



370 Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155

August 11, 2021

RE: Developmental Disabilities Council Program Performance Report (OMB Control Number: 0985-0033, ICR Reference Number: 202107-0985-001)

To whom it may concern:

Thank you for the opportunity to provide comment on this issue. On behalf of the Minnesota's Governor's Council on Developmental Disabilities, we urge you not to extend the Annual Program Performance Report (PPR) as it currently organized.

The Federal Register announcement mentions the need for the PPR to monitor annual progress, to enable the citizenry of the state to monitor progress, and to serve as a stewardship tool for compliance. We agree completely with the expressed intent of the PPR. In our experience, however, the PPR does not meet these aims and is an administrative burden. Specifically (using the framework of the Paperwork Reduction Act for the purposes of organization):

The agency's estimate of hours is inaccurate.

The announcement suggests that an average amount of time spent on the PPR is 172 hours (roughly 4 weeks). This is significantly less than what our experience indicates. We spent more than 5 months working on the PPR—at minimum five times more time consuming than the ACL estimated. To properly respond to all of the required elements outlined in the report, our PPR was over 300 pages in length—we believe the requirements of the report are far beyond what is required by law, as discussed below.

The collection of information is not necessary for proper performance of the agency.

The PPR requires far more information than is required under federal law. The minimum indicators of progress outlined in Developmental Disabilities Assistance and Bill of Rights Act of 2000 are:

- (i) the satisfaction of individuals with developmental disabilities with the advocacy, capacity building, and systemic change activities provided under subtitles B, C, and D;
- (ii) the extent to which the advocacy, capacity building, and systemic change activities provided through subtitles B, C, and D result in improvements in:

- (I) the ability of individuals with developmental disabilities to make choices and exert control over the type, intensity, and timing of services, supports, and assistance that the individuals have used;
- (II) the ability of individuals with developmental disabilities to participate in the full range of community life with persons of the individuals' choice; and
- (III) the ability of individuals with developmental disabilities to access services, supports, and assistance in a manner that ensures that such an individual is free from abuse, neglect, sexual and financial exploitation, violation of legal and human rights, and the inappropriate use of restraints and seclusion; and

(iii) the extent to which the entities described in paragraph (1) collaborate with each other to achieve the purpose of this title and the policy described in section 101(c).¹

The current PPR requirements are far greater than this list.

The information is not useful or clear to citizens or others who may wish to review.

Though there may be value in reporting on more information than is minimally required under existing law, the information from the PPR is not shared with the public in a transparent manner. In fact, it is essentially buried in the ACL's website—and the data that is online is out of date and is inaccurately presented.² Further, because the report is so long and unwieldy, it isn't a document we can readily share with interested Minnesotans.

Additionally, while the ACL is required to report to Congress at least once every 2 years,³ we can find no indication that it has shared information from our council or other councils' reports. Indeed, we recently searched for any mention of state councils and related advocacy for people with developmental disabilities in public HHS reports. We found nothing on state councils and only passing mention of the protection and advocacy system and the DD network.

¹ *Developmental Disabilities Assistance and Bill of Rights Act of 2000*, U.S. Code 42, Chapter 144, §15004.

² Here is the path that seems to be required to access data on state councils: Go to the ACL website > pick the "programs" tab (since there is not an obvious other choice) > click on "A to Z" (again, because there is no other obvious choice) > scroll down to "Developmental Disabilities Councils" or "State Councils on Developmental Disabilities" and then a user can access Outcome Tables.

However, the Outcome Tables data is from 2014--over 6 years old. More concerning, data and column labels within these tables appear to be transposed, so that a user looking at the website version of the data will see different column headings than a user who downloads the spreadsheet. For example, the website suggests that Alaska's council reached 53 members of the general public (SC05), while the spreadsheet indicates that 53 people attained membership on public/private bodies and leadership coalitions (SA05). This pattern persists across states and column headings, meaning that users cannot rely on this data. We alerted ACL of this problem and it has not been fixed.

Weblink to data tables: <https://acl.gov/programs/councils-developmental-disabilities/state-councils-developmental-disabilities-fy-2014-0>

³ *Developmental Disabilities Assistance and Bill of Rights Act of 2000*, U.S. Code 42, Chapter 144, §15005.

Combined, these issues suggest that the long, complicated, and administratively burdensome PPR process does not enable citizens or Congress to monitor our performance.

There are alternatives to the current PPR that would meet the expressed aims of the report and reduce administrative burden

1. Begin with end results first. What information does Congress need to make decisions about appropriations? What information does ACL need to make decisions about Councils? Then reduce the number of indicators to no more than 5 or 6 key results.
2. If this first step is taken, then the PPR requirements can be reduced by more than 50%.
3. Request one story per program goal.
4. Separate the issue of measuring compliance from the PPR. Request each Council to conduct an annual self-assessment against a compliance checklist and place on file at the Council office. ACL can request to see the results. Our Council began this practice more than 20 years ago.

In summary, the PPR as-is does not meet its intended objectives, and it requires a significant amount of administrative resources.

Cordially,



Colleen Wieck, Ph.D.

Executive Director

Minnesota Governor's Council on Developmental Disabilities