ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
BOARD BY-LAWS

Section I. The Board shall meet at least once per quarter and the time, date and place specified in the notice thereof.

Section II. The Chair may call additional meetings at such time and place as deemed necessary.

Section III. Notices of all regular meetings shall be mailed to each Board Member, the Governor, the DHS Director, local newspapers and other media, at least ten (10) days in advance of the meetings.

Section IV. Notice of all emergency or special meetings shall be provided to representatives of the media located in the county in which the meeting is to take place, the Governor, and the DHS Director of the time, date and place at least two (2) hours before such meetings take place.

Section V. All meetings of the Board shall be public meetings, except that the Board may have closed meetings for the purpose of considering employment, appointment, promotion, demotion, disciplining or resignation of Human Development Center employees.

Section VI. All outcomes reached during an executive session will be presented and voted on, upon reconvening in a public session.

Section VII. The Board shall hold an election of officers annually at the last regular meeting of each calendar year. A Chair, a Vice Chair, and a Secretary shall be elected and they shall hold office until their successors are elected.

Section VIII. A quorum of the Board shall consist of four members. However, a majority of votes of the entire membership of the Board shall be necessary to take any Board action.

References: Board Action: June 8, 1980; March 11, 1984; September 29, 1984; December 21, 1985; March 26, 1986; May 11, 1993; November 7, 2001; Act 348 of 1985.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

Section IX. The Board may create one or more committees to consider special problems; certain operations and/or aspects of programs. The recommendations of any committee shall be presented to the entire Board for their consideration before any formal action is taken. (Unless specific authority is delegated by the Board on a case specific basis)

Section X. the Director of DDS shall serve as Executive Secretary of the Board and shall maintain an official set of minutes of all votes and Board actions. Such minutes shall be signed by the Board Chair and the Executive Secretary after they have been approved by the Board.

Section XI. Upon approval at a meeting, a copy of the signed Board minutes shall be forwarded to the Offices of the Governor and the Director of DHS.

Section XII. These By-Laws may be repealed, altered or amended at any regular or special meeting duly called, by a majority vote of the entire membership of the Board.

Section XIII. It is hereby certified that the above By-Laws of the DDS Board were duly adopted at a meeting held on June 8, 1980 and subsequently amended on December 21, 1985 and May 11, 1993.

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(Updated January 2010)

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(Updated November 2002)

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ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Administrative	Board Policies	1001

1. Purpose. This policy has been prepared to affirm the DDS Board policy-making authority with respect to the Division of Developmental Disabilities Services, residential programs.

2. Scope. This policy is directed to all individuals or entities interested in the policy of Developmental Disabilities Services, Human Development Centers.

3. Policy Governance. The DDS Board shall provide direction in the operation of the residential programs by statement of policy. Policy shall be in accordance with the general guidelines, policies and regulations prescribed by the Director, Department of Human Services in compliance with Act 348 of 1985.

Replacement Notation: This Policy replaces Policy #1001 dated June 8, 1980; January 25, 1985, and March 26, 1986.

Effective Date: June 18, 1993

References: Act 6, 1955, as amended by Act 349, 1957 and Act 348 of 1985. Board Action: Sept. 22, 1979; June 8, 1980; January 25, 1985; December 21, 1985; March 26, 1986 and May 11, 1993.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Administrative	Board Involvement in Personnel	1002

1. Purpose. This policy has been prepared to clarify the role of the DDS Board in Human Developmental Center personnel matters.

2. Scope. This policy is directed to all employees of the Arkansas Department of Human Services, Division of Developmental Disabilities Services, Human Development Centers.

3. HDC Superintendent. The DDS Board delegates its authority for appointment and termination of HDC Superintendents to the Director for Developmental Disabilities Services with concurrence of the Board and Director of the Department of Human Services.

   The DDS Director has the authority to establish necessary process for selection/termination of the HDC Superintendents within EEO framework.

   In an official meeting, the Board shall acknowledge the appointment of HDC Superintendents.

   If any problems occur in the evaluation of job performance for any of these positions, the DDS Board will be informed.

Replacement Notation: This Policy replaces DDS Board Policy #1002 effective June 8, 1980 and September 29, 1984 and December 15, 1984 and March 26, 1986.

Effective Date: June 18, 1993

References: Act 6 of 1955, as amended by Act 349, 1957, Sect. 13; Act 443, 1967; AG's Opinion, Nov. 23, 1977, Act 348 of 1985. Board action: Sept. 28, 1961; June 11, 1964; Dec. 22, 1966; June 17, 1967; Mar. 23, 1968; June 29, 1968; Dec. 14, 1968; June 12, 1969; Apr. 22, 1971; July 15, 1971; Jan. 20, 1972; Mar. 12, 1972; Apr. 23, 1972; July 23, 1972; Oct. 14, 1973; Jan. 20, 1974; Apr. 21, 1974; July 21, 1974; Jan. 19, 1975; April 27, 1975; Nov. 21, 1976; March 20, 1977; March 4-5, 1978; Sept. 17, 1978; Oct. 15, 1978; Nov. 19, 1978; June 24, 1979; Dec. 15, 1979; June 8, 1980; Sept. 29, 1984; Dec. 15, 1984; December 21, 1985; March 26, 1986 and May 11, 1993.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Administrative	HDC Placements/ Transfers/Discharges	1003

1. Purpose. This policy has been prepared to explain the role of the DDS Board in carrying out its statutory responsibility for placements.

2. Scope. This policy is directed to HDC employees and to all individuals and other parties interested in or affected by HDC placements/transfers/discharges.

3. Placements. The Board of Developmental Disabilities Services delegates its authority to determine the placement or status change in the placement of individuals residing at HDCs to agency professional staff with the DDS Director having final decision making authority, with the least restrictive alternative used as the dominant principle.

4. Appeals. The Board delegates its authority for hearing placement/transfer/discharge decision appeals to the DDS Director. The DDS Director is authorized to establish the necessary process and develop procedures that provide opportunity for client/parent to address concerns regarding service decisions.

Replacement Notation: This Policy replaces DDS Board Policy #1003 effective November 1, 1980; August 15, 1981 and March 26, 1986.

Effective Date: June 18, 1993

References: Act 6, 1955, Sects. 4, 5, 8, 9, and 11 as amended Act 349, 1957; Act 348 of 1985. Board Action: Jan. 22, 1959; June 29, 1961; Mar. 23, 1968; Jan. 21, 1973; Oct. 29, 1959; June 23, 1977; Sept. 8, 1966; Oct. 15, 1972; Jan. 20, 1974; Sept. 22, 1979; June 8, 1980; Nov. 1, 1980; Aug. 15, 1981; March 26, 1986 and May 11, 1993.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

Policy Type	Subject of Policy	Policy No.
Administrative	Board Involvement in Personnel	1002

4. Educational Leave. Any approved leave from DDS for educational purposes must benefit the Agency. The DDS Board delegates all statutory authority for granting educational leave to the DDS Director.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES

MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Administrative	Federal Grants	1004

1. Purpose. This policy establishes delegation of DDS Board authority with respect to the application for Federal grant monies on behalf of Developmental Disabilities Services.

2. Scope. This policy is of interest to all HDC employees of DDS.

3. Funds for Programs Serving Developmentally Disabled Individuals. The DDS Board authorizes the DDS Director to execute and file applications on behalf of Developmental Disabilities Services for Federal funds available now or in the future on behalf of individuals of the HDCs.

Replacement Notation: This Policy replaces DDS Board Policy #1004 effective June 8, 1980, Sept. 29, 1984 and March 26, 1986.

Effective Date: June 18, 1993

References: Board Action: Sept. 8, 1955; Dec. 16, 1965; Mar. 6, 1966; Nov. 12, 1970; Mar. 20, 1977; June 8, 1980; Sept. 29, 1984; March 26, 1986 and May 11, 1993; Act 348 of 1985.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES

MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Administrative	Use of Lands/Facilities/Equipment	1005

1. Purpose. This policy has been prepared to establish the role of the DDS Board in the use of lands, facilities, and equipment entrusted to the Division of Developmental Disabilities Services.

2. Scope. This policy is directed to any individual or entity interested in the policy subject.

3. Board Authority Over Lands and Facilities. The DDS Board has charge over State lands and facilities, given to the agency to provide services for developmentally disabled citizens of Arkansas.

4. Use of DDS Lands or Facilities. The Board delegates any decision making authority, regarding the use of lands or facilities, entrusted to the Board of Developmental Disabilities Services to the DDS Director. The Director is authorized to assign further responsibility for recommendations on use of lands or facilities. No request for land use will be considered for approval which interferes with normal agency operations.

5. Use of Equipment and Vehicles. The following individuals are authorized to use and operate institutional unit motorized vehicles; state employees and volunteers provided the volunteers have a valid drivers license and provide proof of liability insurance coverage. The superintendents have the delegated authority to decide whether or not volunteers may operate institutional vehicles. Such vehicles include but are not limited to lawn mowers, buses, and vans. Such vehicles may be loaned to other divisions and departments of the State of Arkansas.

Replacement Notation: This Policy replaces 1005 effective June 8, 1980 and January 17, 1981, January 25, 1985 and March 26, 1986.

Effective Date: June 18, 1993

References: Act 290, 1967; Act 6, 1955 as amended by Act 349, 1957, Section 13; Act 186, 1963; Act 348 of 1985. Board Action: Mar. 4-5, 1978; June 17, 1978; July 14, 1978; Apr. 28, 1979; May 17, 1980; June 8, 1980; Jan. 17, 1981; Jan. 25, 1985. Governor's Policy Directive 80-2. Act 716, 1975, as amended by Act 411, 1979, DDS Board meeting August 4, 1990; May 11, 1993

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

6. Contracting Requirements. Contracts with outside organizations desiring to use residential program facilities and equipment will be made in accordance with statements from the Attorney General's Office and the Insurance Commissioner regarding agency liability. For the purpose of contracts, other State agencies are considered outside organizations. The organization requesting the use of DDS facilities and equipment will indemnify DDS against any possible damage or loss. Contract forms are available from DDS Administrative Services Section.

7. Lease of DDS Lands and Facilities. The DDS Board has discretionary authority over the properties it holds in trust to decide to whom it might lease, what properties it might lease, and under what conditions. The Director will assign responsibility for recommendations on leasing. Any request for leasing lands held by the DDS Board must be open to competitive bidding. When lessee, DDS will negotiate through Arkansas State Building Services in accordance with Section 8, Act 716, 1975, as amended by Act 411, 1979.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL of BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Administrative	HDC Program Organizational Structure	1006

1. Purpose. This policy clarifies the role of the DDS Board in the organizational structure of the HDCs.

2. Scope. This policy is directed to all employees of the Developmental Disabilities Services, HDCs.

3. Organizational Structure. The DDS Board delegates its authority to the Director for Developmental Disabilities Services in determining organizational structure of HDCs. The DDS Director has the authority to establish the necessary process for approval/disapproval of organizational changes.

Replacement Notation: This Policy replaces Policy #1006 effective June 8, 1980 and January 25, 1985 and March 26, 1986.

Effective Date: June 18, 1993

References: Board Action: Apr. 15, 1973; June 8, 1980, Jan. 25, 1985; March 26, 1986 and May 11, 1993; Act 348 of 1985.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Administrative	Public Input	1007

1. Purpose. This policy has been written to provide guidelines for public input into Board policy making.

2. Scope. All individuals residing at HDCs, parents/guardians, and Arkansas Citizens interested in the operations of the HDCs are affected by this policy.

3. Individual Contacts. The DDS Board is a public body, and members of the Board can be contacted individually by the public on any matters pertaining to their role as Board members. Individual Board members will use the information received from these contacts to help the DDS Board make decisions.

4. Board Meetings. Time will be allowed during regularly scheduled Board meetings for individual/parent/advocate/citizen input.

5. Guidelines. Members of the public may make presentations during a Board meeting by providing the DDS Director a request to appear along with a brief synopsis (not to exceed one page) of the subject to be covered eight (8) days prior to the meeting. Requests meeting these guidelines will be made a part of the Agenda and a copy of the synopsis will be forwarded by the DDS Director's Office to each of the Board members prior to the meeting. Presentations will be limited to ten minutes each.

6. Board Response. The DDS Board Chair will decide whether a response to a presentation is required and if so, the form of that response. At the Chair's discretion, other Board members or staff may respond to the presentation during the Board meeting.

Replacement Notation: This policy replaces 1007 effective Oct. 10, 1981, November 13, 1982 and March 26, 1986.

Effective Date: June 18, 1993

References: Board Action: Nov. 1, 1980; Oct. 10, 1981; Sept. 18, 1982; Oct. 16, 1982; Nov. 13, 1982; March 26, 1986 and May 11, 1993; Act 348 of 1985.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Administrative	Consultant Selection	1008

1. Purpose. This Policy rescinds certain Board practices and authorizes the DDS Director to make consultant selections on its behalf.

2. Scope. This Policy is applicable to employees of the HDC and any other interested persons.

3. Authorization. Selection of architect, contractor, engineer, consultant or other individuals necessary for planning, renovation, or construction of HDC projects will be authorized by the Director for Developmental Disabilities Services, in compliance with all State laws and regulations.

   Selection of consultants necessary for direct service provision in HDCs will be authorized by the Director for Developmental Disabilities Services, in compliance with all State laws and regulations.

4. Procedures. The DDS Director is authorized to establish guidelines for processing consultant contracts through administrative channels.

Replacement Notation: This policy replaces Board Policy #1008 effective Nov.1, 1980 and Oct. 5, 1984 and March 26, 1986.

Effective Date: June 18, 1993 Sheet 1 of 1

References: Board Action: Oct. 29, 1959; Mar. 20, 1957; April 9, 1957; Jan. 26, 1958; May 27, 1958; Nov. 1, 1980; Sept. 29, 1984; Oct. 5, 1985: March 26, 1986 and May 11, 1993; Act 348 of 1985.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES

MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Administrative	Legal Compliance	1011

1. Purpose. This policy limits the means used by DDS to achieve ends set by the Board.

2. Scope. This policy is directed to all employees of the Developmental Disabilities Services, Human Development Centers.

3. Compliance. All actions taken, encouraged, and supported by DDS, on behalf of the HDCs, shall be constrained by and in accordance with applicable State and Federal laws. The DDS Board delegates its authority for insuring compliance to the Director for DDS.

Replacement Notation: This Policy replaces Policy #1011 effective August 15, 1981 and March 26, 1986.

Effective Date: June 18, 1993

References: Board Action: August 15, 1981; March 26, 1986 and May 11, 1993; Act 348 of 1985.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES

MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Administrative	HDC Program Administration	1012

1. Purpose. This Policy has been developed to establish the DDS Board's position in coordinating activities, with respect to HDCs, the Office of the Director of the Department of Human Services; Divisions and Subdivisions thereof.

2. Scope. This Policy applies to all HDC employees and any other interested persons.

3. Responsibilities. It shall be the responsibility of all HDC employees to abide by policies/procedures/guidelines established by the Director for Developmental Disabilities Services; the Director of the Department of Human Services.

4. Organizational Authority. The DDS Board delegates its authority for administrative responsibility of the HDCs to the Director for DDS. The Director is authorized to establish the necessary organizational authority over the HDCs in accordance with Act 348 of 1985 to help ensure service provision consistent with the Directives of the DDS Board and Division/Departmental goals; provide management and direction to help ensure effective daily operations and planning activities and statewide service delivery coordination.

Replacement Notation: This policy replaces Policy #1012 effective March 26, 1986.

Effective Date: June 18, 1993

References: Act 348 of 1985; Board Action: March 26, 1986, May 11, 1993.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Administrative	DDS Board Subcommittees	1013.

1. Purpose. This policy provides for the operation of subcommittees to assist the Board in accompanying its primary duties and responsibilities in conjunction with the HDC Superintendents, parents, Central Office Staff and community representatives.

2. Scope. This policy applies to all aspects of the subcommittee process and all participants in the process.

3. Administrative Responsibilities. The Director for Developmental Disabilities Services or his designee is responsible for:

   A. Coordinating the scheduling of subcommittee meetings with the subcommittee chair.

   B. Preparing agendas, notifying participants and developing meeting minutes.

   C. Securing necessary information/supportive data to enable the subcommittees to function in an efficient manner.

4. Procedure.

   A. Composition:

      1. There will be two standing subcommittees of the DDS Board. They are:

         a) Administrative Services (Budget and Personnel)
         b) Physical Management (Buildings, Lands, Leases, Maintenance)

      2. Each subcommittee will be composed of:

         a) 3 Board Members
         b) 3 Superintendents **
         c) HDC Parent

Effective Date: November 7, 2001; Revised August 4, 2011

References: DDS Board Action, September 19, 1989; December 7, 1991; May 11, 1993; August 30 1995; November 7, 2001 and August 4, 2011
Administrative Rules and Regulations Sub Committee of the Arkansas Legislative Council; July 1, 1993

Policy Type	Subject of Policy	Policy No.
Administrative	DDS Board Subcommittees	1013.

d) Central Office Representative (designated by Director)
e) Board Chair (ex-officio)
(One subcommittee will consist of 2 Superintendents and 1 Assistant Superintendent from Conway HDC and one subcommittee of 3 Superintendents)

3. Board Members and Superintendents will serve on each subcommittee for 2 years on a staggered basis. Based upon special expertise of a Board Member, the Board Chair may expand the length of service.

4. The Senior Board Member shall function as Subcommittee Chair.

B. Meetings

1. There will be meetings held by each subcommittee as needed.

2. Other subcommittee meetings may be held upon request of the Board Chair, Subcommittee Chair or DDS Director.

3. Minutes of subcommittee meetings with relevant attachments will be included in the Board Packet.

4. All subcommittee meetings are open to the public and will be announced to the media.

C. Subcommittee Authority

1. All subcommittee decisions and recommendations will be submitted to full Board approval.

2. The subcommittees will have no independent authority except for those specific functions authorized by the Board.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Administrative	DDS Board Subcommittees	1013

1. Purpose. This policy provides for the operation of subcommittees to assist the Board in accomplishing its primary duties and responsibilities in conjunction with the HDC Superintendents, parents, Central Office Staff, and community representatives.

2. Scope. This policy applies to all aspects of the subcommittee process and all participants in the process.

3. Administrative Responsibilities. The Director for Developmental Disabilities Services or his designee is responsible for:

   A. Coordinating the scheduling of subcommittee meetings with the subcommittee chair.

   B. Preparing agendas, notifying participants and developing meeting minutes.

   C. Securing necessary information/supportive data to enable the subcommittees to function in an efficient manner.

4. Procedure.

   A. Composition:

      1. There will be two standing subcommittees of the DDS Board. They are:

         a) Administrative Services (Budget and Personnel)
         b) Physical Management (Buildings, Lands, Leases, Maintenance)

      2. Each subcommittee will be composed of:

         a) 3 Board Members
         b) 3 Superintendents
         c) HDC Parent

Effective Date: November 7, 2001

References: DDS Board Action, September 19, 1989; December 7, 1991; May 11, 1993; August 30, 1995; and November 7, 2001.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

d) Central Office Representative (designated by Director)
e) Board Chair (ex-officio)

3. Board Members and Superintendents will serve on each subcommittee for 2 years on a staggered basis. Based upon special expertise of a Board Member, the Board Chair may expand the length of service.

4. The Senior Board Member shall function as Subcommittee Chair.

B. Meetings

1. There will be meetings held by each subcommittee as needed.

2. Other subcommittee meetings may be held upon request of the Board Chair, Subcommittee Chair or DDS Director.

3. Minutes of subcommittee meetings with relevant attachments will be included in the Board Packet.

4. All subcommittee meetings are open to the public and will be announced to the media.

C. Subcommittee Authority

1. All subcommittee decisions and recommendations will be submitted to full Board approval.

2. The subcommittees will have no independent authority except for those specific functions authorized by the Board.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Administrative	Review and Acceptance of Gifts of Real Estate	1014

I. POLICY

It is the policy of the Developmental Disabilities Services Board that the Board and the DDS Director will together decide which gifts of real estate to accept on behalf of the agency based on, but not limited to, the factors listed below.

II. PURPOSE

The purpose of this policy is to establish a mechanism for reviewing real estate offered for donation.

III. PROCEDURE

When real estate is offered to the agency, or when notice of an intended gift is received, the Board and the DDS Director will consider the following factors, which are not all inclusive, before deciding whether to accept the gift:

1. Will the long-term cost of maintaining the property exceed the long-term value?

2. Is the distance of the property from the agency problematic?

3. Is the property a small part of a large trust with multiple beneficiaries?

4. Are there liens, encumbrances, or liabilities associated with the property?

5. Has the donor given the agency approval for sale, marketing, or other use or disposal of the property?

Effective Date: October 19, 2002 (promulgated October 9, 2002, reviewed by Legislative Council November 1, 2002)

References: DDS Board Action

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Fiscal	Budget Requests	2001

1. Purpose. This policy has been prepared to establish the role of the DDS Board in budget requests made by Developmental Disabilities Services, on behalf of the HDCs.

2. Scope. This policy is directed to all HDC employees.

3. Budget Requests. All budget requests made by the Division of DDS on behalf of the HDCs will reflect the priorities as outlined by the Board.

   The DDS Board delegates its authority for ensuring agency compliance and coordinating budget requests with the Department of Human Services to the Director of DDS.

Replacement Notation: This Policy replaces Policy #2001 effective June 8, 1980; Jan. 25, 1985 and March 26, 1986.

Effective Date: June 18, 1993

References: Board Action: Sept. 13, 1965; March 20, 1957; June 8, 1980; January 25, 1985; March 26, 1986 and May 11, 1993.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Fiscal	Financial Reports	2002

1. Purpose. This policy has been prepared to establish the DDS Board requirement for reporting expenditures of appropriated and non-appropriated funds, specifically related to HDCs.

2. Scope. This policy is directed to all HDC employees.

3. Financial Reporting Requirements. Developmental Disabilities Services will submit in writing financial reports on HDC expenditures of appropriated funds to the DDS Board. These reports will be made on a quarterly and annual (fiscal year) basis, documenting that HDCs have expended appropriated funds for the purpose designated by the Legislature for the biennium.

4. Non-Appropriated Funds. Gifts and other non-appropriated funds expenditures must be separately maintained and reported. These expenditures will be reported on a quarterly and annual basis to the DDS Board.

5. Approval Delegation. The DDS Board delegates statutory authority to the Director for Developmental Disabilities Services for approving purchases, including encumbrances and/or expenditures as well as reporting of expenditures of all HDC funds except as limited by Board Policy #2003.

Replacement Notation: This Policy replaces Policy #2002 effective June 8, 1980 and Nov. 1, 1980; Jan. 25, 1985 and March 26, 1986.

Effective Date: June 18, 1993

References: Act 6, 1955, as amended by Act 349, 1957, Sect. 13. Act 348 of 1985. Board Action: Dec. 8, 1955; Mar. 15, 1956; Apr. 22, 1971; Nov. 18, 1971; Apr. 23, 1972; Jan. 20, 1974; June 8, 1980; Nov. 1, 1980; Jan. 25, 1985; Mar. 26, 1986 and May 11, 1993.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Fiscal	Gifts and Bequests	2003

1. Purpose. This policy has been prepared to establish Developmental Disabilities Services Board authority over and actions regarding gifts and bequests, relative to the Human Development Centers (HDCs).

2. Scope. This policy is directed to all applicable employees and individuals/entities naming the Human Development Centers as donor recipients.

3. Board Authority to Accept Gifts and Bequests. The Board of Developmental Disabilities Services has authority to accept gifts and bequests on behalf of the HDCs from any source in the name of the State of Arkansas. The Board may receive and hold in trust property given, by will or otherwise, for the benefit of individuals with developmental disabilities who reside in Human Development Centers.

   Gifts and Bequests with conditional provisions not consistent with Arkansas statute or policy, or with DDS policy or philosophy; or from sources by whose nature could reasonably be expected to cause adverse public impact upon DDS acceptance, shall not be accepted.

4. Use of Gifts and Bequests. Gifts and Bequests funds shall be expended for supplemental purposes. Supplemental being defined as:

   A. Items and/or services not ICF reimbursable, except those services of a contractual nature.

   B. Items and/or services for special events and holidays designed for the benefit of individuals, including Christmas presents for those not going home.

Replacement Notation: This Policy replaces DDS Board Policy #2003 effective June 8, 1980, November 1, 1983, and March 26, 1986.

Effective Date:

References: Act 6, 1955, as amended by Act 349, 1957, Section 13. State of Arkansas Attorney General's Opinion, May 16, 1955 and July 27, 1982. Board Action: January 14, 1960; February 8, 1976; June 8, 1980; October 8, 1983; November 1, 1983; March 26, 1986 and May 11, 1993.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

C. Non-consumable items purchased to directly benefit individuals when no other funds are available, excluding any item that is normally purchased from Maintenance and Operations.

Expenditures which are not supplemental in nature must be approved by the DDS Board.

5. Procedures for Gifts and Bequests Expenditures.

A. Gifts and Bequests funds on hand as of June 30, 1983, less interest earned during FY '83 shall be deposited in, or remain in, interest bearing accounts or other mechanisms, and not be expended without the approval of the DDS Board. On each July 1, thereafter, interest earned during the fiscal year shall be divided among the DDS Human Development Centers, with allocation being based upon the fiscal year average enrollment for each facility and its proportion to the total HDC system enrollment. The HDC with the lowest average enrollment shall be weighted to equal that HDC with the next to lowest average enrollment. Prior to computation, $1,000.00 shall be set aside for the DDS Director's Office.

B. Gifts and Bequests received after June, 30, 1983 will be used for the purpose designated by the donor. Funds donated without a designated purpose will be utilized in the same manner as outlined in Section 5A. That is, the principal will not be expended without the approval of the Board and non-designated funds will be divided as specified in Section 5A.

C. Requests for purchases by HDC Superintendents in the amount up to $5,000.00 will need no further Agency approval. Expenditures over $5,000.00 must be approved by the DDS Director. Paragraph 4 above will apply to all purchases.

6. Maintaining and Accounting for Gifts and Bequests. The DDS Board delegates its authority to establish procedures for maintaining and accounting for Gifts and Bequests funds to the Director for Developmental Disabilities Services.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL of BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Fiscal	Fees	2004

1. Purpose. This policy has been prepared to establish DDS Board authority and action regarding fees for services rendered by the Division of Developmental Disabilities Services, HDCs.

2. Scope. This policy is directed to all DDS employees with responsibility for assessing or collecting fees for services rendered by the Human Development Centers and to all individuals or entities purchasing services.

3. DDS Board Authority Regarding Fees. The DDS Board delegates its authority to establish a fair and equitable fee structure, assessment, and collection methodology to the Director for DDS.

Replacement Notation: This Policy replaces Policy #2004 effective June 8, 1980 and Jan. 25, 1985 and March 26, 1986.

Effective Date: June 18, 1993

References: Act 6, 1955; as amended by Act 349, 1957, Sect. 11; Act 352, 1959; Act 186, 1963, Sect. 6. Board Action: May 10, 1962; Mar. 25, 1965; Jan. 5, 1969; Jan. 15, 1970; July 15, 1971; Oct. 14, 1973; Sept. 18, 1977; July 17, 1978; Mar. 18, 1979; June 8, 1980; Jan. 25, 1985; Mar. 26, 1986 and May 11, 1993.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL of BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Fiscal	Uncollectible Accounts	2005

1. Purpose. This policy permits Developmental Disabilities Services to write off accounts deemed uncollectible, relative to individuals who reside in HDCs.

2. Scope. This policy is directed to all applicable employees.

3. Definition. The term "Accounts Receivable" shall include any monies due DDS, including but not limited to fees and donor accounts.

4. Agency Responsibility. The Board delegates authority for developing procedures for removing accounts deemed aged/uncollectible from the Accounts Receivable system and making recommendations to the Board to the DDS Director.

Replacement Notation: This Policy replaces Policy #2005 dated Nov. 1, 1980 and Jan. 25, 1985 and March 26, 1986.

Effective Date: June 18, 1993

References: Board Action: Sept. 13, 1977; Nov. 1, 1980; Jan. 25, 1985; March 26, 1986 and May 11, 1993.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Fiscal	Timber Sale and Mineral Lease Proceeds	2006

1. Purpose: This policy has been prepared to establish procedures regarding the use of funds generated by the sale of timber or funds received from signing bonuses or royalties on mineral leases from land owned and other mineral rights held by the Board of Developmental Disabilities Services.

2. Scope: This policy is directed to all applicable employees of the Division of Developmental Disabilities Services (DDS).

3. Use of Funds: Unless otherwise directed by the Board of Developmental Disabilities Services, DDS will limit the use of funds generated by the sale of timber and mineral leases from land owned and mineral rights held by the board specifically to finance capital improvements to the physical plants or purchases of major capital equipment designated for the six state-operated human development centers. All expenditures of these funds will be in accordance with relevant state purchasing laws and will meet the criteria of being required to: 1) Meet Life Safety Codes; 2) Maintain the life of the buildings; 3) Contribute to the safety and comfort of human development center clients.

4. Expenditures: Requests to expend funds described in this policy will be made by HDC Superintendents to the DDS Director.

   The Board of DDS delegates authority to the DDS Director for expending funds outlined in the purpose of this policy.

Effective Date: January 27, 2010

References: DDS Board Action; January 27, 2010

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Service	Education Law Compliance	3003

1. Purpose. This policy sets forth a compliance directive from the DDS Board to Developmental Disabilities Services, HDCs.

2. Scope. This policy applies to all affected programs.

3. Education Law Compliance. HDCs receiving Federal and/or State education monies will comply with all applicable laws for receipt of such funds.

4. Authorization. The DDS Board delegates its authority for ensuring compliance to the Director for Developmental Disabilities Services.

Replacement Notation: This Policy replaces Policy #3003 dated Feb. 27, 1981 and Jan. 25, 1985 and March 26, 1986.

Effective Date: June 18, 1993

References: Arkansas Act 102, Handicapped Children's Act of 1973, as amended; P.L. 94-142, Education of All Handicapped Children's Act of 1975; Title I, Elementary and Secondary Education Act, as amended by P.L. 89-313; Act 348 of 1985 DDS Board Action, July 21, 1979; Jan. 25, 1985; March 26, 2986 and May 11, 1993.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
MANUAL OF BOARD POLICIES

Policy Type	Subject of Policy	Policy No.
Service	Readmissions to an HDC	3004

1. Purpose. Toe establish procedures for Human Development Center Staff to provide follow-up for three months on each individual discharged to a less restrictive placement. As requested, the HDC will remain active with the individual up to six months or longer as determined by the Superintendent, to provide support and safeguards.

2. Scope. This policy applies to all DDS employees, consumers, potential consumers and their families and other interested parties.

3. Procedural Guidelines.

   A. When an individual is discharged to a less restrictive setting, the designated staff person will make contact at least once monthly for three months, to monitor the individual's progress.

   B. Each contact will be documented and placed in the individual's discharge file with a copy forwarded to the alternate placement facility staff.

   C. In the event that additional services or assistance is needed in order to maintain the placement, the request will be forwarded to the Superintendent who will notify the appropriate person(s) and determine intervention.

   D. Should intervention fail and a request for readmission to an HDC is made, written referral by the facility's administration (or designee as applicable) will be forwarded to the Superintendent for review.

   E. When readmission is determined to be appropriate, the Superintendent will notify the Coordinator of Admissions to add the individual's name to a waiting list. The individual will have priority readmission status.

   F. Until the placement issue is resolved, support services (i.e. respite, behavior management consultation, staff training, etc.) will continue as needed, as approved by the Superintendent.

Policy Type	Subject of Policy	Policy No.
Service	Readmissions to an HDC	3004

G. Throughout the process, close follow-up will be provided and the designated staff will assist by ensuring that appropriate persons are informed of services provided/needed.

H. The HDC will notify the parents/guardians and/or alternate staff when there is an appropriate vacancy.

References: Board Action: November 30, 1990; May 11, 1993.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: July 1, 1993.

25-17-211. Absence of member from meetings as grounds for removal.

(a) Attendance Required. In order to ensure broad representation and a quorum, all board or commission members have a responsibility to attend all regular or special meetings of the board or commission.

(b) Excessive Absences. A board or commission member shall be subject to removal from the board or commission in the event the member shall fail to present to the Governor a satisfactory excuse for his or her absence. Unexcused absences from three (3) successive regular meetings, without attending any intermediary called special meetings, shall constitute sufficient cause for removal.

(c) Notice and Removal Procedures. Removal of board or commission members shall be in accordance with the following:

(1) (A) Within thirty (30) days after each regular board or commission meeting, the secretary of each board or commission shall notify the Governor in writing of any member who has been absent from three (3) successive regular meetings without attending any intermediary called special meetings.

(B) The secretary's notice to the Governor shall include a copy of all meeting notices and attendance records for the past year;

(2) Any board or commission secretary's failing to submit the notices and documentation required by this section shall be considered cause for removal by the Governor in accordance with the procedures set forth at § 25-17-210;

(3) (A) Within sixty (60) days after receiving the notice and supporting documentation from the board or commission secretary, the Governor shall notify the board or commission member in writing of his or her intent to remove the member for cause.

(B) This notice shall suffice for the notice required in § 25-17-210(a);

(4) Within twenty (20) days of the date of the Governor's notice, the member may request an excused absence as provided by this section or may file notice with the Governor's office that the member disputes the attendance records and the reasons thereby;

(5) The Governor shall grant an excuse for illness of the member when the illness is verified by a written sworn statement by the attending physician or other proper excuse as determined by the Governor; and

(6) After twenty (20) days of the date of the Governor's notice, if no rebuttal is received or other adequate documentation submitted, the member may be removed in accordance with the provisions set forth at § 25-17-210.

(d) Reimbursements Withheld. Any board or commission member referred to the Governor because of excessive absences under the provisions of this section shall not be entitled to any per diem or expense reimbursement for travel or attendance of any subsequent meeting until the board or commission receives notification from the Governor that the member has been excused for the absences.

History. Acts 1947, No. 417, § 3; 1949, No. 75, § 2; 1961, No. 66, § 1; A.S.A. 1947, § 6-603; Acts 1997, No. 219, § 1.

ACT 219 OF 1997 - AN ACT TO ENSURE BOARD AND COMMISSION MEMBER ATTENDANCE

Stricken language would be deleted from present law. Underlined language would be added to present law.

State of Arkansas

81st General Assembly A Bill ACT 219 OF 1997

Regular Session, 1997 SENATE BILL 166

By: Senator Harriman

For An Act To Be Entitled

"AN ACT TO ENSURE/BOARD AND COMMISSION MEMBER ATTENDANCE AT BOARD AND COMMISSION MEETINGS; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT TO ENSURE BOARD AND COMMISSION MEMBER ATTENDANCE."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas code 25-17-211 is amended to read as follows:

" 25-17-211. Absence of member from meetings as grounds for removal.

~~(a) Any board or commission member who shall be absent from two (2) successive regular meetings shall be subject to removal from the board or commission in the event he shall fail to present to the Governor a satisfactory excuse for his absence. In that event, the unexcused absence shall constitute sufficient cause for removal.~~

(b) Any board or commission member who shall be absent from three (3) successive regular meetings for any reason other than illness of the member, verified by a written sworn statement by his attending physician and entered in the minutes of the board or commission, shall thereby forfeit and vacate his membership on the board or commission. This forfeiture and vacancy shall be forthwith certified to the Governor or other appointing authority by the secretary of the board or commission, who shall fill the vacancy in the manner prescribed by law.

(a) Attendance Required. In order to ensure broad representation and a quorum, all board or commission members have a responsibility to attend all regular or special meetings of the board or commission.

(b) Excessive Absences. A board or commission member shall be subject

to removal from the board or commission in the event the member shall fail to present to the Governor a satisfactory excuse for his absence. Unexcused absences from three (3) successive regular meetings, without attending any intermediary called special meetings, shall constitute sufficient cause for removal.

(c) Notice and Removal Procedures. Removal of board or commission members shall be in accordance with the following:

(1) Within thirty (30) days after each regular board or commission meeting, the secretary of each board or commission shall notify, in writing, the Governor of any member who has been absent from three (3) successive regular meetings, without attending any intermediary called special meetings. The secretary's notice to the Governor shall include a copy of all meeting notices and attendance records for the past year. Any board or commission secretary failing to submit the notices and documentation required by this act shall be considered cause for removal by the Governor in accordance with the procedures set forth at Arkansas Code Annotated 25-17-210.

(2) Within sixty (60) days after receiving the notice and supporting documentation from the board or commission Secretary, the Governor shall notify, in writing, the board or commission member of his intent to remove the member for cause. This notice shall suffice for the notice required in A.C.A. 25-17-210(a).

(3) Within twenty (20) days of the date of the Governor's notice, the member may request an excused absence as provided by this act or may file with the Governor's Office notice that the member disputes the attendance records and the reasons thereby.

(4) The Governor shall grant an excuse for illness of the member when verified by a written sworn statement by the attending physician, or other proper excuse as determined by the Governor.

(5) After twenty (20) days of the date of the Governor's notice, if no rebuttal is received or other adequate documentation submitted, the member may be removed in accordance with the provisions set forth at A.C.A. 25-17-210.

(d) Reimbursements Withheld. Any board or commission member referred to the Governor because of excessive absences under the provisions of this Act shall not be entitled to any per diem or expense reimbursement for travel or

attendance of any subsequent meeting until the board or commission receives notification from the Governor that the member has been excused for the absences."

SECTION 2. CODE. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. SEVERABILITY. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. GENERAL REPEALER. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the General Assembly that attendance at board and commission meetings is essential to provide necessary governmental services; that a quorum of board and commission members is necessary to transact essential business and to legally provide and monitor essential governmental services; that the provisions of this act will provide to ensure attendance at board and commission meetings; and that delay in the effective date of this act could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.

APPROVED:2-20-97