



## Memorandum of Understanding (MOU) with the Designated State Agency (DSA)

The Developmental Disabilities Assistance and Bill of Rights Act of 2000 (PL 106-402) provides language that supports a DD Council to request a MOU with the DSA to clarify and describe the roles and responsibilities of the DSA.

### DD Act Language

*Section 125 (d)(3)(G) MEMORANDUM OF UNDERSTANDING – On the request of the Council, the designated State agency shall enter into a memorandum of understanding with the Council delineating the roles and responsibilities of the designated State agency.*

### Discussion:

The purpose of a MOU is to describe the roles and responsibilities of the DSA and the DD Council in implementing Title B of the DD Act. A main objective of a MOU is to formally establish a basis for an effective working relationship between the Council and the DSA. As such, a MOU is an effective way to establish clear, mutually agreed upon assignments of authority and responsibilities in core areas.

ITACC staff collected MOU's from Councils during FY 2017 and reviewed to identify core areas for clarification. Common core areas included:

- **Office space and information technology**
  - Office space - Square footage allocation, cost, in-kind; Information technology – access, cost, in-kind, website, use of social media and other policies.
- **Fiscal Administration**
  - Budget development, payroll, contract, and purchasing services; expenditure reporting, accounting, and bookkeeping including an item that the DSA will not alter or change the Council's budget without authority to do so; Federal Financial Reports; Non-federal share.
- **Personnel Administration**
  - Recruitment, employment, and evaluation of the ED; other staff hired, evaluated, and terminated by ED in accordance with State and Federal laws and policies; Council staff assignments; DSA responsibilities with processing personnel actions and requests; State hiring and travel restrictions that impact the staff or functions to carry out the plan.
- **Relationship with Other State Departments and Agencies**
  - Council and ED authority to communicate with Governor and Legislature, freely communicate
- **Review of MOU**
  - Review annually

The request for a memorandum of understanding with the DSA is initiated by the DD Council. Other items may be included in a MOU to help address roles and responsibilities specific to each DD Council, DSA in the State/Territory. Additional supports requested by the Council and outside of the mandated DSA responsibilities are negotiated with the DSA.