

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 984
Committee Substitute Favorable 5/30/18

Short Title: Oversight IDD Employment/Educ. Programs.

(Public)

Sponsors:

Referred to:

May 23, 2018

A BILL TO BE ENTITLED

AN ACT TO CREATE A POSITION WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO OVERSEE ADMINISTRATION AND COORDINATION OF EDUCATION AND EMPLOYMENT PROGRAMS FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

- (1) Establish a statewide vision for inclusive postsecondary education and quality employment for individuals with intellectual and developmental disabilities to be used by State agencies that serve those individuals.



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

1 utilizing the North Carolina Longitudinal Data System established under
 2 Chapter 116E of the General Statutes.

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

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

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

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

15 **"§ 143B-179. Council on Developmental Disabilities – members; selection; quorum;**
 16 **compensation.**

17 (a) The Council on Developmental Disabilities of the Department of Health and Human
 18 Services shall consist of ~~32~~31 members appointed by the ~~Governor~~Governor and two ex officio
 19 members. The composition of the Council shall be as follows:

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

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

44 (3) Five members at large as follows: One representative of the university
 45 affiliated facility, one representative of the State protection and advocacy
 46 system, one representative of a local agency, one representative of a
 47 nongovernmental agency or nonprofit group concerned with services to
 48 persons with developmental disabilities, and one representative from the
 49 public at large.

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

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

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

7 The Governor shall make appropriate provisions for the rotation of membership on the
8 Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 The term of appointment for all members except those appointed by the State Board of
47 Education is two years. The term for members appointed by the State Board of Education is four
48 years. No person appointed by the State Board shall serve more than two consecutive four-year
49 terms.

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

1 **SECTION 5.** Notwithstanding G.S. 143B-179.1, as enacted by this act, the Secretary
2 of Health and Human Services shall appoint a Director of Education and Employment
3 Opportunities for Individuals with Intellectual and Developmental Disabilities by October 1,
4 2018.

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

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

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

44 **SECTION 8.** The University of North Carolina General Administration shall study
45 whether the waiting list for university-based, postsecondary education opportunities for
46 individuals with IDD could be reduced or eliminated if full-time students who are enrolled in a
47 two-year (four semester) or four-year (eight semester) certificate of accomplishment program
48 approved as a Comprehensive Transition Program (CTP) by the U.S. Department of Education
49 at a constituent institution of The University of North Carolina were categorized the same as
50 full-time students who are enrolled in four-year degree programs. The study shall assess the
51 impact of this change on the reduction or elimination of waiting lists for CTPs and the associated

1 costs. The University of North Carolina shall report findings and recommendations resulting
2 from the study to the Joint Legislative Education Oversight Committee and the Joint Legislative
3 Oversight Committee on Health and Human Services not later than October 31, 2019.

4 **SECTION 9.** This act becomes effective July 1, 2018.