

45 CFR § 1325.1 - General.

§ 1325.1 General.

Except as specified in [§ 1325.4](#), the requirements in this part are applicable to the following programs and projects:

- (a) Federal Assistance to [State](#) Councils on Developmental Disabilities;
- (b) Protection and Advocacy for [Individuals](#) with Developmental Disabilities;
- (c) Projects of National Significance; and
- (d) National Network of University [Centers](#) for Excellence in Developmental Disabilities Education, Research, and Service.

[[80 FR 44807](#), July 27, 2015, as amended at [81 FR 35647](#), June 3, 2016]

45 CFR § 1325.2 - Purpose of the regulations.

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These regulations implement the [Developmental Disabilities Assistance and Bill of Rights Act](#) of 2000 ([42 U.S.C. 15001 et seq.](#)).

45 CFR § 1325.3 - Definitions.

§ 1325.3 Definitions.

For the purposes of parts 1325 through 1328 of this chapter, the following definitions apply:

ACL. The term “ACL” means the Administration for Community Living within the U.S. Department of Health and Human Services.

Act. The term “Act” means the [Developmental Disabilities Assistance and Bill of Rights Act](#) of 2000 (DD [Act](#) of 2000) ([42 U.S.C. 15001 et seq.](#)).

Accessibility. The term “Accessibility” means that programs funded under the DD [Act](#) of 2000 and facilities which are [used](#) in those programs meet applicable requirements of section 504 of the [Rehabilitation Act of 1973 \(Pub. L. 93-112\)](#), its implementing regulation, [45 CFR part 84](#), the [Americans with Disabilities Act of 1990](#), as amended, Title VI of the [Civil Rights Act of 1964 \(Pub. L. 88-352\)](#), and its implementing regulation, [45 CFR part 80](#).

(1) For programs funded under the DD [Act](#) of 2000, information shall be provided to applicants and program participants in plain language and in a manner that is accessible and timely to:

(i) [Individuals](#) with disabilities, including accessible Web sites and the provision of auxiliary aids and services at no cost to the [individual](#); and

(ii) [Individuals](#) who are limited English proficient through the provision of language services at no cost to the [individual](#), including:

(A) Oral interpretation;

(B) Written translations; and

(C) Taglines in non-English languages indicating the availability of language services.

AIDD. The term “AIDD” means the Administration on Intellectual and Developmental Disabilities, within the Administration for Community Living at the U.S. Department of Health and Human Services.

Advocacy activities. The term “advocacy activities” means active support of policies and practices that promote systems change efforts and other activities that further advance self-determination and [inclusion](#) in all aspects of community living (including housing, education, employment, and other aspects) for [individuals](#) with developmental disabilities, and their families.

Areas of emphasis. The term “areas of emphasis” means the areas related to [quality assurance activities](#), [education activities](#) and [early intervention activities](#), [child care-related activities](#), [health-related activities](#), [employment-related activities](#), [housing-related activities](#), [transportation-related activities](#), recreation-related activities, and other services available or offered to [individuals](#) in a community, including formal and informal community supports that affect their quality of life.

Assistive technology device. The term “assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially, modified or customized, that is [used](#) to increase, maintain, or improve functional capabilities of [individuals](#) with developmental disabilities.

Assistive technology service. The term “assistive technology service” means any service that directly assists an [individual](#) with a [developmental disability](#) in the selection, acquisition, or [use](#) of an [assistive technology device](#). Such term includes: Conducting an evaluation of the needs of an [individual](#) with a [developmental disability](#), including a functional evaluation of the [individual](#) in the [individual](#)'s customary environment; purchasing, leasing, or otherwise providing for the acquisition of an [assistive technology device](#) by an [individual](#) with a [developmental disability](#); selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing an [assistive technology device](#); coordinating and using another therapy, intervention, or service with an [assistive technology device](#), such as a therapy, intervention, or service associated with an education or rehabilitation plan or program; providing training or technical assistance for an [individual](#) with a [developmental disability](#), or, where appropriate, a [family member](#), guardian, advocate, or authorized representative of an [individual](#) with a [developmental disability](#); and providing training or technical assistance for professionals (including [individuals](#) providing education and rehabilitation services), employers, or other [individuals](#) who provide services to, employ, or are otherwise substantially involved in the major life functions of, an [individual](#) with developmental disabilities.

Capacity building activities. The term “capacity building activities” means activities (e.g. training and technical assistance) that expand and/or improve the ability of [individuals](#) with developmental disabilities, families, supports, services and/or systems to promote, support and enhance self-determination, independence, [productivity](#) and [inclusion](#) in community life.

Center. The term “Center” means a University [Center](#) for Excellence in Developmental Disabilities Education, Research, and Service (UCEDD) established under subtitle D of the [Act](#).

Child care-related activities. The term “child care-related activities” means advocacy, capacity building, and [systemic change activities](#) that result in families of children with developmental disabilities having access to and [use](#) of child care services, including before-school, after-school, and out-of-school services, in their communities.

Culturally competent. The term “culturally competent,” [used](#) with respect to services, supports, and other assistance means that services, supports, or other assistance that are conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of [individuals](#) who are receiving the services, supports or other assistance, and in a manner that has the greatest likelihood of ensuring their maximum participation in the program involved.

Department. The term “Department” means the U.S. Department of Health and Human Services.

Developmental disability. The term “developmental disability” means a severe, chronic disability of an [individual](#) that:

- (1)** Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (2)** Is manifested before the [individual](#) attains age 22;
- (3)** Is likely to continue indefinitely;
- (4)** Results in substantial functional limitations in three or more of the following areas of major life activity:
 - (i)** Self-care;
 - (ii)** Receptive and expressive language;
 - (iii)** Learning;
 - (iv)** Mobility;
 - (vi)** Self-direction;
 - (vii)** Capacity for independent living; and
 - (viii)** Economic self-sufficiency.
- (5)** Reflects the [individual](#)'s need for a combination and sequence of special, interdisciplinary or generic services, [individualized supports](#), or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.
- (6)** An [individual](#) from birth to age nine, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a [developmental disability](#) without meeting three or more of the criteria described in paragraphs (1) through (5) of this definition, if the [individual](#), without services and supports, has a high probability of meeting those criteria later in life.

Early intervention activities. The term “early intervention activities” means advocacy, capacity building, and [systemic change activities](#) provided to infants and young children described in the definition of “developmental disability” and their families to enhance the development of the [individuals](#) to maximize their potential, and the capacity of families to meet the special needs of the [individuals](#).

Education activities. The term “education activities” means advocacy, capacity building, and [systemic change activities](#) that result in [individuals](#) with developmental disabilities being able to access

appropriate supports and modifications when necessary, to maximize their educational potential, to benefit from lifelong educational activities, and to be integrated and included in all facets of student life.

Employment-related activities. The term “employment-related activities” means advocacy, capacity building, and [systemic change activities](#) that result in [individuals](#) with developmental disabilities acquiring, retaining, or advancing in paid employment, including supported employment or self-employment, in integrated settings in a community.

Family support services. The term “family support services” means services, supports, and other assistance, provided to families with a member or members who have developmental disabilities, that are designed to: Strengthen the family's role as primary caregiver; prevent inappropriate out-of-the-home placement of the members and maintain family unity; and reunite, whenever possible, families with members who have been placed out of the home. This term includes respite care, provision of [rehabilitation technology](#) and assistive technology, [personal assistance services](#), parent training and counseling, support for families headed by aging caregivers, vehicular and home modifications, and assistance with extraordinary expenses associated with the needs of [individuals](#) with developmental disabilities.

Fiscal year. The term “fiscal year” means the Federal [fiscal year](#) unless otherwise specified.

Governor. The term “Governor” means the chief executive officer of a [State](#), as that term is defined in the [Act](#), or his or her designee who has been formally designated to [act](#) for the [Governor](#) in carrying out the requirements of the [Act](#) and the regulations.

Health-related activities. The term “health-related activities” means advocacy, capacity building, and [systemic change activities](#) that result in [individuals](#) with developmental disabilities having access to and [use](#) of coordinated health, dental, mental health, and other human and social services, including [prevention activities](#), in their communities.

Housing-related activities. The term “housing-related activities” means advocacy, capacity building, and [systemic change activities](#) that result in [individuals](#) with developmental disabilities having access to and [use](#) of housing and housing supports and services in their communities, including assistance related to renting, owning, or [modifying](#) an apartment or home.

Inclusion. The term “inclusion”, [used](#) with respect to [individuals](#) with developmental disabilities, means the acceptance and encouragement of the presence and participation of [individuals](#) with developmental disabilities, by [individuals](#) without disabilities, in social, educational, work, and

community activities, that enable [individuals](#) with developmental disabilities to have friendships and relationships with [individuals](#) and families of their own choice; live in homes close to community resources, with regular contact with [individuals](#) without disabilities in their communities; enjoy full access to and active participation in the same community activities and types of employment as [individuals](#) without disabilities; and take full advantage of their [integration](#) into the same community resources as [individuals](#) without disabilities, living, learning, working, and enjoying life in regular contact with [individuals](#) without disabilities.

Individualized supports. The term “individualized supports” means supports that: Enable an [individual](#) with a [developmental disability](#) to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life; designed to enable such [individual](#) to control such [individual's](#) environment, permitting the most independent life possible; and prevent placement into a more restrictive living arrangement than is necessary and enable such [individual](#) to live, learn, work, and enjoy life in the community; and include early intervention services, respite care, [personal assistance services](#), [family support services](#), [supported employment services](#) support services for families headed by aging caregivers of [individuals](#) with developmental disabilities, and provision of [rehabilitation technology](#) and assistive technology, and assistive technology services.

Integration. The term “integration,” means exercising the equal rights of [individuals](#) with developmental disabilities to access and [use](#) the same community resources as are [used](#) by and available to other [individuals](#).

Not-for-profit. The term “not-for-profit,” [used](#) with respect to an agency, institution or organization, means an agency, institution, or organization that is owned or operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or [individual](#).

Personal assistance services. The term “personal assistance services” means a range of services provided by one or more [individuals](#) designed to assist an [individual](#) with a disability to perform daily activities, including activities on or off a job, that such [individual](#) would typically perform if such [individual](#) did not have a disability. Such services shall be designed to increase such [individual's](#) control in life and ability to perform everyday activities, including activities on or off a job.

Prevention activities. The term “prevention activities” means activities that address the causes of developmental disabilities and the exacerbation of functional limitation, such as activities that: Eliminate or reduce the factors that cause or predispose [individuals](#) to developmental disabilities or that

increase the prevalence of developmental disabilities; increase the early identification of problems to eliminate circumstances that create or increase functional limitations; and mitigate against the effects of developmental disabilities throughout the lifespan of an [individual](#).

Productivity. The term “productivity” means engagement in income-producing work that is measured by increased income, improved employment status, or job advancement, or engagement in work that contributes to a household or community.

Protection and Advocacy (P&A) Agency. The term “Protection and Advocacy (P&A) Agency” means a protection and advocacy system established in accordance with section 143 of the [Act](#).

Quality assurance activities. The term “quality assurance activities” means advocacy, capacity building, and [systemic change activities](#) that result in improved consumer and family-centered quality assurance and that result in systems of quality assurance and consumer protection that include monitoring of services, supports, and assistance provided to an [individual](#) with developmental disabilities that ensures that the [individual](#) will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and will not be subject to the inappropriate [use](#) of restraints or seclusion; include training in leadership, self-advocacy, and self-determination for [individuals](#) with developmental disabilities, their families, and their guardians to ensure that those [individuals](#) will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and will not be subject to the inappropriate [use](#) of restraints or seclusion; or include activities related to interagency coordination and systems [integration](#) that result in improved and enhanced services, supports, and other assistance that contribute to and protect the self-determination, independence, [productivity](#), and [integration](#) and [inclusion](#) in all facets of community life of [individuals](#) with developmental disabilities.

Rehabilitation technology. The term “rehabilitation technology” means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by [individuals](#) with developmental disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. Such term includes rehabilitation engineering, and the provision of [assistive technology devices](#) and assistive technology services.

Required planning documents. The term “required planning documents” means the [State](#) plans required by [§ 1326.30](#) of this chapter for the [State](#) Council on Developmental Disabilities, the Annual Statement of Goals and Priorities required by [§ 1326.22\(c\)](#) of this chapter for P&As, and

the five-year plan and annual report required by § 1328.7 of this chapter for UCEDDs.

Secretary. The term “Secretary” means the Secretary of the U.S. Department of Health and Human Services.

Self-determination activities. The term “self-determination activities” means activities that result in individuals with developmental disabilities, with appropriate assistance, having the ability and opportunity to communicate and make personal decisions; the ability and opportunity to communicate choices and exercise control over the type and intensity of services, supports, and other assistance the individuals receive; the authority to control resources to obtain needed services, supports, and other assistance; opportunities to participate in, and contribute to, their communities; and support, including financial support, to advocate for themselves and others to develop leadership skills through training in self-advocacy to participate in coalitions, to educate policymakers, and to play a role in the development of public policies that affect individuals with developmental disabilities.

State. The term “State”:

(1) Except as applied to the University Centers of Excellence in Developmental Disabilities Education, Research and Service in section 155 of the Act, includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) For the purpose of UCEDDs in section 155 of the Act and part 1388 of this chapter, “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.

State Council on Developmental Disabilities (SCDD). The term “State Council on Developmental Disabilities (SCDD)” means a Council established under section 125 of the DD Act.

Supported employment services. The term “supported employment services” means services that enable individuals with developmental disabilities to perform competitive work in integrated work settings, in the case of individuals with developmental disabilities for whom competitive employment has not traditionally occurred; or for whom competitive employment has been interrupted or intermittent as a result of significant disabilities; and who, because of the nature and severity of their disabilities, need intensive supported employment services or extended services in order to perform such work.

Systemic change activities. The term “systemic change activities” means a sustainable, transferable and replicable change in some aspect of service or support availability, design or delivery that promotes positive or meaningful outcomes for [individuals](#) with developmental disabilities and their families.

Transportation-related activities. The term “transportation-related activities” means advocacy, capacity building, and [systemic change activities](#) that result in [individuals](#) with developmental disabilities having access to and [use](#) of transportation.

UCEDD. The term “UCEDD” means University [Centers](#) for Excellence in Developmental Disabilities Education, Research, and Service, also known by the term “Center” under section 102(5) of the [Act](#).

Unserved and underserved. The term “unserved and underserved” includes populations such as [individuals](#) from racial and ethnic minority backgrounds, disadvantaged [individuals](#), [individuals](#) with limited English proficiency, [individuals](#) from underserved geographic areas (rural or urban), and specific groups of [individuals](#) within the population of [individuals](#) with developmental disabilities, including [individuals](#) who require assistive technology in order to participate in community life.

[[80 FR 44807](#), July 27, 2015, as amended at [81 FR 35647](#), June 3, 2016]

45 CFR § 1325.4 - Rights of individuals with developmental disabilities.

§ 1325.4 Rights of [individuals](#) with developmental disabilities.

(a) Section 109 of the [Act](#), Rights of [Individuals](#) with Developmental Disabilities ([42 U.S.C. 15009](#)), is applicable to the SCDD.

(b) In order to comply with section 124(c)(5)(H) of the [Act](#) ([42 U.S.C. 15024\(c\)\(5\)\(H\)](#)), regarding the rights of [individuals](#) with developmental disabilities, the [State](#) participating in the SCDD program must meet the requirements of [45 CFR 1326.30\(f\)](#).

(c) Applications from UCEDDs also must contain an assurance that the human rights of [individuals](#) assisted by this program will be protected consistent with section 101(c) (see section 154(a)(3)(D) of the Act).

[[80 FR 44807](#), July 27, 2015, as amended at [85 FR 72911](#), Nov. 16, 2020]