

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE RESEARCH COMMISSION

STATE LEGISLATIVE BUILDING

RALEIGH, NC 27601



April 16, 2018

TO THE MEMBERS OF THE LEGISLATIVE RESEARCH COMMISSION:

Attached for your consideration is the report to the 2018 Regular Session of the 2017 General Assembly. This report was prepared by the Legislative Research Commission's Committee on Intellectual and Developmental Disabilities (LRC)(2017), pursuant to G.S. 120-30.17(1).

A handwritten signature in black ink, appearing to be "Michael V. Lee", written over a horizontal line.

Senator Michael V. Lee
Co-Chair

A handwritten signature in black ink, appearing to be "John R. Bradford, III", written over a horizontal line.

Representative John R. Bradford, III
Co-Chair

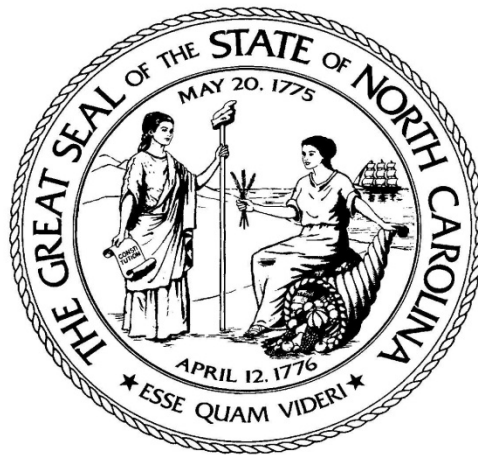
Co-Chairs
Committee on Intellectual and Developmental Disabilities (LRC)(2017)
Legislative Research Commission

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LEGISLATIVE RESEARCH COMMISSION

**COMMITTEE ON INTELLECTUAL AND
DEVELOPMENTAL DISABILITIES
(LRC)(2017)**

NORTH CAROLINA GENERAL ASSEMBLY



**REPORT TO THE
2018 SESSION
of the
2017 GENERAL ASSEMBLY
OF NORTH CAROLINA**

APRIL 2018

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TRANSMITTAL LETTER

April 16, 2018

TO THE MEMBERS OF THE 2018 REGULAR SESSION
OF THE 2017 GENERAL ASSEMBLY

The Legislative Research Commission herewith submits to you for your consideration its report and recommendations to the 2018 Regular Session of the 2017 General Assembly. The report was prepared by the Legislative Research Commission's Committee on Intellectual and Developmental Disabilities (LRC)(2017), pursuant to G.S. 120-30.17(1).

Respectfully submitted,

Senator Bill Rabon

Representative David Lewis

Co-Chairs
Legislative Research Commission

LEGISLATIVE RESEARCH COMMISSION MEMBERSHIP

2017 – 2018

Senator Bill Rabon
Co-Chair

Representative David Lewis
Co-Chair

Senator Phil Berger, Ex Officio
Senator Dan Blue
Senator Warren Daniel
Senator Ralph Hise
Senator Paul A. Lowe, Jr.

Representative Timothy Moore, Ex Officio
Representative William Brawley
Representative Becky Carney
Representative Ted Davis
Representative Jason Saine

PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is the general purpose study group in the Legislative Branch of State Government. The Commission is co-chaired by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, or their designees, and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigation into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

The Legislative Research Commission authorized the study of Intellectual and Developmental Disabilities (LRC)(2017), under authority of G.S. 120-30.17(1). The Committee was chaired by Senator Michael V. Lee and Representative John R. Bradford, III, Co-Chairs of the Committee. The full membership of the Committee is listed under [Committee Membership](#). A committee notebook containing the committee minutes and all information presented to the committee will be filed in the Legislative Library by the end of the **2017-2018** biennium.

COMMITTEE PROCEEDINGS

The Legislative Research Commission's Committee on Intellectual and Developmental Disabilities (LRC)(2017) met four times after the 2017 Regular Session. The Committee's Charge can be found in [Appendix B](#) of this document. The following is a brief summary of the Committee's proceedings. Detailed minutes and information from each Committee meeting are available in the Legislative Library.

The first meeting of the LRC on Intellectual and Developmental Disabilities took place on Tuesday, February 6, 2018 at 12:30 P.M. in Room 415 of the Legislative Office Building. The Committee heard the following presentations:

Highlights from the Report on Education Opportunities for Students with Disabilities (S.L. 2015-241, Section 11.19.(a)):

- **Overview of IDD Population and Programs**
Mark T. Benton, Deputy Secretary for Health Services, DHHS
Susan Perry-Manning, Deputy Secretary for Human Services, DHHS
- **North Carolina Department of Public Instruction Overview**
Bill Hussey, Director, Exceptional Children's Division, DPI
Dreama McCoy, Section Chief, Exceptional Children's Division, DPI
Beverley Colwell, Education Consultant, Exceptional Children's Division, DPI
- **Programmatic Options for Students with Intellectual/ Developmental Disabilities in the North Carolina Community College System**
Trudie Hughes, Coordinator of Adult Education, Students with Disabilities College & Career Readiness, NCCCS
- **Higher Education Options for Students with ID/DD in NC**
Joan Johnson, Founding Executive Director of Beyond Academics at UNCG & Policy Consultant

The second meeting of the LRC on Intellectual and Developmental Disabilities took place on Thursday, March 1, 2018 at 9:00 A.M. in Room 544 of the Legislative Office Building. The Committee heard the following presentations:

- **Gaps, Needs, & Recommendations**
Dave Richard, Deputy Secretary for Medical Assistance, DHHS
Tara K. Myers, Interim Senior Director, DVRS, DSB, DSDHH, DDS
- **The ARC of NC**
John Nash, Executive Director
Duncan Reid, Regional Director

- **The Autism Society of NC**
*Jennifer Mahan, Director of Public Policy Kerri Erb, Chief Program Officer
Kari Johnson, Director of Services*
- **Alliance Disability Advocates**
Dave Wickstrom, Executive Director
- **OE Enterprises**
*Margaret Samuels, President of OE Enterprises, Inc.
Amy Miller, Manager, Transition for Success, OE Enterprises
Linda McKinney & Jean Rhodes, Carol Woods (Community Employer)*

The third meeting of the LRC on Intellectual and Developmental Disabilities took place on Wednesday, March 28, 2018 at 12:00 P.M. in Room 544 of the Legislative Office Building. The Committee heard the following presentations:

- **Empowering People. Promoting Independence.**
*Cheri Howell, MS, Assistant Director, Community Workforce Solutions
Julie Griffin, MPA, Vocational Services Director, Community Workforce Solutions*

Business Partner:
*Chef Gregg Hamm, President/Executive Chef, Chef Hamm Inc. Executive Director
Central Carolina Culinary Institute, CCCC*
- **Holy Angels**
*Regina Moody, Executive Director
Shannon Childress, Chief Clinical Officer*
- **GiGi's Playhouse Raleigh: Programs, Partnerships, and Potential!**
*Jeanhee Hoffman, GiGi's Playhouse Raleigh President and Founder
Kim Eyerman, GiGi's Prep & Community Engagement Coordinator
Michelle Schwab, GiGi's Playhouse Raleigh Vice President, Mother of Matthew Schwab
Matthew Schwab, GiGi's Playhouse Raleigh Ambassador, Gen G Board Co-President
Michelle Pfeiffer, GiGi's Playhouse Board member - Outreach*

Business Partners:
*321 Coffee - Elise Romola
Oak City Coffee Roasters - Bill Landahl*
- **ArcBarks**
*Linda Yurko, Executive Director of the Arc of Greensboro
Don Scales, Business Manager of arcBARKS
Bridget Watson, Supported Employment Director*
- **Committee Discussion on Potential Recommendations for the Final Report**

The fourth meeting of the LRC on Intellectual and Developmental Disabilities took place on Monday, April 16, 2018 at 1:00 P.M. in Room 544 of the Legislative Office Building. The Committee staff reviewed the proposed draft legislation. The Committee discussed the draft legislation and the draft Committee report. The Committee then voted to approve the proposed draft legislation and the Committee report.

FINDINGS AND RECOMMENDATIONS

At its February 6, 2018, meeting, the LRC Committee on Intellectual and Developmental Disabilities (IDD) heard from various State agencies and divisions regarding the programs, services, and supports that are currently available in the State to serve individuals with IDD in education, job training, and employment. Presentations at this meeting covered the programs, services, and supports available through the Division of Vocational Rehabilitation Services (DVRS), the Division of Medical Assistance (DMA), and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (DMH/DD/SAS) of the Department of Health and Human Services (DHHS), the Exceptional Child Division (ECD) of the Department of Public Instruction (DPI), the North Carolina Community Colleges System, and the University of North Carolina System. The University of North Carolina System presented on higher education opportunities for students with IDD, including programs at the University of North Carolina at Greensboro, Western Carolina University, and Appalachian State University, as well as a program under development at the University of North Carolina at Chapel Hill, and the funding sources and waiting lists for these programs. The Committee asked all the presenters to discuss the interrelationship between all of the programs, services, and supports available through these various entities, and a common theme emerged that this system of resources lacks full coordination and can be extremely difficult for the public to navigate.

This theme was further explored at the Committee's March 1, 2018, meeting, when DHHS presented gaps, needs, and recommendations for supporting strong transitions for individuals with IDD from the education system to employment. Other presenters at the March 1 meeting emphasized the benefits and importance of these strong transitions, as well as the opportunities for improving and building on existing resources. These presenters included the Arc of North Carolina, the Autism Society of North Carolina, the Alliance of Disability Advocates, and OE Enterprises, Inc. In discussing the need for better coordination of available resources, two specific areas for improvement were identified: (1) the lack of a single point of entry for parents, guardians, and individuals with IDD to gain coordinated access to the various programs, services, and supports available, and (2) the lack of coordinated collection of data necessary to be able to analyze the effectiveness and impact of existing programs, services, and supports.

At the March 1 meeting, presenters discussed that certain modifications to State law pertaining to the Achieving a Better Life Experience (ABLE) Act could be beneficial to individuals with IDD with regard to their ability to work. Also at the March 1 meeting, the Committee heard about the opportunities for individuals with IDD that are available through Project SEARCH and how Project SEARCH assists individuals with IDD in obtaining employment. At the Committee's March 28, 2018 meeting, the Committee heard more about Project SEARCH and the internships that are offered through DHHS on the Dorothea Dix campus, and the question was raised whether the opportunities for State employment of individuals with IDD could be increased. Presenters at the March 28 meeting, including Community Workforce Solutions, Holy Angels, GiGi's Playhouse, and

arcBARKS, exemplified a wide variety of successful non-profit and market employment models for individuals with IDD, including employment in the culinary industry, a cotton candy factory and candy store, an art gallery, a pop-up coffee shop, dog biscuit manufacturing and distributing, and coffee pod manufacturing. These models demonstrated the breadth of opportunities yet to be explored for the employment of individuals with IDD.

Based on the information presented to the Committee during its meetings, the Committee finds the following:

1. A single point of contact is needed to oversee administration and coordination of education and employment programs for individuals with IDD.
2. There is a need for coordinated data collection and analysis among and across various State agencies and stakeholders in order to be able to evaluate program effectiveness.
3. A change in federal law applicable to ABLE accounts was recently enacted on December 22, 2017, when President Trump signed H.R. 1, the Tax Cuts and Jobs Act, into law. Federal law now allows the rollover of funds from 529 qualified tuition plans into 529A (ABLE) accounts, up to the annual maximum contribution amount. Modifying State law to exempt a withdrawal of funds from a Parental Savings Trust Fund when rolled over to an ABLE account from the requirement that the withdrawn funds be added to the taxpayer's adjusted gross income would preserve the intent of tax exclusions already granted to holders of Parental Savings Trust Funds and would be beneficial to individuals with IDD. Additional changes to State law applicable to ABLE accounts that would benefit individuals with IDD and promote their ability to work should be explored further.
4. In order to identify opportunities to increase the employment of individuals with IDD with the State, further study is needed.
5. NC has been a leader in university-based, post-secondary education for individuals with IDD. These programs have an impressive record of outcomes. Each of these programs report waiting lists of individuals requesting admission.
6. Currently, full-time students that are enrolled in a two-year (4 semester) or four-year (8 semester) certificate of accomplishment program approved as a Comprehensive Transition Program (CTP) by the US Department of Education at a constituent institution of the University of North Carolina are not categorized as enrolled students for the purpose of receiving full-time equivalent (FTE) funding from the State.

Based on the above findings, the Committee recommends the following:

1. A position should be created within the Department of Health and Human Services to oversee administration and coordination of education and employment programs for individuals with IDD. This position should provide annual reports to the General Assembly on the interagency coordination of education and employment programs and services for individuals with IDD and the evaluation of available programs. The initial report should include a comprehensive list of State and local entities supporting individuals with IDD in transitioning from school to post-secondary education, employment training, and employment, a comprehensive list of current and available funding streams supporting these transitions, identification of relevant data sets, and strategies for improved coordination of these resources and information. (See attached legislation [2017-MKza-179A](#).)
2. The Government Data Analytics Center should establish a task force to study the collection and use of data on education and employment outcomes for individuals with IDD through the North Carolina Longitudinal Data System. (See attached legislation [2017-MKz-181](#).)
3. The General Assembly should enact legislation (i) allowing a withdrawal of funds from Parental Savings Trust Funds when rolled over to 529A (ABLE) accounts to be exempt from being added to the withdrawing taxpayer's adjusted gross income and (ii) directing the ABLE Program Board of Trustees to report to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Oversight Committee on General Government with additional proposed legislative changes to State law pertaining to ABLE accounts. (See attached legislation [2017-MKfz-186](#).)
4. The General Assembly should enact legislation directing the Department of Health and Human Services (DHHS), in consultation with the Office of State Human Resources, to study the development and implementation of a comprehensive, statewide program that establishes the State as a model employer of individuals with disabilities. The legislation should require DHHS to report the results of the study to the Joint Legislative Oversight Committee on Health and Human Services. (See attached legislation [2017-MKz-187](#).)
5. The University of North Carolina General Administration should study whether the waiting lists for university-based, post-secondary education opportunities for individuals with IDD could be reduced or eliminated if full-time students that are enrolled in a two-year (4 semester) or four-year (8 semester) certificate of accomplishment program approved as a Comprehensive Transition Program (CTP) by the US Department of Education at a constituent institution of the University of North Carolina were categorized the same as full-time students who are enrolled in four-year degree programs.

COMMITTEE MEMBERSHIP

2017-2018

Senate Members:

Senator Michael V. Lee, Co-Chair
Senator Chad Barefoot
Senator Tamara Barringer
Senator Jay J. Chaudhuri
Senator Chuck Edwards
Senator Bill Rabon, Ex Officio

House of Representatives Members:

Representative John R. Bradford, III, Co-Chair
Representative Nelson Dollar
Representative Verla Insko
Representative Chris Malone
Representative John Sauls
Representative David R. Lewis, Ex Officio

COMMITTEE CHARGE

The Committee shall study and recommend changes in policy for consideration by the General Assembly regarding the quality and availability of evidence-based services to support individuals with intellectual and/or developmental disabilities ("IDD") in retaining employment. The Committee may examine the following:

1. The current resources and programs available in North Carolina to transition those with IDD into integrated, paid, competitive employment;
2. Review what services and supports are necessary to provide transition from education to employment for those with IDD;
3. Review what programs the State should support and invest in to allow more individuals with IDD to become employed, including programs within State and Local Governments to employ those with IDD;
4. Review what role the North Carolina Education System can play in the transition from education to employment for those with IDD;
5. Reviewing County-level coordination between programs and agencies serving individuals with IDD and how to increase awareness of available services to local governments and target populations; and
6. Care solutions and opportunities for those with IDD that are not capable of fully transitioning into a work environment.

STATUTORY AUTHORITY

NORTH CAROLINA GENERAL STATUTES ARTICLE 6B.

Legislative Research Commission.

§ 120-30.17. Powers and duties.

The Legislative Research Commission has the following powers and duties:

- (1) Pursuant to the direction of the General Assembly or either house thereof, or of the chairmen, to make or cause to be made such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner.
- (2) To report to the General Assembly the results of the studies made. The reports may be accompanied by the recommendations of the Commission and bills suggested to effectuate the recommendations.
- (3), (4) Repealed by Session Laws 1969, c. 1184, s. 8.
- (5), (6) Repealed by Session Laws 1981, c. 688, s. 2.
- (7) To obtain information and data from all State officers, agents, agencies and departments, while in discharge of its duty, pursuant to the provisions of G.S. 120-19 as if it were a committee of the General Assembly.
- (8) To call witnesses and compel testimony relevant to any matter properly before the Commission or any of its committees. The provisions of G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Commission and its committees as if each were a joint committee of the General Assembly. In addition to the other signatures required for the issuance of a subpoena under this subsection, the subpoena shall also be signed by the members of the Commission or of its committee who vote for the issuance of the subpoena.
- (9) For studies authorized to be made by the Legislative Research Commission, to request another State agency, board, commission or committee to conduct the study if the Legislative Research Commission determines that the other body is a more appropriate vehicle with which to conduct the study. If the other body agrees, and no legislation specifically provides otherwise, that body shall conduct the study as if the original authorization had assigned the study to that body and shall report to the General Assembly at the same time other studies to be conducted by the Legislative Research Commission are to be reported. The other agency shall conduct the transferred study within the funds already assigned to it.

LEGISLATIVE PROPOSALS

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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BILL DRAFT 2017-MKza-179A [v.5]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/9/2018 11:07:03 AM

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

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

Appendix D

1 developmental disabilities and, in doing so, shall have at least the following duties and
2 responsibilities:

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

1 credentialing, transportation access, individual financial assistance, and
2 development of employer partnerships.

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

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

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

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

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

20 **"§ 143B-179. Council on Developmental Disabilities – members; selection; quorum;**
21 **compensation.**

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

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

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

49 (3) Five members at large as follows: One representative of the university
50 affiliated facility, one representative of the State protection and advocacy

Appendix D

1 system, one representative of a local agency, one representative of a
2 nongovernmental agency or nonprofit group concerned with services to
3 persons with developmental disabilities, and one representative from the
4 public at large.

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

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

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

12 The Governor shall make appropriate provisions for the rotation of membership on the
13 Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix D

1 The term of appointment for all members except those appointed by the State Board of
2 Education is two years. The term for members appointed by the State Board of Education is four
3 years. No person appointed by the State Board shall serve more than two consecutive four-year
4 terms.

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

7 **SECTION 5.** Notwithstanding G.S. 143B-179.1, as enacted by this act, the Secretary
8 of Health and Human Services shall appoint a Director of Education and Employment
9 Opportunities for Individuals with Intellectual and Developmental Disabilities by October 1,
10 2018.

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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D

BILL DRAFT 2017-MKz-181 [v.4] (03/14)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
03/23/2018 03:46:38 PM

Short Title: IDD Data Sharing/Longitudinal Data System. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE GOVERNMENT DATA ANALYTICS CENTER TO ESTABLISH
A TASK FORCE TO STUDY THE COLLECTION AND USE OF DATA ON
EDUCATION AND EMPLOYMENT OUTCOMES FOR INDIVIDUALS WITH
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES THROUGH THE NORTH
CAROLINA LONGITUDINAL DATA SYSTEM, AS RECOMMENDED BY THE
LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON INTELLECTUAL AND
DEVELOPMENTAL DISABILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. The Government Data Analytics Center (GDAC) shall establish a task force to study the collection and use of data among State agencies and stakeholders to evaluate education and employment programs and services for individuals with intellectual and developmental disabilities as part of the North Carolina Longitudinal Data System (System), established pursuant to Chapter 116E of the General Statutes. The task force shall include representatives from at least the following State agencies and stakeholders:

- (1) The Department of Health and Human Services.
- (2) The Department of Public Instruction.
- (3) The North Carolina Community College System.
- (4) The University of North Carolina.
- (5) Local school administrative units and charter schools.
- (6) Private colleges or universities.
- (7) The Department of Commerce.
- (8) The Department of Labor.
- (9) The Department of Revenue.
- (10) The North Carolina Postsecondary Education Alliance.
- (11) Community organizations serving individuals with intellectual and developmental disabilities.

SECTION 2. The task force shall study issues related to collecting and sharing individual-level data among agencies through the System, including the Common Follow-Up System and NC SchoolWorks (P-20W), for the purpose of evaluating and reporting whether federal and State-supported education and employment programs and services for individuals with intellectual and developmental disabilities are effective in providing education and employment opportunities resulting in positive outcomes for those individuals. In doing so, the task force shall consider at least the following:

Appendix D

- 1 (1) Establishing uniform definitions of disability and requiring specificity by type
2 of disability to be used in the collection of data among agencies.
- 3 (2) Conducting an inventory of the unique individual identifiers used within each
4 agency and determining whether any identifiers need to be added to facilitate
5 the sharing of data.
- 6 (3) Identifying common performance measures and establishing key indicators,
7 such as enrollment in postsecondary education or training, attainment of a
8 postsecondary degree or credential, employment status and earnings, and
9 poverty and receipt of public assistance.
- 10 (4) Establishing a uniform length of time in which individuals are tracked that is
11 sufficient to evaluate long-term outcomes.
- 12 (5) Developing interagency data sharing agreements to facilitate the evaluation of
13 data and reporting of outcomes.
- 14 (6) Identifying any limitations to sharing data through the System for the purpose
15 of evaluating programs and services, including ensuring compliance with
16 State and federal privacy laws, such as the Family Educational Rights and
17 Privacy Act, the Internal Revenue Code, and the Health Insurance Portability
18 and Accountability Act of 1996 (HIPAA). The task force shall propose best
19 practices for maximizing data sharing and the evaluation and reporting of data
20 using the System within the parameters of State and federal privacy laws.
- 21 (7) Developing strategies to facilitate data sharing, evaluation, and reporting of
22 outcomes of programs and services when the System cannot be utilized under
23 certain circumstances, such as with small population sample sizes.

24 **SECTION 3.** By October 1, 2018, GDAC shall report to the Joint Legislative
25 Education Oversight Committee and the Joint Legislative Oversight Committee on Health and
26 Human Services on the results of the study required by this act and any legislative
27 recommendations from the task force.

28 **SECTION 4.** This act is effective when it becomes law.
29

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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D

BILL DRAFT 2017-MKfz-186 [v.3]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
04/02/2018 02:52:15 PM

Short Title: ABLE Act Changes/Study.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW FOR FUNDS FROM THE PARENTAL SAVINGS TRUST FUND TO ROLLOVER TO AN ABLE ACCOUNT WITHOUT THE FUNDS BEING CONSIDERED AS INCOME AND TO DIRECT THE ABLE PROGRAM BOARD OF TRUSTEES TO REPORT ON ANY LEGISLATIVE RECOMMENDATIONS FOR MODIFICATIONS TO THE STATE ABLE ACT, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-153.5(c)(7) reads as rewritten:

"(7) The amount deducted in a prior taxable year to the extent this amount was withdrawn from the Parental Savings Trust Fund of the State Education Assistance Authority established pursuant to G.S. 116-209.25 and not used to pay for the qualified higher education expenses of the designated beneficiary, unless the withdrawal was made pursuant to section 529 of the Code and was either (i) without penalty ~~under section 529 of the Code~~ due to the death or permanent disability of the designated ~~beneficiary~~-beneficiary or (ii) rolled over to an ABLE account as defined in G.S. 147-86.70(b)."

SECTION 2. By December 1, 2018, the ABLE Program Board of Trustees (Board) shall report to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Oversight Committee on General Government on legislative recommendations for modifications to the Achieving a Better Life Experience (ABLE) Program Trust and its related statutes consistent with the federal ABLE Act. The Board shall include recommendations regarding any recent changes in the federal law and improvements for the administration of the program.

SECTION 3. Section 1 of this act is effective for taxable years beginning on or after January 1, 2018. The remainder of this act is effective when the act becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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D

BILL DRAFT 2017-MKz-187 [v.5]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/9/2018 10:56:23 AM

Short Title: State as a Model Employer/IDD.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN CONSULTATION WITH THE OFFICE OF STATE HUMAN RESOURCES, TO STUDY THE DEVELOPMENT AND IMPLEMENTATION OF A PROGRAM TO ENCOURAGE THE EMPLOYMENT BY STATE AGENCIES OF INDIVIDUALS WITH DISABILITIES, INCLUDING TARGETING EMPLOYMENT OF 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. The Department of Health and Human Services (Department), in consultation with the Office of State Human Resources, shall study the development and implementation of a comprehensive, statewide program that establishes the State as a model employer in the employment of individuals with disabilities. The goals of the program shall include (i) increasing disability inclusion and access to State agency employment, (ii) specifically targeting an increase in the employment by State agencies of individuals with intellectual and developmental disabilities, and (iii) demonstrating to local government and private sector employers the viability and effectiveness of employing individuals with disabilities. As part of its study, the Department shall solicit the input of key stakeholders, including other relevant State agencies and organizations.

SECTION 2. In studying the development of a statewide program that establishes the State as a model employer for individuals with disabilities, the Department, in consultation with the Office of State Human Resources, shall examine existing programs in other states and shall consider the feasibility of implementing a comprehensive program in North Carolina that contains at least one or more of the following components, including expanding on existing programs:

- (1) Targeting hiring efforts through the Office of State Human Resources, including fast track hiring policies that augment or streamline existing agency practices, trial work periods before offering permanent employment, pre-employment certification through the Department for State employment, State agency internships, specific eligibility lists for hiring managers, and mandatory interview opportunities.

Appendix D

- 1 (2) Focusing on recruitment and outreach efforts to identify and attract skilled
2 individuals with disabilities for State employment.
- 3 (3) Enhancing accessibility to State employment applications and the steps in the
4 hiring process.
- 5 (4) Developing explicit reasonable workplace accommodation guidelines that
6 include managing costs and providing a request process that encourages
7 individuals with disabilities to apply for State employment.
- 8 (5) Building upon existing State personnel training programs to further encourage
9 inclusion of individuals with disabilities in the workplace.
- 10 (6) Enabling data collection for evaluation and oversight of the State's
11 employment practices for hiring individuals with disabilities.
- 12 (7) Increasing public and private partnerships to further develop work-based
13 opportunities leading to State employment, such as Project SEARCH.

14 **SECTION 3.** By December 1, 2018, the Department, in consultation with the Office
15 of State Human Resources, shall submit a report to the Joint Legislative Oversight Committee
16 on Health and Human Services on the results of the study required by this act, including any
17 legislative recommendations.

18 **SECTION 4.** This act is effective when it becomes law.
19

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