



Webinar on the NPRM of the DD Act

April 21, 2008

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AUCD

Topics

- ***How is the NPRM Organized?***
- ***What is requested in the Public Comment?***
- ***What are the parts relevant to the UCEDD Network?***
- ***What are the parts of the NPRM that are relevant to the P&As and DDCs?***
- ***What changes are proposed from the last regulations & what are the areas of particular concern to UCEDDs?***
- ***How do the UCEDDs want to convey their comments?***

What is the NPRM?

- Notice of Proposed Rulemaking – comments are due June 9.
- The proposed text is for updating the Code of Federal Regulations (Title 45, Volume 4, Chapter XIII, Subchapter I)
- Title II Family Support and Title III Program for Direct Support Workers
“NOT the subject of this proposed rule”

How is the NPRM Organized?

- Overview Section
 - Overview of the DD Act of 2000
 - Overview of the P&As, DDC, PNS, and UCEDDs
 - Discussion of the proposed regulations
- Section by Section Discussion of the Significant Changes
- Impact Analysis of the Proposed Regulations
- Text of the Regulations

What is requested in the Public Comment?

- **Public comment is sought on the entire document.**
- ADD also specifically requests comments on:
 1. Whether the current process involving class action lawsuits provides adequate protection for individuals with developmental disabilities.
 2. Which activities grantees (UCEDDs, P&As, and DDCs) may engage in to influence legislation and still be in compliance with statutes, regulations, and OMB Circulars which generally restrict such activities ordinarily referred to as “lobbying.”

What are the parts of the NPRM are relevant to the UCEDD Network?

- **Part 1385—Requirements Applicable to the Developmental Disabilities Program (ALL)**
 - Statement of general applicability to the network (1385.1)*
 - Purpose of the regulations (1385.2)
 - Definitions of terms (1385.3)*
 - Statement on the rights of individuals with developmental disabilities (1385.4)
 - Program accountability and indicators of progress (1385.5)*
 - Statement on affirmative action in employment of individuals with disabilities (1385.6)
 - Statement on the content of applications, plans, and reports (1385.7)*
 - (Formula for determining allotments [1385.8] is for P&As & DDCs)
 - Grant administration requirement statements and cross-references to other parts of the CFR (1385.9)*
- **Part 1388—The National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service**
 - Purpose of the UCEDDs (1388.1) *
 - Core Functions of the UCEDDs (1388.2) *
 - Supplemental grants for National Training Initiatives on Critical and Emerging Needs (1388.3) *
 - Application requirements for UCEDDs (1388.3)*
 - Requirements for the 5-Year Plan and Annual Report (1388.5)*
- **Impact Analysis (p. 19720)**
 - Notes that the annual report burden is 200 hours *

* Of particular interest to UCEDDs

What are the parts of the NPRM that are relevant to the P&As and DDCs?

- Relevant to the P&As, DDCs, & UCEDDs:
 - Part 1385—Requirements Applicable to the Developmental Disabilities Program
- P&A
 - Part 1386—Formula Grant Programs
 - Subpart A: Basic Requirements
 - Subpart B: Protection and Advocacy of Individual Rights
 - Subpart C: Access to Records, Service Providers, and Service Recipients
- DDC
 - Part 1386—Formula Grant Programs
 - Subpart A: Basic Requirements
 - Subpart D: Federal Assistance to State Councils on Developmental Disabilities
 - Subpart E: Practice and Procedure for Hearings Pertaining to State's Conformity and Compliance with Developmental Disabilities State Plans, Reports, and Federal Requirements

Changes for DDCs

- Requires Councils to set-aside 70% of the Federal funds for activities tied to Council goals (previous amount was 65%).
- Increases the percentage from 50 percent to 60% of representation by individuals with DD on Councils.

Changes for P&As

- Requires that P&A governing board be selected by the P&A and be subject to the policies and procedures the P&A chooses to establish.
- Membership of the board subject to term limits set by the P&A to ensure rotating membership.
- Strengthens provisions regarding access to service providers and records of individuals with developmental disabilities in order to investigate potential abuse and neglect.
- State must provide information to a P&A about the adequacy of health care and other services, supports, and other assistance that individuals with DD receive through home and community-based waivers.

What changes are proposed from the last regulations? (published September 1996)

1. The Definitions section of the regulations

- Is “updated” to reflect terms defined in the statute that apply to all of the programs authorized by the DD Act of 2000 and
- Now includes references to measures of progress, measures of improvement, measures of consumer satisfaction, measures of collaboration, and goals.

2. Section 1385.5 has been added.

- This section addresses program accountability and indicators of progress requirements for the DDCs, P&As and UCEDDs. (Section 104 (a) “Program Accountability” of the DD Act is referenced)

3. The existing section of the regulations that addresses access to records, facilities and individuals with developmental disabilities (1386.22 related to P&As) is made into a separate subpart with additional revisions.

4. Section 1388.4

- Eliminates all previous references to the governance and administration of the UCEDD and
- Replaces this language with requirements for applying to be a UCEDD (largely taken from Subtitle D, Sec 154 “Applications” of the DD Act).

Section 1388.5

- Eliminates the descriptions of UCEDD standards for personnel training, services and supports, direct services, and dissemination (made redundant by the new “Definitions” section) and
- Replaces this language with requirements for 5-Year Plans and Annual reports

6. “Technical and conforming changes to other sections of the rules for the DD Act programs have been made to address new terminology and revised statutory cites and to provide clarity.”

42 USC 15004 SEC. 104. Responsibilities of the Secretary

(a) PROGRAM ACCOUNTABILITY.-

- (1) IN GENERAL. -In order to monitor entities that received funds under this Act to carry out activities under subtitles B, C, and D and determine the extent to which the entities have been responsive to the purpose of this title and have taken actions consistent with the policy described in section 101(c), the Secretary shall develop and implement an accountability process as described in this subsection, with respect to activities conducted after October 1, 2001.
- (2) AREAS OF EMPHASIS. -The Secretary shall develop a process for identifying and reporting (pursuant to section 105) on progress achieved through advocacy, capacity building, and systemic change activities, undertaken by the entities described in paragraph (1), that resulted in individuals with developmental disabilities and their families participating in the design of and having access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life. Specifically, the Secretary shall develop a process for identifying and reporting on progress achieved, through advocacy, capacity building, and systemic change activities, by the entities in the areas of emphasis.
- (3) INDICATORS OF PROGRESS.-
 - (A) IN GENERAL. -In identifying progress made by the entities described in paragraph (1) in the areas of emphasis, the Secretary, in consultation with the Commissioner of the Administration on Developmental Disabilities and the entities, shall develop indicators for each area of emphasis.
 - (B) PROPOSED INDICATORS. -Not later than 180 days Deadline after the date of enactment of this Act, the Secretary shall Federal Register, develop and publish in the Federal Register for public publication. comment proposed indicators of progress for monitoring how entities described in paragraph (1) have addressed the areas of emphasis described in paragraph (2) in a manner that is responsive to the purpose of this title and consistent with the policy described in section 101(c).
 - (C) FINAL INDICATORS. - Not later than October 1, 2001, Deadline the Secretary shall revise the proposed indicators of Federal Register, progress, to the extent necessary based on public comment, publication and publish final indicators of progress in the Federal Register.
 - (D) SPECIFIC MEASURES. -At a minimum, the indicators of progress shall be used to describe and measure-
 - (i) the satisfaction of individuals with developmental disabilities with the advocacy, capacity building, and systemic change activities provided under subtitles B, C, and D;
 - (ii) the extent to which the advocacy, capacity building, and systemic change activities provided through subtitles B, C, and D result in improvements in-
 - (I) the ability of individuals with developmental disabilities to make choices and exert control over the type, intensity, and timing of services, supports, and assistance that the individuals have used;
 - (II) the ability of individuals with developmental disabilities to participate in the full range of community life with persons of the individuals' choice; and
 - (III) the ability of individuals with develop-mental disabilities to access services, supports, and assistance in a manner that ensures that such an individual is free from abuse, neglect, sexual and financial exploitation, violation of legal and human rights, and the inappropriate use of restraints and seclusion; and
 - (iii) the extent to which the entities described in paragraph (1) collaborate with each other to achieve the purpose of this title and the policy described in section 101(c).
- (4) TIME LINE FOR COMPLIANCE WITH INDICATORS OF PROGRESS. -The Secretary shall require entities described in paragraph (1) to meet the indicators of progress described in paragraph (3). For fiscal year 2002 and each year thereafter, the Secretary shall apply the indicators in monitoring entities described in paragraph (1), with respect to activities conducted after October 1, 2001.

The Definitions section of the regulations is “updated”

- The NPRM establishes the requirements for DDCs, P&As, and UCEDDs to identify, characterize, and track progress on grant goals.
- Each goal must be related to an area of emphasis.
 - First, a grantee must select a goal or goals for the year in question.
 - Second, a grantee must select a type of activity—advocacy, capacity building, or systemic change—through which each goal shall be undertaken.
 - Third, a grantee must track progress on each goal by establishing measures of progress.
- The measures of progress must describe and measure:
 - (1) Consumer satisfaction with the services provided through the activities of the grantee under its ADD funded program;
 - (2) Collaboration with other ADD grantees subject to the regulation; and
 - (3) Improvements in the ability of individuals with developmental disabilities to make choices about and exert control over the services which they receive, to participate in the full range of community life with persons of the individual’s choice, and to access services, supports, and assistance to ensure the individual is free from exploitation, violations of legal and human rights, and inappropriate restraint or seclusion.

UCEDD 5 Year Plans

- Each goal must be related to an area of emphasis. (p. 19710)
- For each area of emphasis under which a goal has been identified, each DDC, P&A, and UCEDD must state in its required planning document (Five-Year plan for UCEDDs) the measures of progress (measures of consumer satisfaction, improvement, and collaboration) to be applied to its goals in the areas of emphasis selected for each year covered by the planning document. (p. 19710)
- Each UCEDD plan also must categorize its goals under both an area of emphasis and one of its four core functions. (p. 19711)
- The required planning document must classify under one or more areas of emphasis each of the goals related to advocacy, capacity building, and systemic change activities to be pursued during the year. (p. 19711)
- UCEDDS also must classify any goal activity in terms of mandated core functions. (p. 19711)
- For each area of emphasis selected, a grantee must measure progress related to its goal(s) through activity(ies) in terms of consumer satisfaction in each of its selected area(s) of emphasis. (p. 19711)
- *Paragraph (a)(3) provides that the measures of progress must meet all applicable program regulations. In the event the planning document fails to meet these regulatory requirements, the Commissioner shall decline to accept the planning document. (p. 19711)*

Example of Consumer Satisfaction Measures for a UCEDD (p. 19712)

- A UCEDD wants to train a group of pediatricians to serve individuals with developmental disabilities. The UCEDD identifies the group and provides the training. It checks back with the pediatricians to see if the training helped them.
- Consumer satisfaction is measured through a survey of a sample of patients or family members/advocates to assess the level of their satisfaction with their pediatricians trained by the UCEDD and to receive recommendations on expansion or changes in the training activities.
- This is a UCEDD capacity building activity.
- The goals in this example focus on the health area of emphasis.
- The type of activity includes training via curricula, role playing, case example, and/or consumer or family member/advocate interview or presentation.
- The UCEDD measure of progress would be an increase in pediatricians' caseloads of clients with developmental disabilities and patients being satisfied with the care they received from trained pediatricians.

Collaboration_(p. 19712)

- Proposed paragraph (e) specifies the requirement related to measures of collaboration.
 - Under this paragraph, we propose to require each DDC, P&A, and UCEDD to identify collaborative activities it will implement for each area of emphasis related to a goal.
 - Under the proposal, UCEDDs also must identify interstate collaborative activities. (see section 1385.5 which references this to mean UCEDDs in other states)
 - Instate collaborations must include a meeting or Memorandum of Understanding on the proposed collaborative activities.
- Collaboration among a State's ADD grantees is very important. By collaboration ADD means efforts in which all three categories of a State's grantees work together (DCC, P&A, and UCEDD). In some States there are multiple UCEDDs. In these States the multiple UCEDDs would be expected to collaborate with each other and the State's Council and P&A.

Example of Improvement Measures for a UCEDD (p. 19712-3)

- A UCEDD wants to develop, implement, and evaluate a comprehensive statewide training program for direct support professionals (e.g., personal care assistants, occupational and physical therapy aides, home health aides, medical assistants, and human services case managers).
- The UCEDD establishes a timeframe of five years.
- The UCEDD develops a curriculum, obtaining input from other UCEDDs and other network partners and from individuals with developmental disabilities or family members/advocates.
- The UCEDD trains direct support professionals with the curriculum.
- The UCEDD evaluates its program annually and at the end of the five-year period, using input from all parties involved with respect to their satisfaction and recommendations for future activities and revision of materials.
- The goals of this example focus on the health area of emphasis.
- The type of activity includes training via modules, role-playing, case examples, and/or consumer or family member/advocate interview or presentation.
- The proposed UCEDD measure of progress would be an increase in the number of direct support personnel successfully trained.

Part 1385—Requirements Applicable to the Developmental Disabilities Program (ALL)

1385.3 Definitions (p. 19722-4):

- *New*: Advocacy activities, capacity building activities, systemic change activities, culturally competent, developmental disabilities, family support services, inclusion, individualized supports, integration, not for profit, personal assistance service, prevention activities, productivity, rehabilitation technology, required planning documents, self-determination activities, supported employment services, unserved and underserved.
- *Areas of emphasis* are defined in a way that matches NIRS definitions
- *Collaboration* is defined as “the use of interagency agreements and similar mechanisms by agencies under the Act.”
- *Indicators of progress* is defined as “the grantee’s compliance with its own self-selected, ADD approved, measures of progress.”
- *Measures of progress* is defined as “the grantee’s standards of performance that they have developed pursuant to section 1385.5.”
- **Not defined : consumer, satisfaction, or consumer satisfaction**

Part 1385—Requirements Applicable to the Developmental Disabilities Program (ALL)

1385.5 Program accountability and indicators of progress. (p. 19725) NEW:

- (a) *Program Accountability Process*
 - The required planning document and updates must classify under one or more areas of emphasis each of the goals related to advocacy, capacity building, and systemic change activities the DDC, P&A, or UCEDD will be pursuing during each of the years covered by the document.
 - For UCEDDs, goal activities also must be classified in terms of mandated core functions.
 - DDCs, P&As and UCEDDs must state in the required planning document the measures of progress to measure consumer satisfaction, collaboration, or improvement for each established goal under each selected area of emphasis during any year covered by the planning document. The measures of progress. . . must be able to, over time, demonstrate whether the grantee has achieved progress in meeting the goals of the Act through its advocacy, capacity building, and systemic change activities.
 - Measures of progress included in the required planning document, or in revisions to such document, shall meet the requirements under this part. ***In the event that one or more of the measures of progress included in the required planning document, or an amendment to the document, do not meet the requirements under this part, the Commissioner shall decline to accept the planning document, or the revision to such document, submitted by the grantee.***
 - Each DDC, P&A, and UCEDD. . . must report the results of measures of progress measuring consumer satisfaction, collaboration, or improvement for each area of emphasis under which a goal has been established for the year on which it is reporting.

Part 1385—Requirements Applicable to the Developmental Disabilities Program (ALL)

1385.5 Program accountability and indicators of progress. (p. 19725) *NEW*:

- *(b) Measures of Progress.*
 - For each of the areas of emphasis under which a grantee has established a goal(s), it shall meet approved annual measures for successful achievement of progress.
- *(c) Indicators of Progress.*
 - For each of the areas of emphasis under which a DDC, a P&A, or a UCEDD has classified activities, the indicators of progress shall be the achievement of the measures of progress they have established pursuant to this section for the year on which it is reporting. Each DDC, P&A, and UCEDD is required to meet the indicators of progress for each of the areas of emphasis in which it has classified activities for the year on which it is reporting.
- *(d) Measures of Consumer Satisfaction.*
 - Each DDC, P&A, and UCEDD must:
 - (1) establish in its planning document, or any revision, on the level of consumer satisfaction to be attained for each area of emphasis for which goals are identified, and
 - (2) track consumer satisfaction for each area of emphasis for which goals are identified through the end of each year. If, for any reason, a DDC, P&A, or UCEDD does not fully perform a planned activity related to a goal under an area of emphasis, as appropriate, the consumer satisfaction with the activity shall be measured by the grantee on the basis of the portion of the activity performed

Part 1385—Requirements Applicable to the Developmental Disabilities Program (ALL)

1385.5 Program accountability and indicators of progress. (p. 19725) NEW:

- (e) *Measures of Collaboration.*
 - (1) Each DDC, P&A, and UCEDD must identify in its planning document, and any revision, the collaborative activities that it will implement for each area of emphasis under which it has identified one or more goals. Each UCEDD also must identify the collaborative activities it will implement with UCEDDs in other States which are pursuing similar activities under the same areas of emphasis.
 - (2) Collaboration by each DDC, P&A, and UCEDD with other grantees within the State must include the following:
 - (i) A meeting with the other grantees in the State on the proposed collaboration and on the implementation of the agreed upon collaborative activities;
 - (ii) A Memorandum of Understanding on the collaboration initiative agreed upon by each of the other grantees in the State, signed by the administering officials of the DDC, P&A, and UCEDD.

Part 1385—Requirements Applicable to the Developmental Disabilities Program (ALL)

1385.5 Program accountability and indicators of progress. (p. 19725) NEW:

- (f) *Measures of Improvement*
 - (1) Each DDC, P&A, and UCEDD must establish for each year covered by the planning document the measures of improvement it will attain in each area of emphasis for which goals have been identified by assessing the extent to which grantee activities have enabled individuals with developmental disabilities to:
 - (i) Make choices and exert control over the type, intensity, and timing of services, supports and assistance in the area of emphasis;
 - (ii) Participate in the full range of community life associated with the area of emphasis with persons of the individual's choice; and
 - (iii) Access services, supports and assistance in the area of emphasis in a manner that ensures that such individuals are free from abuse, neglect, sexual and financial exploitation, violation of legal and human rights, and the inappropriate use of restriction and seclusion.
 - (2) DDCs, P&As, and UCEDDs may adopt additional measures of progress to assess their performance during a year.

Part 1385—Requirements Applicable to the Developmental Disabilities Program (ALL)

1385.6 Employment of Individuals with Disabilities. (p. 19725-6):

- Each grantee which receives Federal funding under the Act must meet the requirements of Section 107 of the Act (42 U.S.C. 15007) regarding affirmative action.

1385.7 Reports of the Secretary. (p. 19726):

- All grantee submission of plans, applications and reports must label goals, activities and results clearly in terms of the following: area of emphasis, type of activity (advocacy, capacity building, systemic change), and categories of measures of progress.

Part 1388—The National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

Section 1388.1 Purpose (previously “definitions” p. 19739), now reads:

- (a) ADD awards grants to eligible entities designated as Centers in each State to pay for the Federal share of the cost of the administration and operation of the Centers. Centers shall:
 - (1) Provide leadership in, advise Federal, State, and community policymakers about, and promote opportunities for individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life.
 - (2) Be interdisciplinary education, research, and public service units of universities (as defined by the Secretary) or public or not-for-profit entities associated with universities that engage in core functions, described in § 1388.2 of this part, addressing, directly or indirectly, one or more of the areas of emphasis, as defined in § 1385.3.
- (b) To conduct National Training Initiatives on Critical and Emerging Needs as described in § 1388.3.

Part 1388—The National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

Section 1388.2 Core Functions (previously “purpose” p. 19739), now reads:

- The Centers described in § 1388.1(a)(1) and (2) must engage in the core functions referred to in § 1388.1(a)(2), which shall include—
 - (a) *Provision of interdisciplinary preservice preparation* and continuing education of students and fellows, which may include the preparation and continuing education of leadership, direct service, clinical, or other personnel to strengthen and increase the capacity of States and communities to achieve the purpose of the DD Act of 2000.
 - (b) *Provision of community services.*
 - (1) That provide training or technical assistance for individuals with developmental disabilities, their families, professionals, paraprofessionals, policymakers, students, and other members of the community; and
 - (2) That may provide services, supports, and assistance for the persons listed in (b)(1) through demonstration and model activities.
 - (c) *Conduct of research*, which may include basic or applied research, evaluation, and the analysis of public policy in areas that affect or could affect, either positively or negatively, individuals with developmental disabilities and their families.
 - (d) *Dissemination of information* related to activities undertaken to address the purpose of the DD Act of 2000, especially dissemination of information that demonstrates that the network authorized under subtitle D is a national and international resource that includes specific substantive areas of expertise that may be accessed and applied in diverse settings and circumstances.

Part 1388—The National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

Section 1388.3 National Training Initiatives on Critical and Emerging Needs (previously “mission” p. 19739), now reads:

- (a) Supplemental grant funds for National Training Initiatives (NTIs) on Critical and Emerging Needs will be reserved when each Center described in Section 152 of the DD Act has received a grant award of at least \$500,000, adjusted for inflation.
- (b) The grants shall be awarded to Centers to pay for the Federal share of the cost of training initiatives related to the unmet needs of individuals with developmental disabilities and their families.
- (c) The grants shall be awarded on a competitive basis, and for periods of not more than 5 years.

Part 1388—The National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

Section 1388.4 Applications (previously “governance and administration” p. 19739-40)

- Eliminates all previous references to the governance and administration of the UCEDD and replaces this language with requirements for applying to be a UCEDD (largely taken from Subtitle D, Sec 154 “Applications” of the DD Act).

What has been removed?

- (a)...The UAP must be associated with, or an integral part of, a university and promote the independence, productivity, integration, and inclusion of individuals with developmental disabilities and their families.
- (b) The UAP must have a written agreement or charter with the university that specifies the UAP designation as an official university component...
- (c) Within the university, the UAP must maintain the autonomy and organizational structure required to carry out the UAP mission and provide for the mandated activities.
- (d) The UAP must report directly to a University administrator who will represent the interests of the UAP within the University.
- (e) The University must demonstrate its support for the UAP through the commitment of financial and other resources.
- (f) UAP senior professional staff must hold faculty appointments in appropriate academic departments of the host or an affiliated university, consistent with university policy....

Part 1388—The National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

What has been removed? (cont.)

- (g) UAP faculty and staff must represent the broad range of disciplines and backgrounds necessary to implement the full inclusion of individuals with developmental disabilities in all aspects of society, consonant with the spirit of the Americans with Disabilities Act (ADA).
- (h) The UAP must meet the requirements of section 109 of the Act [42 U.S.C. 6008] regarding affirmative action...(Captured in 1385.6 “employment”)
- (i) The management practices of the UAP, as well as the organizational structure, must promote the role of the UAP as a bridge between the University and the community. The UAP must actively participate in community networks and include a range of collaborating partners.
- (j) The UAP's Consumer Advisory Committee must meet regularly. (Captured in 1388.4 “applications”)
- (k) The UAP must maintain collaborative relationships with the DDC and the P&A. In addition, the UAP must be a member of the State Developmental Disabilities Council and participate in Council meetings and activities, as prescribed by the Act. (Captured in 13885.5 “definitions,” 1388.4 “applications,” and 1385.5 “Program accountability and indicators of progress”)
- (l) The UAP must maintain collaborative relationships and be an active participant with the UAP network and individuals, organizations, State agencies and Universities.
- (m) The UAP must demonstrate the ability to leverage resources.
- (n) The UAP must have adequate space to carry out the mandated activities.

Part 1388—The National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

What has been removed? (cont.)

- (o) The UAP physical facility and all program initiatives conducted by the UAP must be accessible to individuals with disabilities as provided for by section 504 of the Rehabilitation Act and Titles II and III of the Americans with Disabilities Act.
- (p) The UAP must integrate the mandated core functions into its Activities and programs and must have a written plan for each core function area.
- (q) The UAP must have in place a long range planning capability to enable the UAP to respond to emergent and future developments in the field.
- (r) The UAP must utilize state-of-the-art methods, including the active participation of individuals, families and other consumers of UAP programs and services to evaluate programs. The UAP must refine and strengthen its programs based on evaluation findings.
- (s) The UAP Director must demonstrate commitment to the field of developmental disabilities and leadership and vision in carrying out the mission of the UAP.

Part 1388—The National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

- **Section 1388.5 Five-year Plan and Annual Report (previously “preparation of personnel” p. 19740-1) now reads:**
- (a) As required by Section 154 (a) (2) of the DD Act of 2000, (42 U.S.C. 15064), the application for core funding for a UCEDD shall describe a five-year plan, including a projected goal or goals related to one or more areas of emphasis for each of the core functions in Section 153(a)(2) of the DD Act of 2000 (42 U.S.C. 15063).
 - (1) For each area of emphasis under which a goal has been identified, the UCEDD must state in its application the measures of progress (consumer satisfaction, improvement and collaboration) it has established, pursuant to § 1385.5 of this part.
 - (2) If changes are made to the measures of progress established for a year, the five-year plan must be amended to reflect those changes.
 - (3) By July 31 of each year, a UCEDD shall submit an Annual Report, using the system established by ADD. ***In order to be accepted by ADD, an Annual Report must meet the requirements of Section 154(e) of the Act (42 U.S.C. 15064) and, the applicable regulations, and include the information necessary for the Secretary to comply with Section 105(1), (2), and (3) of the Act (42 U.S.C. 15005) and any other information requested by ADD.*** The Report shall include information on progress made in achieving the UCEDDs goals for the previous year, including:
 - (i) The extent to which the goals were achieved;
 - (ii) a description of the strategies that contributed to achieving the goals;
 - (iii) to the extent to which the goals were not achieved, a description of factors that impeded the achievement; and
 - (iv) an accounting of the manner in which funds paid to the UCEDD for a fiscal year were expended.
- (4) The Report also must include information on proposed revisions to the goals and a description of successful efforts to leverage funds, other than funds under the Act, to pursue goals consistent with the UCEDD program.
- (5) Each UCEDD must include in its Annual Report information on its achievement of the measures of progress established in § 1385.5 of this part.

How do the UCEDDs want to convey their comments?

- Comments must be received by June 9, 2008
- Comments may be submitted by
 - Mail: (Commissioner, Administration on Developmental Disabilities, Administration for Children and Families, 370 L'Enfant Promenade SW, Mail Stop: HHH 405D, Washington, DC 20447) or
 - Electronically at: <http://www.regulations.acf.hhs.gov>
- Should UCEDDs be encouraged to submit individual comments or should AUCD create a package for “sign on”?
- AUCD will consolidate comments from this call. Please send any additional comments by email to Kim Musheno by the end of the week. We will send out a draft set of the comments to the network.