

**Waiver Request for  
FHF Director not meeting the  
DD Council Contract Standards of Operation**

The board of \_\_\_\_\_ FHF Center has identified \_\_\_\_\_ as the candidate to serve as its executive director. This board recognizes the benefit of having this family oriented Center led by an individual with direct experience with the diverse challenges faced by families and individuals with developmental disabilities.

However, this board has found that \_\_\_\_\_ has extensive personal knowledge and experience in disability issues and believes s/he is the best candidate for the position of executive director. We request for the DD Council to consider granting a waiver of the requirement in the DD Council contract standards of operation for the FHF executive director being a family member of or an individual with developmental disabilities<sup>1</sup>.

The candidate identified for the position of executive director is a:

- family member of a person with a disability<sup>2</sup>
- an individual with a disability

I, \_\_\_\_\_, as the FHF Board President verify that the above statement is true and have on file copies of the following documentation to verify this as true: (Check all that apply)

- Educational Multi-disciplinary Evaluation indicating eligibility for special education services
  - Medical evaluation and diagnosis of a disability
  - Social Security eligibility for a disability
  - Medicaid eligibility for a disability
  - Louisiana Rehabilitation Services eligibility for a disability
  - Other: \_\_\_\_\_
- The board would like to offer the attached justification for the decision to select the candidate. Included in the justification are the unique and exceptional qualifications of this individual; the availability of persons meeting the DD Council contract qualifications and the reason(s) for selecting the proposed candidate.

This request is submitted to the Executive Committee of the DD Council for consideration of a waiver to this FHF Center.

\_\_\_\_\_  
President of FHF Board

\_\_\_\_\_  
Date

<sup>1</sup> Developmental Disability as defined by Louisiana R.S. 28:751 (2).

<sup>2</sup> Disability as defined by Louisiana R.S. 51:2232 (11).

Developmental Disability Definition (Louisiana R.S. 28.751)

- (2) "Developmental disability" means:
  - (a) A severe, chronic disability of a person which:
    - (i) Is attributable to a mental or physical impairment or combination of mental and physical impairments.
    - (ii) Is manifested before the person attains age twenty-two.
    - (iii) Is likely to continue indefinitely.
    - (iv) Results in substantial functional limitations in three or more of the following areas of major life activity:
      - (aa) Self-care.
      - (bb) Receptive and expressive language.
      - (cc) Learning.
      - (dd) Mobility.
      - (ee) Self-direction.
      - (ff) Capacity for independent living.
      - (gg) Economic sufficiency.
    - (v) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.
  - (b) A substantial developmental delay or specific congenital or acquired condition, in an individual from birth to age nine, inclusive, which, without services and support, has a high probability of resulting in those criteria in Subparagraph (a) of this Paragraph later in life may be considered to be a developmental disability.

Disability Definition (Louisiana R.S. 51:2232)

- (11) (a) "Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of such impairment, or being regarded as having such an impairment. For purposes of all laws which incorporate by reference, apply to, or rely for meaning upon the term disability as defined herein, the terms used in this definition have the following meanings:
- (i) "Physical impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine.
  - (ii) "Mental impairment" means any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
  - (iii) "Major life activities" includes functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- (b) The following shall not be considered disabilities: homosexuality, bisexuality, transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders, compulsive gambling, kleptomania, pyromania, psychoactive substance use disorders resulting from current illegal use of drugs, or use of alcohol which adversely affects job performance or conduct.

## **Procedures and Timelines for DD Council Contract Requirements of FHF Directors**

FHF Center Board Presidents and their Directors must have on file with the DD Council a statement verifying that the Director meets the requirements stipulated in the DD Council contract:

*Employ a director who is a parent or direct caregiver of an individual with a developmental disability or is an individual with a developmental disability. Center may seek a comprehensive waiver from the Council for an applicant who is the parent, family member or direct caregiver of an individual with a disability or is an individual with a disability who is qualified, experienced, and proven to be capable of upholding the Center's mission. The waiver must include how the Center will fulfill the peer-to-peer support component.*

This statement of verification will be transferred across contract years for Directors who remain in their positions.

### **Time lines for submitting documentation for new Directors.**

Within 15 calendar days of hiring a new Director, the FHF board and the new Director must submit a signed form verifying that the Director meets the DD Council contract requirements.

The Louisiana Developmental Disabilities Council understands and acknowledges that the individual boards of Families Helping Families may have difficulty in recruiting Executive Directors with the aforementioned qualifications. Therefore, FHF Boards may seek a waiver from the Council to allow an applicant who is qualified and experienced in the field of disability issues, advocacy for individuals with disabilities, and/or non-profit management. Individuals seeking this waiver need not meet the developmental disability requirements above but must be the parent, family member, or direct caregiver of an individual with a disability or a person with a disability. Additionally, the waiver request must include documentation of how the Center plans to fulfill the peer-to-peer support component of the DD Council contract requirement.

### **Waiver time lines and procedures.**

If the FHF Board seeks a waiver of the DD Council contract requirements for a new director, it must submit a request for a waiver prior to an offer of employment. The FHF Board may ask for an expedited waiver consideration of a potential candidate to occur. If an expedited waiver request is made, the FHF Board should expect a response within 5 business days, provided all requested information is made available in a timely manner.

The DD Council Executive Committee may request additional information and/or ask questions related to the candidate for the FHF Director position and/or qualifications. The DD Council Executive Committee will review the waiver request and determine whether the justification and FHF Director qualifications are considered adequate to serve the families of individuals with developmental disabilities in that region. The FHF Board will be notified of the Executive Committee's decision.