

CHAPTER 38
DEVELOPMENTAL DISABILITIES BASIC STATE GRANT

[Prior to 2/11/87, Human Services[498]]

PREAMBLE

Pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. Chapter 144, (DD Act) and Iowa Code section 225C.3, the department of human services has been designated as the administering agency to receive the federal assistance to the state developmental disabilities councils from the federal Administration for Community Living. These funds are used by the Iowa developmental disabilities council.

The purpose of this chapter is to define and structure the funding of projects by the Iowa developmental disabilities council (also known as the Iowa DD council). Projects are designed to influence change in the system of services and supports in Iowa to increase the independence, productivity, and community integration of individuals with developmental disabilities.

Funding priorities for projects are established by the Iowa DD council in the state plan.
[ARC 4111C, IAB 11/7/18, effective 12/12/18]

441—38.1(225C,217) Definitions.

“Department” means the Iowa department of human services.

“Developmental disability” means a severe, chronic disability of a person which is attributed to a mental or physical impairment or a combination of mental and physical impairments; is manifested before the person attains the age of 22; is likely to continue indefinitely; substantially limits the person’s ability to carry out major life activities in at least three of the areas of self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living and economic self-sufficiency; and reflects an ongoing need for individualized, coordinated services. The term, when applied to infants and children from birth to the age of nine, means a substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

“Director” means the director of the department or successor agency.

“Iowa DD council” means the Iowa developmental disabilities council.

“Projects” means activities described in the Iowa DD council’s five-year plan that are designed to address the purpose and priorities established by the DD Act to undertake advocacy, capacity-building, and systemic-change activities that contribute to a coordinated, person- and family-centered, and individual- and family-directed comprehensive system of community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families.

“State plan” means the document required under the DD Act describing goals, objectives and funding priorities.

[ARC 4111C, IAB 11/7/18, effective 12/12/18; ARC 6639C, IAB 11/16/22, effective 1/1/23]

441—38.2(225C,217) Program eligibility. For any year in which Congress appropriates funds, the Iowa DD council shall, consistent with the state plan and the priorities established under the DD Act, determine projects to fund under the developmental disabilities basic state grant program. Funding priorities will be established by the Iowa DD council in the state plan and will be consistent with the priorities established in the DD Act. (Applications for capital expenditures or capital renovations are not eligible for funding.) The Iowa DD council may award funding through any of the department-approved processes for competitive, sole source, or unsolicited proposals in accordance with the provisions of 11—Chapter 117 for the procurement of goods and services of general use.

[ARC 4111C, IAB 11/7/18, effective 12/12/18]

441—38.3(225C,217) Contracts. The Iowa DD council may award funding through any of the department-approved processes for competitive or noncompetitive procurements in accordance with the provisions of 11—Chapter 117 for the procurement of goods and services of general use and 11—Chapter 118 for purchasing standards for service contracts.

[ARC 4111C, IAB 11/7/18, effective 12/12/18]

441—38.4(225C,217) Conflict of interest policy. All Iowa DD council members and those serving in an advisory capacity to the Iowa DD council as described in Iowa Code section 225C.5 shall not engage in activities that present a conflict of interest.

38.4(1) Iowa DD council members and those serving in an advisory role to the Iowa DD council are prohibited from applying for any project when they were involved in recommending the project or designing or developing the request for proposal.

38.4(2) All Iowa DD council members and those serving in an advisory capacity to the Iowa DD council who serve or whose family members serve as officers, directors, partners, consultants, or employees of the applicant being evaluated shall be excluded from preliminary review of proposals, discussing with Iowa DD council members who will be voting, and advising or voting on the evaluation of that applicant and all other applicants submitting proposals in that category.

[ARC 4111C, IAB 11/7/18, effective 12/12/18; ARC 6639C, IAB 11/16/22, effective 1/1/23]

441—38.5(225C,217) Sole source or emergency selection project awards. Rescinded ARC 4111C, IAB 11/7/18, effective 12/12/18.

441—38.6(225C,217) Field-initiated proposals. Rescinded ARC 4111C, IAB 11/7/18, effective 12/12/18.

441—38.7(225C,217) Notification. Rescinded ARC 4111C, IAB 11/7/18, effective 12/12/18.

441—38.8(225C,217) Request for reconsideration. Rescinded ARC 4111C, IAB 11/7/18, effective 12/12/18.

441—38.9 and 38.10 Reserved.

441—38.11(225C,217) Reallocation of funds. Rescinded ARC 4111C, IAB 11/7/18, effective 12/12/18.

These rules are intended to implement Iowa Code sections 217.6 and 225C.3.

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