

Title III – Preparation of Direct Support Professional Workforce

Section 301 -- Findings, Purpose, Policy

(a) Findings –

Congress finds that:

- (1) The vast majority of individuals with developmental disabilities and their family members express a strong desire to live in typical communities and to participate in and contribute to those communities;**
- (2) The Congress in adopting the Americans with Disabilities Act and the Supreme Court in affirming its provisions in *Olmstead* have established a right for people with developmental disabilities to receive community-based services as an alternative to institutional care;**
- (3) The vast majority of community supports received by persons with developmental disabilities and their families are provided by direct support professionals who offer a wide range of supportive services, including the educational, social, physical, health and therapeutic supports that allow people with developmental disabilities to live, work and participate in their communities with maximum independence, productivity, inclusion and self-determination;**
- (4) Congress estimates that approximately 1.2 million persons with developmental disabilities receive supportive services from direct support professionals;**
- (5) There is a current national crisis in recruiting, training and retaining the numbers and quality of currently needed direct support professionals, as the 108th Congress noted is “the most significant barrier to implementing the *Olmstead* decision and undermines the expansion of community integration as called for by president Bush’s New Freedom Initiative, placing the community infrastructure at risk”;**
- (6) The physical and emotional demands of direct support work, the poor preparation of direct support professionals for it, and the relatively low compensation for those who perform it, have contributed to turnover rates that nationally average 40 to 70 percent, vacancy rates that nationally average 10 to 11 percent, and to forty states reporting current critical shortages of direct support professionals;**
- (7) Direct support for persons with disabilities has been projected by the Department of Labor to be seventh among the fastest growing occupations in the next decade, with**

the number of direct support professionals needed by persons with developmental disabilities projected to grow by 40 percent by the 2020;

(8) Tens of thousands of families face the future with fear that there will be no one to take care of their sons and daughters with developmental disabilities in the community when they are no longer able to do so themselves;

(9) The 108th Congress concurrently resolved that, “It is the sense of the Congress that the Federal Government and the States should make it a priority to promote a stable, quality direct support workforce for individuals with mental retardation and developmental disabilities that advances our Nation’s commitment to community integration for such individuals and to personal security for them and their families.”

(b) Purpose –

The purpose of this title is support programs and activities within the States to provide the “stable, quality direct support workforce that advances our Nation’s commitment to community integration for individuals with developmental disabilities and to personal security for them and their families” as called for by in the *Sense of Congress Regarding Services of Direct Support Professionals to Individuals with Developmental Disabilities* (108th Congress, S. Con. Res. 21/H. Con. Res. 94, Sec. 2) by assisting states in developing and improving programs for recruiting, training, supporting and retaining sufficient number and quality of direct support professionals to meet the current and growing needs of persons with developmental disabilities and their families.

(c) Policy –

It shall be the policy that all programs and activities receiving assistance under this Title shall be carried out in a manner consistent with the principles that:

(1) Programs and activities are valued-based, interdisciplinary and geared to the established skills, knowledge and attitudes required to support the health, safety, and well-being of persons with developmental and other disabilities;

(2) Program and activity content is infused with the values of rights, dignity, respect, freedom, independence, self-determination, full citizenship, inclusion, productivity, personal responsibility, and cultural appropriateness;

(3) Programs and activities engage individuals with developmental and other disabilities, family members, community service providers, advocacy organizations, government agencies and other stakeholders in the design of the programs and activities and the development of their specific components;

- (4) Programs and activities are designed and delivered to meet the needs of the range of geographic and cultural communities within each State that are in need of qualified direct support professionals;**
- (5) Programs and activities are monitored and evaluated to determine effectiveness in improving the recruitment, retention and/or training of direct support professionals;**
- (6) Programs and activities establish systems for permanent and retrievable records of achievement in direct support professional training and on-the-job competency demonstration that can be accessed by direct support professionals who move from one organization or community to another;**
- (7) Programs and activities establish an clear commitment to and plan for competency-based, career-oriented training and education of direct support professionals that purposefully integrate career-relevant components such as post-secondary credits and/or articulation of training into post-secondary degree and certificate programs, credentialing, and/or other career-relevant recognitions of education and training achievement;**
- (8) Programs and activities are designed to enhance statewide collaboration, service quality, engagement of stakeholders, and direct support professional integrity, competency, creativity and professional development and document effectiveness in doing so.**

Section 302 – Definitions

- (1) Developmental Disability – The term “developmental disability” has the meaning given in the term Section 102.**
- (2) Direct Service Professional is defined as a person who provides guidance and support to people who need help to be self-sufficient.**
- (3) Institution of Higher Education – The term “institution of higher education” has the meaning given the term in Section 1201 of the Higher Education Act of 1965.**
- (4) University Center for Excellence in Developmental Disabilities Education, Research and Service. The meaning is given in Section 102.**

Section 302 – Grants to States

- (1) The purpose of this section is to provide Federal funding for personal preparation, model demonstrations and systems change projects to improve the recruitment, training, support and retention of a qualified direct service professional workforce in each state.**
- (2) Eligible Entities**
In general the term eligible entity means
 - (A) Institution of Higher Education**
 - (B) University Center of Excellence in Developmental Disabilities**
 - (C) Public or private agency**
 - (D) Private non-profit organizations**
 - (E) Private for-profit organizations**

The Commissioner, on a competitive basis shall award grants to enter into contracts or cooperative agreements with eligible entities to carry out or more of the following objectives:

- (1) to help address the needs of each state in meeting their direct service professional workforce needs;**
- (2) to ensure that these personnel have the necessary skills and knowledge to fulfill their specific direct support roles;**
- (3) to ensure that the pre-service and in-service preparation activities are competency-based and career-oriented, and are well-integrated in content and quality through systematic job content analysis and evaluation and recordkeeping programs;**
- (4) to ensure that training is based upon contemporary values, evidenced-based best practices and scientific research on principles of effective adult learning**
- (5) to develop, evaluate and disseminate innovative models for the recruitment induction, retention of direct service professionals, including the un-served/under served populations.**
- (6) to develop, evaluate and disseminate state system change efforts to recruit, induct and retain direct service professionals**
- (7) to assure that appropriate institutions of high education, including UCEDDs and others post-secondary education institutions in each state are consulted and engaged, as appropriate in the preparation of proposed state programs and activities.**

Section 304 – Authorization of Appropriations

In General – There are authorized to be appropriated to carry out this Title \$15,000,000 for fiscal year 2008 and such sums as necessary for each fiscal years 2008 through 2012.

Reservation for Technical Assistance. From any amount appropriate for each fiscal year under paragraph (a), the Commissioner shall reserve not more than 2% for a National Support System Program to provide technical, informational and materials assistance to grantees and states.