuals and families of their own choice; live in homes close to community resources, with regular contact with individuals without disabilities in their communities; enjoy full access to and active participation in the same community activities and types of employment as individuals without disabilities; and take full advantage of their integration into the same community resources as individuals without disabilities, living, learning, working, and enjoying life in regular contact with individuals without disabilities.</p> <p><b>Individualized supports.</b> The term “individualized supports” means supports that: enable an individual with a developmental disability to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life; designed to enable such individual to control such individual’s environment, permitting the most independent life possible; and prevent placement into a more restrictive living arrangement than is necessary and 55 enable such individual to live, learn, work, and enjoy life in the community; and include early intervention services, respite care, personal assistance services, family support services, supported employment services support services for families headed by aging caregivers of individuals with developmental disabilities, and provision of rehabilitation technology and assistive technology, and assistive technology services.</p> <p><b>Integration.</b> The term “integration,” means exercising</p>	

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	<p>the equal rights of individuals with developmental disabilities to access and use the same community resources as are used by and available to other individuals.</p> <p><b>Not-for-profit.</b> The term “not-for-profit,” used with respect to an agency, institution or organization, means an agency, institution, or organization that is owned or operated by one or more corporations or associations, no part of the net earnings of which injures, or may lawfully inure, to the benefit of any private shareholder or individual.</p> <p><b>Personal assistance services.</b> The term “personal assistance services” means a range of services provided by one or more individuals designed to assist an individual with a disability to perform daily activities, including activities on or off a job, that such individual would typically perform if such individual did not have a disability. Such services shall be designed to increase such individual’s control in life and ability to perform everyday activities, including activities on or off a job.</p> <p><b>Prevention activities.</b> The term “prevention activities” means activities that address the causes of developmental disabilities and the exacerbation of functional limitation, such as activities that: eliminate or reduce the factors that cause or predispose individuals to developmental disabilities or that increase the prevalence of developmental disabilities; increase the early identification of problems to eliminate circumstances that create or increase functional limitations; and mitigate against the effects of developmental disabilities throughout the lifespan of an individual.</p> <p><b>Productivity.</b> The term “productivity” means</p>	

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	<p>engagement in income-producing work that is measured by increased income, improved employment status, or job advancement, or engagement in work that contributes to a household or community.</p> <p><b>Protection and Advocacy (P&amp;A) Agency.</b> The term “Protection and Advocacy (P&amp;A) Agency” means a protection and advocacy system established in accordance with section 143 of the Act.</p> <p><b>Quality assurance activities.</b> The term “quality assurance activities” means advocacy, capacity building, and systemic change activities that result in improved consumer and family centered quality assurance and that result in systems of quality assurance and consumer protection that include monitoring of services, supports, and assistance provided to an individual with developmental disabilities that ensures that the individual will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and will not be subject to the inappropriate use of restraints or seclusion; include training in leadership, self-advocacy, and self-determination for individuals with developmental disabilities, their families, and their guardians to ensure that those individuals will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and will not be subject to the inappropriate use of restraints or seclusion; or include activities related to interagency coordination and systems integration that result in improved and enhanced services, supports, and other assistance that contribute to and protect the self-determination, independence, productivity, and integration and inclusion in all facets of community life</p>	

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	<p>of individuals with developmental disabilities.</p> <p><b>Rehabilitation technology.</b> The term “rehabilitation technology” means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by individuals with developmental disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. Such term includes rehabilitation engineering, and the provision of assistive technology devices and assistive technology services.</p> <p><b>Required planning documents.</b> The term “required planning documents” means the State plans required by § 1386.30 of this chapter for the State Council on Developmental Disabilities, the Annual Statement of Goals and Priorities required by § 1386.22(c) of this chapter for P&amp;As, and the five-year plan and annual report required by § 1388.7 of this chapter for UCEDDs.</p> <p><b>Secretary.</b> The term “Secretary” means the Secretary of the U.S. Department of Health and Human Services.</p> <p><b>Self-determination activities.</b> The term “self-determination activities” means activities that result in individuals with developmental disabilities, with appropriate assistance, having the ability and opportunity to communicate and make personal decisions; the ability and opportunity to communicate choices and exercise control over the type and intensity of services, supports, and other assistance the individuals receive; the authority to control resources to obtain needed services, supports, and other assistance; opportunities to participate in, and contribute to, their communities; and support,</p>	

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	<p>including financial support, to advocate for themselves and others to develop leadership skills through training in self-advocacy to participate in coalitions, to educate policymakers, and to play a role in the development of public policies that affect individuals with developmental disabilities.</p> <p><b>State.</b> The term “State”: (1) Except as applied to the University Centers of Excellence in Developmental Disabilities Education, Research and Service in section 155 of the Act, includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. (2) For the purpose of UCEDDs in section 155 of the Act and part 1388 of this chapter, “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.</p> <p><b>State Council on Developmental Disabilities (SCDD).</b> The term “State Council on Developmental Disabilities (SCDD)” means a Council established under section 125 of the DD Act.</p> <p><b>Supported employment services.</b> The term "supported employment services" means services that enable individuals with developmental disabilities to perform competitive work in integrated work settings, in the case of individuals with developmental disabilities for whom competitive employment has not traditionally occurred; or for whom competitive employment has been interrupted or intermittent as a result of significant disabilities; and who, because of the nature and severity of their disabilities, need intensive</p>	

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	<p>supported employment services or extended services in order to perform such work.</p> <p><b>Systemic change activities.</b> The term “systemic change activities” means a sustainable, transferable and replicable change in some aspect of service or support availability, design or delivery that promotes positive or meaningful outcomes for individuals with developmental disabilities and their families.</p> <p><b>Transportation-related activities.</b> The term “transportation-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with 59 developmental disabilities having access to and use of transportation.</p> <p><b>UCEDD.</b> The term "UCEDD" means University Centers for Excellence in Developmental Disabilities Education, Research, and Service, also known by the term "Center" under section 102(5) of the Act.</p> <p><b>Unserved and underserved.</b> The term “unserved and underserved” includes populations such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, individuals from underserved geographic areas (rural or urban), and specific groups of individuals within the population of individuals with developmental disabilities, including individuals who require assistive technology in order to participate in community life.</p>	
<p><b>§1385.4 – Rights of Individuals</b> (a) Section 110 of the Act, Rights of Individuals with Developmental Disabilities (42 U.S.C. 6009) is applicable to the programs authorized under the Act, except for the Protection and Advocacy System.</p>	<p><b>§ 1385.4 Rights of individuals with developmental disabilities.</b> (a) Section 109 of the Act, Rights of Individuals with Developmental Disabilities (42 U.S.C. 15009), is applicable to the SCDD. (b) In order to comply with section 124(c)(5)(H) of the Act (42 U.S.C. 15024(c)(5)(H)), regarding the rights of individuals with</p>	<p>Slight variation, applicable to DD Councils                      What was Section 110 is now Section 109.                      In the 1997 regulations, Section 110 was “applicable to the</p>

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<p>(b) In order to comply with section 122(c)(5)(G) of the Act (42 U.S.C. 6022(c)(5)(G)), regarding the rights of individuals with developmental disabilities, the State must meet the requirements of 45 CFR 1386.30(f)(2).</p> <p>(c) Applications from university affiliated programs or for projects of national significance grants must also contain an assurance that the human rights of individuals assisted by these programs will be protected consistent with section 110 (see section 53(c)(3) and section 162(c)(3) of the Act).</p>	<p>developmental disabilities, the State participating in the SCDD program must meet the requirements of 45 CFR 1386.30(f). (c) Applications from UCEDDs also must contain an assurance that the human rights of individuals assisted by this program will be protected consistent with section <b>101(c)</b> (see section 154(a)(3)(D) of the Act).</p>	<p>programs authorized under the Act, except for the Protection and Advocacy System.” The new Rule adds “applicable to the SCDD.” In the 1997 regulations, it is mentioned that both UAPs (now UCEDDs) and “projects of national significance” must prove they will protect peoples’ human rights. In the 2015 regulations, there is no mention of the “projects of national significance”. The new Rule adds that grantees must also comply with our nation’s principles for people with developmental disabilities laid out in the findings and purposes Section 101 (c).</p>
<p><b>§1385.5 – Program Accountability and Indicators of Progress</b></p>	<p><b>§1385.5 – Program Accountability and Indicators of Progress</b></p>	<p>AIDD may consider issuing guidance on the topic of collaboration in the future</p>
<p><b>§1385.6 – Employment of Individuals with Disabilities</b> Each grantee which receives Federal funding under the Act must meet the requirements of section 109 of the Act (42 U.S.C. 6008) regarding affirmative action. The grantee must take affirmative action to employ and advance in employment and otherwise treat qualified individuals with disabilities without discrimination based upon their physical or mental disability in all employment practices such as the following: Advertising, recruitment,</p>	<p><b>§1385.6 – Employment of Individuals with Disabilities</b> Each grantee which receives Federal funding under the Act must meet the requirements of section 107 of the Act (42 U.S.C. 15007) regarding affirmative action. The grantee must take affirmative action to employ and advance in employment and otherwise treat qualified individuals with disabilities without discrimination based upon their physical or mental disability in all employment practices such: advertising, recruitment, employment, rates of pay or other forms of compensation, selection for training, including</p>	<p>Reflects current law and ADA; There will be a loss of federal funds if found to be out of compliance</p>

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<p>employment, rates of pay or other forms of compensation, selection for training, including apprenticeship, upgrading, demotion or transfer, and layoff or termination. This obligation is in addition to the requirements of 45 CFR part 84, subpart B, prohibiting discrimination in employment practices on the basis of disability in programs receiving assistance from the Department. Recipients of funds under the Act also may be bound by the provisions of the Americans with Disabilities Act (Pub. L. 101-336, 42 U.S.C. 12101 et seq.) with respect to employment of individuals with disabilities. Failure to comply with section 109 of the Act may result in loss of Federal funds under the Act. If a compliance action is taken, the State will be given reasonable notice and an opportunity for a hearing as provided in Subpart D of 45 CFR part 1386.</p>	<p>apprenticeship, upgrading, demotion or transfer, and layoff or termination. This obligation is in addition to the requirements of 45 CFR part 84, subpart B, prohibiting discrimination in employment practices on the basis of disability in programs receiving assistance from the Department. Recipients of funds under the Act also may be bound by the provisions of the Americans with Disabilities Act of 1990 (Pub. L. 101-336, 42 U.S.C. 12101 et seq.) with respect to employment of individuals with disabilities. Failure to comply with section 107 of the Act may result in loss of Federal funds under the Act. If a compliance action is taken, the State will be given reasonable notice and an opportunity for a hearing as provided in subpart E of 45 CFR part 1386.</p>	
<p><b>§1385.7 – Reports to the Secretary Reserved</b></p>	<p><b>§ 1385.7 Reports to the Secretary.</b> All grantee submission of plans, applications and reports must label goals, activities and results clearly in terms of the following: area of emphasis, type of activity (advocacy, capacity building, systemic change), and categories of measures of progress.</p>	<p>New section added based on 2000 law. DD Councils should already be following these required OMB approved reporting requirements.</p>
<p><b>§1385.8 – Formula for Determining Allotment</b></p> <p>The Commissioner will allocate funds appropriated under the Act for the State Developmental Disabilities Councils and the Protection and Advocacy Systems on the following basis:</p>	<p><b>§1385.8 – Formula for Determining Allotment</b> The Secretary, or his or her designee, will allocate funds appropriated under the Act for the State Councils on Developmental Disabilities and the P&amp;As as directed in sections 122 and 142 of the Act (42 U.S.C. 15022 and 15042).</p>	<p>Formula has been removed from regulation, but will stay the same for FY 2016. The FY 2017 formula will be released in Winter of 2016 for a 30 day public comment period through the guidance process. FY 2017 estimates will be posted</p>

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<p>(a) Two-thirds of the amount appropriated are allotted to each State according to the ratio the population of each State bears to the population of the United States. This ratio is weighted by the relative per capita income for each State. The data used to compute allotments are supplied by the U.S. Department of Commerce, for the three most recent consecutive years for which satisfactory data are available.</p> <p>(b) One-third of the amount appropriated is allotted to each State on the basis of the relative need for services of persons with developmental disabilities. The relative need is determined by the number of persons receiving benefits under the Childhood Disabilities Beneficiary Program (Section 202(d)(1)(B)(ii) of the Social Security Act), (42 U.S.C. 402(d)(1)(B)(ii)).</p>		<p>to the AIDD website in April 2016.</p>
<p><b>§1385.9 – Grants Administration</b></p> <p>(a) The following parts of title 45 CFR apply to grants funded under parts 1386 and 1388 of this chapter and to grants for Projects of National Significance under section 162 of the Act (42 U.S.C. 6082).</p> <p>45 CFR Part 16--Procedures of the Departmental Grant Appeals Board.            45 CFR Part 46--Protection of Human Subjects.            45 CFR Part 74--Administration of Grants.</p>	<p><b>§1385.9 – Grants Administration</b></p> <p>(a) The following parts of this title and title 2 CFR apply to grants funded under parts 1386 and 1388 of this chapter, and to grants for Projects of National Significance under section 162 of the Act (42 U.S.C. 15082):</p> <p>(1) 45 CFR part 16 – Procedures of the Departmental Grant Appeals Board.            (2) 45 CFR part 46 – Protection of Human Subjects. (3) 45 CFR part 75 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements</p>	

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<p>45 CFR Part 75--Informal Grant Appeals Procedures.</p> <p>45 CFR Part 80--Nondiscrimination under Programs Receiving Federal Assistance Through the Department of Health and Human Services-- Effectuation of title VI of the Civil Rights Act of 1964.</p> <p>45 CFR Part 81--Practice and Procedure for Hearings Act under part 80 of this title.</p> <p>45 CFR Part 84--Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.</p> <p>45 CFR Part 86--Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance.</p> <p>45 CFR Part 91--Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from HHS.</p> <p>45 CFR Part 92--Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.</p> <p>(b) The Departmental Appeals Board also has jurisdiction over appeals by grantees which have received grants under the University Affiliated program or for Projects of National Significance. The scope of the Board's</p>	<p>for HHS Award. (4) 2 CFR part 376 – Nonprocurement Debarment and Suspension.</p> <p>(5) 45 CFR part 80 – Nondiscrimination under Programs Receiving Federal Assistance through the Department of Health and Human Services Effectuation of title VI of the Civil Rights Act of 1964.</p> <p>(5) 45 CFR part 81 – Practice and Procedure for Hearings under part 80 of this title.</p> <p>(6) 45 CFR part 84 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance.</p> <p>(7) 45 CFR part 86 – Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving Federal Financial Assistance.</p> <p>(8) 45 CFR part 91 – Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from HHS.</p> <p>(9) 45 CFR part 93 – New Restrictions on Lobbying. (b) The Departmental Appeals Board also has jurisdiction over appeals by any grantee that has received grants under the UCEDD programs or for Projects of National Significance. The scope of the Board’s jurisdiction concerning these appeals is described in 45 CFR part 16. (c) The Departmental Appeals Board also has jurisdiction to decide appeals brought by the States concerning any disallowances taken by the Secretary, or his or her designee, with respect to specific expenditures incurred by the States or by contractors or sub grantees of States. This jurisdiction relates to funds provided under the two formula programs – subtitle B of the Act – Federal Assistance to State Councils on Developmental Disabilities, and subtitle C of the Act – Protection and</p>	

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<p>jurisdiction concerning these appeals is described in 45 CFR part 16.</p> <p>(c) The Departmental Appeals Board also has jurisdiction to decide appeals brought by the States concerning any disallowances taken by the Commissioner with respect to specific expenditures incurred by the States or by contractors or sub grantees of States. This jurisdiction relates to funds provided under the two formula programs--Part B of the Act--Federal Assistance to State Developmental Disabilities Councils and Part C of the Act--Protection and Advocacy of the Rights of Individuals with Developmental Disabilities. Appeals filed by States shall be decided in accordance with 45 CFR part 16.</p> <p>(d) In making audits and examinations to any books, documents, papers, and transcripts of records of State Developmental Disabilities Councils, the University Affiliated Programs, and the Projects of National Significance grantees and sub grantees, as provided for in 45 CFR part 74 and part 92, the Department will keep information about individual clients confidential to the maximum extent permitted by law and regulations.</p> <p>(e) (1) The Department or other authorized Federal officials may access client and case eligibility records or other records of the Protection and Advocacy system for audit purposes and for purposes of monitoring system compliance pursuant to section 104(b)</p>	<p>Advocacy for Individuals with Developmental Disabilities. Appeals filed by States shall be decided in accordance with 45 CFR part 16.</p> <p>(d) In making audits and examination to any books, documents, papers, and transcripts of records of SCDDs, the P&amp;As, the UCEDDs and the Projects of National Significance grantees and sub grantees, as provided for in 45 CFR part 75, the Department will keep information about individual clients confidential to the maximum extent permitted by law and regulations. (e)(1) The Department or other authorized Federal officials may access client and case eligibility records or other records of a P&amp;A system for audit purposes, and for purposes of monitoring system compliance pursuant to section 103(b) of the Act. However, such information will be limited pursuant to section 144(c) of the Act. No personal identifying information such as name, address, and social security number will be obtained. Only eligibility information will be obtained regarding the type and level of disability of individuals being served by the P&amp;A and the nature of the issue concerning which the system represented an individual. (2) Notwithstanding paragraph (e)(1) of this section, if an audit, monitoring review, evaluation, or other investigation by the Department produces evidence that the system has violated the Act or the regulations, the system will bear the burden of proving its compliance. The system's inability to establish compliance because of the confidentiality of records will not relieve it of this responsibility. The P&amp;A may elect to obtain a release regarding personal information and privacy from all individuals requesting or receiving services at the time</p>	

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<p>of the Act.                      However, such information will be limited pursuant to section 142(j) of the Act. No personal identifying information such as name, address, and social security number will be obtained. Only eligibility information will be obtained regarding type and level of disability of individuals being served by the P&amp;A and the nature of the issue concerning which the System represented an individual.                      (2) Notwithstanding paragraph (e)(1) of this section, if an audit, monitoring review, evaluation, or other investigation by the Department produces evidence that the system has violated the Act or the regulations, the system will bear the burden of proving its compliance. The system's inability to establish compliance because of the confidentiality of records will not relieve it of this responsibility. The system may elect to obtain a release from all individuals requesting or receiving services at the time of intake or application. The release shall state only information directly related to client and case eligibility will be subject to disclosure to officials of the Department.</p>	<p>of intake or application. The release shall state that only information directly related to client and case eligibility will be subject to disclosure to officials of the Department.</p>	
<b>§1386 – Formula Grant Programs</b>		
<b>Subpart A – General</b>		
<b>§1386.1 – General</b>		
<p><b>§1386.2 – Obligation of Funds</b>                      (b)(i) A State incurs an obligation for acquisition of personal property or for the performance of work on the date it makes a</p>	<p>(a) Funds which the Federal Government allots under this part during a Federal fiscal year are available for obligation by States for a two-year period beginning with the first day of</p>	<p>Terminology for the DD Council was updated</p>

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<p>binding, legally enforceable, written commitment, or when the State Developmental Disabilities Council enters into an Interagency Agreement with an agency of State government for acquisition of personal property or for the performance of work.</p> <p>(c) (1) The Protection and Advocacy System may elect to treat entry of an appearance in judicial and administrative proceedings on behalf of an individual with a developmental disability as a basis for obligating funds for the litigation costs. The amount of the funds obligated must not exceed a reasonable estimate of the costs, and the way the estimate was calculated must be documented. For the purposes of this paragraph, litigation costs means expenses for court costs, depositions, expert witness fees, travel in connection with a case and similar costs and costs resulting from litigation in which the agency has represented an individual with developmental disabilities (e.g. monitoring court orders, consent decrees), but not for salaries of employees of the Protection and Advocacy agency. All funds made available for Federal Assistance to State Developmental Disabilities Councils and to the Protection and Advocacy System obligated under this paragraph are subject to the requirement of paragraph (a) of this section. These funds, if reobligated, may be reobligated only with a two year period beginning with the first day of the Federal fiscal year in which the funds were originally awarded.</p>	<p>the Federal fiscal year in which the grant is awarded.</p> <p>(b)(1) A State incurs an obligation for acquisition of personal property or for the performance of work on the date it makes a binding, legally enforceable, written commitment, or when the State Council on Developmental Disabilities enters into an Interagency Agreement with an agency of State government for acquisition of personal property or for the performance of work.</p> <p>(2) A State incurs an obligation for personal services, for services performed by public utilities, for travel or for rental of real or personal property on the date it receives the services, its personnel takes the travel, or it uses the rented property. (c)(1) A Protection &amp; Advocacy System may elect to treat entry of an appearance in judicial and administrative proceedings on behalf of an individual with a developmental disability as a basis for obligating funds for the litigation costs. The amount of the funds obligated must not exceed a reasonable estimate of the costs, and the way the estimate was calculated must be documented.</p> <p>(2) For the purpose of this paragraph (c), litigation costs means expenses for court costs, depositions, expert witness fees, travel in connection with a case and similar costs, and costs resulting from litigation in which the agency has represented an individual with developmental disabilities (e.g., monitoring court orders, consent decrees), but not for salaries of employees of the P&amp;A. All funds made available for Federal assistance to State</p>	

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	<p>Councils on Developmental Disabilities and to the P&amp;As obligated under this paragraph (c) are subject to the requirement of paragraph (a) of this section. These funds, if reobligated, may be reobligated only within a two year period beginning with the first day of the Federal fiscal year in which the funds were originally awarded.</p>	
<p><b>§1386.3 Liquidations</b>                      (a) All obligations incurred pursuant to a grant made under the Act for a specific Federal fiscal year, must be liquidated within two years of the close of the Federal fiscal year in which the grant was awarded.                      (b) The Commissioner may waive the requirements in paragraph (a) of this section when State law impedes implementation or the amount of obligated funds to be liquidated is in dispute.                      (c) Funds attributable to obligations which are not liquidated in accordance with the provisions of this section revert to the Federal Government</p>	<p><b>§1386.3 Liquidations</b>                      (a) All obligations incurred pursuant to a grant made under the Act for a specific Federal fiscal year, must be liquidated within two years of the close of the Federal fiscal year in which the grant was awarded.                      (b) The Secretary, or his or her designee, may waive the requirements of paragraph (a) of this section when State law impedes implementation or the amount of obligated funds to be liquidated is in dispute.                      (c) Funds attributable to obligations which are not liquidated in accordance with the provisions of this section revert to the Federal Government</p>	<p>Similar language as previous rule – grantees have two years to liquidate funds or they revert back to the Federal Government</p> <p>Instead of Commissioner having authority to issue waiver, it is now the Secretary, or his or her designee</p>
<b>§1386.4 Reserved</b>	§1386.4 Reserved	
<b>Subpart C – Federal Assistance to State Developmental Disabilities Councils</b>	Subpart D – Federal Assistance to State Developmental Disabilities Councils	Subpart change
<p><b>§1386.30 State Plan Requirements</b>                      (a) In order to receive Federal financial assistance under this Subpart, each State Developmental Disabilities Council must prepare and submit to the Secretary, and have in effect, a State Plan which meets the</p>	<p>(a) In order to receive Federal funding under this subpart, each State Developmental Disabilities Council must prepare and submit a State plan which meets the requirements of sections 124 and 125 of the Act (42 U.S.C. 15024 and 15025), and the applicable regulation. Development of the State plan and its periodic</p>	<p>Paragraphs (e) and (f) have been modified to limit Council demonstration projects to five years (<i>further guidance to come</i>) Councils must also include strategies to locate other funding sources</p>

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<p>requirements of Sections 122 and 124 of the Act (42 U.S.C. 6022 and 6024) and these regulations. Development of the State Plan and applicable annual amendments are responsibilities of the State Developmental Disabilities Council. The Council will provide opportunities for public input during the planning and development of the State Plan and will consult with the Designated State Agency to determine that the plan is not in conflict with applicable State laws and to obtain appropriate State Plan assurances.</p> <p>(b) Failure to comply with State plan requirements may result in loss of Federal funds as described in Section 127 of the Act (42 U.S.C. 6027).</p> <p>(c) The State plan may be submitted in any format the State selects as long as the items contained in the Act are addressed. The plan must:</p> <p>(1) Identify the program unit(s) within the Designated State Agency responsible for helping the Council to obtain assurances and fiscal and other support services.</p> <p>(2) Identify the priority areas selected by the Council and by the State in which 65% of Federal allotment will be expended.</p> <p>(3) Where applicable, describe activities in</p>	<p>updating are the responsibility of the State Council on Developmental Disabilities. As provided in section 124(d) of the Act, the Council shall provide opportunities for public input and review (in accessible formats and plain language requirements), and will consult with the Designated State Agency to determine that the plan is consistent with applicable State laws, and obtain appropriate State plan assurances.</p> <p>(b) Failure to comply with the State plan requirements may result in the loss of Federal funds as described in section 127 of the Act (42 U.S.C. 15027). The Secretary, or his or her designee, must provide reasonable notice and an opportunity for a hearing to the Council and the Designated State Agency before withholding any payments for planning, administration, and services.</p> <p>(c) The State plan must be submitted through the designated system by AIDD which is used to collect quantifiable and qualifiable information from the State Councils on Developmental Disabilities. The plan must:</p> <p>(1) Identify the agency or office in the State designated to support the Council in accordance with section 124(c)(2) and 125(d) of the Act. The Designated State Agency shall provide required assurances and support services requested from and negotiated with the Council.</p> <p>(2) For a year covered by the State plan, include for each area of emphasis under which a goal or goals have been identified, the measures of</p>	<p>If a Council wishes to extend a demonstration they must submit, in the State Plan, the estimated duration, justification why the project is not funded by another source, justification to continue funding the project, data outcomes showing evidence of success</p> <p>AIDD reserves the right as the overseeing agency to deny the continuation of the demonstration project past five years</p> <p>In (b) failure to comply with the State Plan will result in loss of federal funds</p> <p>In (d) the State plan updated and AIDD must be informed If we are not informed that is considered to failure to comply by engaging in unallowable costs</p> <p>This complies with current AIDD practice of substantive changes that are due each year on August 15th (and will be due this year on August 15th)</p> <p>Updates will continue to be due</p>

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<p>which the State’s Developmental Disabilities Council, Protection and Advocacy System agency, and University Affiliated Program(s) collaborate to remove barriers or address critical issues within the State and bring about broad systems changes to benefit individuals with developmental disabilities and, as appropriate, individuals with other disabilities.</p> <p>(d) The State plan must be reviewed at least once every three years.</p> <p>(e)</p> <p>(1) The State Plan may provide for funding projects to demonstrate new approaches to direct services which enhance the independence, productivity, and integration and inclusion into the community of individuals with developmental disabilities. Direct service demonstrations must be short-term and include a strategy to locate on- going funding from other sources. For each demonstration funded, the State Plan must include an estimated period of the project’s duration and a brief description of how the services will be continued without Federal developmental disabilities program funds. Council funds may not be used to fund on-going services which should be paid for by the State or other sources.</p> <p>(2) The State plan may provide for funding of</p>	<p>progress the Council has established or is required to apply in its progress in furthering the purpose of the Developmental Disabilities Assistance and Bill of Rights Act through advocacy, capacity building, and systemic change activities.</p> <p>(3) Provide for the establishment and maintenance of a Council in accordance with section 125 of the Act and describe the membership of such Council. The non-State agency members of the Council shall be subject to term limits to ensure rotating membership.</p> <p>(d) The State plan must be updated during the five-year period when substantive changes are contemplated in plan content, including changes under paragraph (c)(2) of this section.</p> <p>(e) The State plan may provide for funding projects to demonstrate new approaches to direct services that enhance the independence, productivity, and integration and inclusion into the community of individuals with developmental disabilities. Direct service demonstrations must be short-term, with a strategy to locate on-going funding from other sources after five years. Any State desiring to receive assistance beyond five years, under this subtitle, shall include in the State plan the information listed in paragraphs (e)(1) through (3) of this section, and AIDD reserves the right as the overseeing agency to deny the continuation of the demonstration project beyond five years.</p> <p>(1) The estimated period for the project’s continued duration;</p>	<p>January 1st of each year</p>

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<p>other projects or activities, including but not limited to, studies, evaluation, outreach, advocacy, self-advocacy, training, community supports, public education, and prevention. Where extended periods of time are needed to achieve desired results, these projects and activities need not be time-limited.</p> <p>(f) The State Plan must contain assurances that:</p> <p>(1) The State will comply with all applicable Federal statutes and regulations in effect during the time that the State is receiving formula grant funding;</p> <p>(2) The human rights of individuals with developmental disabilities will be protected consistent with Section 110 of the Act (42 U.S.C. 6009).</p> <p>(3) Buildings used in connection with activities assisted under the Plan must meet all applicable provisions of Federal and State laws pertaining to accessibility, fire, health and safety standards.</p> <p>(4) The State Developmental Disabilities Council shall follow the requirements of Section 124(c) (8), (9) and (10) of the Act regarding budgeting, staff hiring and supervision and staff assignment. Budget expenditures must be consistent with applicable State laws and policies regarding grants and contracts and</p>	<p>(2) Justifications of why the project cannot be funded by the State or other sources and should receive continued funding; and</p> <p>(3) Provide data outcomes showing evidence of success.</p> <p>(f) The State plan may provide for funding of other demonstration projects or activities, including but not limited to outreach, training, technical assistance, supporting and educating communities, interagency collaboration and coordination, coordination with related councils, committees and programs, barrier elimination, systems design and redesign, coalition development and citizen participation, and informing policymakers. Demonstrations must be short-term, with a strategy to locate on-going funding from other sources after five years. Any State desiring to receive assistance beyond five years, under this subtitle, shall include in the State plan the information listed in paragraphs (f)(1) through (3) of this section, and AIDD reserves the right as the overseeing agency to deny the continuation of the demonstration project beyond five years.</p> <p>(1) The estimated period for the project’s continued duration;</p> <p>(2) Justifications on why the project cannot be funded by the State or other resources and should receive continued funding; and</p> <p>(3) Provide data showing evidence of success.</p> <p>(g) The State plan must contain assurances that are consistent with section 124 of the Act</p>	

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<p>proper accounting and bookkeeping practices and procedures. In relation to staff hiring, the clause “consistent with State law” in Section 124(c)(9) means that the hiring of State Developmental Disabilities Council staff must be done in accordance with State personnel policies and procedures except that a State shall not apply hiring freezes, reductions in force, prohibitions on staff travel, or other policies, to the extent that such policies would impact staff or functions funded with Federal funds and would prevent the Council from carrying out its functions under the Act.</p>		
<p><b>§1386.31 State plan submittal and approval</b></p> <p>(a) The Council shall issue a public notice about the availability of the proposed State Plan or State Plan amendment(s) for comment. The Notice shall be published in formats accessible to individuals with developmental disabilities and the general public (e.g., tape, diskette, public forums, newspapers) and shall provide a 45 day period for public review and comment. The Council shall take into account comments submitted within that period and respond in the State Plan to significant comments and suggestions. A summary of the Council’s response to State Plan comments shall be submitted with the State Plan and made available for public review. This document shall be made available in accessible formats upon</p>	<p><b>§1386.31 State plan submittal and approval</b></p> <p>(a) The Council shall issue a public notice about the availability of the proposed State plan or State plan amendment(s) for comment. The notice shall be published in formats accessible to individuals with developmental disabilities and the general public (e.g. public forums, websites, newspapers, and other current technologies) and shall provide a 45-day period for public review and comment. The Council shall take into account comments submitted within that period, and respond in the State plan to significant comments and suggestions. A summary of the Council’s responses to State plan comments shall be submitted with the State plan and made available for public review. This document shall be made available in accessible formats upon request.</p>	<p>In (a) technical changes to update to current technology and accessible format to individuals with DD and the public (i.e. limited English proficiency)</p> <p>In (b) the requirement was removed that the State Plan or amendment must be approved by the entity or individual authorized to do so under State law as it may interfere with the non-interference clause AIDD will determine how to best effectuate this with the new cycle of State Plans, such as demonstrating that the Plan or amendment has been shared or shown to the State</p>

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<p>request.</p> <p>(b) The State plan must be submitted to the appropriate Regional Office of the Department 45 days prior to the fiscal year for which it is applicable. Unless State law provides differently, the State plan and amendments or related documents must be approved by the Governor or the Governor’s designee as may be required by any applicable Federal issuances.</p> <p>(c) Failure to submit an approvable State plan or amendment prior to the Federal fiscal years for which it is applicable may result in the loss of Federal financial Participation. Costs resulting from obligations incurred during the period of the fiscal year for which an approved plan is not in effect are not eligible for Federal financial Participation.</p> <p>(d) The Commissioner must approve any State plan or plan amendment provided it meets the requirements of the Act and these regulations.</p> <p>(e) Amendments to the State plan are required when substantive changes are contemplated in plan content</p>	<p>(b) The State plan or amendment must be submitted to AIDD 45 days prior to the fiscal year for which it is applicable.</p> <p>(c) Failure to submit an approvable State plan or amendment prior to the Federal fiscal year for which it is applicable may result in the loss of Federal financial participation. Plans received during a quarter of the Federal fiscal year are approved back to the first day of the quarter so costs incurred from that point forward are approvable. Costs resulting from obligations incurred during the period of the fiscal year for which an approved plan is not in effect are not eligible for Federal financial participation.</p> <p>(d) The Secretary, or his or her designee, must approve any State plan or plan amendment provided it meets the requirements of the Act and this regulation.</p>	<p>entity or individual</p> <p>In (c) if a State plan is not approved by the start of a Fiscal Year, Councils will not be able to draw down the funds between the start of the fiscal year and the approval of the State plan Councils will be able to be reimbursed for costs incurred back to the current quarter</p> <p>Councils will be fully responsible for any costs obligated during the time between the start of the fiscal year and approval of the State plan</p>
<p><b>§1386.32 Periodic reports: Federal assistance to State Developmental Disabilities Councils</b></p> <p>a) The Governor or appropriate State financial</p>	<p><b>§ 1386.32 Periodic reports: Federal assistance to State Councils on Developmental Disabilities.</b></p> <p>(a) The Governor or appropriate State financial officer</p>	<p>AIDD is continuing to review this section to update PPRs</p>

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<p>officer must submit financial status reports on the programs funded under this Subpart according to a frequency interval which will be specified by the Administration for Children and Families. In no case will such reports be required more frequently than quarterly.</p> <p>(b) Pursuant to Section 107(a) of the Act (U.S.C. 6006a), the State Developmental Disabilities Council shall submit an Annual Program Performance Report in a form that facilitates Council reporting of results of activities required under Sections 122 and 124 of the Act. The report shall be submitted to the appropriate Regional ACF office, by January 1 of each year</p>	<p>must submit financial status reports (AIDD-02B) on the programs funded under this subpart semiannually.</p> <p>(b) By January 1 of each year, the State Council on Developmental Disabilities shall submit to AIDD, an Annual Program Performance Report through the system established by AIDD. In order to be accepted by AIDD, reports must meet the requirements of section 125(c)(7) of the Act (42 U.S.C. 15025) and the applicable regulations, include the information on its program necessary for the Secretary, or his or her designee, to comply with section 105(1), (2), and (3) of the Act (42 U.S.C. 15005), and any other information requested by AIDD. Each Report shall contain information about the progress made by the Council in achieving its goals including:</p> <ol style="list-style-type: none"> <li>(1) A description of the extent to which the goals were achieved;</li> <li>(2) A description of the strategies that contributed to achieving the goals;</li> <li>(3) To the extent to which the goals were not achieved, a description of factors that impeded the achievement;</li> <li>(4) Separate information on the self-advocacy goal described in section 124(c)(4)(A)(ii) of the Act (42 U.S.C. 15024);</li> <li>(5) As appropriate, an update on the results of the comprehensive review and analysis of the extent to which services, supports, and other assistance are available to individuals with developmental disabilities and their families, including</li> </ol>	

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	<p>the extent of unmet needs for services, 97 supports, and other assistance for those individuals and their families, in the State as required in section 124(c)(3) of the Act (42 U.S.C. 15024);</p> <p>(6) Information on individual satisfaction with Council supported or conducted activities;</p> <p>(7) A description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities in Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) receive;</p> <p>(8) To the extent available, a description of the adequacy of health care and other services, supports, and assistance received by individuals with developmental disabilities served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act);</p> <p>(9) An accounting of the funds paid to the State awarded under the DD Council program;</p> <p>(10) A description of resources made available to carry out activities to assist individuals with developmental disabilities directly attributable to Council actions;</p> <p>(11) A description of resources made available for such activities that are undertaken by the Council in collaboration with other entities; and</p> <p>(12) A description of the method by which the Council will widely disseminate the annual report to affected constituencies and the</p>	

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	general public and will assure that the report is available in accessible formats. (c) Each Council must include in its Annual Program Performance Report information on its achievement of the measures of progress.	
<b>§Section 1386.34 Designated State Agency</b>	<b>§Section 1386.34 Designated State Agency</b>	No changes except technical changes to reflect the move of AIDD to ACL
<b>§Section 1386.36 Final disapproval of the State plan or plan amendments</b>	<b>§Section 1386.36 Final disapproval of the State plan or plan amendments</b>	Eliminates references to regional offices Technical changes to reflect name change of AIDD
<b>§Section</b>	<b>§Section</b>	
<b>§Section</b>	<b>§Section</b>	