



February 1, 2015

Disability Law Colorado's Position Statement on SB 038

Disability Law Colorado (formerly The Legal Center for People with Disabilities and Older People) is a Colorado nonprofit organization established to protect and promote the legal and human rights of persons with disabilities. It serves as the federally-mandated and state-designated Protection and Advocacy System for Adults with Developmental Disabilities pursuant to 42 U.S.C. §§15001, *et seq.* Since Disability Law Colorado was founded in 1976, it has represented nearly 20,000 individuals with disabilities and has assisted more than 65,000 individuals with disabilities in advocating for themselves.

Pursuant to these authorities, Disability Law Colorado has a keen interest and responsibility in ensuring that individuals with intellectual and developmental disabilities ("I/DD") are treated fairly, equally and within the bounds of the law – including in regard to services they receive from Community Centered Boards ("CCBs") that help enable them to lead independent lives.

As you may know, by statute, the CCB system manages and delivers services on the local level to individuals with I/DD. This involves the receipt and distribution of large amounts of federal, state, and local dollars. By statute, the CCBs have a monopoly on receiving payment for and providing those services. In many ways, CCBs are similar to local school districts. Unlike school districts, however, CCBs are nonprofit organizations, view themselves as non-governmental entities, and do not have publicly elected boards of directors. Moreover, CCBs are not membership organizations. Neither the general public nor individuals with I/DD and their families have input into the membership of a CCB's board of directors. Thus, CCB boards are appointed at the discretion of the leadership of the particular CCB and without public input. As a result, CCB boards are self-perpetuating. The combination of CCBs seeing themselves more as private nonprofit organizations and not as quasi-governmental entities and the lack of public oversight has resulted in the kind of abuse seen at Rocky Mountain Human Services ("RMHS").

Moreover, CCBs are not currently covered by the Colorado Open Records Act ("CORA"). Their minutes are not open to public inspection. Thus, CCBs, again, are without public oversight. The only entities that oversee CCBs are the state agencies that administer their funding. Unfortunately, those agencies are not sufficiently funded to provide adequate oversight and quality assurance.

This lack of oversight and the CCB view that they are private nonprofit organizations, not governmental entities like school districts, is what led to the abuses at RMHS. These private nonprofit agencies receive millions of dollars in public funds, but have

no direct accountability to individuals with I/DD and their families. Requiring that CCBs comply with the CORA will not only allow additional public oversight of CCBs, but it will send a message that these entities are accountable for how they spend public dollars.

We welcome questions or concerns addressed to:

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