

# DD Council Executive Director Orientation

## Section I

Administration for Community Living, Administration on Disabilities, Office of  
Intellectual and Developmental Disabilities

Revised June 2021

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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>

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 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 May 2021**

Administration for Community Living

Council Regions identified by ACL Program Specialist

**Program Lead: Sara Newell-Perez; [Sara.Newell-Perez@acl.hhs.gov](mailto: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; Puerto Rico, 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

**Program Specialist: Shawn Callaway; [Shawn.callaway@acl.hhs.gov](mailto:Shawn.callaway@acl.hhs.gov); 202-795-7319**

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

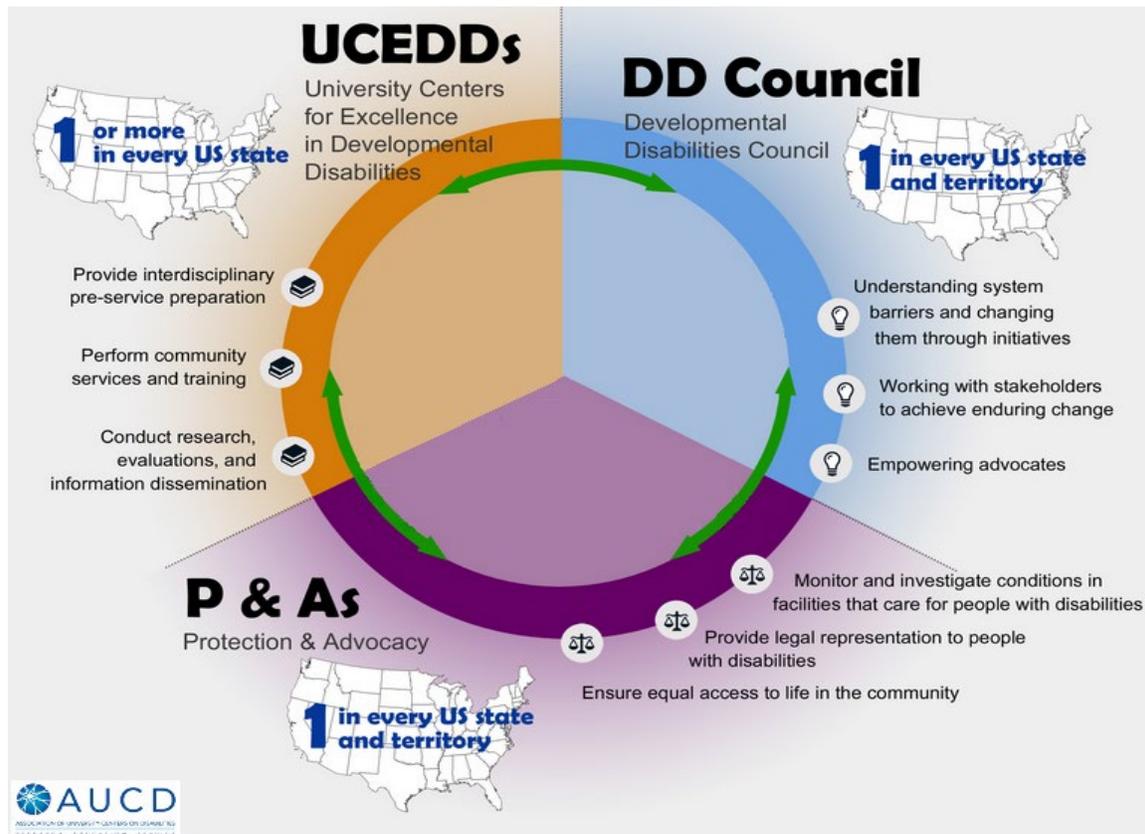
Region 7 - Missouri; Iowa; Kansas; Nebraska

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

## DD Act Partners



### Strengthening relationships with DD Network Partners

DD Councils, P&A's, and UCEDD's have unique but complementary roles in achieving the purpose of the DD Act. In general, DD network partners coordinate and collaborate with each other to fulfill their unique DD Act requirements.

Successful working partnerships and relationships are important to successful coordination and collaboration efforts. Below are strategies current Council Directors report as helpful in strengthening relationships with DD network partners.

- ✓ Try to understand the “history” of the DD network partnership and firmly understand from staff any issues from the past.
- ✓ Meet with each partner’s director individually to get their thoughts on the prior relationship and ask for feedback on how to strengthen the relationship.

- ✓ Regular meetings with P&A Director and UCEDD Director. Some Council Directors report meeting quarterly, monthly, and biweekly during Legislative session times.
- ✓ Joint projects (preferably not funded by the DD Council). Example: graduate students at the UCEDD help with survey data analysis that benefits all partners.

Personal experience: I looked for common ground between the partners and found that information, referral, and promotion was something each of us felt an important need. The P&A and UCEDD provides high level advising to the Council on a key category in our State plan with no dollars attached and only expertise required.

- ✓ Serve on each other's advisory groups.
- ✓ Hold regular check-ins with key staff from the P&A and UCEDD's; information exchanges and relationships with other staff are also important to form!
- ✓ Schedule and hold a half-day, full-staff community conversation for all staff from the P&A and UCEDD who work on core DD network efforts. This provides an opportunity to share what projects are happening from each partner and provides time to talk in small groups about how to partner and "cross-pollinate" efforts.
- ✓ Spend time reading about and understanding the role of the partners.

Personal experience: When I first started, I was very hesitant to request something from my DD network partners and let them tell me what the Council should be doing. I recommend the new ED look through their state plan to find out what they need from their partner, create an agenda with those specific things. Without a firm understanding of the network partner roles, I came across more like asking them for a favor and felt in debt to them for their help verses knowing what they should be doing for me and asking them to do it. I would also recommend scheduling follow up meetings regularly with agendas and meeting notes to help make sure everyone is on the same page. I still have a lot to do to build stronger relationship, but I feel more confident to do this.

- ✓ When developing the State plan, leverage the opportunity to write the DD network partners into the plan by having conversations about where they see opportunities for collaboration. This helps further understand what is most

interesting to them and where they see their strengths and how those strengths can contribute to the Council plan.

Personal experience: The most impactful way we have improved our working relationship is to select a “meaty” DD Network collaboration goal (or objective) for the State plan. This requires each entity to identify what each of us will bring to the table to support this collaborative goal (or objective). The collaborative goal (or objective) has made the biggest difference in our ongoing work together.

- ✓ Host regular statewide public forums together with meaningful roles for each partner.
- ✓ Partner on one (or more) legislative issues with meaningful roles for each.

# **DD Council Executive Director Orientation**

## **Section II**

### **Developmental Disabilities Act Overview**

Revised June 2021

#### 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
<b>Title A</b>		
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
<b>Title B</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
<b>Assurances 1698-1700</b>		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)
<b>Membership 1701-1703</b>		
➤ <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&amp;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>
➤ <i>Institutionalized individual representative</i>	1703	<i>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</i>

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

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 15<sup>th</sup> of each year**

**State Plan Update\*\* due date: January 1<sup>st</sup> 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, annual work plan, 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 1<sup>st</sup> 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 31<sup>st</sup> 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 be viewed as a conflict of interest for the DD Council member.

Recommendation: DD Council member could resign 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 development 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.

**Example #4**

Situation: A DD Council member wants to be actively involved in a Council funded project as a participant (examples of projects: leadership training program, peer mentor training project).

Result: The involvement of the Council member could be perceived conflict because the duties and responsibilities as a Council member involve approving the activity, the funding for the activity, and monitoring the progress of the activity within the state plan. In addition, the Council member is viewed as a public official serving on a public body, using public money. As such,

Recommendation: The DD Council member should not assume a role as a participant in Council funded projects. The Council member can be a participant after their term ends.

**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
- Executive Director performs a self-review as part of the evaluation process.
- Survey questions tied directly to job description of the Executive Director
- Rating scale (remarkable, satisfactory, unsatisfactory, unknown)
- Protect anonymity
- Independent person or DSA Human Resource office staff tabulate results and provides to the Chair.
- DD Council Chairperson uses the evaluation process of the Council conduct the evaluation and informs the DD Council of completion and results.

Sample evaluation documents are available by contacting [smatney@nacdd.org](mailto:smatney@nacdd.org)

# **DD Council Executive Director Orientation**

## **Section III**

Federal Reports and Required Documentation

Revised June 2021

### Contents:

Program Performance Report

State Plan

State Plan Amendments and Updates

ACL Online Reporting

## **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](http://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 narratives. This tool is also located at [www.itacchelp.org](http://www.itacchelp.org); Federal Reports and Resources>[Annual Program Performance Report](#) Tab>Additional Resources> [Self-Evaluation Tool for PPR Narrative \(November 2020\)](#) .

### Summary of PPR Reporting Sections

**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 their assigned ACL Project officer about the intent to amend the Councils state plan and determine if an amendment is needed.

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 Online Reporting**

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

New Executive Directors should contact their assigned Program Specialist for initial access to the reporting system.

Note: The online reporting system is under construction. OIDD staff will keep Council Director’s informed about the progress of the online reporting system and its availability.

# DD Council Executive Director Orientation

## Section IV

Operations, relationships, and responsibilities

June 2021

### Contents

Council meetings

Council structures

Council member relationships

Roles and responsibilities

Micromanagement

## Council meetings

The frequency of Council meetings vary. Some Councils report meeting quarterly or three times a year, while others meet six times a year or monthly to conduct Council business. When determining the frequency of meetings, leadership should determine how many Council meetings are needed to conduct Council business, how many Council meetings the administrative budget can support, and the number of meetings Council members are willing to attend.

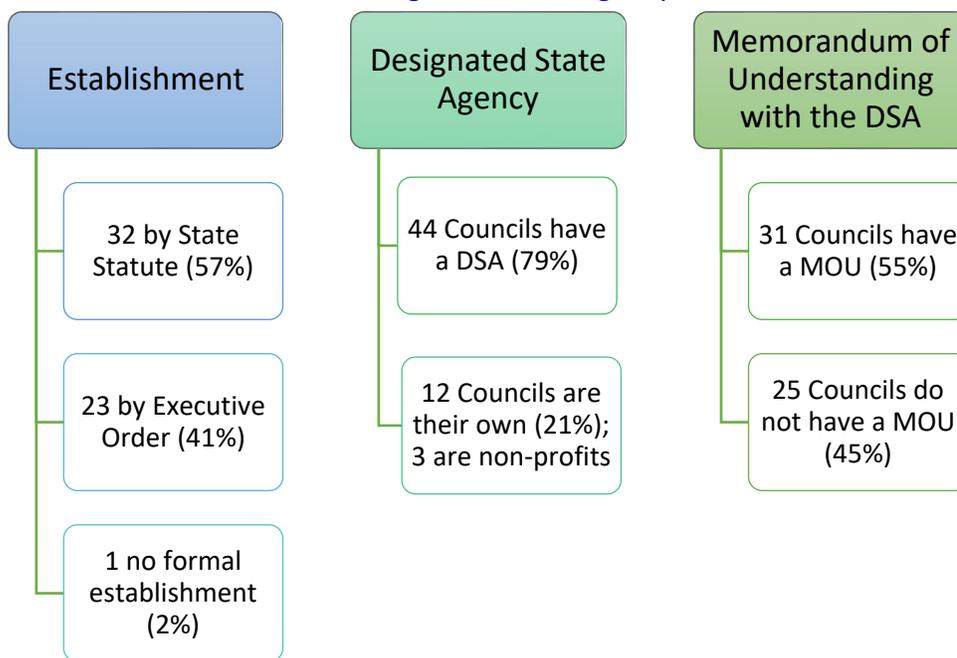
Some Councils hold committee meetings before the full Council meeting. This is also a local Council decision, but the same questions can be used to determine frequency, support, and time commitment of the membership. One additional consideration is the time available for Council staff that may be assigned to support committee meetings. If holding committee meetings in partnership or conjunction with the Council meeting, you may want to consider the workload on Council staff.

## Council structures

There are three ways DD Councils are structured. 1) Within a Designated State Agency, 2) As their own Designated State Agency and, 3) as a non-profit organization.

**Updated June 2018**  
*Information taken from submitted 5-year state plan documents.*

### State Councils on Developmental Disabilities Designated State Agency Chart



A State/Territory Designated State Agency [chart](#) is available and includes establishment information.

All designations must be made by the Governor, or the Legislature, as case may be. Generally, the designation is included in the establishment information (state statute, state code, or executive order).

If your state or territory indicates the Council will be placed in another designated state agency, contact your OIDD assigned program specialist immediately. OIDD staff can help determine if a new agency meets the requirements for a designated state agency as outlined in the DD Act.

Tip – as you collaborate and seek guidance from other Council Directors, ask about their structure (are they their own DSA, are they a non-profit, or do they exist within a State agency). At times, the placement of a Council affects the way the Council program is operationalized (following DSA policies and procedures and using their processes (legal, contracting, etc.).

You may find your Council has a [Memorandum of Understanding \(MOU\)](#) with your designated State agency. MOU's are not required, but are highly recommended to clarify and describe the roles and responsibilities of the DSA. There is no standard template or required items for a MOU. Each State/Territory will individualize the MOU based on responsibilities, needs, and agreement.

### Council member relationships

DD Council members are appointed by the Governor, serve as a member of a public body, authorize public funds to operate the DD Council program, have responsibilities described in federal law and the authority to carry out those responsibilities.

In your new role, establishing partner focused, working relationships with Council members is recommended. Below are strategies and activities current Council Directors report as helpful in establishing relationships with DD Council members.

- ✓ I have been doing half hour one-on-one conversations with our members, especially with virtual meetings. It is a great way to check in and have them felt heard/validated. I am sure other ED's do this all the time: I just never had. It has been a good strategy for people who have not felt they were being heard or who have identified a conflict during meetings.
- ✓ When I started as ED, I had a conversation with each Council member about where they see the Council moving forward, what they would change, and what they needed from me as the ED (That also helped me build trust with them and opened the lines of communication. They are not afraid to tell me when they disagree, which is great.
- ✓ I have scheduled a weekly Chair/Vice Chair call (30 minutes to ensure they are invested and are respected in their leadership role; I also have meet and greets at least quarterly to catch up with

the Council members; I have a resume on each Council member and update their information regularly – I like to know about their interests, what motivates and energizes them, what organizations or groups they are part of, and what relationships they have with policymakers; I provide a weekly “Friday update” with the full Council (or at least every two weeks) to keep them “in the know” about whatever is going on.

- ✓ I try to get 1:1’s with Councilmembers when I can – even if it is just an impromptu phone call. This has been an interesting process because it has helped me see who is really committed to the DD Council work and who may be ready to rotate off the Council. I also have weekly calls with my Chairperson at her request.
- ✓ I modified a process from Brene Brown to establish ground rules.  
*“The special courage it takes to experience true belonging is not just about braving the wilderness... We’re going to need to intentionally be with people who are different from us... We’re going to have to learn how to listen, have hard conversations, look for joy, share pain, and be more curious than defensive, all while seeking moments of togetherness.” -- Brene Brown*

We talked about values and corresponding behaviors and developed ground rules using this exercise:

Each person in the group answered the following questions individually on sticky notes:

- What do you need to show up and do the work?
  - What will get in the way of you showing up and doing the work?
  - What does support look like?
- ✓ I brought in a person to help us all with messaging and to develop an “elevator speech”. Through this activity, we were able to get Council members to see the importance of their role, how their personal story supports the mission and vision of the Council, how to take the story of their child or their personal experience from a micro level to a macro level. We included this activity during an annual all-day retreat. We practiced with each other, and after words, the Council members felt very empowered. We then assigned Council members to attend meetings within the Community that were for the general populations to bring DD to the table to show the importance of inclusion. (examples - neighborhood board meeting, transportation meeting, city council meeting, DOE after school programs). Meetings that were for the general populations, showing the importance of inclusion. We also used a cartoon of a man shoveling snow off the stairs for entry to a school, then a student walks up and asks him to shovel the ramp so we can all enter.
  - ✓ We can hold Council pre-meetings with self-advocates (when we can) so they know what decisions we are asking them to make at Council meetings and we have a training on the role of the personal assistant in Council meetings (we would be happy to share). We celebrate people when they rotate off and keep them in our listserv so they can stay in touch. We share a calendar of events with members, so they are aware of state plan activities.

## Basic Roles and Responsibilities

In general, someone serving as a Council member has three duties:

- ✓ To provide direction for the program (this comes in the form of developing a state plan, and then working toward the implementation of the plan – providing guidance to the Director about the direction of the Council program.
- ✓ To provide oversight of the Council program (is the direction the Council provided being implemented?)
- ✓ To make funding decisions.

Council staff members also have a primary role. The Council has one staff person – the Executive Director. The role of other staff members are to help the Director implement the directives set by the Council.

### ***Basic responsibilities of Council members:***

- **Determine mission.**
  - This is a best practice. The DD Act provides the purpose of a Council and the Council can develop a vision and mission statement to guide their work.
- **Select the Executive Director.**
  - This is a requirement. The DD Council is required to follow all applicable policies and procedures set forth by the State and abide by all employment and hiring laws.
- **Support and Annually Evaluate the Director.**
  - This is a requirement and must be done annually. The Council determines how the evaluation will be conducted in coordination with the evaluation policies and procedures that are required by the DSA and State Personnel (as it applies).
- **Ensure Effective Planning.**
  - This is a requirement. Members should actively participate in the overall planning process for the 5-year State plan. The “how” is a Council decision.
- **Implement and Monitor the 5-Year Plan.**
  - This is a requirement. The DD Council staff prepares a status report of activities taken up by council staff, council grantees, and others related to the implementation of the State plan. Council members demonstrate active participation by providing leadership and guidance for the overall direction of the plan, the approval of funding, the creation

of initiatives and funding ideas, and through the on-going monitoring of what happened because of the DD Council's investment of time and money. Council staff "do" the work.

- **Approve budget; provide oversight.**
  - This is a requirement. Through the development of a budget (deciding where resources will be prioritized for the fiscal year in concert with the state plan), approval of the budget (full Council vote), and implementation of the budget (funding grant proposals, contracts, or other things to implement the plan activities), the DD Council members can fulfill this requirement.
  
- **Build a Competent Council.**
  - This is a best practice. A healthy leadership body regularly engages in succession planning – a fancy term for identifying other citizens of the State who would be good DD Council members; providing orientation, training, and mentorship for; and from time-to-time, evaluate individual and overall DD Council membership effectiveness.
  
- **Ensure Legal and Ethical Integrity.**
  - The DD Act requires that each DD Council has conflict of interest policies in place and that care is taken to ensure DD Council members do not have a real or perceived conflict of interest when engaged in DD Council business.
  - DD Council staff and members should be knowledgeable about legal and ethical requirements for public officials (Council members are considered a public official because they make decisions on behalf of the public and use public funds).
  
- **Enhance the DD Council's Public Standing.**
  - This is a best practice. DD Council members are leaders within the State. It is important for members to learn all they can about the Council's purpose, past accomplishments, and future goals so that they can be an effective ambassador for the DD Council. Sometimes, DD Council Members find it helpful to create an 'elevator speech' so when people ask about the DD Council, members are prepared.

Overall – as individual members work as a Council; the responsibility is to the whole – meaning individual members have no power and the authority and decisions come from the Council as a whole.

Members deliberate, debate and can respectfully disagree with one another regarding an issue. Once a vote is taken, Council members should support the DD Council's decision even if a member voted against it. Being divided depreciates the quality and clarity of the DD Council's voice.

### Council staff – What does the DD Act say?

- The Council shall hire a Director and supervise and annually evaluate the Director.
- The Director shall hire and maintain types of staff to carry out the functions of the Council.
- The Director supervises and evaluates Council staff.

*Note: The Director works directly for the Council and is supervised by the Council; the Council staff works directly for the Director and is supervised by the Director*

### The Council member – staff partnership

- Staff members share the vision of the Council.
- Council members provide leadership and guidance for Council activities.
- Staff provide meaningful, relevant information and assistance to the Council.
- Staff are the Council member's partner.
- Council members are the staff's partner.
- Council members are responsible for ONE staff member. The Executive Director.

### Council member responsibilities to staff

Council members should not act as a human resource representative for Council staff (Council staff is any Council staff member other than the Executive Director).

- If Council staff have complaints or concerns, they must follow State personnel policies and procedures. DD Council staff have standard procedures to follow within a State system.
  - Recommendation to Council members: Re-direct Council staff to follow the proper channels to resolve any problem; do not talk to other Council members about alleged problems – this will serve to foster discord.

## Micromanagement

### What is it?

When Council members get caught up in the day-to-day operations of the Council. When a Council micromanages, they want to set strategic direction and actively oversee the implementation of the details.

### Why do Councils micromanage?

- ✓ They have a hard time differentiating between governance and management.
- ✓ Habit – if Council members deal with management issues in their daily jobs, they may feel comfortable overstepping boundaries.
- ✓ Sometimes, the Council members overstep because strong leadership on keeping them focused on strategic issues is missing.
- ✓ Sometimes the Executive Director (and staff) are not providing the Council with adequate information causing them to ask for additional detailed reports.
- ✓ Sometimes, the Council loses confidence in the Executive Director's ability to manage the Council program.

### Typical areas of micromanagement include:

- ✓ Approving choice of office equipment, software, or furniture.
- ✓ Participate in staff hiring and defining job descriptions (other than the ED).
- ✓ Verifying receipts and invoices.
- ✓ Contacting staff members directly for information (without explicitly being invited to do so by the ED).
- ✓ Creating committees that duplicate staff work.
- ✓ Sending a Council member to staff meetings.
- ✓ Publicly second-guessing the ED's decisions.

### What can the Executive Director do?

- ✓ Discuss the issue with the Chair and work out a solution.
- ✓ The Chair must remind other Council members of their roles and how to communicate with staff.
- ✓ If the Chair is micromanaging, the Executive Director needs to address the problem directly and remind the Chair of their different responsibilities.
- ✓ The Executive Director can prevent micromanagement by being proactive, not bringing detailed administrative issues to the Council, and by ensuring the Council receives regular and concise information.

- ✓ Micromanagement can be avoided when each Council member is aware of which ‘hat” he/she is wearing at each moment. A Council member must be able to tell the difference between drafting guidelines as a group member and then allowing a staff member to finish a task independently as assigned by the Council.

**The perfect partnership**

When a board hires a competent Executive Director, it already has adopted the basics of role differentiation between Council and staff. Delegating management duties to the Executive Director also assumes that the Council clarified job duties. Like any supervisor, the Council is there to support the Director, set performance expectations, and challenge him or her to propel the Council forward. How the staff gets its work done is the responsibility of the Executive Director and how the Council manages its own tasks is the responsibility of the Chair. In a productive partnership, the Executive Director and the Council end up formulating strategic decisions together while leaving the details of implementation to appropriate individuals.

Reference: Richard P. Chait, "How to Help Your Board Govern More and Manage Less" 408 (BoardSource 203).

**Micromanagement – supplemental exercise**

**Exercise:**

Review the Council’s agenda items for the past several meetings. For each agenda item, mark which category it fits:

<b><i>S (Staff)</i></b>	<b>Is this activity a duplication or review of a task staff already does or has done? Is it a rubber stamp of a staff recommendation/staff-initiated item?</b>
<b><i>P (Past)</i></b>	Is this a review/discussion of something that already happened? (This will include staff reports, committee reports, financial reports, etc., most of which review PAST actions.)
<b><i>V (Values)</i></b>	Does the item pertain to the organization’s core values? Is it a discussion of how decisions are made, how actions are determined to be right or wrong, how the Council ensures the organization is walking its talk?
<b><i>M (Vision &amp; Mission)</i></b>	Is this a discussion of the effect the Council has in the State? A discussion of the impact the Council will create for individuals and for the State and community? Is it an item about how you will make more of a difference in people’s lives?

Tally up the time your Council spends on each of these items. What percentage of your time are they spending discussing things the staff is primarily responsible for? What percentage are they spending on things that have already occurred?

What percentage of your time are they spending talking about the impact the Council is making and has the potential to make in the State/community? What percentage of your time are they spending on the values and ethics that guide their decisions?

Once you see both what the Council is spending its time on, and (most importantly) what it has the potential to spend its time on, you can begin to shift the agenda to **spend more time looking forward than looking back**. The Council can begin to consider the proactive leadership function of governance, in addition to the reactive oversight functions. They can begin to govern for what is possible.

Micromanagement can be a symptom of several problems:

**Problem #1 – The Council has no clear sense of its role in the organization, and no systems to guide that role. Council members think this is what they should be doing.**

Council members are generally appointed because they are movers and shakers – they know how to get things done – they are active in advocacy and the disability movement. Council members assume their job is to roll up their sleeves and do what they do best – get things done! Often, Council members micromanage because they think that is what they should be doing. And there is no framework in place to guide them to do anything differently.

**Problem #2 – The Council has no policies or procedures delineating appropriate roles for staff vs. the Council.**

This is related to problem #1 but extends further. Councils that micromanage generally have no clear set of procedures to define which decisions belong to the staff, and which belong to the board. With no guidelines, and no discussion about issues, Council members venture into the staff's areas of responsibility – mainly because there is nothing telling them not to.

**Problem #3 – Most people have no experience in “leading”. Real-life experience is mostly “doing”.**

Most of us do not “lead” in our everyday lives. Most of us “do”. Simply stated, the laundry and dishes don't get done by leading. The customer is not served by our “leading”, but by our “doing”.

**Problem #4 – Inviting Council members to perform tasks, not to lead.**

This occurs when a Council member is appointed who has a special skill like accounting, marketing, communications, human resources – if the member is invited to serve as volunteer staff, they are doing exactly what you asked them to do.

#### **Problem #5 – Remnants of Crisis**

If the Council has just experienced a crisis, they have had to jump in to get the job done and make sure the Council survives. In times of crisis, the Council may have had to act outside its role, as they may be the only ones left to do so – but once the crisis is over, if the Council does not have a clear sense of its role vs. that of the staff it will be extremely hard for the Council to stop its micromanagement role.

The danger is that the memory of crisis becomes institutionalized, meaning – lingering beyond the memories of just the current Council members. These residual behaviors will inadvertently be taught to new Council members as they will learn from watching. After a long period of time, it is simply viewed as the Council culture – the way things are done.

#### **Problem #6 – Fear**

At the root of most micromanagement is fear. Fear that if the Council members do not do it, no one else will (or do it as well). Fear the Council will fail, and horrible things will happen. Fears about funding, about bad press. When people behave badly it is usually because they feel their comfort and safety is threatened in some way. When Councils behave badly, they are usually concerned about the health and safety of the Council. If the Executive Director can keep in mind that the Council is micromanaging because they care and as a result, have fears and concerns, and not because they are power hungry control freaks, then the ED will be better equipped to get them to stop micromanaging.

### **Recommendations to address micromanagement.**

The answer is to look beyond the situation you do not want and instead aim your efforts at achieving the situation you do want. Instead of aiming to solve the problem of micromanagement, you will aim at creating an effective, high functioning Council.

You will need one-part compassion, and one-part wisdom to accomplish. The compassion will help you ease Council members through their own well-meaning reasons for micromanaging. This will require not only that micromanaging Council members change, but that YOU change your assumptions about their reasons for doing what they are currently doing.

From there, wisdom will guide you to proactively create situations where the Council will simply have no reason to micromanage.

The first step is to stop treating micromanagement as if it is a disease that comes from a few control freak board members. The first step is to be compassionate.

The emotional reaction to fear, concern, and worry are responses to feeling threatened. These emotional reactions arise from the instinct for self-preservation.

### Proactive Planning

In a proactive plan, the Council (working with key staff) proactively determines what they want success to look like in the State/Territory they serve. A key focus question is “As a result of your efforts, what do you want to be different in the State/Territory?” (note this is not reactive planning that looks to “solve problems” but instead looks proactively to create the State/Territory you want, solving problems along the way).

### Addressing Fear at the Council table

At Council meetings, actively listen for verbal messages that precede micromanagement – the signs of fear. Listen for the following phrases as signals:

- I am concerned about...
- What will happen if we do not...
- I am worried about...
- Should we investigate that?
- Should we do something about that?

When you hear fear arise, proactively address the issue as follows:

<b>1)</b>	<b><i>Issue:</i></b>	<b>Identify the real issue. What are you afraid might happen?</b>
<b>2)</b>	<b><i>Preventative Action:</i></b>	Identify an action that can be taken to prevent that bad result from happening
<b>3)</b>	<b><i>Assignment:</i></b>	Assign responsibility for that action. Remember, the Council has one employee - the ED. So, the Council can only make assignments to <ol style="list-style-type: none"> <li>a) the Council itself,</li> <li>b) the ED, who in turn can assign to other staff, or</li> <li>c) a committee.</li> </ol>
<b>4)</b>	<b><i>Monitoring:</i></b>	Determine how you will monitor whether the action was taken, to evaluate what to do next.

**For example:**

<b>1)</b> <i>Issue:</i>	<b>We are afraid because the Council is behind in obligating our funding and we will lose the opportunity to use the money.</b>
<b>2)</b> <i>Preventative Action:</i>	We will create an obligation policy and procedure with a working fiscal calendar/plan that aims obligating the annual allotment as close to the beginning of the fiscal year as possible.
<b>3)</b> <i>Assignment:</i>	The Council will form a committee of Council and staff. The final draft of policy and procedures with a working fiscal calendar/plan will be provided to the Council for review and approval in 3 months.
<b>4)</b> <i>Monitoring:</i>	The staff will report every 3 months on its progress, with those updates automatically included in the Council's agenda.

The balance in these 4 steps will provide the board and staff with a framework that does two critical things. First, it will prevent micromanagement of these tasks themselves (assigning, monitoring), modeling a format for all the Council's decision-making in the future. Second, it addresses the real issues that can cause micromanagement in the first place (identifying and taking preventative action).

**Conclusion**

The result of this process is a Council that is proactively working to take as much proactive control as possible over the things that very rightfully cause fear and concern.

The approach takes the anger out of the work, by approaching these legitimate fears with compassion rather than blame. And by creating systems that proactively address the root causes of those fears while moving the organization forward, the Council will have plenty to work on that is not day-to-day.

They will be working on the reason they joined the board in the first place - to make a difference. And that is where the fun is!

*Adapted from: ReSolve, Inc. Hildy Gottlieb and BoardSource, Richard P. Chait*