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No

P.L. 2003, CHAPTER 54, *approved April 23, 2003*  
Assembly, No. 2729

1 **AN ACT** concerning individuals with developmental disabilities and  
2 amending and supplementing P.L.1979, c.105.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. (New section) The Legislature finds and declares that:

8 a. Disability is a natural part of the human experience that does not  
9 diminish the right of individuals with developmental disabilities to live  
10 independently, exert control and choice over their own lives, and  
11 fully participate in and contribute to their communities through full  
12 integration and inclusion in the economic, political, social, cultural and  
13 educational mainstream of United States society;

14 b. Recent studies indicate that individuals with developmental  
15 disabilities comprise between 1.2 and 1.65% of the United States  
16 population, and individuals whose disabilities occur during their  
17 developmental period frequently have severe disabilities that are likely  
18 to continue indefinitely;

19 c. Individuals with developmental disabilities often encounter  
20 discrimination in the provision of critical services and are at greater  
21 risk than the general population of abuse, neglect, financial and sexual  
22 exploitation, and the violation of their legal and human rights;

23 d. A substantial portion of individuals with developmental  
24 disabilities and their families do not have access to appropriate support  
25 and services, including access to assistive technology, from generic  
26 and specialized service systems, and remain unserved or underserved;

27 e. Individuals with developmental disabilities often require lifelong  
28 community services, individualized supports and other forms of  
29 assistance that are most effective when provided in a coordinated  
30 manner;

31 f. There is a need to ensure that services, supports and other  
32 assistance are provided in a culturally competent manner, which  
33 ensures that individuals from racial and ethnic minority backgrounds  
34 are fully included in all activities provided under P.L. , c.  
35 (C. )(pending before the Legislature as this bill);

36 g. Family members, friends and members of the community can  
37 play an important role in enhancing the lives of individuals with  
38 developmental disabilities, especially when the family members, friends  
39 and community members are provided with the necessary community  
40 services, individualized supports and other forms of assistance;

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

- 1 h. Current research indicates that 88% of individuals with  
2 developmental disabilities live with their families or in their own  
3 households, and many service delivery systems and communities are  
4 not prepared to meet the impending needs of the adults with  
5 developmental disabilities who are living at home with parents who are  
6 60 years of age or older and serve as the primary caregivers of these  
7 adults;
- 8 i. Individuals with developmental disabilities are waiting for  
9 appropriate services in their communities, and the public needs  
10 increased awareness of the capabilities and competencies of individuals  
11 with developmental disabilities, particularly in cases in which the  
12 individuals are provided with necessary services, supports and other  
13 assistance;
- 14 j. As increasing numbers of individuals with developmental  
15 disabilities are living, learning, working and participating in all aspects  
16 of community life, there is an increasing need for a well trained  
17 workforce that is able to provide the services, supports and other  
18 forms of direct assistance that are required to enable the individuals to  
19 carry out those activities;
- 20 k. There needs to be greater effort to recruit individuals from  
21 minority backgrounds into professions serving individuals with  
22 developmental disabilities and their families;
- 23 l. The goals of the State properly include providing individuals  
24 with developmental disabilities with the information, skills,  
25 opportunities and support to: make informed choices and decisions  
26 about their lives; live in homes and communities in which these  
27 individuals can exercise their full rights and responsibilities as citizens;  
28 pursue meaningful and productive lives; contribute to their families,  
29 communities, the State and the nation; have interdependent friendships  
30 and relationships with other persons; live free of abuse, neglect,  
31 financial and sexual exploitation, and violations of their legal and  
32 human rights; and achieve full integration and inclusion in society, in  
33 an individualized manner, consistent with the unique strengths,  
34 resources, priorities, concerns, abilities and capabilities of each  
35 individual;
- 36 m. As the nation, states and communities maintain and expand  
37 community living options for individuals with developmental  
38 disabilities, there is a need to evaluate the access to those options by  
39 individuals with developmental disabilities and the effects of those  
40 options on those individuals; and
- 41 n. Therefore, the purpose of this act is to assure that individuals  
42 with developmental disabilities and their families participate in the  
43 design of, and have access to, needed community services,  
44 individualized supports and other forms of assistance which promote  
45 self-determination, independence, productivity, and integration and  
46 inclusion in all facets of community life, through culturally competent

1 advocacy, capacity-building and systemic-change activities conducted  
2 by the State Council on Developmental Disabilities, as required by the  
3 "Developmental Disabilities Assistance and Bill of Rights Act of  
4 2000," Pub.L.106-402, 42 U.S.C. s.15001 et seq. These activities  
5 shall:

6 (1) be consistent with the purpose described in this subsection and  
7 the public policy described in section 2 of P.L. c. (C. )(pending  
8 before the Legislature as this bill); and

9 (2) contribute to a coordinated, consumer- and family-centered and  
10 consumer- and family-directed comprehensive system which includes  
11 needed community services, individualized supports and other forms  
12 of assistance that promote self-determination for individuals with  
13 developmental disabilities and their families.

14

15 2. (New section) It is the public policy of the State that all  
16 programs, projects and activities conducted by the State Council on  
17 Developmental Disabilities shall be carried out in a manner consistent  
18 with the following provisions:

19 a. Individuals with developmental disabilities, including those with  
20 the most severe developmental disabilities, are capable of self-  
21 determination, independence, productivity, and integration and  
22 inclusion in all facets of community life, but often require the provision  
23 of community services, individualized supports and other forms of  
24 assistance;

25 b. Individuals with developmental disabilities and their families  
26 have competencies, capabilities and personal goals that should be  
27 recognized, supported and encouraged, and any assistance to these  
28 individuals should be provided in an individualized manner, consistent  
29 with the unique strengths, resources, priorities, concerns, abilities and  
30 capabilities of these individuals;

31 c. Individuals with developmental disabilities and their families are  
32 the primary decision-makers regarding the services and supports they  
33 receive, including services and supports for choosing, from available  
34 options, where the individuals live, and they should play decision-  
35 making roles in policies and programs that affect their lives;

36 d. Services, supports and other assistance should be provided in a  
37 manner that demonstrates respect for individual dignity, personal  
38 preferences and cultural differences;

39 e. Individuals with developmental disabilities from racial and ethnic  
40 minority backgrounds and their families need specific efforts to ensure  
41 that they can enjoy increased and meaningful opportunities to access  
42 and use community services, individualized supports and other forms  
43 of assistance available to other individuals with developmental  
44 disabilities and their families;

45 f. Recruitment efforts relating to pre-service training, community  
46 training, practice, administration and policymaking must focus on

1 bringing larger numbers of racial and ethnic minorities into these  
2 disciplines in order to provide appropriate skills, knowledge, role  
3 models and sufficient personnel to address the growing needs of an  
4 increasingly diverse population with developmental disabilities;

5 g. With education and support, communities can be accessible and  
6 responsive to the needs of individuals with developmental disabilities  
7 and their families, and they are enriched by the contributions and full  
8 and active participation in community activities by individuals with  
9 developmental disabilities and their families;

10 h. Individuals with developmental disabilities should have access  
11 to opportunities and the necessary support to be included in  
12 community life, have interdependent relationships, live in homes and  
13 communities and make contributions to their families, communities,  
14 the State and the nation;

15 i. Efforts undertaken to maintain or expand community-based  
16 living options for individuals with disabilities must be monitored in  
17 order to determine and report to appropriate individuals and entities  
18 the extent of access by individuals with developmental disabilities to  
19 those options, and the extent of compliance with quality assurance  
20 standards by entities providing the options;

21 j. Families of children with developmental disabilities need to have  
22 access to, and use of, safe and appropriate child care and before- and  
23 after-school programs in the most integrated settings in order to enrich  
24 the participation of the children in community life;

25 k. Individuals with developmental disabilities need to have access  
26 to, and use of, public transportation in order to be independent and  
27 directly contribute to, and participate in, all facets of community life;  
28 and

29 l. Individuals with developmental disabilities need to have access  
30 to, and use of, recreational, leisure and social opportunities in the most  
31 integrated settings in order to enrich their participation in community  
32 life.

33

34 3. Section 1 of P.L.1979, c.105 (C.30:1AA-1) is amended to read  
35 as follows:

36 1. a. The State Council on Developmental Disabilities [Council],  
37 established pursuant to Executive Order Number 20 of 1971, as  
38 amended by Executive Order Number 49 of 1973 and Executive Order  
39 Number 42 of 1976, is hereby established and continued in the  
40 Executive Branch of State Government.

41 b. For the purpose of complying with the provisions of Article V,  
42 Section IV, paragraph 1 of the New Jersey Constitution, the State  
43 Council on Developmental Disabilities [Council] is hereby allocated  
44 within the Department of Human Services, but, notwithstanding said  
45 allocation, the council shall be independent of any supervision or  
46 control by the department or any board or officer thereof, or any

1 other cabinet-level department, board or officer thereof. The council  
2 shall operate in a manner that shall assure compliance with State and  
3 federal administrative, fiscal, legislative, procedural and personnel  
4 requirements.

5 c. In addition to the powers and duties herein provided, the State  
6 Council on Developmental Disabilities shall constitute the planning  
7 entity authorized in the "Developmental Disabilities Assistance and Bill  
8 of Rights Act of 2000," Pub.L.106-402, 42 U.S.C. s.15001 et seq.,  
9 and shall exercise all the powers and duties as may be necessary to  
10 effectuate the purposes and provisions thereof.

11 (cf: P.L.1979, c.105, s.1)

12

13 4. Section 2 of P.L.1979, c.105 (C.30:1AA-2) is amended to read  
14 as follows:

15 2. For the purposes of this act, a "developmental disability"  
16 means:

17 a. A severe, chronic disability of a person which

18 (1) Is attributable to a mental or physical impairment or  
19 combination of mental or physical impairments;

20 (2) Is manifest before age 22;

21 (3) Is likely to continue indefinitely;

22 (4) Results in substantial functional limitations in three or more of  
23 the following areas of major life activity: self-care, receptive and  
24 expressive language, learning, mobility, self-direction, capacity for  
25 independent living, or economic self-sufficiency; and

26 (5) Reflects the need for a combination and sequence of special,  
27 interdisciplinary, or generic care, or other services which are of  
28 lifelong or extended duration and are individually planned and  
29 coordinated.

30 b. Other **[handicapping conditions]** disabilities requiring services  
31 and treatment similar to that required by those who meet the criteria  
32 defined above.

33 (cf: P.L.1979, c.105, s.2)

34

35 5. Section 3 of P.L.1979, c.105 (C.30:1AA-3) is amended to read  
36 as follows:

37 3. The council shall consist of a minimum of 25 members, but shall  
38 not exceed 30 members, of whom [18 shall be public members  
39 appointed by the Governor with the advice and consent of the Senate  
40 for terms of 3 years and until their respective successors have been  
41 appointed and have qualified, and 12 shall be representatives of State  
42 agencies who shall serve at the pleasure of the Governor in  
43 accordance with the qualifications established in section 4 of this  
44 act.];

45 a. seven shall be representatives of State agencies who shall serve  
46 ex officio at the pleasure of the Governor in accordance with the

1 qualifications established in section 4 of P.L.1979, c.105 (C.30:1AA-  
2 4):

3 b. a minimum of 15 shall be public members appointed by the  
4 Governor with the advice and consent of the Senate:

5 c. one each shall represent a University Center for Excellence in  
6 Developmental Disabilities Education, Research, and Service in the  
7 State and the State's designated protection and advocacy system; and

8 d. one shall be a representative of local and non-governmental  
9 agencies or private nonprofit groups concerned with services for  
10 individuals with developmental disabilities, appointed by the Governor  
11 with the advice and consent of the Senate.

12 The appointed members shall serve for a term of three years and until  
13 their respective successors have been appointed and have qualified.

14 Vacancies shall be filled in the same manner as the original  
15 appointment. Public members shall receive no compensation, but shall  
16 be entitled to reimbursement for necessary expenses incurred in the  
17 performance of their duties. Members [of] serving on the council at  
18 the time of enactment of [this act]P.L. , c. (C. )(pending before  
19 the Legislature as this bill) shall continue to serve until the expiration  
20 of their current terms, and until their respective successors are  
21 appointed and have qualified.

22 (cf: P.L.1979, c.105, s.3)

23

24 6. Section 4 of P.L.1979, c.105 (C.30:1AA-4) is amended to read  
25 as follows:

26 4. The public members shall be representative of the diverse social,  
27 economic and geographical interests in the State, and shall include at  
28 least 15 persons who are consumers or [representatives] immediate  
29 family members of consumers of services for persons with  
30 developmental disabilities. [One public member shall be a  
31 representative of the private entity designated by the Governor as the  
32 State's protection and advocacy agency for persons with  
33 developmental disabilities pursuant to section 33 of P.L.1994, c.58  
34 (C.52:27E-74).] The seven State members shall be official  
35 representatives of State agencies [responsible for the following  
36 programs: Special Education; Residential Services for Mentally  
37 Retarded Persons; Health Services for Crippled Children and for  
38 Maternal and Child Health; Comprehensive Health Planning; Medical  
39 Assistance; Higher Education; Community Affairs, Youth and Family  
40 Services; Public Welfare; Mental Health Services; Vocational  
41 Rehabilitation Services; and the Public Defender], as follows: five  
42 representatives, each of whom shall administer funds provided under  
43 at least one of the following federal laws related to individuals with  
44 disabilities: the "Rehabilitation Act of 1973" (29 U.S.C. s.701 et seq.),  
45 the "Individuals With Disabilities Education Act" (20 U.S.C. s.1400  
46 et seq.), the "Older Americans Act of 1965" (42 U.S.C. s.3001 et seq.)



1 and Titles V and XIX of the Social Security Act (42 U.S.C. s.701 et  
2 seq. and 42 U.S.C. s.1396 et seq.); one representative from the  
3 Division of Developmental Disabilities in the Department of Human  
4 Services; and one representative from the Division of Disability  
5 Services in the Department of Human Services.

6 (cf: P.L.1994, c.58, s.48)

7

8 7. Section 6 of P.L.1979, c.105 (C.30:1AA-6) is amended to read  
9 as follows:

10 6. The council shall employ, subject to the provisions of Title  
11 ~~[11]~~11A, Civil Service, of the ~~[Revised]~~New Jersey Statutes~~[.]~~ and  
12 other applicable statutes, an executive director ~~[and such other~~  
13 ~~employees as it deems necessary]~~. The executive director shall:

14 a. ~~[Supervise and administer the work of the council;]~~ Articulate  
15 and implement policies established by the State Council on  
16 Developmental Disabilities.

17 b. Appoint and remove, subject to the provisions of Title 11A,  
18 Civil Service, of the New Jersey Statutes and other applicable statutes,  
19 such other employees as may be necessary to perform the duties and  
20 responsibilities of the council and shall promulgate fees and  
21 compensation within the limits of available appropriations and as shall  
22 be provided by law[; and]. The State shall not apply hiring freezes,  
23 reductions in force, prohibitions on travel or other policies to the staff  
24 of the council, to the extent that these policies would adversely impact  
25 the staff or functions funded with federal funds or would prevent the  
26 council from carrying out its functions.

27 c. Select and retain the services of consultants whose advice is  
28 considered necessary to assist the council in obtaining information or  
29 developing plans or programs required for the performance of the  
30 duties and responsibilities of the council.

31 (cf: P.L.1979, c.105, s.6)

32

33 8. Section 7 of P.L.1979, c.105 (C.30:1AA-7) is amended to read  
34 as follows:

35 7. The council shall promulgate, in accordance with the  
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
37 seq.), such rules as it deems necessary for the proper conduct of its  
38 work.

39 (cf: P.L.1979, c.105, s.7)

40

41 9. Section 8 of P.L.1979, c.105 (C.30:1AA-8) is amended to read  
42 as follows:

43 8. It shall be the duty of the council and its staff to:

44 a. ~~[Study and review the needs and problems of the~~  
45 ~~developmentally disabled in this State and the nature and extent of~~  
46 ~~public and private services for such persons, and to recommend~~

- 1 immediate and long range program and construction  
2 priorities.](Deleted by amendment, P.L. c. (C. )(pending  
3 before the Legislature as this bill));
- 4 b. [Foster cooperation and communication among State, county,  
5 municipal, voluntary and private agencies providing services to the  
6 developmentally disabled to assure that such services are delivered  
7 effectively, efficiently and without duplication](Deleted by  
8 amendment, P.L. c. (C. )(pending before the Legislature as  
9 this bill));
- 10 c. [Promote public awareness of the needs and problems of the  
11 developmentally disabled and their related budgetary  
12 implications](Deleted by amendment, P.L. c. (C. )(pending  
13 before the Legislature as this bill));
- 14 d. [Be designated as the State Planning Council in accordance with  
15 the requirements of P.L. 94-103 and subsequent amendments thereto  
16 and
- 17 (1) Be responsible for reviewing and evaluating from time to time,  
18 and not less often than annually, the State Plan on Developmental  
19 Disabilities and submitting such appropriate modifications as may be  
20 required to the United States Secretary of Health, Education and  
21 Welfare and
- 22 (2) Make such reports in such form and containing such  
23 information as the United States Secretary of Health, Education and  
24 Welfare may reasonably require, and keep such records and afford  
25 such access thereto as the Governor or the Secretary of Health,  
26 Education and Welfare find necessary to assure the correctness and  
27 verification of such reports] (Deleted by amendment, P.L. c.  
28 (C. )(pending before the Legislature as this bill));
- 29 e. [Review and comment upon laws and practices relating to the  
30 developmentally disabled](Deleted by amendment, P.L. c.  
31 (C. )(pending before the Legislature as this bill));
- 32 f. [Propose training and scholarship programs to prepare  
33 professionals to work with the developmentally disabled](Deleted by  
34 amendment, P.L. c. (C. )(pending before the Legislature as  
35 this bill));
- 36 g. [Recommend training and recruitment programs to encourage  
37 employment of the developmentally disabled](Deleted by amendment,  
38 P.L. c. (C. )(pending before the Legislature as this bill));
- 39 h. [Encourage and support pertinent research efforts and  
40 preventative measures](Deleted by amendment, P.L. c.  
41 (C. )(pending before the Legislature as this bill));
- 42 i. [Inform local governmental agencies of Federal and State  
43 programs and requirements concerning developmentally disabled and  
44 other handicapped persons and provide technical assistance to such  
45 agencies as to methods for participating in such programs or meeting

- 1 such requirements](Deleted by amendment, P.L. \_\_\_\_\_ c.  
2 (C. \_\_\_\_\_)(pending before the Legislature as this bill));
- 3 j. [Promote the establishment of local commissions on the  
4 developmentally disabled and other handicapped for the identification  
5 and development of locally-based programs for such persons, and to  
6 stimulate planning at the community level](Deleted by amendment,  
7 P.L. \_\_\_\_\_ c. (C. \_\_\_\_\_)(pending before the Legislature as this bill));
- 8 k. [Administer loan and grant programs, if and when funds become  
9 available, to enable local agencies, commissions and individuals  
10 concerned with the handicapped to acquire or improve relevant  
11 facilities, services and personnel](Deleted by amendment, P.L. \_\_\_\_\_ c.  
12 (C. \_\_\_\_\_)(pending before the Legislature as this bill));
- 13 l. [Undertake at the request of the Governor and the Legislature  
14 such activities as may be pertinent for the accomplishment of  
15 legislative and executive functions](Deleted by amendment, P.L. \_\_\_\_\_ c.  
16 (C. \_\_\_\_\_)(pending before the Legislature as this bill));
- 17 m. Serve as an advocate for individuals with developmental  
18 disabilities and conduct or support programs, projects and activities  
19 which carry out the mandate of advocacy, capacity-building and  
20 systemic change, pursuant to the "Developmental Disabilities  
21 Assistance and Bill of Rights Act of 2000," Pub.L.106-402, 42 U.S.C.  
22 s.15001 et seq.;
- 23 n. At the end of each year, examine goals to determine the extent  
24 to which each goal was achieved, the needs that would require  
25 amendment of the five-year strategic State plan and customer  
26 satisfaction with council-supported or council-conducted activities;
- 27 o. Develop and implement a State plan by conducting and  
28 supporting advocacy, capacity-building and systemic-change activities,  
29 which shall contribute to the purpose set forth in section 1 of  
30 P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)(pending before the Legislature as this bill) and  
31 may include:
- 32 (1) outreach activities to identify individuals with developmental  
33 disabilities and their families who otherwise might not come to the  
34 attention of the council, and to assist and enable the individuals and  
35 families to obtain services, individualized supports and other forms of  
36 assistance, including access to special adaptation of generic community  
37 services or specialized services;
- 38 (2) training for persons who are professionals, paraprofessionals,  
39 students, volunteers and other community members to enable these  
40 persons to obtain access to or to provide community services,  
41 individualized supports and other forms of assistance, including special  
42 adaptation of generic community services or specialized services for  
43 individuals with developmental disabilities and their families;
- 44 (3) technical assistance activities to public and private entities;
- 45 (4) assistance to, or support of, activities to assist neighborhoods  
46 and communities to respond positively to individuals with

1 developmental disabilities and their families through education, by  
2 encouraging local networks to provide informal and formal supports  
3 and by enabling neighborhoods and communities to offer the  
4 individuals and their families access to, and use of, services, resources  
5 and opportunities;

6 (5) activities to promote interagency collaboration, coordination  
7 and planning in order to better serve, support, assist or advocate for  
8 individuals with developmental disabilities and their families;

9 (6) activities to enhance coordination of services with:

10 (i) other councils, entities or committees authorized by federal or  
11 State law concerning individuals with disabilities, such as the State  
12 interagency coordinating council established under part C of the  
13 "Individuals with Disabilities Education Act" (20 U.S.C. s.1431 et  
14 seq.), the State Rehabilitation Council and the Statewide Independent  
15 Living Council established under the "Rehabilitation Act of 1973"  
16 (29 U.S.C. s.701 et seq.), the State mental health planning council  
17 established under part B of Title XIX of the Public Health Service Act  
18 (42 U.S.C. s.300x-1 et seq.), councils, entities or committees  
19 concerning activities authorized under section 101 or 102 of the  
20 "Assistive Technology Act of 1998" (29 U.S.C. s.3011 or 29 U.S.C.  
21 s.3012), and any councils, entities or committees carrying out similar  
22 functions;

23 (ii) parent training and information centers under part D of the  
24 "Individuals with Disabilities Education Act" (20 U.S.C. s.1451 et  
25 seq.) and other entities carrying out federally funded projects that  
26 assist parents of children with disabilities; and

27 (iii) other groups interested in advocacy, capacity-building and  
28 systemic-change activities to benefit individuals with disabilities;

29 (7) activities to eliminate barriers to access and use of community  
30 services by individuals with developmental disabilities, and to enhance  
31 systems design and redesign as well as citizen participation to address  
32 issues identified in the State plan;

33 (8) activities to educate the public about the capabilities,  
34 preferences and needs of individuals with developmental disabilities  
35 and their families, and activities to develop and support coalitions that  
36 support the policy agenda of the council, including training in self-  
37 advocacy, education of policymakers and training in citizen leadership  
38 skills;

39 (9) activities to provide information to policymakers by supporting  
40 and conducting studies and analyses, gathering information, and  
41 developing and disseminating model policies and procedures,  
42 information, approaches, strategies, findings, conclusions and  
43 recommendations. The council may provide the information directly  
44 to federal, State and local policymakers, including the United States  
45 Congress, the federal executive branch of government, the Governor  
46 and the Legislature, the governors and legislatures of other states, and

1 State agencies, in order to increase the ability of these policymakers  
2 to offer opportunities and to enhance or adapt generic services to meet  
3 the needs of, or provide specialized services to, individuals with  
4 developmental disabilities and their families;

5 (10) on a time-limited basis, activities to demonstrate new  
6 approaches to serving individuals with developmental disabilities,  
7 which are a part of an overall strategy for systemic change. The  
8 strategy may involve the education of policymakers and the public  
9 about how to effectively deliver services, supports and assistance to  
10 individuals with developmental disabilities and their families; and

11 (11) other advocacy, capacity-building and systemic-change  
12 activities to promote the development of a coordinated, consumer- and  
13 family-centered and consumer- and family-directed comprehensive  
14 system of community services, individualized supports and other forms  
15 of assistance;

16 p. Supervise and annually evaluate the executive director of the  
17 council;

18 q. Prepare and transmit an annual report to the Department of  
19 Health and Human Services, which shall contain information about the  
20 progress made by the council in achieving the purpose set forth in  
21 section 1 of P.L. , c. (C. )(pending before the Legislature as  
22 this bill). The report shall be available in accessible formats and the  
23 council shall provide a description of the method by which it shall  
24 widely disseminate the report to affected constituencies and the  
25 general public; and

26 r. Prepare, approve and implement a budget using amounts paid to  
27 the State to fund and implement all programs, projects and activities  
28 carried out pursuant to P.L. , c. (C. )(pending before the  
29 Legislature as this bill).

30 (cf: P.L.1979, c.105, s.8)

31

32 10. This act shall take effect immediately.

33

34

35

#### STATEMENT

36

37 This bill amends N.J.S.A.30:1AA-1 et seq., the law governing the  
38 Developmental Disabilities Council, to conform the law with the  
39 enactment of the federal "Developmental Disabilities Assistance and  
40 Bill of Rights Act of 2000," Pub.L.106-402, 42 U.S.C. s.15001 et  
41 seq., change the name of the council to the State Council on  
42 Developmental Disabilities and establish the council as the planning  
43 entity authorized by the federal law.

44 The stated purpose of the bill is to assure that individuals with  
45 developmental disabilities and their families participate in the design  
46 of, and have access to, needed community services, individualized

1 supports and other forms of assistance which promote self-  
2 determination, independence, productivity, and integration and  
3 inclusion in all facets of community life, through culturally competent  
4 advocacy, capacity-building and systemic-change activities conducted  
5 by the State Council on Developmental Disabilities, as is required by  
6 federal law.

7 Under the provisions of the bill, these activities must contribute to  
8 a coordinated, consumer- and family-centered and consumer- and  
9 family-directed comprehensive system which includes needed  
10 community services, individualized supports and other forms of  
11 assistance which promote self-determination for individuals with  
12 developmental disabilities and their families, and must be consistent  
13 with the bill's purpose and with the policy that all programs, projects  
14 and activities conducted by the council must be carried out in a manner  
15 consistent with the specific provisions enumerated under section 2 of  
16 the bill.

17 In addition, the bill changes the membership of the council under  
18 N.J.S.A.30:1AA-3 to a minimum of 25, but not more than 30,  
19 members, instead of the current 30 members.

20 The duties of the executive director of the council are amended to  
21 provide that the director would articulate and implement policies  
22 established by the council, instead of supervise and administer the  
23 work of the council. In addition, the bill provides that the State would  
24 not apply hiring freezes, reductions in force, prohibitions on travel or  
25 other policies to the staff of the council to the extent that these  
26 policies would adversely impact the staff or functions funded with  
27 federal funds or would prevent the council from carrying out its  
28 functions.

29 The bill also amends the duties of the council and its staff to  
30 provide that the council would:

- 31 C Serve as an advocate for individuals with developmental disabilities  
32 and conduct or support programs, projects and activities which  
33 carry out the mandate of advocacy, capacity-building and systemic  
34 change, pursuant to federal law;
- 35 C At the end of each year, examine goals to determine the extent to  
36 which each goal was achieved, the need to amend the five-year  
37 strategic State plan and customer satisfaction with council-  
38 supported or council-conducted activities;
- 39 C Develop and implement a State plan by conducting and supporting  
40 advocacy, capacity-building and systemic-change activities which  
41 would contribute to the stated purpose of the bill.
- 42 C Supervise and annually evaluate the executive director of the  
43 council;
- 44 C Prepare and transmit an annual report to the Department of Health  
45 and Human Services, which contains information about the progress  
46 made by the council in achieving the stated purpose of the bill. The

1 report would be available in accessible formats and the council  
2 would provide a description of the method by which it would  
3 widely disseminate the report to affected constituencies and the  
4 general public; and

5 C Prepare, approve and implement a budget using amounts paid to the  
6 State to fund and implement all programs, projects and activities  
7 carried out pursuant to N.J.S.A.30:1AA-1 et seq.

8 The bill also provides that in developing and implementing the State  
9 plan, the council's advocacy, capacity-building and systemic-change  
10 activities that would contribute to the bill's purpose, may include:

11 C outreach activities;

12 C training for persons who are professionals, paraprofessionals,  
13 students, volunteers and other community members;

14 C technical assistance activities to public and private entities;

15 C assistance to, or support of, activities to assist neighborhoods and  
16 communities to respond positively to individuals with  
17 developmental disabilities and their families;

18 C activities to promote interagency collaboration, coordination and  
19 planning;

20 activities to enhance coordination of services with: other councils,  
21 entities or committees authorized by federal or State law concerning  
22 individuals with disabilities; parent training and information centers  
23 under part D of the "Individuals with Disabilities Education Act"  
24 (20 U.S.C. s.1451 et seq.), and other entities carrying out federally  
25 funded projects that assist parents of children with disabilities; and  
26 other groups interested in advocacy, capacity-building and systemic-  
27 change activities to benefit individuals with disabilities;

28 C activities to eliminate barriers to access and use of community  
29 services by individuals with developmental disabilities, and to  
30 enhance systems design and redesign as well as citizen participation  
31 to address issues identified in the State plan;

32 C activities to educate the public about the capabilities, preferences  
33 and needs of individuals with developmental disabilities and their  
34 families, and activities to develop and support coalitions that  
35 support the policy agenda of the council, including training in self-  
36 advocacy, education of policymakers and training in citizen  
37 leadership skills;

38 C activities to provide information to policymakers by supporting and  
39 conducting studies and analyses, gathering information, and  
40 developing and disseminating model policies and procedures,  
41 information, approaches, strategies, findings, conclusions and  
42 recommendations;

43 C on a time-limited basis, activities to demonstrate new approaches  
44 to serving individuals with developmental disabilities, which are a  
45 part of an overall strategy for systemic change; and

46 C other advocacy, capacity-building and systemic-change activities to

1        promote the development of a coordinated, consumer- and family-  
2        centered and consumer- and family-directed comprehensive system  
3        of community services, individualized supports and other forms of  
4        assistance.

5

6

7

8        Revises law concerning Council on Developmental Disabilities to  
9        conform with federal law.



# ASSEMBLY, No. 2729

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED SEPTEMBER 19, 2002

**Sponsored by:**

**Assemblyman REED GUSCIORA**

**District 15 (Mercer)**

**Assemblyman HERBERT CONAWAY, JR.**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

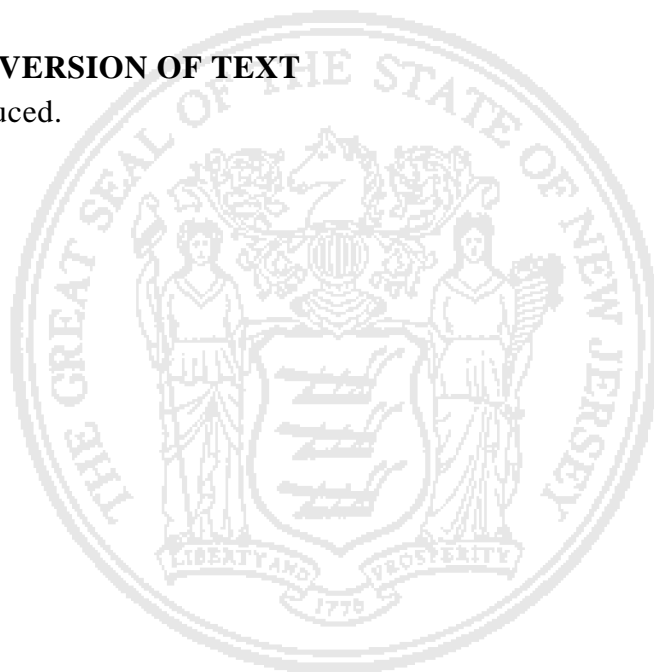
**Assemblyman Chivukula, Assemblywoman Greenstein, Senators Vitale,  
Allen, Matheussen, Palaia, Inverso and Turner**

**SYNOPSIS**

Revises law concerning Council on Developmental Disabilities to conform with federal law.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/28/2003)**

1 AN ACT concerning individuals with developmental disabilities and  
2 amending and supplementing P.L.1979, c.105.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. (New section) The Legislature finds and declares that:

8 a. Disability is a natural part of the human experience that does not  
9 diminish the right of individuals with developmental disabilities to live  
10 independently, exert control and choice over their own lives, and  
11 fully participate in and contribute to their communities through full  
12 integration and inclusion in the economic, political, social, cultural and  
13 educational mainstream of United States society;

14 b. Recent studies indicate that individuals with developmental  
15 disabilities comprise between 1.2 and 1.65% of the United States  
16 population, and individuals whose disabilities occur during their  
17 developmental period frequently have severe disabilities that are likely  
18 to continue indefinitely;

19 c. Individuals with developmental disabilities often encounter  
20 discrimination in the provision of critical services and are at greater  
21 risk than the general population of abuse, neglect, financial and sexual  
22 exploitation, and the violation of their legal and human rights;

23 d. A substantial portion of individuals with developmental  
24 disabilities and their families do not have access to appropriate support  
25 and services, including access to assistive technology, from generic  
26 and specialized service systems, and remain unserved or underserved;

27 e. Individuals with developmental disabilities often require lifelong  
28 community services, individualized supports and other forms of  
29 assistance that are most effective when provided in a coordinated  
30 manner;

31 f. There is a need to ensure that services, supports and other  
32 assistance are provided in a culturally competent manner, which  
33 ensures that individuals from racial and ethnic minority backgrounds  
34 are fully included in all activities provided under P.L. , c.  
35 (C. )(pending before the Legislature as this bill);

36 g. Family members, friends and members of the community can  
37 play an important role in enhancing the lives of individuals with  
38 developmental disabilities, especially when the family members, friends  
39 and community members are provided with the necessary community  
40 services, individualized supports and other forms of assistance;

41 h. Current research indicates that 88% of individuals with  
42 developmental disabilities live with their families or in their own  
43 households, and many service delivery systems and communities are

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 not prepared to meet the impending needs of the adults with  
2 developmental disabilities who are living at home with parents who are  
3 60 years of age or older and serve as the primary caregivers of these  
4 adults;

5 i. Individuals with developmental disabilities are waiting for  
6 appropriate services in their communities, and the public needs  
7 increased awareness of the capabilities and competencies of individuals  
8 with developmental disabilities, particularly in cases in which the  
9 individuals are provided with necessary services, supports and other  
10 assistance;

11 j. As increasing numbers of individuals with developmental  
12 disabilities are living, learning, working and participating in all aspects  
13 of community life, there is an increasing need for a well trained  
14 workforce that is able to provide the services, supports and other  
15 forms of direct assistance that are required to enable the individuals to  
16 carry out those activities;

17 k. There needs to be greater effort to recruit individuals from  
18 minority backgrounds into professions serving individuals with  
19 developmental disabilities and their families;

20 l. The goals of the State properly include providing individuals  
21 with developmental disabilities with the information, skills,  
22 opportunities and support to: make informed choices and decisions  
23 about their lives; live in homes and communities in which these  
24 individuals can exercise their full rights and responsibilities as citizens;  
25 pursue meaningful and productive lives; contribute to their families,  
26 communities, the State and the nation; have interdependent friendships  
27 and relationships with other persons; live free of abuse, neglect,  
28 financial and sexual exploitation, and violations of their legal and  
29 human rights; and achieve full integration and inclusion in society, in  
30 an individualized manner, consistent with the unique strengths,  
31 resources, priorities, concerns, abilities and capabilities of each  
32 individual;

33 m. As the nation, states and communities maintain and expand  
34 community living options for individuals with developmental  
35 disabilities, there is a need to evaluate the access to those options by  
36 individuals with developmental disabilities and the effects of those  
37 options on those individuals; and

38 n. Therefore, the purpose of this act is to assure that individuals  
39 with developmental disabilities and their families participate in the  
40 design of, and have access to, needed community services,  
41 individualized supports and other forms of assistance which promote  
42 self-determination, independence, productivity, and integration and  
43 inclusion in all facets of community life, through culturally competent  
44 advocacy, capacity-building and systemic-change activities conducted  
45 by the State Council on Developmental Disabilities, as required by the  
46 "Developmental Disabilities Assistance and Bill of Rights Act of

1 2000," Pub.L.106-402, 42 U.S.C. s.15001 et seq. These activities  
2 shall:

3 (1) be consistent with the purpose described in this subsection and  
4 the public policy described in section 2 of P.L. c. (C. )(pending  
5 before the Legislature as this bill); and

6 (2) contribute to a coordinated, consumer- and family-centered and  
7 consumer- and family-directed comprehensive system which includes  
8 needed community services, individualized supports and other forms  
9 of assistance that promote self-determination for individuals with  
10 developmental disabilities and their families.

11

12 2. (New section) It is the public policy of the State that all  
13 programs, projects and activities conducted by the State Council on  
14 Developmental Disabilities shall be carried out in a manner consistent  
15 with the following provisions:

16 a. Individuals with developmental disabilities, including those with  
17 the most severe developmental disabilities, are capable of self-  
18 determination, independence, productivity, and integration and  
19 inclusion in all facets of community life, but often require the provision  
20 of community services, individualized supports and other forms of  
21 assistance;

22 b. Individuals with developmental disabilities and their families  
23 have competencies, capabilities and personal goals that should be  
24 recognized, supported and encouraged, and any assistance to these  
25 individuals should be provided in an individualized manner, consistent  
26 with the unique strengths, resources, priorities, concerns, abilities and  
27 capabilities of these individuals;

28 c. Individuals with developmental disabilities and their families are  
29 the primary decision-makers regarding the services and supports they  
30 receive, including services and supports for choosing, from available  
31 options, where the individuals live, and they should play decision-  
32 making roles in policies and programs that affect their lives;

33 d. Services, supports and other assistance should be provided in a  
34 manner that demonstrates respect for individual dignity, personal  
35 preferences and cultural differences;

36 e. Individuals with developmental disabilities from racial and ethnic  
37 minority backgrounds and their families need specific efforts to ensure  
38 that they can enjoy increased and meaningful opportunities to access  
39 and use community services, individualized supports and other forms  
40 of assistance available to other individuals with developmental  
41 disabilities and their families;

42 f. Recruitment efforts relating to pre-service training, community  
43 training, practice, administration and policymaking must focus on  
44 bringing larger numbers of racial and ethnic minorities into these  
45 disciplines in order to provide appropriate skills, knowledge, role  
46 models and sufficient personnel to address the growing needs of an

1 increasingly diverse population with developmental disabilities;

2 g. With education and support, communities can be accessible and  
3 responsive to the needs of individuals with developmental disabilities  
4 and their families, and they are enriched by the contributions and full  
5 and active participation in community activities by individuals with  
6 developmental disabilities and their families;

7 h. Individuals with developmental disabilities should have access  
8 to opportunities and the necessary support to be included in  
9 community life, have interdependent relationships, live in homes and  
10 communities and make contributions to their families, communities,  
11 the State and the nation;

12 i. Efforts undertaken to maintain or expand community-based  
13 living options for individuals with disabilities must be monitored in  
14 order to determine and report to appropriate individuals and entities  
15 the extent of access by individuals with developmental disabilities to  
16 those options, and the extent of compliance with quality assurance  
17 standards by entities providing the options;

18 j. Families of children with developmental disabilities need to have  
19 access to, and use of, safe and appropriate child care and before- and  
20 after-school programs in the most integrated settings in order to enrich  
21 the participation of the children in community life;

22 k. Individuals with developmental disabilities need to have access  
23 to, and use of, public transportation in order to be independent and  
24 directly contribute to, and participate in, all facets of community life;  
25 and

26 l. Individuals with developmental disabilities need to have access  
27 to, and use of, recreational, leisure and social opportunities in the most  
28 integrated settings in order to enrich their participation in community  
29 life.

30

31 3. Section 1 of P.L.1979, c.105 (C.30:1AA-1) is amended to read  
32 as follows:

33 1. a. The State Council on Developmental Disabilities [Council],  
34 established pursuant to Executive Order Number 20 of 1971, as  
35 amended by Executive Order Number 49 of 1973 and Executive Order  
36 Number 42 of 1976, is hereby established and continued in the  
37 Executive Branch of State Government.

38 b. For the purpose of complying with the provisions of Article V,  
39 Section IV, paragraph 1 of the New Jersey Constitution, the State  
40 Council on Developmental Disabilities [Council] is hereby allocated  
41 within the Department of Human Services, but, notwithstanding said  
42 allocation, the council shall be independent of any supervision or  
43 control by the department or any board or officer thereof, or any  
44 other cabinet-level department, board or officer thereof. The council  
45 shall operate in a manner that shall assure compliance with State and  
46 federal administrative, fiscal, legislative, procedural and personnel

1 requirements.

2 c. In addition to the powers and duties herein provided, the State  
3 Council on Developmental Disabilities shall constitute the planning  
4 entity authorized in the "Developmental Disabilities Assistance and Bill  
5 of Rights Act of 2000," Pub.L.106-402, 42 U.S.C. s.15001 et seq.,  
6 and shall exercise all the powers and duties as may be necessary to  
7 effectuate the purposes and provisions thereof.

8 (cf: P.L.1979, c.105, s.1)

9

10 4. Section 2 of P.L.1979, c.105 (C.30:1AA-2) is amended to read  
11 as follows:

12 2. For the purposes of this act, a "developmental disability"  
13 means:

14 a. A severe, chronic disability of a person which

15 (1) Is attributable to a mental or physical impairment or  
16 combination of mental or physical impairments;

17 (2) Is manifest before age 22;

18 (3) Is likely to continue indefinitely;

19 (4) Results in substantial functional limitations in three or more of  
20 the following areas of major life activity: self-care, receptive and  
21 expressive language, learning, mobility, self-direction, capacity for  
22 independent living, or economic self-sufficiency; and

23 (5) Reflects the need for a combination and sequence of special,  
24 interdisciplinary, or generic care, or other services which are of  
25 lifelong or extended duration and are individually planned and  
26 coordinated.

27 b. Other [handicapping conditions] disabilities requiring services  
28 and treatment similar to that required by those who meet the criteria  
29 defined above.

30 (cf: P.L.1979, c.105, s.2)

31

32 5. Section 3 of P.L.1979, c.105 (C.30:1AA-3) is amended to read  
33 as follows:

34 3. The council shall consist of a minimum of 25 members, but shall  
35 not exceed 30 members, of whom [18 shall be public members  
36 appointed by the Governor with the advice and consent of the Senate  
37 for terms of 3 years and until their respective successors have been  
38 appointed and have qualified, and 12 shall be representatives of State  
39 agencies who shall serve at the pleasure of the Governor in  
40 accordance with the qualifications established in section 4 of this  
41 act.];

42 a. seven shall be representatives of State agencies who shall serve  
43 ex officio at the pleasure of the Governor in accordance with the  
44 qualifications established in section 4 of P.L.1979, c.105 (C.30:1AA-  
45 4);

1 b. a minimum of 15 shall be public members appointed by the  
2 Governor with the advice and consent of the Senate;

3 c. one each shall represent a University Center for Excellence in  
4 Developmental Disabilities Education, Research, and Service in the  
5 State and the State's designated protection and advocacy system; and

6 d. one shall be a representative of local and non-governmental  
7 agencies or private nonprofit groups concerned with services for  
8 individuals with developmental disabilities, appointed by the Governor  
9 with the advice and consent of the Senate.

10 The appointed members shall serve for a term of three years and until  
11 their respective successors have been appointed and have qualified.

12 Vacancies shall be filled in the same manner as the original  
13 appointment. Public members shall receive no compensation, but shall  
14 be entitled to reimbursement for necessary expenses incurred in the  
15 performance of their duties. Members [of] serving on the council at  
16 the time of enactment of [this act] P.L. , c. (C. )(pending before  
17 the Legislature as this bill) shall continue to serve until the expiration  
18 of their current terms, and until their respective successors are  
19 appointed and have qualified.

20 (cf: P.L.1979, c.105, s.3)

21

22 6. Section 4 of P.L.1979, c.105 (C.30:1AA-4) is amended to read  
23 as follows:

24 4. The public members shall be representative of the diverse social,  
25 economic and geographical interests in the State, and shall include at  
26 least 15 persons who are consumers or [representatives] immediate  
27 family members of consumers of services for persons with  
28 developmental disabilities. [One public member shall be a  
29 representative of the private entity designated by the Governor as the  
30 State's protection and advocacy agency for persons with  
31 developmental disabilities pursuant to section 33 of P.L.1994, c.58  
32 (C.52:27E-74).] The seven State members shall be official  
33 representatives of State agencies [responsible for the following  
34 programs: Special Education; Residential Services for Mentally  
35 Retarded Persons; Health Services for Crippled Children and for  
36 Maternal and Child Health; Comprehensive Health Planning; Medical  
37 Assistance; Higher Education; Community Affairs, Youth and Family  
38 Services; Public Welfare; Mental Health Services; Vocational  
39 Rehabilitation Services; and the Public Defender], as follows: five  
40 representatives, each of whom shall administer funds provided under  
41 at least one of the following federal laws related to individuals with  
42 disabilities: the "Rehabilitation Act of 1973" (29 U.S.C. s.701 et seq.),  
43 the "Individuals With Disabilities Education Act" (20 U.S.C. s.1400  
44 et seq.), the "Older Americans Act of 1965" (42 U.S.C. s.3001 et seq.)  
45 and Titles V and XIX of the Social Security Act (42 U.S.C. s.701 et  
46 seq. and 42 U.S.C. s.1396 et seq.); one representative from the

1 Division of Developmental Disabilities in the Department of Human  
2 Services; and one representative from the Division of Disability  
3 Services in the Department of Human Services.

4 (cf: P.L.1994, c.58, s.48)

5

6 7. Section 6 of P.L.1979, c.105 (C.30:1AA-6) is amended to read  
7 as follows:

8 6. The council shall employ, subject to the provisions of Title  
9 ~~[11]~~11A, Civil Service, of the ~~[Revised]~~New Jersey Statutes~~[,]~~ and  
10 other applicable statutes, an executive director ~~[and such other~~  
11 ~~employees as it deems necessary]~~. The executive director shall:

12 a. ~~[Supervise and administer the work of the council;]~~ Articulate  
13 and implement policies established by the State Council on  
14 Developmental Disabilities.

15 b. Appoint and remove, subject to the provisions of Title 11A,  
16 Civil Service, of the New Jersey Statutes and other applicable statutes,  
17 such other employees as may be necessary to perform the duties and  
18 responsibilities of the council and shall promulgate fees and  
19 compensation within the limits of available appropriations and as shall  
20 be provided by law[; and]. ~~The State shall not apply hiring freezes,~~  
21 ~~reductions in force, prohibitions on travel or other policies to the staff~~  
22 ~~of the council, to the extent that these policies would adversely impact~~  
23 ~~the staff or functions funded with federal funds or would prevent the~~  
24 ~~council from carrying out its functions.~~

25 c. Select and retain the services of consultants whose advice is  
26 considered necessary to assist the council in obtaining information or  
27 developing plans or programs required for the performance of the  
28 duties and responsibilities of the council.

29 (cf: P.L.1979, c.105, s.6)

30

31 8. Section 7 of P.L.1979, c.105 (C.30:1AA-7) is amended to read  
32 as follows:

33 7. The council shall promulgate, in accordance with the  
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
35 seq.), such rules as it deems necessary for the proper conduct of its  
36 work.

37 (cf: P.L.1979, c.105, s.7)

38

39 9. Section 8 of P.L.1979, c.105 (C.30:1AA-8) is amended to read  
40 as follows:

41 8. It shall be the duty of the council and its staff to:

42 a. ~~[Study and review the needs and problems of the~~  
43 ~~developmentally disabled in this State and the nature and extent of~~  
44 ~~public and private services for such persons, and to recommend~~  
45 ~~immediate and long range program and construction~~  
46 ~~priorities.]~~(Deleted by amendment, P.L. c. (C. )(pending



- 1 before the Legislature as this bill));
- 2 b. [Foster cooperation and communication among State, county,  
3 municipal, voluntary and private agencies providing services to the  
4 developmentally disabled to assure that such services are delivered  
5 effectively, efficiently and without duplication](Deleted by  
6 amendment, P.L. c. (C. ))(pending before the Legislature as  
7 this bill));
- 8 c. [Promote public awareness of the needs and problems of the  
9 developmentally disabled and their related budgetary  
10 implications](Deleted by amendment, P.L. c. (C. ))(pending  
11 before the Legislature as this bill));
- 12 d. [Be designated as the State Planning Council in accordance with  
13 the requirements of P.L. 94-103 and subsequent amendments thereto  
14 and
- 15 (1) Be responsible for reviewing and evaluating from time to time,  
16 and not less often than annually, the State Plan on Developmental  
17 Disabilities and submitting such appropriate modifications as may be  
18 required to the United States Secretary of Health, Education and  
19 Welfare and
- 20 (2) Make such reports in such form and containing such  
21 information as the United States Secretary of Health, Education and  
22 Welfare may reasonably require, and keep such records and afford  
23 such access thereto as the Governor or the Secretary of Health,  
24 Education and Welfare find necessary to assure the correctness and  
25 verification of such reports] (Deleted by amendment, P.L. c.  
26 (C. ))(pending before the Legislature as this bill));
- 27 e. [Review and comment upon laws and practices relating to the  
28 developmentally disabled](Deleted by amendment, P.L. c.  
29 (C. ))(pending before the Legislature as this bill));
- 30 f. [Propose training and scholarship programs to prepare  
31 professionals to work with the developmentally disabled](Deleted by  
32 amendment, P.L. c. (C. ))(pending before the Legislature as  
33 this bill));
- 34 g. [Recommend training and recruitment programs to encourage  
35 employment of the developmentally disabled](Deleted by amendment,  
36 P.L. c. (C. ))(pending before the Legislature as this bill));
- 37 h. [Encourage and support pertinent research efforts and  
38 preventative measures](Deleted by amendment, P.L. c.  
39 (C. ))(pending before the Legislature as this bill));
- 40 i. [Inform local governmental agencies of Federal and State  
41 programs and requirements concerning developmentally disabled and  
42 other handicapped persons and provide technical assistance to such  
43 agencies as to methods for participating in such programs or meeting  
44 such requirements](Deleted by amendment, P.L. c.  
45 (C. ))(pending before the Legislature as this bill));

- 1 j. [Promote the establishment of local commissions on the  
2 developmentally disabled and other handicapped for the identification  
3 and development of locally-based programs for such persons, and to  
4 stimulate planning at the community level](Deleted by amendment,  
5 P.L. c. (C. )(pending before the Legislature as this bill));
- 6 k. [Administer loan and grant programs, if and when funds become  
7 available, to enable local agencies, commissions and individuals  
8 concerned with the handicapped to acquire or improve relevant  
9 facilities, services and personnel](Deleted by amendment, P.L. c.  
10 (C. )(pending before the Legislature as this bill));
- 11 l. [Undertake at the request of the Governor and the Legislature  
12 such activities as may be pertinent for the accomplishment of  
13 legislative and executive functions](Deleted by amendment, P.L. c.  
14 (C. )(pending before the Legislature as this bill));
- 15 m. Serve as an advocate for individuals with developmental  
16 disabilities and conduct or support programs, projects and activities  
17 which carry out the mandate of advocacy, capacity-building and  
18 systemic change, pursuant to the "Developmental Disabilities  
19 Assistance and Bill of Rights Act of 2000," Pub.L.106-402, 42 U.S.C.  
20 s.15001 et seq.;
- 21 n. At the end of each year, examine goals to determine the extent  
22 to which each goal was achieved, the needs that would require  
23 amendment of the five-year strategic State plan and customer  
24 satisfaction with council-supported or council-conducted activities;
- 25 o. Develop and implement a State plan by conducting and  
26 supporting advocacy, capacity-building and systemic-change activities,  
27 which shall contribute to the purpose set forth in section 1 of  
28 P.L. , c. (C. )(pending before the Legislature as this bill) and  
29 may include:
- 30 (1) outreach activities to identify individuals with developmental  
31 disabilities and their families who otherwise might not come to the  
32 attention of the council, and to assist and enable the individuals and  
33 families to obtain services, individualized supports and other forms of  
34 assistance, including access to special adaptation of generic community  
35 services or specialized services;
- 36 (2) training for persons who are professionals, paraprofessionals,  
37 students, volunteers and other community members to enable these  
38 persons to obtain access to or to provide community services,  
39 individualized supports and other forms of assistance, including special  
40 adaptation of generic community services or specialized services for  
41 individuals with developmental disabilities and their families;
- 42 (3) technical assistance activities to public and private entities;
- 43 (4) assistance to, or support of, activities to assist neighborhoods  
44 and communities to respond positively to individuals with  
45 developmental disabilities and their families through education, by  
46 encouraging local networks to provide informal and formal supports

1 and by enabling neighborhoods and communities to offer the  
2 individuals and their families access to, and use of, services, resources  
3 and opportunities:

4 (5) activities to promote interagency collaboration, coordination  
5 and planning in order to better serve, support, assist or advocate for  
6 individuals with developmental disabilities and their families:

7 (6) activities to enhance coordination of services with:

8 (i) other councils, entities or committees authorized by federal or  
9 State law concerning individuals with disabilities, such as the State  
10 interagency coordinating council established under part C of the  
11 "Individuals with Disabilities Education Act" (20 U.S.C. s.1431 et  
12 seq.), the State Rehabilitation Council and the Statewide Independent  
13 Living Council established under the "Rehabilitation Act of 1973"  
14 (29 U.S.C. s.701 et seq.), the State mental health planning council  
15 established under part B of Title XIX of the Public Health Service Act  
16 (42 U.S.C. s.300x-1 et seq.), councils, entities or committees  
17 concerning activities authorized under section 101 or 102 of the  
18 "Assistive Technology Act of 1998" (29 U.S.C. s.3011 or 29 U.S.C.  
19 s.3012), and any councils, entities or committees carrying out similar  
20 functions:

21 (ii) parent training and information centers under part D of the  
22 "Individuals with Disabilities Education Act" (20 U.S.C. s.1451 et  
23 seq.) and other entities carrying out federally funded projects that  
24 assist parents of children with disabilities; and

25 (iii) other groups interested in advocacy, capacity-building and  
26 systemic-change activities to benefit individuals with disabilities:

27 (7) activities to eliminate barriers to access and use of community  
28 services by individuals with developmental disabilities, and to enhance  
29 systems design and redesign as well as citizen participation to address  
30 issues identified in the State plan;

31 (8) activities to educate the public about the capabilities,  
32 preferences and needs of individuals with developmental disabilities  
33 and their families, and activities to develop and support coalitions that  
34 support the policy agenda of the council, including training in self-  
35 advocacy, education of policymakers and training in citizen leadership  
36 skills;

37 (9) activities to provide information to policymakers by supporting  
38 and conducting studies and analyses, gathering information, and  
39 developing and disseminating model policies and procedures,  
40 information, approaches, strategies, findings, conclusions and  
41 recommendations. The council may provide the information directly  
42 to federal, State and local policymakers, including the United States  
43 Congress, the federal executive branch of government, the Governor  
44 and the Legislature, the governors and legislatures of other states, and  
45 State agencies, in order to increase the ability of these policymakers  
46 to offer opportunities and to enhance or adapt generic services to meet

1 the needs of, or provide specialized services to, individuals with  
2 developmental disabilities and their families;

3 (10) on a time-limited basis, activities to demonstrate new  
4 approaches to serving individuals with developmental disabilities,  
5 which are a part of an overall strategy for systemic change. The  
6 strategy may involve the education of policymakers and the public  
7 about how to effectively deliver services, supports and assistance to  
8 individuals with developmental disabilities and their families; and

9 (11) other advocacy, capacity-building and systemic-change  
10 activities to promote the development of a coordinated, consumer- and  
11 family-centered and consumer- and family-directed comprehensive  
12 system of community services, individualized supports and other forms  
13 of assistance;

14 p. Supervise and annually evaluate the executive director of the  
15 council;

16 q. Prepare and transmit an annual report to the Department of  
17 Health and Human Services, which shall contain information about the  
18 progress made by the council in achieving the purpose set forth in  
19 section 1 of P.L. , c. (C. )(pending before the Legislature as  
20 this bill). The report shall be available in accessible formats and the  
21 council shall provide a description of the method by which it shall  
22 widely disseminate the report to affected constituencies and the  
23 general public; and

24 r. Prepare, approve and implement a budget using amounts paid to  
25 the State to fund and implement all programs, projects and activities  
26 carried out pursuant to P.L. , c. (C. )(pending before the  
27 Legislature as this bill).

28 (cf: P.L.1979, c.105, s.8)

29  
30 10. This act shall take effect immediately.

31  
32  
33 STATEMENT

34  
35 This bill amends N.J.S.A.30:1AA-1 et seq., the law governing the  
36 Developmental Disabilities Council, to conform the law with the  
37 enactment of the federal "Developmental Disabilities Assistance and  
38 Bill of Rights Act of 2000," Pub.L.106-402, 42 U.S.C. s.15001 et  
39 seq., change the name of the council to the State Council on  
40 Developmental Disabilities and establish the council as the planning  
41 entity authorized by the federal law.

42 The stated purpose of the bill is to assure that individuals with  
43 developmental disabilities and their families participate in the design  
44 of, and have access to, needed community services, individualized  
45 supports and other forms of assistance which promote self-  
46 determination, independence, productivity, and integration and

1 inclusion in all facets of community life, through culturally competent  
2 advocacy, capacity-building and systemic-change activities conducted  
3 by the State Council on Developmental Disabilities, as is required by  
4 federal law.

5 Under the provisions of the bill, these activities must contribute to  
6 a coordinated, consumer- and family-centered and consumer- and  
7 family-directed comprehensive system which includes needed  
8 community services, individualized supports and other forms of  
9 assistance which promote self-determination for individuals with  
10 developmental disabilities and their families, and must be consistent  
11 with the bill's purpose and with the policy that all programs, projects  
12 and activities conducted by the council must be carried out in a manner  
13 consistent with the specific provisions enumerated under section 2 of  
14 the bill.

15 In addition, the bill changes the membership of the council under  
16 N.J.S.A.30:1AA-3 to a minimum of 25, but not more than 30,  
17 members, instead of the current 30 members.

18 The duties of the executive director of the council are amended to  
19 provide that the director would articulate and implement policies  
20 established by the council, instead of supervise and administer the  
21 work of the council. In addition, the bill provides that the State would  
22 not apply hiring freezes, reductions in force, prohibitions on travel or  
23 other policies to the staff of the council to the extent that these  
24 policies would adversely impact the staff or functions funded with  
25 federal funds or would prevent the council from carrying out its  
26 functions.

27 The bill also amends the duties of the council and its staff to  
28 provide that the council would:

- 29 C Serve as an advocate for individuals with developmental disabilities  
30 and conduct or support programs, projects and activities which  
31 carry out the mandate of advocacy, capacity-building and systemic  
32 change, pursuant to federal law;
- 33 C At the end of each year, examine goals to determine the extent to  
34 which each goal was achieved, the need to amend the five-year  
35 strategic State plan and customer satisfaction with council-  
36 supported or council-conducted activities;
- 37 C Develop and implement a State plan by conducting and supporting  
38 advocacy, capacity-building and systemic-change activities which  
39 would contribute to the stated purpose of the bill.
- 40 C Supervise and annually evaluate the executive director of the  
41 council;
- 42 C Prepare and transmit an annual report to the Department of Health  
43 and Human Services, which contains information about the progress  
44 made by the council in achieving the stated purpose of the bill. The  
45 report would be available in accessible formats and the council  
46 would provide a description of the method by which it would

- 1 widely disseminate the report to affected constituencies and the  
2 general public; and
- 3 C Prepare, approve and implement a budget using amounts paid to the  
4 State to fund and implement all programs, projects and activities  
5 carried out pursuant to N.J.S.A.30:1AA-1 et seq.
- 6 The bill also provides that in developing and implementing the State  
7 plan, the council's advocacy, capacity-building and systemic-change  
8 activities that would contribute to the bill's purpose, may include:
- 9 C outreach activities;
- 10 C training for persons who are professionals, paraprofessionals,  
11 students, volunteers and other community members;
- 12 C technical assistance activities to public and private entities;
- 13 C assistance to, or support of, activities to assist neighborhoods and  
14 communities to respond positively to individuals with  
15 developmental disabilities and their families;
- 16 C activities to promote interagency collaboration, coordination and  
17 planning;
- 18 activities to enhance coordination of services with: other councils,  
19 entities or committees authorized by federal or State law concerning  
20 individuals with disabilities; parent training and information centers  
21 under part D of the "Individuals with Disabilities Education Act"  
22 (20 U.S.C. s.1451 et seq.), and other entities carrying out federally  
23 funded projects that assist parents of children with disabilities; and  
24 other groups interested in advocacy, capacity-building and systemic-  
25 change activities to benefit individuals with disabilities;
- 26 C activities to eliminate barriers to access and use of community  
27 services by individuals with developmental disabilities, and to  
28 enhance systems design and redesign as well as citizen participation  
29 to address issues identified in the State plan;
- 30 C activities to educate the public about the capabilities, preferences  
31 and needs of individuals with developmental disabilities and their  
32 families, and activities to develop and support coalitions that  
33 support the policy agenda of the council, including training in self-  
34 advocacy, education of policymakers and training in citizen  
35 leadership skills;
- 36 C activities to provide information to policymakers by supporting and  
37 conducting studies and analyses, gathering information, and  
38 developing and disseminating model policies and procedures,  
39 information, approaches, strategies, findings, conclusions and  
40 recommendations;
- 41 C on a time-limited basis, activities to demonstrate new approaches  
42 to serving individuals with developmental disabilities, which are a  
43 part of an overall strategy for systemic change; and
- 44 C other advocacy, capacity-building and systemic-change activities to  
45 promote the development of a coordinated, consumer- and family-  
46 centered and consumer- and family-directed comprehensive system

**A2729 GUSCIORA, CONAWAY**

15

1 of community services, individualized supports and other forms of  
2 assistance.

# ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2729

# STATE OF NEW JERSEY

DATED: DECEMBER 16, 2002

The Assembly Health and Human Services Committee reports favorably Assembly Bill No. 2729.

This bill amends the law governing the Developmental Disabilities Council (N.J.S.A.30:1AA-1 et seq.), to conform it with the enactment of the federal "Developmental Disabilities Assistance and Bill of Rights Act of 2000," Pub.L.106-402(42 U.S.C. s.15001 et seq.), change the name of the council to the State Council on Developmental Disabilities, and establish the council as the planning entity authorized by the federal law.

The stated purpose of the bill is to assure that individuals with developmental disabilities and their families participate in the design of, and have access to, needed community services, individualized supports and other forms of assistance which promote self-determination, independence, productivity, and integration and inclusion in all facets of community life, through culturally competent advocacy, capacity-building and systemic-change activities conducted by the State Council on Developmental Disabilities, as is required by federal law.

Under the provisions of the bill, these activities must contribute to a coordinated, consumer- and family-centered and consumer- and family-directed comprehensive system which includes needed community services, individualized supports and other forms of assistance which promote self-determination for individuals with developmental disabilities and their families, and must be consistent with the bill's purpose and with the policy that all programs, projects and activities conducted by the council must be carried out in a manner consistent with the specific provisions enumerated under section 2 of the bill.

In addition, the bill changes the membership of the council under N.J.S.A.30:1AA-3 to a minimum of 25, but not more than 30, members, instead of the current 30 members.

The bill alters the duties of the executive director of the council to provide that the director would articulate and implement policies established by the council, instead of supervise and administer the work of the council. In addition, the bill precludes the State from applying hiring freezes, reductions in force, prohibitions on travel or other policies to the staff of the council to the extent that these



policies would adversely impact the staff or functions funded with federal funds or would prevent the council from carrying out its functions.

The bill also revises the duties of the council and its staff to provide that the council would:

- C serve as an advocate for individuals with developmental disabilities and conduct or support programs, projects and activities which carry out the mandate of advocacy, capacity-building and systemic change, pursuant to federal law;
- C at the end of each year, examine goals to determine the extent to which each goal was achieved, the need to amend the five-year strategic State plan and customer satisfaction with council-supported or council-conducted activities;
- C develop and implement a State plan by conducting and supporting advocacy, capacity-building and systemic-change activities which would contribute to the stated purpose of the bill.
- C supervise and annually evaluate the executive director of the council;
- C prepare and transmit an annual report to the federal Department of Health and Human Services, which contains information about the progress made by the council in achieving the stated purpose of the bill port (to be available in accessible formats and for which the council would provide a description of the method by which it would provide for its dissemination to affected constituencies and the general public); and
- C prepare, approve and implement a budget using amounts paid to the State to fund and implement all programs, projects and activities carried out pursuant to N.J.S.A.30:1AA-1 et seq.

The bill also provides that in developing and implementing the State plan, the council's advocacy, capacity-building and systemic-change activities that would contribute to the bill's purpose, may include:

- outreach activities;
- training for persons who are professionals, paraprofessionals, students, volunteers and other community members;
- technical assistance activities to public and private entities;
- assistance to, or support of, activities to assist neighborhoods and communities to respond positively to individuals with developmental disabilities and their families;
- activities to promote interagency collaboration, coordination and planning;
- activities to enhance coordination of services with: other councils, entities or committees authorized by federal or State law concerning individuals with disabilities; parent training and information centers under part D of the "Individuals with Disabilities Education Act" (20 U.S.C. s.1451 et seq.), and other entities carrying out federally funded projects that assist parents of children with disabilities; and other groups interested in advocacy, capacity-building

and systemic-change activities to benefit individuals with disabilities;

- activities to eliminate barriers to access and use of community services by individuals with developmental disabilities, and to enhance systems design and redesign as well as citizen participation to address issues identified in the State plan;

- activities to educate the public about the capabilities, preferences and needs of individuals with developmental disabilities and their families, and activities to develop and support coalitions that support the policy agenda of the council, including training in self-advocacy, education of policymakers and training in citizen leadership skills;

- activities to provide information to policymakers by supporting and conducting studies and analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions and recommendations;

- on a time-limited basis, activities to demonstrate new approaches to serving individuals with developmental disabilities, which are a part of an overall strategy for systemic change; and

- other advocacy, capacity-building and systemic-change activities to promote the development of a coordinated, consumer- and family- centered and consumer- and family-directed comprehensive system of community services, individualized supports and other forms of assistance.

This bill is identical to Senate Bill No. 2027 (Vitale/Allen), which is currently pending in the Senate.

# SENATE, No. 2027

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED OCTOBER 31, 2002

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

**Senators Matheussen, Palaia, Inverso and Turner**

**SYNOPSIS**

Revises law concerning Council on Developmental Disabilities to conform with federal law.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/28/2003)**

1 AN ACT concerning individuals with developmental disabilities and  
2 amending and supplementing P.L.1979, c.105.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. (New section) The Legislature finds and declares that:

8 a. Disability is a natural part of the human experience that does not  
9 diminish the right of individuals with developmental disabilities to live  
10 independently, exert control and choice over their own lives, and  
11 fully participate in and contribute to their communities through full  
12 integration and inclusion in the economic, political, social, cultural and  
13 educational mainstream of United States society;

14 b. Recent studies indicate that individuals with developmental  
15 disabilities comprise between 1.2 and 1.65% of the United States  
16 population, and individuals whose disabilities occur during their  
17 developmental period frequently have severe disabilities that are likely  
18 to continue indefinitely;

19 c. Individuals with developmental disabilities often encounter  
20 discrimination in the provision of critical services and are at greater  
21 risk than the general population of abuse, neglect, financial and sexual  
22 exploitation, and the violation of their legal and human rights;

23 d. A substantial portion of individuals with developmental  
24 disabilities and their families do not have access to appropriate support  
25 and services, including access to assistive technology, from generic  
26 and specialized service systems, and remain unserved or underserved;

27 e. Individuals with developmental disabilities often require lifelong  
28 community services, individualized supports and other forms of  
29 assistance that are most effective when provided in a coordinated  
30 manner;

31 f. There is a need to ensure that services, supports and other  
32 assistance are provided in a culturally competent manner, which  
33 ensures that individuals from racial and ethnic minority backgrounds  
34 are fully included in all activities provided under P.L. , c.  
35 (C. )(pending before the Legislature as this bill);

36 g. Family members, friends and members of the community can  
37 play an important role in enhancing the lives of individuals with  
38 developmental disabilities, especially when the family members, friends  
39 and community members are provided with the necessary community  
40 services, individualized supports and other forms of assistance;

41 h. Current research indicates that 88% of individuals with  
42 developmental disabilities live with their families or in their own  
43 households, and many service delivery systems and communities are

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 not prepared to meet the impending needs of the adults with  
2 developmental disabilities who are living at home with parents who are  
3 60 years of age or older and serve as the primary caregivers of these  
4 adults;

5 i. Individuals with developmental disabilities are waiting for  
6 appropriate services in their communities, and the public needs  
7 increased awareness of the capabilities and competencies of individuals  
8 with developmental disabilities, particularly in cases in which the  
9 individuals are provided with necessary services, supports and other  
10 assistance;

11 j. As increasing numbers of individuals with developmental  
12 disabilities are living, learning, working and participating in all aspects  
13 of community life, there is an increasing need for a well trained  
14 workforce that is able to provide the services, supports and other  
15 forms of direct assistance that are required to enable the individuals to  
16 carry out those activities;

17 k. There needs to be greater effort to recruit individuals from  
18 minority backgrounds into professions serving individuals with  
19 developmental disabilities and their families;

20 l. The goals of the State properly include providing individuals  
21 with developmental disabilities with the information, skills,  
22 opportunities and support to: make informed choices and decisions  
23 about their lives; live in homes and communities in which these  
24 individuals can exercise their full rights and responsibilities as citizens;  
25 pursue meaningful and productive lives; contribute to their families,  
26 communities, the State and the nation; have interdependent friendships  
27 and relationships with other persons; live free of abuse, neglect,  
28 financial and sexual exploitation, and violations of their legal and  
29 human rights; and achieve full integration and inclusion in society, in  
30 an individualized manner, consistent with the unique strengths,  
31 resources, priorities, concerns, abilities and capabilities of each  
32 individual;

33 m. As the nation, states and communities maintain and expand  
34 community living options for individuals with developmental  
35 disabilities, there is a need to evaluate the access to those options by  
36 individuals with developmental disabilities and the effects of those  
37 options on those individuals; and

38 n. Therefore, the purpose of this act is to assure that individuals  
39 with developmental disabilities and their families participate in the  
40 design of, and have access to, needed community services,  
41 individualized supports and other forms of assistance which promote  
42 self-determination, independence, productivity, and integration and  
43 inclusion in all facets of community life, through culturally competent  
44 advocacy, capacity-building and systemic-change activities conducted  
45 by the State Council on Developmental Disabilities, as required by the  
46 "Developmental Disabilities Assistance and Bill of Rights Act of

1 2000," Pub.L.106-402, 42 U.S.C. s.15001 et seq. These activities  
2 shall:

3 (1) be consistent with the purpose described in this subsection and  
4 the public policy described in section 2 of P.L. c. (C. )(pending  
5 before the Legislature as this bill); and

6 (2) contribute to a coordinated, consumer- and family-centered and  
7 consumer- and family-directed comprehensive system which includes  
8 needed community services, individualized supports and other forms  
9 of assistance that promote self-determination for individuals with  
10 developmental disabilities and their families.

11

12 2. (New section) It is the public policy of the State that all  
13 programs, projects and activities conducted by the State Council on  
14 Developmental Disabilities shall be carried out in a manner consistent  
15 with the following provisions:

16 a. Individuals with developmental disabilities, including those with  
17 the most severe developmental disabilities, are capable of self-  
18 determination, independence, productivity, and integration and  
19 inclusion in all facets of community life, but often require the provision  
20 of community services, individualized supports and other forms of  
21 assistance;

22 b. Individuals with developmental disabilities and their families  
23 have competencies, capabilities and personal goals that should be  
24 recognized, supported and encouraged, and any assistance to these  
25 individuals should be provided in an individualized manner, consistent  
26 with the unique strengths, resources, priorities, concerns, abilities and  
27 capabilities of these individuals;

28 c. Individuals with developmental disabilities and their families are  
29 the primary decision-makers regarding the services and supports they  
30 receive, including services and supports for choosing, from available  
31 options, where the individuals live, and they should play decision-  
32 making roles in policies and programs that affect their lives;

33 d. Services, supports and other assistance should be provided in a  
34 manner that demonstrates respect for individual dignity, personal  
35 preferences and cultural differences;

36 e. Individuals with developmental disabilities from racial and ethnic  
37 minority backgrounds and their families need specific efforts to ensure  
38 that they can enjoy increased and meaningful opportunities to access  
39 and use community services, individualized supports and other forms  
40 of assistance available to other individuals with developmental  
41 disabilities and their families;

42 f. Recruitment efforts relating to pre-service training, community  
43 training, practice, administration and policymaking must focus on  
44 bringing larger numbers of racial and ethnic minorities into these  
45 disciplines in order to provide appropriate skills, knowledge, role

1 models and sufficient personnel to address the growing needs of an  
2 increasingly diverse population with developmental disabilities;

3 g. With education and support, communities can be accessible and  
4 responsive to the needs of individuals with developmental disabilities  
5 and their families, and they are enriched by the contributions and full  
6 and active participation in community activities by individuals with  
7 developmental disabilities and their families;

8 h. Individuals with developmental disabilities should have access  
9 to opportunities and the necessary support to be included in  
10 community life, have interdependent relationships, live in homes and  
11 communities and make contributions to their families, communities,  
12 the State and the nation;

13 i. Efforts undertaken to maintain or expand community-based  
14 living options for individuals with disabilities must be monitored in  
15 order to determine and report to appropriate individuals and entities  
16 the extent of access by individuals with developmental disabilities to  
17 those options, and the extent of compliance with quality assurance  
18 standards by entities providing the options;

19 j. Families of children with developmental disabilities need to have  
20 access to, and use of, safe and appropriate child care and before- and  
21 after-school programs in the most integrated settings in order to enrich  
22 the participation of the children in community life;

23 k. Individuals with developmental disabilities need to have access  
24 to, and use of, public transportation in order to be independent and  
25 directly contribute to, and participate in, all facets of community life;  
26 and

27 l. Individuals with developmental disabilities need to have access  
28 to, and use of, recreational, leisure and social opportunities in the most  
29 integrated settings in order to enrich their participation in community  
30 life.

31

32 3. Section 1 of P.L.1979, c.105 (C.30:1AA-1) is amended to read  
33 as follows:

34 1. a. The State Council on Developmental Disabilities [Council],  
35 established pursuant to Executive Order Number 20 of 1971, as  
36 amended by Executive Order Number 49 of 1973 and Executive Order  
37 Number 42 of 1976, is hereby established and continued in the  
38 Executive Branch of State Government.

39 b. For the purpose of complying with the provisions of Article V,  
40 Section IV, paragraph 1 of the New Jersey Constitution, the State  
41 Council on Developmental Disabilities [Council] is hereby allocated  
42 within the Department of Human Services, but, notwithstanding said  
43 allocation, the council shall be independent of any supervision or  
44 control by the department or any board or officer thereof, or any  
45 other cabinet-level department, board or officer thereof. The council  
46 shall operate in a manner that shall assure compliance with State and

1 federal administrative, fiscal, legislative, procedural and personnel  
2 requirements.

3 c. In addition to the powers and duties herein provided, the State  
4 Council on Developmental Disabilities shall constitute the planning  
5 entity authorized in the "Developmental Disabilities Assistance and Bill  
6 of Rights Act of 2000," Pub.L.106-402, 42 U.S.C. s.15001 et seq.,  
7 and shall exercise all the powers and duties as may be necessary to  
8 effectuate the purposes and provisions thereof.

9 (cf: P.L.1979, c.105, s.1)

10

11 4. Section 2 of P.L.1979, c.105 (C.30:1AA-2) is amended to read  
12 as follows:

13 2. For the purposes of this act, a "developmental disability"  
14 means:

15 a. A severe, chronic disability of a person which

16 (1) Is attributable to a mental or physical impairment or  
17 combination of mental or physical impairments;

18 (2) Is manifest before age 22;

19 (3) Is likely to continue indefinitely;

20 (4) Results in substantial functional limitations in three or more of  
21 the following areas of major life activity: self-care, receptive and  
22 expressive language, learning, mobility, self-direction, capacity for  
23 independent living, or economic self-sufficiency; and

24 (5) Reflects the need for a combination and sequence of special,  
25 interdisciplinary, or generic care, or other services which are of  
26 lifelong or extended duration and are individually planned and  
27 coordinated.

28 b. Other [handicapping conditions] disabilities requiring services  
29 and treatment similar to that required by those who meet the criteria  
30 defined above.

31 (cf: P.L.1979, c.105, s.2)

32

33 5. Section 3 of P.L.1979, c.105 (C.30:1AA-3) is amended to read  
34 as follows:

35 3. The council shall consist of a minimum of 25 members, but shall  
36 not exceed 30 members, of whom [18 shall be public members  
37 appointed by the Governor with the advice and consent of the Senate  
38 for terms of 3 years and until their respective successors have been  
39 appointed and have qualified, and 12 shall be representatives of State  
40 agencies who shall serve at the pleasure of the Governor in  
41 accordance with the qualifications established in section 4 of this  
42 act.];

43 a. seven shall be representatives of State agencies who shall serve  
44 ex officio at the pleasure of the Governor in accordance with the  
45 qualifications established in section 4 of P.L.1979, c.105 (C.30:1AA-  
46 4);



1 b. a minimum of 15 shall be public members appointed by the  
2 Governor with the advice and consent of the Senate;

3 c. one each shall represent a University Center for Excellence in  
4 Developmental Disabilities Education, Research, and Service in the  
5 State and the State's designated protection and advocacy system; and

6 d. one shall be a representative of local and non-governmental  
7 agencies or private nonprofit groups concerned with services for  
8 individuals with developmental disabilities, appointed by the Governor  
9 with the advice and consent of the Senate.

10 The appointed members shall serve for a term of three years and until  
11 their respective successors have been appointed and have qualified.

12 Vacancies shall be filled in the same manner as the original  
13 appointment. Public members shall receive no compensation, but shall  
14 be entitled to reimbursement for necessary expenses incurred in the  
15 performance of their duties. Members [of] serving on the council at  
16 the time of enactment of [this act] P.L. , c. (C. )(pending before  
17 the Legislature as this bill) shall continue to serve until the expiration  
18 of their current terms, and until their respective successors are  
19 appointed and have qualified.

20 (cf: P.L.1979, c.105, s.3)

21

22 6. Section 4 of P.L.1979, c.105 (C.30:1AA-4) is amended to read  
23 as follows:

24 4. The public members shall be representative of the diverse social,  
25 economic and geographical interests in the State, and shall include at  
26 least 15 persons who are consumers or [representatives] immediate  
27 family members of consumers of services for persons with  
28 developmental disabilities. [One public member shall be a  
29 representative of the private entity designated by the Governor as the  
30 State's protection and advocacy agency for persons with  
31 developmental disabilities pursuant to section 33 of P.L.1994, c.58  
32 (C.52:27E-74).] The seven State members shall be official  
33 representatives of State agencies [responsible for the following  
34 programs: Special Education; Residential Services for Mentally  
35 Retarded Persons; Health Services for Crippled Children and for  
36 Maternal and Child Health; Comprehensive Health Planning; Medical  
37 Assistance; Higher Education; Community Affairs, Youth and Family  
38 Services; Public Welfare; Mental Health Services; Vocational  
39 Rehabilitation Services; and the Public Defender], as follows: five  
40 representatives, each of whom shall administer funds provided under  
41 at least one of the following federal laws related to individuals with  
42 disabilities: the "Rehabilitation Act of 1973" (29 U.S.C. s.701 et seq.),  
43 the "Individuals With Disabilities Education Act" (20 U.S.C. s.1400  
44 et seq.), the "Older Americans Act of 1965" (42 U.S.C. s.3001 et seq.)  
45 and Titles V and XIX of the Social Security Act (42 U.S.C. s.701 et  
46 seq. and 42 U.S.C. s.1396 et seq.); one representative from the

1 Division of Developmental Disabilities in the Department of Human  
2 Services; and one representative from the Division of Disability  
3 Services in the Department of Human Services.

4 (cf: P.L.1994, c.58, s.48)

5

6 7. Section 6 of P.L.1979, c.105 (C.30:1AA-6) is amended to read  
7 as follows:

8 6. The council shall employ, subject to the provisions of Title  
9 ~~[11]~~11A, Civil Service, of the ~~[Revised]~~New Jersey Statutes~~[.]~~ and  
10 other applicable statutes, an executive director ~~[and such other~~  
11 ~~employees as it deems necessary]~~. The executive director shall:

12 a. ~~[Supervise and administer the work of the council;]~~ Articulate  
13 and implement policies established by the State Council on  
14 Developmental Disabilities.

15 b. Appoint and remove, subject to the provisions of Title 11A,  
16 Civil Service, of the New Jersey Statutes and other applicable statutes,  
17 such other employees as may be necessary to perform the duties and  
18 responsibilities of the council and shall promulgate fees and  
19 compensation within the limits of available appropriations and as shall  
20 be provided by law [; and]. ~~The State shall not apply hiring freezes,~~  
21 ~~reductions in force, prohibitions on travel or other policies to the staff~~  
22 ~~of the council, to the extent that these policies would adversely impact~~  
23 ~~the staff or functions funded with federal funds or would prevent the~~  
24 ~~council from carrying out its functions.~~

25 c. Select and retain the services of consultants whose advice is  
26 considered necessary to assist the council in obtaining information or  
27 developing plans or programs required for the performance of the  
28 duties and responsibilities of the council.

29 (cf: P.L.1979, c.105, s.6)

30

31 8. Section 7 of P.L.1979, c.105 (C.30:1AA-7) is amended to read  
32 as follows:

33 7. The council shall promulgate, in accordance with the  
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
35 seq.), such rules as it deems necessary for the proper conduct of its  
36 work.

37 (cf: P.L.1979, c.105, s.7)

38

39 9. Section 8 of P.L.1979, c.105 (C.30:1AA-8) is amended to read  
40 as follows:

41 8. It shall be the duty of the council and its staff to:

42 a. ~~[Study and review the needs and problems of the~~  
43 ~~developmentally disabled in this State and the nature and extent of~~  
44 ~~public and private services for such persons, and to recommend~~  
45 ~~immediate and long range program and construction~~

1 priorities.](Deleted by amendment, P.L. c. (C. )(pending  
2 before the Legislature as this bill));

3 b. [Foster cooperation and communication among State, county,  
4 municipal, voluntary and private agencies providing services to the  
5 developmentally disabled to assure that such services are delivered  
6 effectively, efficiently and without duplication](Deleted by  
7 amendment, P.L. , c (C. )(pending before the Legislature as  
8 this bill));

9 c. [Promote public awareness of the needs and problems of the  
10 developmentally disabled and their related budgetary  
11 implications](Deleted by amendment, P.L. c. (C. )(pending  
12 before the Legislature as this bill));

13 d. [Be designated as the State Planning Council in accordance with  
14 the requirements of P.L. 94-103 and subsequent amendments thereto  
15 and

16 (1) Be responsible for reviewing and evaluating from time to time,  
17 and not less often than annually, the State Plan on Developmental  
18 Disabilities and submitting such appropriate modifications as may be  
19 required to the United States Secretary of Health, Education and  
20 Welfare and

21 (2) Make such reports in such form and containing such  
22 information as the United States Secretary of Health, Education and  
23 Welfare may reasonably require, and keep such records and afford  
24 such access thereto as the Governor or the Secretary of Health,  
25 Education and Welfare find necessary to assure the correctness and  
26 verification of such reports] (Deleted by amendment, P.L. , c.  
27 (C. )(pending before the Legislature as this bill));

28 e. [Review and comment upon laws and practices relating to the  
29 developmentally disabled](Deleted by amendment, P.L. c.   
30 (C. )(pending before the Legislature as this bill));

31 f. [Propose training and scholarship programs to prepare  
32 professionals to work with the developmentally disabled](Deleted by  
33 amendment, P.L. c. (C. )(pending before the Legislature as  
34 this bill));

35 g. [Recommend training and recruitment programs to encourage  
36 employment of the developmentally disabled](Deleted by amendment,  
37 P.L. c. (C. )(pending before the Legislature as this bill));

38 h. [Encourage and support pertinent research efforts and  
39 preventative measures](Deleted by amendment, P.L. c.  
40 (C. )(pending before the Legislature as this bill));

41 i. [Inform local governmental agencies of Federal and State  
42 programs and requirements concerning developmentally disabled and  
43 other handicapped persons and provide technical assistance to such  
44 agencies as to methods for participating in such programs or meeting  
45 such requirements](Deleted by amendment, P.L. c.

- 1 (C. )(pending before the Legislature as this bill));
- 2 j. 【Promote the establishment of local commissions on the  
3 developmentally disabled and other handicapped for the identification  
4 and development of locally-based programs for such persons, and to  
5 stimulate planning at the community level】(Deleted by amendment,  
6 P.L. c. (C. )(pending before the Legislature as this bill));
- 7 k. 【Administer loan and grant programs, if and when funds become  
8 available, to enable local agencies, commissions and individuals  
9 concerned with the handicapped to acquire or improve relevant  
10 facilities, services and personnel】(Deleted by amendment, P.L. c.  
11 (C. )(pending before the Legislature as this bill));
- 12 l. 【Undertake at the request of the Governor and the Legislature  
13 such activities as may be pertinent for the accomplishment of  
14 legislative and executive functions】(Deleted by amendment,  
15 P.L. c, (C. )(pending before the Legislature as this bill));
- 16 m. Serve as an advocate for individuals with developmental  
17 disabilities and conduct or support programs, projects and activities  
18 which carry out the mandate of advocacy, capacity-building and  
19 systemic change, pursuant to the "Developmental Disabilities  
20 Assistance and Bill of Rights Act of 2000," Pub.L.106-402, 42 U.S.C.  
21 s.15001 et seq.:
- 22 n. At the end of each year, examine goals to determine the extent  
23 to which each goal was achieved, the needs that would require  
24 amendment of the five-year strategic State plan and customer  
25 satisfaction with council-supported or council-conducted activities;
- 26 o. Develop and implement a State plan by conducting and  
27 supporting advocacy, capacity-building and systemic-change activities,  
28 which shall contribute to the purpose set forth in section 1 of  
29 P.L. , c. (C. )(pending before the Legislature as this bill) and  
30 may include:
- 31 (1) outreach activities to identify individuals with developmental  
32 disabilities and their families who otherwise might not come to the  
33 attention of the council, and to assist and enable the individuals and  
34 families to obtain services, individualized supports and other forms of  
35 assistance, including access to special adaptation of generic community  
36 services or specialized services;
- 37 (2) training for persons who are professionals, paraprofessionals,  
38 students, volunteers and other community members to enable these  
39 persons to obtain access to or to provide community services,  
40 individualized supports and other forms of assistance, including special  
41 adaptation of generic community services or specialized services for  
42 individuals with developmental disabilities and their families;
- 43 (3) technical assistance activities to public and private entities;
- 44 (4) assistance to, or support of, activities to assist neighborhoods  
45 and communities to respond positively to individuals with  
46 developmental disabilities and their families through education, by

1 encouraging local networks to provide informal and formal supports  
2 and by enabling neighborhoods and communities to offer the  
3 individuals and their families access to, and use of, services, resources  
4 and opportunities;

5 (5) activities to promote interagency collaboration, coordination  
6 and planning in order to better serve, support, assist or advocate for  
7 individuals with developmental disabilities and their families;

8 (6) activities to enhance coordination of services with:

9 (i) other councils, entities or committees authorized by federal or  
10 State law concerning individuals with disabilities, such as the State  
11 interagency coordinating council established under part C of the  
12 "Individuals with Disabilities Education Act" (20 U.S.C. s.1431 et  
13 seq.), the State Rehabilitation Council and the Statewide Independent  
14 Living Council established under the "Rehabilitation Act of 1973"  
15 (29 U.S.C. s.701 et seq.), the State mental health planning council  
16 established under part B of Title XIX of the Public Health Service Act  
17 (42 U.S.C. s.300x-1 et seq.), councils, entities or committees  
18 concerning activities authorized under section 101 or 102 of the  
19 "Assistive Technology Act of 1998" (29 U.S.C. s.3011 or 29 U.S.C.  
20 s.3012), and any councils, entities or committees carrying out similar  
21 functions;

22 (ii) parent training and information centers under part D of the  
23 "Individuals with Disabilities Education Act" (20 U.S.C. s.1451 et  
24 seq.) and other entities carrying out federally funded projects that  
25 assist parents of children with disabilities; and

26 (iii) other groups interested in advocacy, capacity-building and  
27 systemic-change activities to benefit individuals with disabilities;

28 (7) activities to eliminate barriers to access and use of community  
29 services by individuals with developmental disabilities, and to enhance  
30 systems design and redesign as well as citizen participation to address  
31 issues identified in the State plan;

32 (8) activities to educate the public about the capabilities,  
33 preferences and needs of individuals with developmental disabilities  
34 and their families, and activities to develop and support coalitions that  
35 support the policy agenda of the council, including training in self-  
36 advocacy, education of policymakers and training in citizen leadership  
37 skills;

38 (9) activities to provide information to policymakers by supporting  
39 and conducting studies and analyses, gathering information, and  
40 developing and disseminating model policies and procedures,  
41 information, approaches, strategies, findings, conclusions and  
42 recommendations. The council may provide the information directly  
43 to federal, State and local policymakers, including the United States  
44 Congress, the federal executive branch of government, the Governor  
45 and the Legislature, the governors and legislatures of other states, and  
46 State agencies, in order to increase the ability of these policymakers

1 to offer opportunities and to enhance or adapt generic services to meet  
2 the needs of, or provide specialized services to, individuals with  
3 developmental disabilities and their families;

4 (10) on a time-limited basis, activities to demonstrate new  
5 approaches to serving individuals with developmental disabilities,  
6 which are a part of an overall strategy for systemic change. The  
7 strategy may involve the education of policymakers and the public  
8 about how to effectively deliver services, supports and assistance to  
9 individuals with developmental disabilities and their families; and

10 (11) other advocacy, capacity-building and systemic-change  
11 activities to promote the development of a coordinated, consumer- and  
12 family-centered and consumer- and family-directed comprehensive  
13 system of community services, individualized supports and other forms  
14 of assistance;

15 p. Supervise and annually evaluate the executive director of the  
16 council;

17 q. Prepare and transmit an annual report to the Department of  
18 Health and Human Services, which shall contain information about the  
19 progress made by the council in achieving the purpose set forth in  
20 section 1 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)(pending before the Legislature as  
21 this bill). The report shall be available in accessible formats and the  
22 council shall provide a description of the method by which it shall  
23 widely disseminate the report to affected constituencies and the  
24 general public; and

25 r. Prepare, approve and implement a budget using amounts paid to  
26 the State to fund and implement all programs, projects and activities  
27 carried out pursuant to P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)(pending before the  
28 Legislature as this bill).

29 (cf: P.L.1979, c.105, s.8)

30  
31 10. This act shall take effect immediately.

32  
33  
34 STATEMENT

35  
36 This bill amends N.J.S.A.30:1AA-1 et seq., the law governing the  
37 Developmental Disabilities Council, to conform the law with the  
38 enactment of the federal "Developmental Disabilities Assistance and  
39 Bill of Rights Act of 2000," Pub.L.106-402, 42 U.S.C. s.15001 et  
40 seq., change the name of the council to the State Council on  
41 Developmental Disabilities and establish the council as the planning  
42 entity authorized by the federal law.

43 The stated purpose of the bill is to assure that individuals with  
44 developmental disabilities and their families participate in the design  
45 of, and have access to, needed community services, individualized  
46 supports and other forms of assistance which promote self-

1 determination, independence, productivity, and integration and  
2 inclusion in all facets of community life, through culturally competent  
3 advocacy, capacity-building and systemic-change activities conducted  
4 by the State Council on Developmental Disabilities, as is required by  
5 federal law.

6 Under the provisions of the bill, these activities must contribute to  
7 a coordinated, consumer- and family-centered and consumer- and  
8 family-directed comprehensive system which includes needed  
9 community services, individualized supports and other forms of  
10 assistance which promote self-determination for individuals with  
11 developmental disabilities and their families, and must be consistent  
12 with the bill's purpose and with the policy that all programs, projects  
13 and activities conducted by the council must be carried out in a manner  
14 consistent with the specific provisions enumerated under section 2 of  
15 the bill.

16 In addition, the bill changes the membership of the council under  
17 N.J.S.A.30:1AA-3 to a minimum of 25, but not more than 30,  
18 members, instead of the current 30 members.

19 The duties of the executive director of the council are amended to  
20 provide that the director would articulate and implement policies  
21 established by the council, instead of supervise and administer the  
22 work of the council. In addition, the bill provides that the State would  
23 not apply hiring freezes, reductions in force, prohibitions on travel or  
24 other policies to the staff of the council to the extent that these  
25 policies would adversely impact the staff or functions funded with  
26 federal funds or would prevent the council from carrying out its  
27 functions.

28 The bill also amends the duties of the council and its staff to  
29 provide that the council would:

- 30 C Serve as an advocate for individuals with developmental disabilities  
31 and conduct or support programs, projects and activities which  
32 carry out the mandate of advocacy, capacity-building and systemic  
33 change, pursuant to federal law;
- 34 C At the end of each year, examine goals to determine the extent to  
35 which each goal was achieved, the need to amend the five-year  
36 strategic State plan and customer satisfaction with council-  
37 supported or council-conducted activities;
- 38 C Develop and implement a State plan by conducting and supporting  
39 advocacy, capacity-building and systemic-change activities which  
40 would contribute to the stated purpose of the bill.
- 41 C Supervise and annually evaluate the executive director of the  
42 council;
- 43 C Prepare and transmit an annual report to the Department of Health  
44 and Human Services, which contains information about the progress  
45 made by the council in achieving the stated purpose of the bill. The  
46 report would be available in accessible formats and the council

1 would provide a description of the method by which it would  
2 widely disseminate the report to affected constituencies and the  
3 general public; and  
4 C Prepare, approve and implement a budget using amounts paid to the  
5 State to fund and implement all programs, projects and activities  
6 carried out pursuant to N.J.S.A.30:1AA-1 et seq.  
7 The bill also provides that in developing and implementing the State  
8 plan, the council's advocacy, capacity-building and systemic-change  
9 activities that would contribute to the bill's purpose, may include:  
10 C outreach activities;  
11 C training for persons who are professionals, paraprofessionals,  
12 students, volunteers and other community members;  
13 C technical assistance activities to public and private entities;  
14 C assistance to, or support of, activities to assist neighborhoods and  
15 communities to respond positively to individuals with  
16 developmental disabilities and their families;  
17 C activities to promote interagency collaboration, coordination and  
18 planning;  
19 activities to enhance coordination of services with: other councils,  
20 entities or committees authorized by federal or State law concerning  
21 individuals with disabilities; parent training and information centers  
22 under part D of the "Individuals with Disabilities Education Act"  
23 (20 U.S.C. s.1451 et seq.), and other entities carrying out federally  
24 funded projects that assist parents of children with disabilities; and  
25 other groups interested in advocacy, capacity-building and systemic-  
26 change activities to benefit individuals with disabilities;  
27 C activities to eliminate barriers to access and use of community  
28 services by individuals with developmental disabilities, and to  
29 enhance systems design and redesign as well as citizen participation  
30 to address issues identified in the State plan;  
31 C activities to educate the public about the capabilities, preferences  
32 and needs of individuals with developmental disabilities and their  
33 families, and activities to develop and support coalitions that  
34 support the policy agenda of the council, including training in self-  
35 advocacy, education of policymakers and training in citizen  
36 leadership skills;  
37 C activities to provide information to policymakers by supporting and  
38 conducting studies and analyses, gathering information, and  
39 developing and disseminating model policies and procedures,  
40 information, approaches, strategies, findings, conclusions and  
41 recommendations;  
42 C on a time-limited basis, activities to demonstrate new approaches  
43 to serving individuals with developmental disabilities, which are a  
44 part of an overall strategy for systemic change; and  
45 C other advocacy, capacity-building and systemic-change activities to  
46 promote the development of a coordinated, consumer- and family-



- 1 centered and consumer- and family-directed comprehensive system
- 2 of community services, individualized supports and other forms of
- 3 assistance.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 2027**

**STATE OF NEW JERSEY**

DATED: DECEMBER 9, 2002

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 2027.

This bill amends N.J.S.A.30:1AA-1 et seq., the law governing the Developmental Disabilities Council, to conform the law with the enactment of the federal "Developmental Disabilities Assistance and Bill of Rights Act of 2000," Pub.L.106-402 (42 U.S.C. s.15001 et seq.), change the name of the council to the State Council on Developmental Disabilities, and establish the council as the planning entity authorized by the federal law.

The stated purpose of the bill is to assure that individuals with developmental disabilities and their families participate in the design of, and have access to, needed community services, individualized supports and other forms of assistance which promote self-determination, independence, productivity, and integration and inclusion in all facets of community life, through culturally competent advocacy, capacity-building and systemic-change activities conducted by the State Council on Developmental Disabilities, as is required by federal law.

Under the provisions of the bill, these activities must contribute to a coordinated, consumer- and family-centered and consumer- and family-directed comprehensive system which includes needed community services, individualized supports and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families, and must be consistent with the bill's purpose and with the policy that all programs, projects and activities conducted by the council must be carried out in a manner consistent with the specific provisions enumerated under section 2 of the bill.

In addition, the bill changes the membership of the council under N.J.S.A.30:1AA-3 to a minimum of 25, but not more than 30, members, instead of the current 30 members.

The duties of the executive director of the council are amended to provide that the director would articulate and implement policies established by the council, instead of supervise and administer the work of the council. In addition, the bill provides that the State would

not apply hiring freezes, reductions in force, prohibitions on travel or other policies to the staff of the council to the extent that these policies would adversely impact the staff or functions funded with federal funds or would prevent the council from carrying out its functions.

The bill also amends the duties of the council and its staff to provide that the council would:

- C Serve as an advocate for individuals with developmental disabilities and conduct or support programs, projects and activities that carry out the mandate of advocacy, capacity-building and systemic change, pursuant to federal law;
- C At the end of each year, examine goals to determine the extent to which each goal was achieved, the need to amend the five-year strategic State plan and customer satisfaction with council-supported or council-conducted activities;
- C Develop and implement a State plan by conducting and supporting advocacy, capacity-building and systemic-change activities that would contribute to the stated purpose of the bill;
- C Supervise and annually evaluate the executive director of the council;
- C Prepare and transmit an annual report to the federal Department of Health and Human Services, which contains information about the progress made by the council in achieving the stated purpose of the bill. The report would be available in accessible formats and the council would provide a description of the method by which it would widely disseminate the report to affected constituencies and the general public; and
- C Prepare, approve and implement a budget using amounts paid to the State to fund and implement all programs, projects and activities carried out pursuant to N.J.S.A.30:1AA-1 et seq.

The bill also provides that in developing and implementing the State plan, the council's advocacy, capacity-building and systemic-change activities that would contribute to the bill's purpose may include:

- C outreach activities;
- C training for persons who are professionals, paraprofessionals, students, volunteers and other community members;
- C technical assistance activities to public and private entities;
- C assistance to, or support of, activities to assist neighborhoods and communities to respond positively to individuals with developmental disabilities and their families;
- C activities to promote interagency collaboration, coordination and planning;
- C activities to enhance coordination of services with: other councils, entities or committees authorized by federal or State law concerning individuals with disabilities; parent training and information centers under part D of the "Individuals with Disabilities Education Act" (20 U.S.C. s.1451 et seq.), and other

entities carrying out federally funded projects that assist parents of children with disabilities; and other groups interested in advocacy, capacity-building and systemic-change activities to benefit individuals with disabilities;

- C activities to eliminate barriers to access and use of community services by individuals with developmental disabilities, and to enhance systems design and redesign as well as citizen participation to address issues identified in the State plan;
- C activities to educate the public about the capabilities, preferences and needs of individuals with developmental disabilities and their families, and activities to develop and support coalitions that support the policy agenda of the council, including training in self-advocacy, education of policymakers and training in citizen leadership skills;
- C activities to provide information to policymakers by supporting and conducting studies and analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions and recommendations;
- C on a time-limited basis, activities to demonstrate new approaches to serving individuals with developmental disabilities, which are a part of an overall strategy for systemic change; and
- C other advocacy, capacity-building and systemic-change activities to promote the development of a coordinated, consumer- and family- centered and consumer- and family-directed comprehensive system of community services, individualized supports and other forms of assistance.

This bill is identical to Assembly Bill No. 2729 (Gusciora), which is currently pending in the Assembly Health and Human Services Committee.