

DD Council Executive Director Orientation

Section I

Administration for Community Living, Administration on Disabilities, Office of
Intellectual and Developmental Disabilities
Revised 2/2020

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ACL's Placement within Federal Government: Organization

The Administration for Community Living (ACL) is one of eleven operating divisions of the U.S. Department of Health and Human Services (HHS). It is headed by the Administrator, who reports directly to the Secretary of HHS. ACL's Principal Deputy Administrator serves as Senior Advisor to the HHS Secretary for Disability Policy.

ACL is structured to provide general policy coordination while retaining unique programmatic operations specific to the needs of each population it serves. ACL is composed of the following units:

- Office of the Administrator
- [Administration on Aging \(AoA\)](#)
- Administration on Disabilities (AoD)
- [National Institute on Disability, Independent Living, and Rehabilitation Research \(NIDILRR\)](#)
- Center for Innovation and Partnership (CIP)
- Center for Management and Budget (CMB)
- [Center for Policy and Evaluation \(CPE\)](#)
- [Center for Regional Operations](#)

For more information about ACL's organizational structure, please see our [organizational chart](#) with accompanying description of the responsibilities of each unit and office. **Please visit** <https://acl.gov/about-acl/organization>

On June 2, 2015 the Federal Register published [ACL's updated Statement of Organization, Functions, and Delegations of Authority \(PDF\)](#). An [online version of the published statement](#) is also available. The statement reflects ACL's expanded mission and details the organizational structure and roles and responsibilities of its centers and offices.

On May 9, 2019, ACL published an update to the agency's [Statement of Organization, Functions, and Delegations of Authority](#) in the Federal Register to reflect a reorganization.

[About the Administration on Disabilities \(AoD\)](#)

The Administration on Disabilities works with states, communities, and partners in the disability networks to increase the independence, productivity, and community integration of individuals with disabilities. Under authorities provided by

the [Developmental Disabilities Act \(DD Act\)](#), the [Rehabilitation Act](#), the [Help America Vote Act](#), the [Assistive Technology Act of 1998](#), and the [Public Health Service Act](#), the AoD works to improve opportunities for people with disabilities to access quality services and supports, achieve economic self-sufficiency, and experience equality and inclusion in all facets of community life.

AoD includes the Office of Intellectual and Developmental Disabilities, the Office of Independent Living Programs, and the Office of Disability Services Innovation.

Public Law 106–402, 106th Congress

[Download the Developmental Disabilities Assistance and Bill of Rights Act of 2000 \(PDF, 356KB\)](#)

In every state and territory, programs authorized by the Developmental Disabilities Assistance and Bill of Rights Act (DD Act) empower individuals with developmental disabilities and their families to help shape policies that impact them. DD Act programs conduct important research and test innovative new service delivery models. They work to bring the latest knowledge and resources to those who can put it to the best use, including self-advocates, families, service providers, and policymakers. DD Act programs also investigate cases of abuse and serve as advocates for individuals with developmental disabilities and their families.

Programs authorized by the DD Act and overseen by ACL's Administration on Disabilities, Office of Intellectual and Developmental Disabilities include:

[State Councils on Developmental Disabilities \(Councils\)](#) work to address identified needs by conducting advocacy, systems change, and capacity building efforts that promote self-determination, integration, and inclusion. Key activities include conducting outreach, providing training and technical assistance, removing barriers, developing coalitions, encouraging citizen participation, and keeping policymakers informed about disability issues.

[State Protection & Advocacy Systems \(P&As\)](#) are dedicated to the ongoing fight for the personal and civil rights of individuals with developmental disabilities. P&As are independent of service-providing agencies within their states and work at the state level to protect individuals with developmental disabilities by empowering them and advocating on their behalf. P&As provide legal support to traditionally unserved or underserved populations to help them navigate the legal system to achieve resolution and encourage systems change.

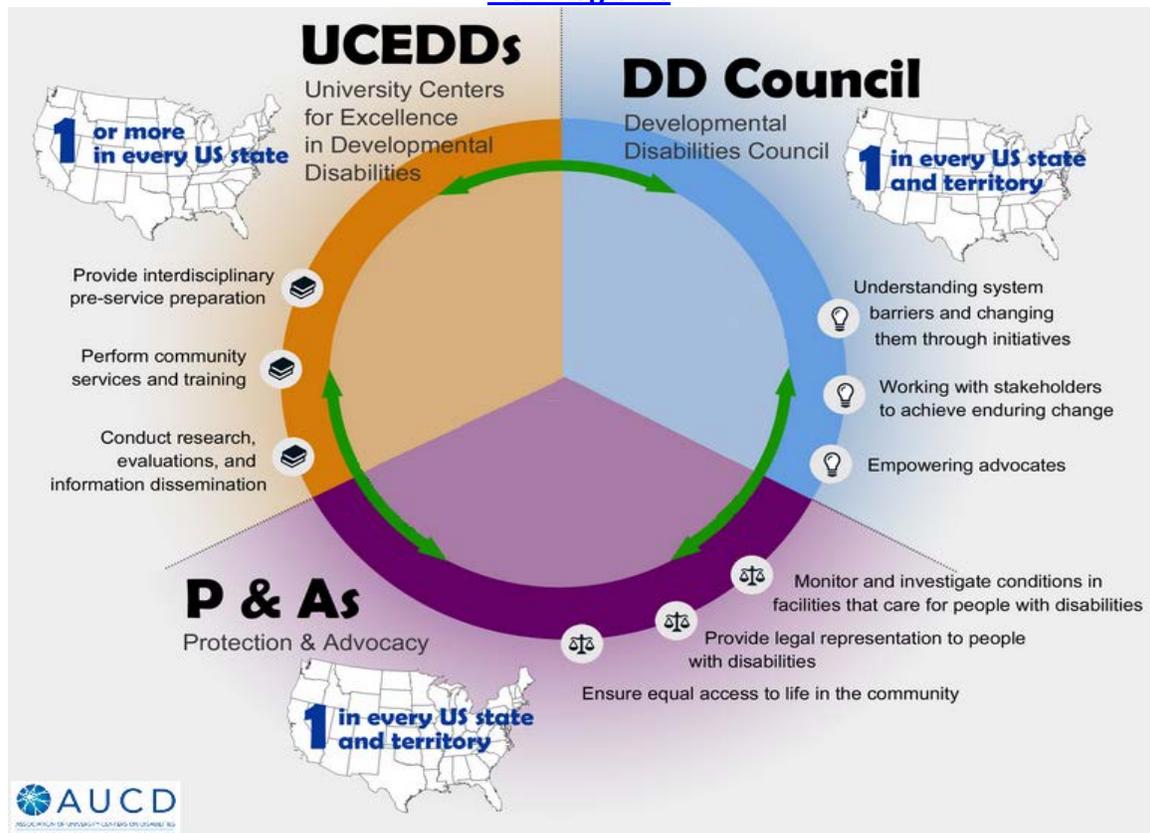
[University Centers for Excellence in Developmental Disabilities Education, Research & Service \(UCEDDs\)](#) are unique among ACL/AOD/OIDD program grantees in that they are affiliated with universities, allowing them to serve as liaisons between academia and the community. UCEDDs are a nationwide network of independent but interlinked centers, representing an expansive national resource for addressing issues, finding solutions, and advancing research related to the needs of individuals with developmental disabilities and their families.

Projects of National Significance (PNS) efforts focus on the most pressing issues affecting people with developmental disabilities and their families, creating and enhancing opportunities for these individuals to contribute to, and participate in, all facets of community life. Through PNS, ACL/AOD/OIDD supports the development of national and state policy and awards grants and contracts that enhance the independence, productivity, inclusion, and integration of people with developmental disabilities.

Learn more about [the history](#) of the DD Act and [the difference it has made](#) for people with developmental disabilities and their families.

For more information, please visit:

[ACL Programs](#)



**The Administration for Community Living (ACL), Administration on Disabilities (AOD),
Office of Intellectual and Developmental Disabilities (OIDD)**

The Relationship with DD Councils

The Administration for Community Living is the federal administering agency for the DD Act programs. As such, ACL/AOD/OIDD is charged with funding and oversight of State Councils on Developmental Disabilities, Protection & Advocacy Programs, and University Centers for Excellence in Developmental Disabilities Education, Research, and Service. Thus, *State Councils on Developmental Disabilities are grantees of ACL – and are accountable to ACL.*

ACL/AOD/OIDD develops program regulations and provides technical assistance and guidance to state programs. Central office staff is assigned to assist programs in each of the federal regions; these staff members are available and helpful. Should the Developmental Disabilities Council encounter problems or need assistance, they can contact the ACL/AOD/OIDD programmatic and fiscal personnel assigned to their region for information and technical assistance. Annually, ACL/AOD/OIDD sponsors a Technical Assistance Institute for State Councils on Developmental Disabilities.

All mandated state plans, fiscal, and programmatic reports are submitted to and approved by ACL/AOD/OIDD. This information is used to develop legislatively prescribed reports to Congress. Periodically, federal staff conducts monitoring site visits to assure compliance and accountability.

Effective January 2020

Administration for Community Living

Council Regions identified by ACL Program Specialist

Staff member: Sara Newell-Perez; Sara.Newell-Perez@acl.hhs.gov; 202-795-7413

Region 1 - Connecticut; Massachusetts; Rhode Island; Maine; New Hampshire; Vermont

Region 2 - New York; New Jersey; Virgin Islands

Region 3 - Delaware; Pennsylvania; Virginia; District of Columbia; Maryland; West Virginia

Region 4 - Alabama; Florida; Mississippi; North Carolina; Georgia; Kentucky; South Carolina; Tennessee

Region 6 - Louisiana; New Mexico; Arkansas; Oklahoma; Texas

Staff member: Shawn Callaway; Shawn.callaway@acl.hhs.gov; 202-795-7319

Region 5 - Illinois; Minnesota; Ohio; Indiana; Michigan; Wisconsin

Region 7 - Missouri; Iowa; Kansas; Nebraska

Region 8 - North Dakota; South Dakota; Utah; Montana; Wyoming; Colorado

Region 9 - Arizona; California; American Samoa; Guam; Hawaii; CNMI; Nevada

Region 10 - Alaska; Oregon; Washington; Idaho

Staff member: Allison Cruz; Allison.cruz@acl.hhs.gov; 202-795-7334

Region 2 - Puerto Rico

DD Council Executive Director Orientation

Section II

Developmental Disabilities Act Overview

Revised 2/2020

Contents:

- DD Act Quick List Directory
- DD Act Final Rule
- Disability Policy Framework: A Review
- Areas of Emphasis
- DD Council Responsibilities
- Required Yearly Activities
- Conflict of Interest
- Executive Director Evaluation

DD Act Quick List “Directory”

Topic	Page	Notes
Title A		
Goals of the Nation	1679	Related to outcomes for people with developmental disabilities and families
Policy of the United States	1681	Principles for all Council work, projects, etc.
Definitions	1682-88	Alphabetical listing of definitions, advocacy, capacity building, and systems change is found in the DD Act Final Rule
Title B		
Purpose of Councils	1693	Intent
Planning Cycle	1696	5-Year plan
Comprehensive Review and Analysis (CRA)	1696	Components required
Plan Goals	1698	Requirements for goals
Self-advocacy requirements	1698	Annual required activities
Assurances 1698-1700		Pledge from State/Territory that plan is supported by info in section
➤ <i>Use of funds</i>	1699	<i>Minimum 70% on state plan; maximum 30% on administrative</i>
➤ <i>DSA Reimbursement</i>	1699	<i>½ of costs necessary; 5% or \$50K whichever is less</i>
➤ <i>Conflict of Interest</i>	1699	<i>Includes perceived conflicts</i>
➤ <i>Staff Assignments</i>	1700	<i>Staff cannot be assigned to other agencies/offices while working for the Council</i>
➤ <i>Non-interference</i>	1700	<i>Councils ability to implement the State plan is assured.</i>
Public Review and Input	1701	State plan requirements
Consult with DSA	1701	Consistent with state law – (not approval of plan)
Membership 1701-1703		
➤ <i>Recommendations</i>	1701	<i>How Council can participate</i>
➤ <i>Representation</i>	1701-02	<i>Council membership to mirror State/territory geographic and diversity (race/ethnicity)</i>
➤ <i>Rotation</i>	1702	<i>Term limits and rotation of members</i>
➤ <i>Citizen member representation</i>	1702	<i>Not less than 60% of membership</i>
➤ <i>Agency member representation</i>	1702	<i>Required agencies, UCEDD(s), P&A, one non-governmental, one non-profit</i>
➤ <i>Composition of citizen members</i>	1703	<i>1/3 people with DD; 1/3 parents or guardians of children or adults; 1/3 a combination of the 2</i>

➤ Institutionalized individual representative	1703	1 person who resides or previously resided in an ICF/DD or family member of person who resides or previously resided in an ICF/DD
Responsibilities 1703-08		
➤ Serve as an advocate	1703	Language to support advocacy
➤ Examine progress towards plan goals annually	1703	Expectations about progress achieved, not achieved, barriers to achievement, amendments, satisfaction, and separate info on self-advocacy
➤ Plan development	1703	Council will develop, consult with DSA, get assurances, and submit
➤ Plan implementation	1703	Council will implement by conducting and supporting activities
➤ Activities for plan implementation	1704-06	Identified activities with descriptions
➤ Informing Policymakers	1705	Details about what this activity includes
➤ Demonstration Projects	1705	Time-limited; innovative approach part of an overall strategy for systems change
Reports	1706	Description of annual report
Budget 1707		
➤ Hiring and maintaining staff	1707	Qualified; state shall not apply hiring freezes, reductions in force, prohibitions on travel – to the extent it impacts the implementation of the state plan
➤ Hiring and supervising ED	1707	Council shall hire; Council shall supervise and annually evaluate the ED
➤ Staff Assignments	1707	Staff must work solely for the Council
Designated State Agency 1708		
➤ Type of Agency	1708	If designated after 1994, cannot be an agency that provides or pays for services for people with DD
➤ Review of designation	1708-09	Procedures to request a formal review
➤ Responsibilities	1709	Support services, financial, records, and reports, non-federal share, and assurances
➤ Memorandum of Understanding	1709	Delineates the roles and responsibilities of the Council and the DSA
Federal and Non-Federal Share 1710		
➤ Aggregate	1710	Share of the cost of all projects in a state supported by the federal share may not be

		<i>more than 75% of the aggregate cost of a project/activity; 25% match.</i>
➤ <i>Urban and rural poverty areas</i>	1710	<i>Federal share may not be more than 90% of the aggregate cost of a project/activity; 10% match.</i>
➤ <i>Staff implemented state plan activities</i>	1710	<i>Federal share may not be more than 100% of the aggregate cost of project/activities; 0% match.</i>

[DD Act Final Rule 2015](#)

The rule provides additional guidance for implementing the Developmental Disabilities Assistance and Bill of Rights Act (DD Act). It accounts for the many changes included in the 2000 DD Act reauthorization and addresses some of the most common barriers and roadblocks DD Act programs face in seeking to translate Congress' charge into programs that have a real impact. With these issues clarified, DD Act programs can devote less time and money to understanding and defending what the law allows them to do and devote more resources to supporting people with developmental disabilities and their families.

Below are a couple of notable provisions:

- Recognizing that Demonstration Projects conducted by State Councils on Developmental Disabilities are intended “to demonstrate new approaches,” the rule sets limits on the duration of these projects while building in some flexibility and outlining when projects can exceed these limits.
- The final rule provides updated definitions for DD Act programs. For example, a flexible definition of “service provider” recognizes that how and where people with developmental disabilities receive services is constantly changing.

Three major definitions were added:

Advocacy activities

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.

Capacity building activities. 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.

Systemic change activities. 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.

Disability Policy Framework: A Review

Historically

- We have tried to “fix” people with disabilities
- If we could not “fix” the person, we supported exclusion, segregation, and denied services and supports
- Sometimes we made laws to ban people with disabilities from being seen in public
- Sometimes we forced people with disabilities into institutions and sterilized them
- People with disabilities were perceived as vulnerable/dependent people

Today

- Disability is a natural and normal part of the human experience and in no way, diminishes a person’s right to fully participate in all aspects of society
- Focus is to “fix” the physical and social environment to provide effective and meaningful opportunity to people with disabilities.

Goals of Disability Policy

- Equality of Opportunity
- Full Participation
- Independent Living
- Economic Self-Sufficiency
- Equality of Opportunity

Individualization

- Decisions based on facts, objective, evidence, person’s needs and preferences, state-of-the art science

Effective and Meaningful Opportunity

- Focus on meeting the needs of all individuals, provide reasonable accommodations and reasonable modifications to policies, practices and procedures

Inclusion and Integration

- Provide services in the most integrated setting appropriate for the

person, avoid unnecessary and unjustified segregation and isolation

Full Participation

- Involve people with disabilities and their families in decisions affecting them
- Involve people with disabilities and their families in developing policies at the systems/institutional level

Independent Living

- Recognize as a legitimate outcome of public policy
- Skills development, long-term services and supports, cash assistance
- Economic Self-Sufficiency
- Recognize as a legitimate outcome of public policy
- Support systems providing employment related services/supports, cash assistance with work incentives.

Why do we need to know this?

- The disability policy framework is a guide to assess social policy from a disability policy perspective.
- This framework provides guidance and insight to effectively develop, implement and support systems change initiatives and consumer-driven alternatives.

Connecting with the DD Act

- The DD Act embodies the core policies of the disability policy framework
- The DD Act includes demonstration of methods of administration consistent with the disability policy framework

Using the framework

- DD Councils can use the framework to guide their work as they assess social policy from a disability perspective and effectively develop and implement home and community-based systems change initiatives and consumer-controlled and driven alternatives.

Reference

Silverstein, R. (2000). Emerging disability policy framework: A guidepost for analyzing public policy. *Iowa Law Review*, Vol. 85(5).

The DD Act Areas of Emphasis

DD Act Areas of Emphasis include the following:

- Quality Assurance
- Child-care
- Education and early intervention
- Employment
- Health
- Housing
- Recreation
- Transportation
- Other Services available and offered to individuals in the community including formal and informal supports that affect quality of life

Quality Assurance Activities

- Advocacy, capacity building and systemic change activities that result in improved consumer and family centered quality assurance and that result in system of quality assurance and consumer protection that –
 - o Include monitoring of services, supports and assistance provided to an individual with developmental disability that ensures the individual
 - o Will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and
 - o 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
 - o Will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and
 - o Will not be subject to the inappropriate use of restraints or seclusion.
 - o 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, of individuals with developmental disabilities

Childcare related activities

- 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.

Education and Early Intervention related activities

- Advocacy, capacity building, and system change activities that result in individuals with DD 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.
- Advocacy, capacity building, and systemic change activities provided to individuals (birth to 9) and their families to enhance the development of their potential; and the capacity of families to meet the special needs of the individuals.

Employment related activities

- Advocacy, capacity building, and systemic change activities that result in individuals with DD acquiring, retaining, or advancing in paid employment, including supported employment or self-employment in integrated settings in a community.

Health related activities

- Advocacy, capacity building, and systemic change activities that result in individuals with DD having access to and use of coordinated health, dental, mental health, and other human and social services, including prevention activities, in their communities.

Housing related activities

- Advocacy, capacity building, and systemic change activities that result in individuals have 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.

Recreation related activities

- Advocacy, capacity building, and systemic change activities that result in individuals with DD having access to and use of recreational, leisure, and social activities in their communities.

Transportation related activities

- Advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of transportation

Formal and Informal Community Supports

- Advocacy, capacity building, and systemic change activities that result in individuals with DD having access to and use of other services available and offered to individuals in a community, including formal and informal community supports that affect their quality of life.

DD Council Responsibilities – Quick Reference List

- Serve as an advocate for individuals with developmental disabilities.
- Conduct or support programs, projects and activities that improve the quality of life of individuals with disabilities
- Develop a state plan.
- Implement the state plan.
- Monitor progress of the state plan and adapt it as necessary and appropriate.
- Periodically review the designated state agency.
- Report activities to ACL/AOD/OIDD.
- Prepare, approve, and implement a budget using the amount provided to it.
- Recruit and hire a Director consistent with state law.
- Have staff that assists the DD Council in carrying out its responsibilities.
- Annually evaluate the Director.
- Establish or strengthen a program for the direct funding of a State self- advocacy organization led by individuals with developmental disabilities; support opportunities for individuals with developmental disabilities who are considered leaders to provide leadership training to individuals with developmental disabilities who may become leaders; and support and expand participation of individuals with developmental disabilities in cross- disability and culturally diverse leadership coalitions.

Yearly activities required by the DD Act

Annual evaluation of the Executive Director

The DD Act requires the DD Council to conduct an annual evaluation of the Director. Evaluation should be conducted in accordance with applicable personnel policies and follow State laws and regulations. The DD Council will determine date of annual evaluation; most often, this date coincides with the ED's hire date.

Annual evaluation of Council Staff

The DD Act requires the Director of the Council to annually evaluate the staff of the Council. Evaluations should be conducted in accordance with applicable personnel policies and follow State laws, regulations, policies, and procedures.

Council Budget

The DD Act requires the DD Council to prepare, approve and implement the budget using the amounts provided by Congress annually. Budget approval should be reflected in official meeting minutes. Budget should be approved in a timeframe prior to the beginning of the State or Federal Fiscal year.

Examination of Plan Goals

The DD Act requires the DD Council to review the progress made toward plan goals annually. This includes a required component of measuring customer satisfaction with DD Council supported or DD Council conducted activities. The information is reported on the annual Program Performance Report due January 1 of each year.

Review of Designated State Agency

The DD Act requires the DD Council to periodically review the Designated State Agency (DSA) and activities carried out under Title B by the DSA and make recommendations for change to the Governor. The DD Council will determine date of periodic review.

State Plan

The State Plan is the 'big picture' of how services and programs for individuals with developmental disabilities and their families should be five years from now within a State or territory. Additionally, the plan includes long term goals to be accomplished within five years and provides guidance to the DD Council regarding how it spends its resources. Required components of the State plan are found in PL 106-402, The DD Act, and can be accessed in [Subtitle B Section 124](#).

The Plan is submitted to ACL/AOD/OIDD through the ACL Reporting System.

There are several [resources](#) available to assist staff with developing, amending, and updating the State plan. All resources are available on the ITACC website.

The next 5-year planning cycle is from FY 2022 through FY 2026

Due date: August 15, 2021

State Plan Updates and Amendments

Each year, DD Councils are required to review and update or amend their plan if necessary. The State Plan needs to be updated if there are changes in the following areas: DD Council Identification, DD Council Membership, DD Council Staff, Designated State Agency information, major changes or necessary updates in State Service System and Trends, changes in Goals/Objectives, budget projections, update on public input and review (remember if there are major changes to a 5-year goal in the State Plan, the public must have a minimum 45-day public comment period), and annual work plan updates. State plan updates are due to ACL/AOD/OIDD no later than January 1 each year and State Plan Amendments are due August 15 of each year.

State Plan Amendment* due date: August 15th of each year

State Plan Update due date: January 1st of each year**

***State Plan Amendment** – A major change of a 5-year goal that alters the intent of the original goal.

****State Plan Update** – Minor grammatical changes to 5-year goals and other components of the plan such as objectives, activities, expected outcomes, evaluation, etc.

Program Performance Report

Developmental Disabilities Councils (DD Councils) are required to submit annual performance reports to the Administration for Community Living, Administration on Disabilities, Office of Intellectual and Developmental Disabilities. The purpose of the Program Performance Reports (PPRs) is to document progress towards the 5-Year State Plan goals and objectives. Reporting on activity-specific outcomes is intended to capture, on an annual basis, the results of initiatives funded by ACL/AOD/OIDD and administered by DD Councils including those initiatives conducted by grantees, DD Councils, members, and policy and program staff.

Due date: January 1st of each year

Federal Financial Report

The Federal Financial Report (SF 425) is a federal-wide report that standardizes financial reporting across the government. Each SCDD grantee must submit three separate SF-425s. Each annual SF-425 must be completed on a cumulative basis building on prior year certified amounts. As an example, for the reports due December 31, 2020, grantees are to submit the Final report for the FY2018 grant, second annual report for FY2019 grant, and first annual report for the FY2020 grant. Beginning with this FFY2020 grant, the SF-425 shall be submitted using the HHS Payment Management System (PMS). PMS website is located at: <https://pms.psc.gov>.

Due date: by December 31st of each year

Federal Funding Accountability and Transparency Act (FFATA)

The FFATA Sub-Award Reporting System (FSRS) collects data from Federal prime awardees on sub-awards they make: a prime grant awardee will be required to report on its sub-grants and a prime contract awardee will be required to report on its sub-contracts. Prime Awardees awarded a federal grant are required to file a FFATA sub-award report by the end of the month following the month in which the prime awardee awards any sub-grant equal to or greater than \$25,000. Click on the link for more information. *Note: A prime awardee is the federal award recipient. The prime awardee is identified on the Notice of Award under the heading "Grantee".*

Federal Cash Reporting

Federal Cash Reporting is reported on a quarterly calendar year basis at the HHS Departmental Payment Management System (PMS). PMS website is located at <https://pms.psc.gov/> Reconciliation of advances and disbursements is required for each quarter and the report must be completed within 30 days of the end of each quarter.

Due dates: Within 30 days of the end of each quarter (i.e., by 1/30, 4/30, 7/30, 10/30).

Conflict of Interest Overview and Application

Introduction

DD Councils value the active participation and membership of stakeholders, state agencies, DD Act agencies, allied professionals, and leaders in disability rights. This active participation may at times create actual or perceived conflict of interests. Therefore, clear, and open discussion is the path to ensure the DD Council maintains its public perception of integrity, while actively engaging key stakeholders.

What does the Act say related to Conflict of Interest? Section 124 (c) (5) (D)

The plan shall provide an assurance that no member of such DD Council will cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of conflict of interest

What is an assurance?

A pledge, a guarantee; free from doubt

To maintain federal compliance, DD Councils must submit this assurance to the Administration on Developmental Disabilities with their 5-year State plan

What is conflict of interest?

A conflict of interest is real or perceived and exists when the DD Council member or a member of their family appears to gain or benefit personally from their position on the DD Council.

Appearance of conflict of interest

Members of governance have a responsibility to avoid the appearance of a conflict of interest. They should never use the organization as a platform for personal benefit or gain. A perceived conflict is often more damaging than a real one since it is much harder to resolve.

What is a Dual Role?

A dual role exists if a DD Council member also serves in a leadership/decision making role of another entity who is seeking DD Council funding.

Example: A Council member also serves on the Board of Directors of a local disability organization that submits a proposal to the DD Council for consideration for funding.

Helpful hints for educating Council members who have dual roles....

If a DD Council member is a member of a Board of Directors of an agency or organization applying for DD Council funds, they should keep the purposes and guidelines of the DD Council as the priority.

Dual role DD Council members should take great care they do not influence any other DD Council member to gain their support or “sway” them to vote for or against proposals or decisions that may benefit their organization.

Example #1

Situation: A member serves on the DD Council as well as on the Board of Directors or Advisory Committee of a disability organization that applies for a grant through the DD Council.

Result: Even though the DD Council member may not receive direct financial benefit from the grant, there may be an appearance of a conflict of interest.

Recommendation: The DD Council member can publicly disclose the conflict (reflect in the meeting minutes) and recuse themselves from discussions and vote on the topic.

Example #2

Situation: A DD Council member has a spouse, significant other, immediate family member (or other relationship outlined within State or Territory guidelines) receiving funds from a DD Council funded project.

Result: This would constitute a conflict of interest for the DD Council member.

Recommendation: DD Council member could consider resigning appointment to the DD Council or the family member could step away from the grant funded position.

Example #3

Situation: A DD Council member participates in the design of a request for proposal outlining the activities of a project that will be funded by the DD Council; the DD Council

member's place of employment competes for the funding.

Result: The involvement of the DD Council member may constitute a perception of conflict of interest and unfair advantage to other entities competing for the DD Council funds.

Recommendation: The DD Council member can publicly disclose the conflict (reflect in the meeting minutes) and recuse themselves from discussions and vote on the topic.

How do DD Councils provide the assurance?

DD Councils use a variety of methods to provide the assurance. The most common are:

- Conflict of Interest policies.
- Information forms that provide disclosure from DD Council members about other boards and organizations they represent.
- Code of Conduct policies.
- Recusing oneself from the room when discussions or voting occurs.

Executive Director Annual Evaluation

What does the DD Act say? Section 125(c)(9)

The Council shall, consistent with State law, recruit and hire a Director of the Council, should the position of Director become vacant, and supervise and annually evaluate the Director. The Director shall hire, supervise, and annually evaluate the staff of the Council. Council recruitment, hiring and dismissal of staff shall be conducted in a manner consistent with Federal and State nondiscrimination laws. Dismissal of personnel shall be conducted in a manner consistent with State law and personnel policies.

Why?

Because the executive director is such a critical figure in the organization, it is important to know how he/she is contributing to the DD **Council's** success and in what ways he/she could improve her performance.

To do this, the DD **Council** must conduct regular evaluations that not only review the executive director's strengths and weaknesses but also propose ways of improving his/her performance.

The Basics

- Step one: Identify the evaluation committee.
- Step two: Set the goals and objectives of the executive director's job.
- Step three: Develop the evaluation form.
- Step four: Assess.

Avoid these common errors when conducting the evaluation:

- Focusing on a single trait or incident
- Rating personality above performance
- Substituting likes and dislikes for objectivity
- Being overly lenient or severe
- Keeping assessments near the average

Provide a copy of the evaluation form to the executive director so they can conduct a self-assessment.

- Step five: Meet with the executive director.
- Step six: Implement the changes.

ED Evaluation Frequently Asked Questions (FAQs)

What do most Executive Director job descriptions include?

The ED Position “Breakdown” of responsibility

State planning and fiscal activities	20-50%
Community relations	10-20%
Support to Council	10-15%
Supervisory/Human Resources	10-30%
Public policy	10-15%

Note: Percentages and responsibilities reflect most ED job description responsibilities.

How do DD Councils evaluate the Executive Director?

What are Councils doing?

- Survey entire DD Council
- Survey questions tied directly to job description of the Executive Director
- Rating scale (remarkable, satisfactory, unsatisfactory, unknown)
- Protect anonymity
- Evaluation committee tabulates results
- DD Council authorize Chairperson or evaluation committee to conduct the evaluation and informs the DD Council of completion and results.

Resources and sample evaluation documents are available by contacting smatney@nacdd.org

DD Council Executive Director Orientation

Section III

Federal Reports and Required Documentation

Revised 2/2020

Contents:

Program Performance Report

State Plan

State Plan Amendments and Updates

ACL Reporting System

Calendar of Federal Reports

Program Performance Report (PPR)

The PPR is the annual report that identifies and reports on progress achieved through advocacy, capacity building and systemic change activities of the DD Council. The PPR covers the previous year's federal fiscal activities and includes:

- ✓ The extent to which State plan goals and objectives are achieved.
- ✓ Information on the strategies, projects and activities undertaken by the DD Council during the year to achieve the objectives in the State plan.
- ✓ Factors impeding achievement.
- ✓ Needs that require amending the State plan.
- ✓ Update on the mandated self-advocacy goal.
- ✓ Consumer/customer satisfaction with DD Council supported or conducted activities (data reported within performance measures).

There are 6 reporting sections in the PPR

Section I – Identification

Section II – Comprehensive Review and Analysis Update

Section III – State Plan Implementation

Section IV – Progress Report

Section V – Council Financial Information

Section VI – Measures of Network Collaboration

DD Council Resources can be found at www.itacchelp.org under the tab: Federal Reports and Resources>Annual Program Performance Report.

ACL/AOD/OIDD created a DD Council self-check tool for your use in reviewing and submitting your report. This tool is also located at www.itacchelp.org; Federal Reports and Resources>Annual Program Performance Report Tab.

Summary of PPR Reporting Sections (as they appear on the ACL Reporting System Dashboard)

Section I: The purpose of the section is to provide contact information for the Council; Information for the Designated State Agency (DSA); other information is requested or imported directly on the report for verification or editing.

Section II: The purpose of this section is to provide an update to the comprehensive review and analysis included in the State plan. The DD Act requires annual descriptions about the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities receive in Intermediate Care Facilities and through Home and Community Based waivers.

Section III: The purpose of this section is to provide the context of what will be reported in the PPR. Section III is comprised of three reporting areas:

- Introduction.
- Evaluation of State plan implementation.
- Input on National Priorities.

Section IV: The purpose of this section is to provide a detailed progress report on goals, objectives, and performance measure outputs and outcomes for the federal fiscal year. Information on consumer/customer satisfaction with Council supported or conducted activities is reported in the performance measure area of the report.

Section V: The purpose of this section is to identify the obligation and liquidation status for the three federal fiscal years of funds. The information submitted is for programmatic purposes only and is not a replacement for other required financial reports.

Section VI: The purpose of this section is to discuss collaborative efforts with specific DD Network partners and other collaborators. The information in this section is separate from the planned DD Network Collaboration goal and/or objective(s).

5-Year State Plan

DD Councils are required to create a 5-year State Plan that includes all required components identified in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (PL 106-402) (the DD Act).

Throughout the planning, DD Councils should keep in mind four key concepts:

1. DD Council member engagement in the planning process
2. Collaboration with the DD Network and other partners
3. Stakeholder input on state needs and the proposed plan
4. The use of data for planning purposes

These four concepts are critical to developing the State plan. The DD Act empowers DD Council members to be the driving force behind the State plan. Throughout the planning process, strategies should be used to fully support and involve members in all aspects of developing the plan. In addition to DD Council member involvement, DD Councils understand and appreciate the importance of collaborating with others in all aspects of their work, including the development of the State plan. Such collaboration allows for DD Councils to ensure various perspectives, needs, and priorities are included into the State plan. DD Councils should solicit and consider the public's view on service gaps and priorities, as well as how well the DD Council's proposed plan addresses state needs. Finally, the DD Act calls for "data-drive strategic planning". Data is an important source of information for DD Councils in the strategic development of the Five-Year State Plan. Data can be used to inform the DD Council's Comprehensive Review and Analysis of the availability of and the need for services, supports, and other assistance in the state. Data can also be used as the basis for developing the goals in the DD Council's Five-Year State Plan and for evaluating the results of DD Council efforts.

To assist DD Councils with the 5-year State Plan Development process, several [resources](#) are available.

State Plan Amendments and Updates

Annually, DD Councils must submit amendments and/or updates to their 5-Year State Plan.

It is important to understand the difference between a State plan amendment and a State plan update. A state plan amendment is a major change of a 5-year goal that alters the intent of the original goal (formerly referred to as a "substantive change". Amendments are due August 15th of each year for the following federal fiscal year and the Executive Director must notify your ACL Project officer about the intent to amend the Councils state plan because the ACL Reporting System must be opened by ACL staff.

A State plan update calls for several required updates such as contact information changes, membership changes, staff member changes, and the projected Council budget for the fiscal year. Additional updates often include minor grammatical changes to 5-year goals and other components of the plan such as objectives, activities, expected outcomes, evaluation, etc. (formerly referred to as “non-substantive changes”), and are due January 1 of each year for the current federal fiscal year.

State plan amendments require full Council approval and a 45-day public comment period. State Plan updates are not subject to a 45-day public comment period, but the Council should be involved in making decisions about objectives and activities that will be conducted to implement the State plan.

ACL Reporting System

The ACL Reporting System is an ACL-wide grantee management application focusing on program performance, planning and federal report submission. ACL Reporting is a secure, accessible, and user-friendly system to support submission of state plans and performance reports for ACL programs.

Councils submit their Five-year State Plan in the ACL Reporting System and will submit all subsequent State plan amendments or State plan updates in the system. In addition, Councils will submit their annual Program Performance Report in the ACL Reporting system.

Each Council can assign staff roles in the following categories:

Registrar – Creates and deactivates user accounts

Grantee – Enters Program Report information

Grantee Reviewer – Verifies and Submits Program Report Information

Multiple roles can be assigned to a staff member. ITACC staff recommends the Executive Director be assigned all roles.

Check out the [user guide](#) for more information.

New Executive Directors should contact ACL/OIDD Program Lead Sara Newell-Perez or their assigned Program Specialist for initial access to the reporting system.

Calendar for Federal Reports: What is Due and When?

State Plan Amendment – A major change of a 5-year goal that alters the intent of the original goal (formerly referred to as “substantive change”).

State Plan Update – Minor grammatical changes to 5-year goals and other components of the plan such as objectives, activities, expected outcomes, evaluation, etc. (formerly referred to as “non-substantive change”).

What is due?	When is it due?	Notes
Program Performance Report for FFY 2016	January 1, 2017	A reporting of activities and results for October 1, 2015 through September 30, 2016
State plan Updates for FFY 2017	January 1, 2017	As directed by AIDD re: State Plan Tier 2 Summary Report (email to Council ED) See description above
State plan updates/amendments in response to Tier 2 Review State plan amendments for FFY 2018	August 15, 2017 August 15, 2017	As directed by AIDD re: State Plan Tier 2 Summary Report (email to Council ED) See description above
Program Performance Report for FFY 2017	January 1, 2018 3/25/2019	A reporting of activities and results for October 1, 2016 through September 30, 2017.
State plan updates for FFY 2018	January 1, 2018 9/3/2018	See description above
FFY 2019 Annual Work plan	January 1, 2018 9/3/2018	
FFY 2020 Annual Work plan	January 1, 2018 9/3/2018	
State plan amendments for FFY 2019	August 15, 2018	See description above
Program Performance Report for FFY 2018	January 1, 2019 3/25/2019	A reporting of activities and results for October 1, 2017 through September 30, 2018.
State plan updates for FFY 2019	January 1, 2019 1/31/2019	See description above – includes updates to FY 19 and 20 Annual Work Plans
FFY 2021 Annual Work plan	January 1, 2019 1/31/2019	
State plan amendments for FFY 2020	August 15, 2019	See description above

What is due?	When is it due?	Notes
Program Performance Report for FFY 2019	January 1, 2020	A reporting of activities and results for October 1, 2018 through September 30, 2019.
State plan updates for FFY 2020	January 1, 2020	See description above; includes updates to the FY 2020 and 21 Annual Work plans.
State plan amendments for FFY 2021	August 15, 2020	See description above; includes updates to the FY 2021 Annual Work plan.
Program Performance Report for FFY 2020	January 1, 2021	A reporting of activities and results for October 1, 2019 through September 30, 2020.
State plan updates for FFY 2021	January 1, 2021	See description above; includes updates to the FY 2021 Annual Work plan.
Program Performance Report for FFY 2021	January 1, 2022	Final PPR that includes a reporting of activities and results for October 1, 2020 through September 30, 2021 and 5-year overview

Note: This timeline does not include submission of the FY 2022-2026 5-year state plan submission. Information included in this document is subject to change.

Federal Fiscal Year Dates:

Federal Fiscal Year 2017 is October 1, 2016 through September 30, 2017

Federal Fiscal Year 2018 is October 1, 2017 through September 30, 2018

Federal Fiscal Year 2019 is October 1, 2018 through September 30, 2019

Federal Fiscal Year 2020 is October 1, 2019 through September 30, 2020

Federal Fiscal Year 2021 is October 1, 2020 through September 30, 2021