

The Designated State Agency

Roles, responsibilities and purpose

What does the Act say?

- Each State/Territory shall designate a State agency that shall, on behalf of the State, provide support to the Council.

Section 125(d)(1)

Who can be a DSA?

- The Council (if allowed by the laws of the State/Territory)
- A State agency that does not provide or pay for services for individuals with developmental disabilities (exception noted)
- A State office including the immediate office of the Governor or a State planning office

Section 125(d)(2)(A)(i)(ii)(iii)

Bottom line -

- The Council must be able to serve as an independent advocate for individuals with developmental disabilities and their families.

Bottom line continued -

- The Council should periodically determine if their independence as an advocate is assured. This is accomplished through a review of the DSA

What does the DSA do?

Six core responsibilities

1. Support Services
2. Fiscal Responsibilities
3. Records, Access and Financial Reports
4. Non-federal Share
5. Assurances
6. Memorandum of Understanding

Section 125(d)(3)(B-G)

Support services

- The DSA shall provide required assurances AND support services as requested by and negotiated with the Council.
- Examples -
 - Personnel Services/Human Resource services
 - Legal Services
 - Contract Development Services
 - IT Services
 - Payroll Services

Financial Responsibilities

- The Designated State Agency receives, accounts for, and disburses funds.
- The DSA provides for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, funds.

Records, Access and Financial Reports

- The DSA shall provide timely financial reports at the request of the Council regarding the status of expenditures, obligations, and liquidation by the agency or the Council, and the use of Federal and non-Federal shares.

Non-federal share

- Non federal share can be provided in cash or in kind, fairly evaluated .
- Section 126 (a)(1-3); (c)(1) (B) (3)

Additional info

- With the agreement of the DSA, the Council may use or contract with agencies other than the DSA to perform the functions of the DSA.

Section 125 (d) (4) (B)

Assurances

- Assurances are outlined in the DD Act and include:
 - Use of funds
 - State financial participation
 - Conflict of interest
 - Urban and rural poverty areas
 - Program accessibility standards
 - Individualized services
 - Human rights
 - Minority participation
 - Employee protections
 - Staff assignments
 - Noninterference
 - State quality assurance
 - Other assurances

Memorandum of Understanding

- A memorandum of understanding (MOU) delineates the roles and responsibilities of the designated State agency
- A MOU is initiated at the request of the Council