

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 761*

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

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

Referred to: Rules and Operations of the Senate

May 30, 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, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON 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 (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 ~~24~~²⁵ members to be appointed as follows:
25 ~~four~~^{five} 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.