



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration on Developmental Disabilities

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6.	7.

INFORMATION MEMORANDUM

TO : Directors, State Protection and Advocacy
Directors, State Administering Agencies
Executive Directors, State Planning Councils
Directors, University Affiliated Facilities

SUBJECT : State Planning Councils and State Administering Agencies

LEGAL AND RELATED REFERENCES : The Developmental Disabilities Act of 1984, Public Law 98-527

CONTENT : This Information Memorandum outlines the major provisions of the Developmental Disabilities Act of 1984, Public Law 98-527, that directly relates to the State Planning Councils and the State Administering Agencies.

State Planning Councils

Each State which receives assistance under the Developmental Disabilities Basic Formula Grant Program must establish a State Planning Council which serves as an advocate for persons with developmental disabilities. The members of the State Planning Council shall be appointed by the Governor of the State from among the residents of that State. The Governor of each State shall make appropriate provisions for the rotation of membership on the Council of the State. Each State Planning Council shall at all times include in its membership representatives of the principal State agencies (including the State agency that administers funds provided under the Rehabilitation Act of 1973, the State agency that administers funds

provided under the Education of the Handicapped Act, and the State agency that administers funds provided under Title XIX of the Social Security Act for persons with developmental disabilities), higher education training facilities, each university affiliated facility or satellite center in the State, the State protection and advocacy system established under Section 142, local agencies and private nonprofit groups concerned with services to persons with developmental disabilities in that State. (Sec.124(a)(1))

* At least one-half of the membership of each Council must consist of consumer members. Consumer members are persons with developmental disabilities or parents or guardians of such persons or immediate relatives or guardians of persons with mentally impairing developmental disabilities. None of the consumer representatives can be employees of a State agency which receives funds or provides services under the Basic State Grant Program, nor owners or managing employees of any other entity which receives funds or provides services through the Basic State Grant Program. Of the consumer members, at least one-third must be persons with developmental disabilities and at least one-third must be immediate relatives or guardians of persons with mentally impairing developmental disabilities. At least one member of each Council must be an immediate relative or guardian of an institutionalized person with a developmental disability. (Sec.124(a)(2))

Section 124(b) of the Act, requires that the State Planning Council shall:

1. Develop jointly with the designated State agency(ies) the State plan including the specification of areas of services (Sec. 124(b)(1));

2. monitor, review, and evaluate the implementation of such State Plan (Sec. 124(b)(2));
3. to the maximum extent feasible, review and comment on all State Plans in the State which relate to programs affecting persons with developmental disabilities (Sec. 124(b)(3)); and
4. submit to the Secretary, through the Governor (for review and possible comments) such periodic reports on its activities as the Secretary may reasonably request and keep records and afford access to those records (Sec. 124(b)(4)).

In addition, the following provisions address activities of the Council:

- o Section 107(a) mandates that the Council transmit to the Secretary by January 1 of each year, a report on the activities carried out during the preceeding fiscal year with Basic State Grant funds.
- o Section 162(b) requires that the State Planning Council, for each State in which an applicant's project will be conducted, has the opportunity to review the application for such projects and to submit comments.

State Administering Agencies

The designated State Administering Agency(ies) is responsible for meeting the following requirements:

1. The joint development of the State Plan with the State Planning Council (Sec. 124(b)(1));
2. the administration or supervision of the administration of the State Plan (Sec. 122(b)(1)(B));
3. keeping such records and affording such access thereto as the Secretary or the State Planning Council finds necessary (Sec. 122(b)(1)(C)).

EFFECTIVE DATE: October 19, 1984 - Date of Enactment of the
Developmental Disabilities Act of 1984

INQUIRIES TO : Appropriate ADD Regional Program Director

EASTERN REGION

States : Connecticut, Delaware, District of Columbia,
Maine, Maryland, Massachusetts, New Hampshire,
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SOUTHERN REGION

States : Alabama, Arkansas, Florida, Georgia, Kentucky,
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Texas

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MIDWESTERN REGION


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WESTERN REGION

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cc: Regional Administrators
Regions III, VI, VII, and IX
Regional Directors, Office of Fiscal
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