

**Council of the District of Columbia
Committee on Human Services – Chairman Jim Graham
Department on Disability Services
FY 2015 Budget Hearing Questions**

Q1. On page E-151, there is a proposed increase of \$62,455,282.00 in the FY 15 operating budget for DDS. Please provide a breakdown of the funding sources for this money and the changes in programming, staffing or other expenditures planned for these dollars.

Please see Attachment # 1.

The IDD waiver budget match totaling \$51,267,532 includes funding to serve an additional 50 people in FY 2015 in the IDD HCBS waiver, supports a proposed increase in the rates for physical therapy, speech therapy, occupational therapy, art therapy and behavioral support to increase access to high quality professionals, and includes nursing services as a component of day habilitation services.

Further, a technical adjustment of \$6,641,652 is necessary to add to the waiver budget match to support an increase in reimbursement rates for all residential services to keep pace with the DC Living Wage. The 2006 Living Wage Act specifically requires residential IDD providers to comply with the Act.

Q2. On page E-159 there is a section on “Transfer In” which describes the proposed transfer into the DDS budget, of \$51,267,532 in Home and Community Based Medicaid Waiver dollars which have previously been part of the DC Department of Health Care Finance budget.

A. Are there funds contained in the transfer in of those dollars, for administrative costs?

No, there are no administrative costs.

Q3. Page E-153 reflects an additional 7 FTEs to be paid for with local funds in FY 15.

A. Please provide the total cost of these new positions.

The total cost for the new positions is \$818,526.

B. Please indicate what these positions are and the salaries for each.

The new positions are:

- Performance Management Administrator \$101,234
- Senior Management Analyst \$74,171

**Council of the District of Columbia
Committee on Human Services – Chairman Jim Graham
Department on Disability Services
FY 2015 Budget Hearing Questions**

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| • Management Analyst | \$64,375 |
| • Chief of Staff | \$132,613 |
| • Public Information Officer | \$91,201 |
| • Program Support Assistant | \$46,707 |
| • DDA Operations Manager | \$101,234 |

C. Please provide information about the need for these additional FTE's and how their work will enhance the work of DDS. If there are specific projected outcomes, please provide.

The additional FTEs were requested and approved using one-time funding in FY 14 to support DDS' on-going efforts to exit the long-standing class action now known as *Evans v. Gray*. DDS has since the 2009 operated without dedicated administrative personnel to support the Office of the Director in managing performance, budget utilization and planning, financial analysis and communications. Since that time, the agency has developed a robust performance management system that tracks over 125 metrics for *Evans* and CMS compliance, and in FY 2015 assumes responsibility for managing the IDD Home and Community-based Services waiver budget.

D. Please indicate when you anticipate these positions will be filled.

Performance Management Administrator	Within 60 days.
Senior Management Analyst	Filled.
Management Analyst	Within 60 days.
Chief of Staff	Within 120 days.
Public Information Officer	Filled.
Program Support Assistant	Within 60 days.
DDA Operations Manager	Within 60 days.

Q4. Page E-153 also reflects an additional 11 FTEs to be paid for with Federal grant funds.

A. Please provide the total cost of these new positions.

The total cost of these new positions is \$465,625. At the time of the budget submission we had approval for 11 additional positions, but the grades and titles were unknown. Therefore, the budget was loaded at Grade 7, Step 1. Subsequently, SSA approved the Grades and Titles outlined below. Since this program is 100% federally funded, and the positions are approved, DDS will receive 100% reimbursement for the salary costs.

B. Please indicate what these positions are and the salaries for each.

Administrative Support Specialist	\$46,707.00
Administrative Support Specialist	\$46,707.00

**Council of the District of Columbia
Committee on Human Services – Chairman Jim Graham
Department on Disability Services
FY 2015 Budget Hearing Questions**

Administrative Support Specialist	\$46,707.00
Administrative Support Specialist	\$46,707.00
Clerical Assistant	\$38,666.00
Clerical Assistant	\$38,666.00
Clerical Assistant	\$38,666.00
Clerical Assistant	\$38,666.00
Clerical Assistant	\$38,666.00
Program Support Assistant	\$38,666.00
Program Support Assistant	\$34,893.00

C. Please provide information about the need for these additional FTE's and how their work will enhance the work of DDS. If there are specific projected outcomes, please provide.

The Disability Determination Division (“DDD”) had been using contract personnel for duties and work that was not abating for several years. DDS requested permission from the Social Security Administration (“SSA”) to establish permanent FTEs instead at the same costs, which was granted. The FY 15 budget illustrates the new FTE’s. There is no net change in staffing, and this will not enhance the work of DDS. This is simply a switch from contract personnel to FTEs.

D. Please indicate when you anticipate these positions will be filled.

All of these positions should be filled within 45 days.

Q5. Page E-156 reflects the dramatically decreasing budget for Court Supervision in the Evans case. The mayor's budget reflects a decrease from \$675,000 in FY 14 down to \$328,000 in FY 15. In FY 12, the actual budget for Court Supervision was \$3.294 million. In FY 13 the approved amount for Court Supervision was \$1.049 million. Please explain the reasons for these significant reductions and how this will affect Evan's Class members.

A. Please explain the nature of the court supervision that has been funded in the past.

The Court Supervision Program/activity (Object Code 1099) was developed by DDS and the Office of the Chief Financial Officer (“OCFO”) to track the costs associated with the Court’s supervision of the agency in the *Evans* class action litigation, which has been pending in the U.S. District Court for the District of Columbia since February 1976. There currently are three *Evans* court-appointed officials with authority for *Evans* class members by Court order: Special Master Clarence J. Sundram, Court Monitor Elizabeth Jones, and Independent Compliance Administrator Kathy E. Sawyer. In FY 2015, the Court Supervision budget is comprised of the anticipated funding for these three *Evans* court-appointed officials as made payable to the Clerk’s Office.

**Council of the District of Columbia
Committee on Human Services – Chairman Jim Graham
Department on Disability Services
FY 2015 Budget Hearing Questions**

Special Master: Beginning in October 1995, the Court appointed a Special Master under Rule 53 of the Federal Rules of Civil Procedure “to evaluate and ensure defendants’ compliance with the Court’s Orders and Consent Decrees . . . and to recommend remedies for any deficiencies in defendants’ compliance with the Orders.” From 2001 to 2010, a second Special Master was appointed by the Court. Each Special Master was entitled to payment through the Clerk’s Office for actual work performed during the course of the year, which amounts varied from year to year. Although the Special Masters were not required to submit a budget, the initial order of reference and prior experience reflected that \$250,000 per year should be deposited with the Clerk’s Office to cover these costs. In 2010, the Court agreed to discharge one of the Special Masters, thereby reducing costs and the amount budgeted by the agency for deposit with the Clerk’s Office. In FY 2012, no payment was required for Special Master Sundram because the remaining balance on hand at the Clerk’s Office was sufficient to cover his cost, expenses and fees during that fiscal year. The payment in FY 2014 and the proposed budget for FY 2015 reflect the work DDS anticipates by the Special Master to attend the *Evans* parties’ and other scheduled meetings which occur every 4-8 weeks, to attend quarterly status conferences in Court, and to continue in his role as arbiter in the process whereby the defendants submit certifications of compliance with the Special Master in efforts to determine compliance and exit the 2010 Revision of the 2011 Plan for Compliance and Conclusion of *Evans v. Fenty* (“2010 Exit Plan”) and the underlying court orders.

Court Monitor: From 1978 to 2000, the Court Monitor position created by the 1978 Final Order and Consent Decree was both the court’s monitor and a contractor to the agency, a circumstance which the Court determined to be inappropriate in November 2000. Beginning in 2001, the agency has funded an Independent Court Monitor whose office is funded by a budget submitted to and approved by the Court, and made payable through an annual payment to the Clerk’s Office based on the approved budget. The current Court Monitor has served since 2004, and has reduced her office’s budget during the last three fiscal years as the parties work toward exiting from the class action litigation. The Court Monitor’s budget is submitted on a calendar year basis, as opposed to a fiscal year, which has resulted in funding being available at the Clerk’s Office after the close of the fiscal year. The further reductions in the Court Monitor’s FYs 2012-2014 budget funding was DDS’s attempt to better align the payment to the fiscal year and to recognize both that a substantial portion of the Court Monitor’s work is being performed by the joint monitoring team comprised of the Court Monitor’s staff and consultants, staff of the Quality Trust for Individuals with Disabilities, Inc. (“Quality Trust”), and DDS/DDA staff and that this work will begin to wind down as DDS is found in compliance with the discreet outcome criteria of the 2010 Exit Plan. In FY 2015, the vast majority of the court monitoring work should be complete and the Court Monitor should be working to transfer the work of her office to the Quality Trust, so the agency has budgeted a small portion of funding in FY 2015 (*i.e.* \$188,000) should the need arise for additional work by the Court Monitor from October 2014 through the end of the calendar year.

**Council of the District of Columbia
Committee on Human Services – Chairman Jim Graham
Department on Disability Services
FY 2015 Budget Hearing Questions**

Independent Compliance Administrator (“ICA”): The ICA was created by Court Order in August 2010, and is funded by a budget submitted to and approved by the Court, and made payable through an annual payment to the Clerk’s Office based on the approved budget. The ICA was intended to be a two-year commitment to coincide with the defendants’ performance under the 2010 Exit Plan. However, in August 2012, the Court approved a further two-year extension of the ICA’s role. The payment in FY 2014 (*i.e.* \$249,909) and the proposed budget for FY 2015 (*i.e.* \$100,000) reflect the work DDS reasonably anticipates by the ICA as the defendants work with her to come into compliance, seek certification, and exit discreet outcome criteria of the 2010 Exit Plan going forward.

Quality Trust: In prior fiscal years from FYs 2001 to 2012, the Court Supervision budget also included anticipated funding for the Quality Trust, which is a private § 501(c)(3) entity created as part of the 2001 Plan for Compliance and Conclusion of *Evans v. Williams* (“2001 Exit Plan”) to eventually replace the Court Monitor and serve as an external monitor, lay advocate and legal adviser for all consumers served by the DDS Developmental Disabilities Administration. Under Goal D of the 2001 Exit Plan, and the associated settlement agreement among the *Evans* parties, the Quality Trust was entitled to an \$11 million lump sum payment in 2001, and varying annual installment payments through October 1, 2011. The final installment payment to the Quality Trust was made in October 2011.

B. Please explain the reason [for the] proposed reduction and plans for Court Supervision in FY 15.

Special Master: The payment to the Clerk’s Office for the Special Master in FY 2014 (*i.e.* \$125,000) and the proposed budget for FY 2015 (*i.e.* \$40,000) reflect the remaining work that DDS reasonably anticipates by the Special Master to attend the *Evans* parties’ and other scheduled meetings which occur every 4-8 weeks, to attend quarterly status conferences in Court, and to continue in his role as arbiter in the process whereby the defendants submit certifications of compliance with the Special Master in efforts to determine compliance and exit the 2010 Exit Plan. Under the agreed to certification procedures, the Special Master reviews the defendants’ certification of compliance submissions and the plaintiffs’ and plaintiff-intervenor’s oppositions, and prepares a report and recommendation to the U.S. District Judge in *Evans* for her consideration in determining whether the District has met its burden of proof in establishing compliance with the 2010 Exit Plan and the underlying court orders. As the defendants seek to exit the remaining four goal areas under the 2010 Exit Plan, there may also be evidentiary proceedings before the Special Master to resolve factual disputes and objections by the parties. Because the remaining four certifications of compliance will be filed on or before June 30, 2014, the agency has budgeted only a small portion of funding in FY 2015 (*i.e.* \$40,000) should the need arise for additional work by the Special Master from October 2014 through the end of the calendar year.

**Council of the District of Columbia
Committee on Human Services – Chairman Jim Graham
Department on Disability Services
FY 2015 Budget Hearing Questions**

Court Monitor: In FY 2015, because the vast majority of the court monitoring work should be complete and the Court Monitor should be working to transfer the work of her office to the Quality Trust, the agency has budgeted a small portion of funding in FY 2015 (*i.e.* \$188,000) should the need arise for additional work by the Court Monitor from October 2014 through the end of the calendar year. This amount equates to approximately a fiscal quarter worth of work in FY 2015 (*i.e.* October 2014 through the end of the calendar year).

ICA: The proposed budget for the ICA for FY 2015 (*i.e.* \$100,000) is intended to anticipate that there may be additional but limited work remaining for the ICA as the defendants work with her to come into compliance; to seek and prove compliance through the certification process; and to create, implement and prove compliance under plans of correction related to the four remaining goal areas to the extent necessary.

C. What aspects of Court Supervision have been eliminated over the past several years and why?

As discussed more fully above, the Court Supervision budget was reduced most significantly in FY 2012 primarily because the agency was no longer required to make an annual installment payment to the Quality Trust. Beginning in FY 2013, the reductions in this budget item from year-to-year are attributable to the reduced costs associated with a single Special Master, the joint monitoring activities of the Court Monitor as opposed to consultants, and the costs associated with the continued appointment since August 2010 of the ICA. The work of each of these court officers should be wholly eliminated in FY 2015.

D. Is the proposed budget for Court Supervision of roughly 48% of the FY 14 budget adequate to do the remaining work to come into compliance with the remaining Court orders in Evans?

Yes, as discussed more fully above, the proposed decreases in the FY 2015 Court Supervision from FY 2014 fully recognize that the work of the three court officers (*i.e.* Special Master, Court Monitor, and ICA) is anticipated to wind down as the defendants work to come into compliance, seek certification for remaining outcome criteria, are determined in compliance, and exit discreet outcome criteria of the 2010 Exit Plan moving forward.

Q6. Page E-157 reflects a decrease of \$7, 983,000 in Disability Determination Services for FY 15 from FY 14, leaving nothing in the budget for Disability Determination Services at E-157. Please explain.

Please see (8000) Disability Determination Services on page E-157. The funding and FTE's were moved to this section under (8055) Disability Determination Services. The Disability Determination Services budget increased to \$8,557,000 for FY 15.

Council of the District of Columbia
Committee on Human Services – Chairman Jim Graham
Department on Disability Services
FY 2015 Budget Hearing Questions

Q7. How many vacancies does the agency have currently?

- A. Please indicate how many vacancies are locally and how many federally funded.***
- B. Please specify in which program(s) these vacancies occur.***
- C. Please indicate which vacancies the agency plans to fill and the timeline for filling vacancies.***

Please see attached.

Q8. Please provide a list of all reprogrammings within the agency and from the agency in FY 2014, to date. For each reprogramming, please indicate the date, amount, purpose, and agency receiving the reprogramming. What is the total amount DDS anticipates reprogramming in FY 2014?

Please see attached.

Q9. What assumptions have been made regarding number of new DDA clients anticipated in FY 2015? What assumptions were made in FY 2014?

The FY 2015 budget projects that DDA will support 35 new people, 15 of whom will be young people, transitioning to adult services with DDA from the Child and Family Services Agency (“CFSA”).

The FY 2014 budget projected that DDA would support 35 new people, 20 of whom would be young people, transitioning to adult services with DDA from CFSA.

Q10. What assumptions have been made regarding number of new RSA clients for FY 2015? What assumptions were made in FY 2014?

Through improved outreach into the community and continued coordination with District of Columbia Public Schools (“DCPS”), the Office of the State Superintendent of Education (“OSSE”) and with the public charter schools, RSA will continue to see increases in the number of people served. We will not see the same increase in the number of transition youth served, as the initial significant growth in FY 2013 and FY 2014 was due to expanding intake to include 11th and 12th grade students. We should see a leveling of the number of transition youth served. We continue, however, to see increases in general Vocational Rehabilitation, as well, as we have expanded outreach sites, serving consumers at private agency locations and other government agencies throughout the city, focusing in particular on improving outreach to populations identified in our 2013 Comprehensive Statewide Needs Assessment as underserved and unserved, including people of Hispanic, Ethiopian and Asian origin, people that live in Wards 7 and 8, and people who are blind and visually impaired.

**Council of the District of Columbia
Committee on Human Services – Chairman Jim Graham
Department on Disability Services
FY 2015 Budget Hearing Questions**

RSA's FY 2014 budget assumed that there would be a significant increase in the number of new clients, in part due to improved coordination with OSSE, DCPS and Public Charter Schools. Additionally, RSA expanded intake for transition-aged students to include students in grades 10-12 by the end of FY 2014. RSA expected that these efforts to double the number of referrals for transition-aged youth in FY 2014.

Q11. Are there other aspects of the DDS Budget that you would like to highlight?

None at this time.