



*Improving the Lives of Older Adults and People with Disabilities  
Through Services, Research, and Education*

August 11, 2020

Courtney Ryland, Interim Executive Director  
Louisiana Council on Developmental Disabilities  
PO Box 3455  
626 Main Street, Suite A  
Baton Rouge, LA 70821-3455

Dear Ms. Ryland,

The Administration on Disabilities (AoD) has learned of the process that the Council is currently using to hire a permanent Executive Director. The Council's approved process appears to have been set aside, for an alternative one, which raises significant concerns. The Council formed a search committee to steer the selection of a search firm, and contract negotiations. There appears to be plans for non-Council members and staff of the Governor to conduct the interviews. Additionally, there are questions as to whether the Council is complying with the State of Louisiana's hiring process which would require consideration of all eligible candidates.

The Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act), Section 125(b)(1)(A), defines the council membership. Section 125 (c)(9) specifies the requirements of the Executive Director.

*(b) COUNCIL MEMBERSHIP. — (1) COUNCIL APPOINTMENTS. —*

*(A) IN GENERAL.—the members of the Council of a State shall be appointed by the Governor of the State from among the residents of that State.*

*(9) STAFF HIRING AND SUPERVISION.—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.*

Further, the DD Act requires the assurance that the State will not interfere with the Council's administration, operations and State plan implementation. Sec 124(c)(5)(L) states :

*NONINTERFERENCE.—The plan shall provide assurances that the designated State agency, and any other agency, office, or entity of the State, will not interfere with the advocacy, capacity building, and systemic change activities, budget, personnel, State plan development, or plan implementation of the Council, except that the designated State agency shall have the authority necessary to carry out the responsibilities described in section 125(d)(3); which speaks to the State's support services and fiscal responsibilities.*

Per the DD Act, the Governor appoints Council members to direct the Council's work. This includes the hiring and supervision of the Executive Director. The hiring of the Council's Executive Director is a key responsibility; and, while the Council may use a search firm to assist in identifying potential candidates, following all applicable Louisiana state laws, the Council must carry out the actual interviews and hiring decision.

As such, the inclusion of non-council members and staff of the Governor's office in the hiring process creates at a minimum, the perception of State interference. Additionally there are potential violations to the DD Act, federal regulations (and State hiring process) since these actions would directly interfere with the authorities of the Council, as intended by the DD Act. Consequently, the Council is potentially in jeopardy of funding restrictions should these concerns not be addressed in a timely manner.

AoD is requesting a response to this correspondence, no later than, Tuesday, August 25, 2020. This response should include what actions the Council will take to resolve this matter, including actions taken by the Governor's office to ensure compliance with the DD Act.

Should you have questions, please let me know. I can be reached at [Sara.Newell-Perez@acl.hhs.gov](mailto:Sara.Newell-Perez@acl.hhs.gov), or at 202-795-7413. Thank you in advance for your cooperation.

Sincerely,

*Sara Newell-Perez*

Sara Newell-Perez, Program Lead  
Office on Intellectual and Developmental Disabilities