



## Notable Rapid Response Questions from July 2021

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### *Funding*

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#### **Can we buy personal protection equipment (PPE) for Council members and staff to use when attending meetings and other Council related events?**

Yes, as a participant support costs for Council members attending Council meetings and related Council events and as a material and supply cost for staff. Costs would be accounted for in the “administrative or general management” portion of your budget.

[45 CFR 75 §75.456 Participant support costs.](#)

[45 CFR 75 §75.453 Materials and supplies costs, including costs of computing devices.](#)

#### **Can federal funds be used to provide retirement incentives?**

No, but you can use federal funds for pension plans that are paid for and connected to the fiscal year in which the funds are used. [45 CFR 75 §45.431 \(3\)\(g\) \(1-6\)](#)

#### **Where can I find the individual state volunteer rates?**

Go to [the Independent Sector website](#), fill out the online form for your state and they will email you the report.

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### *Federal reports*

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#### **Who is developing the new ACL Reporting system?**

Human Services Research Institute (HSRI) was hired by the Administration on Community Living (ACL) to build the new online reporting system using HSRI’s Verity Analytics platform. All 56

Councils on Developmental Disabilities will use this platform to enter the Five-Year Plan (starting with 2022-2026), Annual Work Plans, and Program Performance Reports.

**When classifying a person as ‘living in an urban or rural area’, what criteria do we use?**

The US Census Bureau defines rural as "any population, housing, or territory NOT in an urban area". Its definition of rural is closely tied to its urban definition. There are two types of urban areas:

- Urbanized Areas (UAs) - population of 50,000 or more people
- Urban Clusters (UCs) - population of at least 2,500 and less than 50,000

Bottom line – “rural” includes all people, housing, and land not included within an urban area. Whatever is not urban is considered rural.

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*State plan development 2022-2026*

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**What American Community Survey Chart do I need to access to fill out the CRA section on “Demographic Information about People with Disabilities”?**

Chart S1811 will have the information you need. Go to the [American Community Survey Data Tables and Tools page](#). There are 86 table entries, select page 9, then select Table ID S1811 (Selected Economic Characteristics for the Civilian Noninstitutionalized Population by Disability Status). The chart that appears is the national data set. To see your state data set, type “S1811 for [your state name] in the advanced search bar.

Note: remember to scroll across to see all columns.

**Where do I find the Residential Setting data for the CRA and are the years listed in the template correct?**

You can find the data at the [RISP website](#). Click on “Chart Gallery” and you will see Living Arrangements, Long-term supports and services (LTSS) recipients by setting type and year. There are drop down boxes to select the year and yes! 2017 is the most recent data set available and you will also report 2016, and 2015.

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*Council membership*

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**We have members with expired terms and a couple of vacant membership “slots”, is this a problem?**

Council membership must meet compliance with the DD Act. However, the Administration understands that membership appointment processes in a State/Territory may create a “lag” in membership appointments.

The expectation is that Council's will monitor membership term expiration and have a process in place to request timely appointments for eligible Council members that meet specific membership category standards.

If your Council is experiencing significant time delays in having members appointments made, you should contact your assigned ACL Program Specialist.

When filling out the membership roster in the State plan, if a Council member is serving in an expired term, you will enter their names and their terms (the date their term expired).

If there is a vacancy, you will indicate vacancy and what category of membership the vacancy would fill.

In the section "Council membership rotation plan", you will indicate the rotation plan (terms and term limits), how the Council tells the Governor's membership/appointment office about the need for appointments, and other relevant information such as, how you remind people working in the appointment's office about membership needs, and how you educate them about eligibility, etc.

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### *Council operations*

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#### **Our current DSA is being merged with another State agency. Do I need to notify OIDD, do I need a new Memorandum of Understanding?**

Yes! Please contact your assigned ACL Program Specialist with the details. It is important to maintain contact with ACL as designated state agency requirements are prescribed by federal law.

The DD Act provides details about the type of agency that can be designated to provide support to the Council. Section 125 (d) provides details about the following:

- the type of agency
- conditions for continuation if designated before June 30, 1994
- criteria for continued designation
- review of designation
- appeal of designation
- responsibilities
- use of funds for designated state agency responsibilities
- support services provided by other agencies.

If ACL determines the new DSA to be appropriate and you have an existing memorandum of understanding (MOU), it will be important to communicate with your existing DSA liaison to determine if the MOU will be honored as written or if a new agreement will need to be initiated. If a new agreement must be developed and processed, you will want to ask, "what happens in the meantime?".

### **Our DSA is reimbursing themselves more than the law allows, what do we do?**

Take steps to educate the DSA staff about the reimbursement limitations that are in the DD Act (Section 125 (d)(3)(C) (i – ii) (D-G).

The DD Act limits reimbursement of expenses to a maximum of ½ of expenses incurred to perform the functions of the designated State agency and not more than 5% of the Council's annual federal award or \$50,000, whichever is less.

In addition, HHS Policy Directive 3.1 indicates the following:

*“Some grant programs’ authorizing statutes and/or regulations **limit the reimbursement of "administrative costs," which may include some or all of the indirect costs otherwise included in a negotiated indirect cost rate or approved cost allocation plan. Under these programs, reimbursement of indirect costs included in "administrative costs" will be limited to those that are within the statutory or regulatory ceiling.***

*If, based on statute, regulation or policy, allowable indirect cost reimbursement is restricted to an amount less than full indirect cost reimbursement, the difference between those two amounts **may be used to satisfy a grantee’s matching requirement.***”

If DSA personnel need additional support to understand the requirements, please contact ITACC staff for assistance.