

CA DDC MTARS Report Findings

Good Morning,

First let I want to thank the Council for its engagement during this MTARS process and all the time and work that you and the staff put into the review. AIDD has learned a lot about California's diverse ID/DD community needs and unique service system structure. While we appreciate the state's uniqueness, our purpose is to ensure the Council's adherence to the federal DD Act and full compliance with its program requirements.

Our report cites 4 historic areas of noncompliance with the DD Act: Budget, Hiring Authority, Membership, and State Council Leadership and Activities. These areas have been cited on monitoring visits conducted in 1994, 2006, and again in 2013.

It has been our finding that many of these compliance issues result from differences between the DD Act requirements and California's Lanterman Act. The Lanterman Act shapes the Council's unique organizational structure. It is unclear if the Council promotes advocacy, capacity building, and systems change at a state level as opposed to operating as an association of Area Boards which are now referred to as the Council's regional offices.

We have designated the Council's FY14 award is designated as High-Risk and placed the award on reimbursement status due to the compliance issues. High Risk designation requires the Council to submit its expenditures to AIDD and ACL/OGM for review and reimbursement on a monthly basis and this was effective immediately .

I will now provide highlights of our MTARS report. The full report provides background on historic compliance issues and current areas of concern in greater detail.

Budget

- Council Funding of Area Boards
- Clarity with the use of Federal vs. State Funds
- Budget Development Process
- Budget Execution Process

It is very unclear how our federal dollars are being expended for Council program purposes under DD Act. It is also unclear if the Council develops and executes its budget as a cohesive body.

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Hiring Authority

- Deputy Director Staff positions
- Governor's Office role in Council Hiring Process

This area is problematic because the Council should have sole authority over its staffing structure and hiring process. For example, currently the Lanterman Acts interjects staff positions in the Council budget at the Deputy Director level

Membership

- Long-Term Unfilled Vacancies
- Nomination Process

A key area of concern with Council membership is Conflict of Interest. The majority of the Council is comprised of non-agency representatives who are Area Board representatives. There are 13 Areas Board representatives on the Council and 7 "at large" members. The Area Board representatives sit on the State Council and on the Advisory Committee to the Area Boards. This dual role presents a conflict of interest and gives the appearance of a conflict of interest. The Council does not have a policy or procedure to address this.

State Council Leadership and Activities

- State Council Control of Area Board Activities
- Overlap of P&A and Area Board Duties
- Council versus Area Board Roles & Responsibilities
- Council Accountability over Area Board Activities

There was inadequate evidence that the Council engages in data-driven strategic planning to develop its State Plan and takes the primary role in the planning process. It is not clear if the Council's State Plan captures activities developed and implemented by the Council versus a State Plan that is configured by the Area Boards. During the MTARS process, the review team heard a lot about the two state funded projects, however we did not hear about a coherent set of activities implemented by the Council at the state level.

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The Council's two contracts with state's DD agency was Goal 2 of the Council's FY13 State Plan. While AIDD does not question the merit of the projects and the quality of the work being done by Council staff, it raises serious questions about whether the state is directing the Council's State Plan or whether the Council is developing the State Plan. It also raises a question whether is the contracts' scope of work overlaps with the California Protection & Advocacy Agency's functions which we also fund.

Regarding accountability, the Council's Program Performance Report does not specifically describe how each Area Board is contributing to State Plan implementation. Because there are 13 regional offices implementing different parts of the Council State Plan, it is difficult to determine how State Plan achievement is being measured and evaluated.

This is a brief overview of our MTARS report. If you would like a copy of the full report please contact me at rita.stevens@acl.hhs.gov. As your Project Officer, I am committed to supporting through the MTARS process and towards continued progress in 2014. Thank you all for your time.