

Louisiana DD Council

Membership

Council Members

Council Committees

Council Chairperson

Conflict of Interest

Staff Hiring and Supervision

Department of Health and Human Services

Administration for Community Living

- Administration on Disabilities
 - Administration on Intellectual and Developmental Disabilities
 - A Program and Fiscal Specialist is assigned to each DD Council;
 - A technical assistance provider is selected by AIDD to serve all DD Councils.

How the Council “connects” and is accountable to federal agencies and the national organization

Membership

Who reviews the LA DD Council Membership?

Each year, the assigned Federal Program Specialist conducts a review of the Council membership to determine compliance with the DD Act and other regulations.

What did the Federal Program Specialist find?

The Council demonstrated compliance with the following:

- 1) Regional representation;
- 2) Required number of agency members;
- 3) Required number of individuals with developmental disabilities;
- 4) Required number of family members;

What has the Federal Program Specialist instructed?

As the membership rotates, ensure gender, racial, and ethnic diversity of the Council is fully in line with the DD Act expectations.



Membership details

DD Act Requirement

- 60% of members shall be:
- 1/3 individuals with DD;
- 1/3 parents or guardians of children with DD or guardians of adults with DD with mentally impairing conditions AND who cannot advocate for themselves;
- 1/3 a combination of the 1st two categories (members from **EACH** category)
- One member must be a person with DD or an immediate relative or guardian of a person with DD who lives or previously lived in an institution.

Louisiana DD Council

- 28 total members
 - 17 citizen members (61%*)
 - 8 required State entities
 - 2 required DD Act Program Agencies (P&A, UCEDD)
 - 1 private non-profit group
- *Of the 61%, currently 41% are self-advocates and 59% are family-advocates**
- By-laws reflect the DD Act requirements
 - 17 Citizen members
 - 6 must be self-advocates
 - 6 must be parents or guardians of children or guardians of adults with mentally impairing conditions and who cannot advocate for themselves;
 - 5 must be a combination from the first two categories (LA has 1 additional self-advocate and 4 additional family-advocates).

Membership details - diversity

State of Louisiana

Race/Ethnicity

- Caucasian 63%
- African American 33%
- Hispanic/Latino 5%
- Asian 2%

Gender

- Male 49%
- Female 51%

Louisiana DD Council

Race/Ethnicity

- Caucasian 76%
- African American 12%
- Hispanic/Latino 6%
- Asian 6%

Gender

- Male 29%
- Female 71%

Membership details - Geographic representation

General Criteria

- North
- South
- East
- West
- Central
- Urban
- Rural

Louisiana DD Council

- Northwest
- Central
- South Central
- South West
- South East
- South East (more central)
- Urban
- Rural

Membership exclusions

- A citizen member cannot be employees of a State agency that receives Council funds;
- A citizen member cannot be a managing employee of ANY entity that receives funds or provides services under Subtitle B (Federal Assistance to State Councils on Developmental Disabilities).
- A representative from an agencies and/or organization must have the authority to engage in policy planning and implementation from the organization they represent.

Membership Process

Question: Is the Louisiana DD Council's process for recommending eligible people for Council membership as outlined in the Council By-laws and Policies and Procedures document aligned with the DD Act?

Answer: Yes

How do we know? Section 125(b)(B) in the DD Act states supports Councils to recruit, coordinate, and recommend individuals for membership, either at the initiative of the Council or on the request of the Governor.

The LA Council Policy and Procedures Manual provides information on the process used by the Council.

- The Council application includes questions about the individual and/or family member and other required members to determine them eligible for members as outlined in the DD Act.
- The Boards and Commissions application does not include questions to inform them of a individual's eligibility (criteria) to serve on the DD Council as outlined in the DD Act.



Role and Responsibilities re: membership activities

Council

- *As applicable*
- Chair appoints and supports committee work.
- Council members make people aware of vacancies and serve on committee.
- Council committee reviews, interviews, and recommends people to the full Council.
- Council approves candidates to recommend for appointment.

Council Staff

- ED is responsible to AOD and provides all required information and details about membership;
- ED ensures members recommended by the Council are appropriate for membership;
- ED partners with and provides education to a Governor's Appointments office staff regarding membership criteria;
- ED ensures membership committee/Council has staff support to fulfill their responsibilities and performs follow-up administrative tasks.

Federal Government

- Determines compliance with the DD Act, regulations, and sub-regulations.

Technical Assistance

- As requested or directed, provides education and information to enable DD Councils to recruit and recommend appropriate members;
- As requested provides information and education to Governor's Appointments Offices to assist with appropriate appointments.

Bottom line

The Executive Director, Council staff, or Council members do not appoint members to the Council;

The Council may provide recommendations about potential members to the Governor; *LA Council has clear written policy and procedures to do this.*

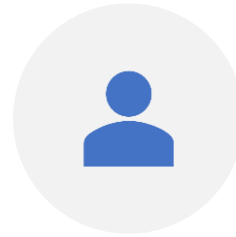
The Director of the Council is expected to partner with the Governor's Appointments staff to ensure appropriate members are appointed to the Council.

Council Members

The DD Act requires members be appointed by the Governor

Roles and Responsibilities

Roles of Council Members



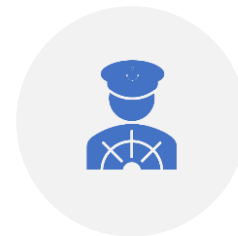
DD COUNCIL
MEMBER



COUNCIL
COMMITTEE
MEMBER



ELECTED LEADER



APPOINTED
LEADER



REGARDLESS OF ROLE, COUNCIL
MEMBERS OPERATE IN A
GOVERNANCE ROLE.

Governance vs. Management – what is the difference?

Governance refers to oversight and decision-making related to strategic direction, financial planning, and bylaws- the set of core policies that outline the Council's purpose, values, and structure. Governance decisions should provide guidelines for management.

Management refers to the routine decisions and administrative work related to the daily operations of the Council program. Management decisions should support or implement goals and values (defined by the Council) and documents (such as the bylaws).

Council bylaws,
policies and
procedures,
and other
statutes

Bylaws are rules established by an organization to regulate itself.

Not required by the DD Act;

Most Councils have bylaws, some have operational policies, many have both.



Bylaws cannot violate state or federal laws; cannot contradict regulatory or program guidance and instructions and in general should not conflict with federal or state laws, policies, or regulations.

Council Committees

Not required by the DD Act;

Committee composition is not regulated by the DD Act or other federal regulations;

There is no requirement in the DD Act or other federal regulations that Chairpersons of Committees or Councils be a citizen member of the Council – this is a local Council decision;

There is no requirement in the DD Act or other federal regulations that Committee Chairpersons or members be appointed by the Chairperson or elected by the full Council – this is a local Council decision.

Council Chairperson

Not required by the DD Act or other federal regulations

ALL DD Councils function with a Chairperson

Authority given to the Council Chairperson is a local Council decision

Typically outlined in by-laws or other policies and procedures of the Council

The Council Chairperson is subject to membership term limits to ensure membership rotation

Applies whether appointed by the Governor or elected by the membership

Many Councils also apply Chairperson term limits (for the role).



Conflict of Interest

DD Act requires assurances that a Council member will not cast a vote on items that would provide them a direct financial benefit OR give the appearance of a conflict of interest.

Real conflict

Perception or appearance of conflict

State laws also apply to Council members (public officials)

Conflict of Interest - continued

Concerns

- The Council has a current State plan activity that allows Council members to participate in Partners in Policymaking™
 - State plan
 - Funding
 - Monitoring
- Council members with dual roles must take care to avoid the appearance of conflict
 - Council members who are also leaders in organizations or entities receiving Council funds

Staff Hiring and Supervision

Council staff

The law requires the DD Council to recruit and hire a Director of the Council;

- The Director is responsible to the Council.

The law allows a Council to budget and use federal funds for other staff (qualified by training and experience) as necessary to carry out the functions of the Council

- Council staff is responsible to the Director.

Roles and Responsibilities re: staff hiring and supervision

Council	Council staff	Federal Government	Technical Assistance
<ul style="list-style-type: none">• Recruits and hires a Director if vacant;• Supervise and annually evaluate the Director; LA Executive Committee has responsibility• Approving budget to implement program, projects, and activities;• Supports the Executive Director.	<ul style="list-style-type: none">• Hired, supervised, and annually evaluated by the Director;• Assists the Director in carrying out the directives set forth by the Council.	<ul style="list-style-type: none">• Ensures Council operations re: staff hiring and supervision meet federal compliance;• Assists Councils with navigating hiring freezes, furloughs, reductions in force and other policies of the State that impact Council staffing	<ul style="list-style-type: none">• As requested by the Council or Directed by the government, assist

DD Act info: Council must follow Federal and State nondiscrimination laws, State laws, and personnel policies

Staff role and responsibilities



The role of staff is to carry out the functions of the Council;

Preparing plans, documents, reports, letters, contracts, day-to-day management of the Council program, etc.



Staff must be qualified (by training and experience);



Staff provide the Council with a foundation of qualified professionals to carry forward the work of the Council;

Council members provide direction for the work; since Council members are subject to term limits and membership rotation, staff provide continuity.



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