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SENATE BILL DRS25071-MKza-179B\*

Short Title: Oversight IDD Employment/Educ. Programs. (Public)

Sponsors: Senators Lee, Edwards, and Chaudhuri (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE A POSITION WITHIN THE DEPARTMENT OF HEALTH AND  
3 HUMAN SERVICES TO OVERSEE ADMINISTRATION AND COORDINATION OF  
4 EDUCATION AND EMPLOYMENT PROGRAMS FOR INDIVIDUALS WITH  
5 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AS RECOMMENDED BY  
6 THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON INTELLECTUAL  
7 AND DEVELOPMENTAL DISABILITIES.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Part 13 of Article 3 of Chapter 143B of the General Statutes is amended  
10 by adding a new section to read:

11 "**§ 143B-179.1. Director of Education and Employment Opportunities for Individuals with**  
12 **Intellectual and Developmental Disabilities.**

13 (a) Establishment of the Position. – There is established within the Department of Health  
14 and Human Services the position of Director of Education and Employment Opportunities for  
15 Individuals with Intellectual and Developmental Disabilities. The Director shall have  
16 professional, administrative, technical, and clerical personnel as may be necessary to assist in  
17 carrying out his or her duties. The Director shall oversee the interagency coordination of  
18 education and employment programs and services for individuals with intellectual and  
19 developmental disabilities.

20 (b) Appointment and Staff. – The Director of Education and Employment Opportunities  
21 for Individuals with Intellectual and Developmental Disabilities shall be appointed by the  
22 Secretary of Health and Human Services at a salary established by the Secretary within the funds  
23 available for that purpose. The Director may be removed from the position by the Secretary. The  
24 Director shall report directly to the Deputy Secretary for Human Services. The Director shall be  
25 exempt from the provisions of Chapter 126 of the General Statutes, except for Articles 6 and 7  
26 of Chapter 126 of the General Statutes.

27 All other staff shall be appointed, supervised, and directed by the Director and shall be subject  
28 to the provisions of Chapter 126 of the General Statutes. Except for the Director, salaries and  
29 compensation of all staff shall be fixed in the manner provided by law for fixing and regulating  
30 salaries and compensation by other State agencies.

31 (c) Duties. – The Director of Education and Employment Opportunities for Individuals  
32 with Intellectual and Developmental Disabilities shall be the coordinator and point of contact for  
33 access to education and employment programs and services for individuals with intellectual and  
34 developmental disabilities and, in doing so, shall have at least the following duties and  
35 responsibilities:



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- 1           (1)   Establish a statewide vision for inclusive postsecondary education and quality  
2           employment for individuals with intellectual and developmental disabilities to  
3           be used by State agencies that serve those individuals.
- 4           (2)   Work in collaboration with other divisions within the Department of Health  
5           and Human Services, including the Division of Mental Health, Developmental  
6           Disabilities, and Substance Abuse Services and the Division of Vocational  
7           Rehabilitation Services, the North Carolina Community College System, The  
8           University of North Carolina, the Department of Public Instruction, the  
9           Department of Commerce, the Department of Labor, and other stakeholders  
10          to promote interagency cooperation and implement policies that maximize  
11          opportunities for postsecondary education and employment for individuals  
12          with intellectual and developmental disabilities resulting in improved  
13          outcomes for those individuals.
- 14          (3)   Facilitate the alignment of service definitions among State agencies and the  
15          employment stakeholder community to promote competitive integrated  
16          employment and to effectively track outcomes for individuals with intellectual  
17          and developmental disabilities.
- 18          (4)   Conduct cost analyses of education and employment services and programs  
19          to identify duplication of efforts across State agencies and other organizations  
20          and to ensure effective use of the funds available from State and federal  
21          sources.
- 22          (5)   Develop strategies to increase employer awareness and incentives to support  
23          competitive integrated employment.
- 24          (6)   Facilitate the creation and maintenance of a central depository of information  
25          on the education and employment programs and services available to  
26          individuals with intellectual and developmental disabilities and their families,  
27          including a systems map to connect individuals to resources specific to North  
28          Carolina. This information shall be accessible to the public and shared by State  
29          agencies, local school administrative units, and community organizations as  
30          part of the delivery of all programs and services for those individuals.
- 31          (7)   Develop best practices for increasing information sharing and connecting  
32          students with intellectual and developmental disabilities and their families to  
33          available support services and opportunities as part of the Individualized  
34          Education Program (IEP) process for transitioning out of secondary school,  
35          including planning for available options as early as elementary and middle  
36          school.
- 37          (8)   Work with universities and colleges to coordinate higher education disability  
38          services with State agencies and community organizations to increase access  
39          for students with intellectual and developmental disabilities to personal  
40          assistance and residential services and supports in an academic setting.
- 41          (9)   Coordinate the expansion throughout the State of preemployment,  
42          postsecondary education, and supported employment models with proven  
43          success leading to competitive integrated employment.
- 44          (10)   Assist with the implementation of initiatives targeted to increase employment  
45          of individuals with intellectual and developmental disabilities by State  
46          agencies.
- 47          (11)   Identify barriers to increasing postsecondary education and employment  
48          opportunities and coordinate initiatives to address barriers, including program  
49          credentialing, transportation access, individual financial assistance, and  
50          development of employer partnerships.

1           (12) Develop methods to collect and evaluate data relevant to secondary and  
 2 postsecondary education and employment for individuals with intellectual and  
 3 development disabilities in compliance with State and federal law, including  
 4 utilizing the North Carolina Longitudinal Data System established under  
 5 Chapter 116E of the General Statutes.

6           (13) Serve as an ex officio member on the Council on Developmental Disabilities  
 7 of the Department of Health and Human Services.

8           (14) Serve as an ex officio member on the Council on Educational Services for  
 9 Exceptional Children.

10       (d) Reporting Requirement. – By March 1 of each year, the Director of Education and  
 11 Employment Opportunities for Individuals with Intellectual and Developmental Disabilities shall  
 12 report to the Joint Legislative Education Oversight Committee and the Joint Legislative  
 13 Oversight Committee on Health and Human Services on the interagency coordination of  
 14 education and employment programs and services for individuals with intellectual and  
 15 developmental disabilities, including the evaluation of available programs and services and  
 16 outcomes in attaining postsecondary education and employment."

17       **SECTION 2.** G.S. 143B-179 reads as rewritten:

18 **"§ 143B-179. Council on Developmental Disabilities – members; selection; quorum;**  
 19 **compensation.**

20       (a) The Council on Developmental Disabilities of the Department of Health and Human  
 21 Services shall consist of ~~3231~~ members appointed by the ~~Governor~~ Governor and two ex officio  
 22 members. The composition of the Council shall be as follows:

23       (1) Eleven members from the General Assembly and State government agencies  
 24 as follows: One person who is a member of the Senate, one person who is a  
 25 member of the House of Representatives, one representative of the  
 26 Department of Public Instruction, one representative of the Division of Adult  
 27 Correction and Juvenile Justice of the Department of Public Safety, and  
 28 ~~sevensix~~ representatives of the Department of Health and Human ~~Services to~~  
 29 ~~include the Secretary or his designee.~~ Services.

30       (2) Sixteen members designated as consumers of service for the developmentally  
 31 disabled. A consumer of services for the developmentally disabled is a person  
 32 who (i) has a developmental disability or is the parent or guardian of such a  
 33 person, or (ii) is an immediate relative or guardian of a person with mentally  
 34 impairing developmental disability, and (iii) is not an employee of a State  
 35 agency that receives funds or provides services under the provisions of Part  
 36 B, Title 1, P.L. 98-527, as amended, the Developmental Disabilities Act of  
 37 1984, is not a managing employee (as defined in Section 1126(b) of the Social  
 38 Security Act) of any other entity that receives funds or provides services under  
 39 ~~such that~~ Part, and is not a person with an ownership or control interest (within  
 40 the meaning of Section 1124(a)(3) of the Social Security Act) with respect to  
 41 such an entity. Of these 16 members, at least one third shall be persons with  
 42 developmental disabilities and at least another one third shall be the immediate  
 43 relatives or guardians of persons with ~~mentally impairing~~ developmental  
 44 ~~disabilities,~~ disabilities that impair their intellectual functioning, of whom at  
 45 least one shall be an immediate relative or guardian of an institutionalized  
 46 developmentally disabled person.

47       (3) Five members at large as follows: One representative of the university  
 48 affiliated facility, one representative of the State protection and advocacy  
 49 system, one representative of a local agency, one representative of a  
 50 nongovernmental agency or nonprofit group concerned with services to

1 persons with developmental disabilities, and one representative from the  
2 public at large.

3 (4) The Secretary of Health and Human Services or the Secretary's designee.

4 (5) The Director of Education and Employment Opportunities for Individuals  
5 with Intellectual and Developmental Disabilities.

6 The appointments of all members, with the exception of those from the General Assembly  
7 and State agencies shall be for terms of four years and until their successors are appointed and  
8 qualify. Any appointment to fill a vacancy on the Council created by the resignation, dismissal,  
9 death, or disability of a member shall be for the balance of the unexpired term.

10 The Governor shall make appropriate provisions for the rotation of membership on the  
11 Council.

12 (b) The Governor shall have the power to remove any appointed member of the Council  
13 from office in accordance with the provisions of G.S. 143B-16.

14 The Governor shall designate one member of the Council to serve as chairman at his pleasure.

15 Members of the Council shall receive per diem and necessary travel and subsistence expenses  
16 in accordance with the provisions of G.S. 138-5.

17 A majority of the Council shall constitute a quorum for the transaction of business.

18 All clerical and other services required by the council shall be supplied by the Secretary of  
19 Health and Human Services."

20 **SECTION 3.** G.S. 126-5(c1) is amended by adding a new subdivision to read:

21 "(36) The Director of Education and Employment Opportunities for Individuals  
22 with Intellectual and Developmental Disabilities."

23 **SECTION 4.** G.S. 115C-112.1(b) reads as rewritten:

24 "(b) The Council shall consist of a minimum of ~~four~~<sup>2425</sup> members to be appointed as follows:  
25 ~~four~~<sup>five</sup> ex officio members; one individual with a disability and one representative of a private  
26 school appointed by the Governor; one member of the Senate and one parent of a child with a  
27 disability between the ages of birth and 26 appointed by the President Pro Tempore of the Senate;  
28 one member of the House of Representatives and one parent of a child with a disability appointed  
29 by the Speaker of the House of Representatives; and 14 members appointed by the State Board  
30 of Education. The State Board shall appoint members who represent individuals with disabilities,  
31 teachers, local school administrative units, institutions of higher education that prepare special  
32 education and related services personnel, administrators of programs for children with  
33 disabilities, charter schools, parents of children with disabilities, a State or local official who  
34 carries out activities under the federal McKinney-Vento Homeless Assistance Act, vocational,  
35 community, or business organizations concerned with the provision of transition services, and  
36 others as required by IDEA. The majority of members on the Council shall be individuals with  
37 disabilities or parents of children with disabilities. The Council shall designate a chairperson  
38 from among its members. The designation of the chairperson is subject to the approval of the  
39 State Board of Education. The Board shall adopt rules to carry out this subsection.

40 Ex officio members of the Council shall be the following:

41 (1) The Secretary of Health and Human Services or the Secretary's designee.

42 (2) The Secretary of Public Safety or the Secretary's designee.

43 (3) ~~The Secretary of Public Safety~~Deputy Commissioner for the Division of Adult  
44 Correction and Juvenile Justice or the ~~Secretary's~~Deputy Commissioner's  
45 designee.

46 (4) The Superintendent of Public Instruction or the Superintendent's designee.

47 (5) The Director of Education and Employment Opportunities for Individuals  
48 with Intellectual and Developmental Disabilities.

49 The term of appointment for all members except those appointed by the State Board of  
50 Education is two years. The term for members appointed by the State Board of Education is four

1 years. No person appointed by the State Board shall serve more than two consecutive four-year  
2 terms.

3 Each Council member shall serve without pay, but shall receive travel allowances and per  
4 diem in the same amount provided for members of the North Carolina General Assembly."

5 **SECTION 5.** Notwithstanding G.S. 143B-179.1, as enacted by this act, the Secretary  
6 of Health and Human Services shall appoint a Director of Education and Employment  
7 Opportunities for Individuals with Intellectual and Developmental Disabilities by October 1,  
8 2018.

9 **SECTION 6.** Notwithstanding G.S. 143B-179.1(d), as enacted by this act, the  
10 Director of Education and Employment Opportunities for Individuals with Intellectual and  
11 Developmental Disabilities, after consultation with other divisions within the Department of  
12 Health and Human Services and the Department of Public Instruction, shall submit an initial  
13 report to the Joint Legislative Education Oversight Committee and the Joint Legislative  
14 Oversight Committee on Health and Human Services by March 1, 2019, with the following  
15 information:

- 16 (1) A list of all State agencies, departments, divisions, councils, commissions, and  
17 units of State and local government with authority to (i) direct, manage, or  
18 provide funding; (ii) engage with federal agencies; and (iii) direct  
19 organizational or individual planning related to the preparation for and support  
20 of postsecondary education and employment for individuals with intellectual  
21 and developmental disabilities.
- 22 (2) A list of current funding streams, including Medicaid and Medicaid waivers,  
23 federal funds other than from Medicaid, State funds, local funds, public and  
24 private grants, and all other sources of funding currently used or that are  
25 available for activities related to the preparation for and support of  
26 postsecondary education and employment for individuals with intellectual and  
27 developmental disabilities.
- 28 (3) Data sets collected by State agencies, departments, divisions, councils,  
29 commissions, and units of State and local government, including local school  
30 administrative units and charter schools, and any other entities receiving  
31 public or publicly managed funds related to the preparation for and support of  
32 postsecondary education and employment for individuals with intellectual and  
33 developmental disabilities. This information shall include barriers to uniform  
34 collection and evaluation of relevant data among agencies.
- 35 (4) Strategies to improve the coordination of (i) funding; (ii) data collection,  
36 evaluation, and reporting; and (iii) operational efficiencies for the purpose of  
37 allowing the fair assessment of outcomes, use of funds, gaps and overlaps in  
38 services and supports related to the preparation for and support of  
39 postsecondary education, and employment for individuals with intellectual  
40 and developmental disabilities.

41 **SECTION 7.** For the 2018-2019 fiscal year, there is appropriated from the General  
42 Fund to the Department of Health and Human Services the sum of up to one hundred fifty  
43 thousand dollars (\$150,000) in recurring funds for the salary and benefits of the Director of  
44 Education and Employment Opportunities for Individuals with Intellectual and Developmental  
45 Disabilities and any necessary staff to the Director and for the Director's operating costs and the  
46 sum of up to eighteen thousand dollars (\$18,000) in nonrecurring funds for furniture and  
47 equipment costs in establishing the position.

48 **SECTION 8.** This act becomes effective July 1, 2018.