



**RULES GOVERNING
IMPLEMENTATION OF THE
INTELLECTUAL AND
DEVELOPMENTAL
DISABILITIES EQUITABLE
ACCESS TO SERVICES
(IDDEAS) PROGRAM**

**Denver Revised Municipal Code (D.R.M.C.) §53-550
Developmental disabilities mill levy.**

Section 1. Definitions

- A. Eligibility - To qualify for services, supports, and benefits under this program, an individual must meet eligibility requirements as required by ordinance in D.R.M.C. Sec 53-550.
1. *“Residents of Denver.”* Denver’s City and County limits are the same. To qualify as a resident of the City and County of Denver, the person seeking to receive benefits under this program must reside in the geographic boundaries of the City and County of Denver. The following situations will also qualify an individual to be considered a resident of Denver:
 - i. An eligible person experiencing homelessness that presents within the geographic boundaries of the City and County of Denver with no current residential address.
 - ii. An eligible person under age 21 that is in the legal custody of Denver Human Services (DHS), regardless of foster home or other residential facility placement outside the geographic boundaries of the City and County of Denver, so long as the person remains in the legal custody of DHS.
 - iii. An eligible person under 18 who has at least one parent or legal guardian who is a current Denver resident, including minors that may be in an out of home placement. This does not include minors in custody with other counties’ Department of Human Services- even if they are placed in Denver county, they would be considered residents of their home county where custody remains (see 1, ii).
 - iv. An eligible person who resided within the geographic boundaries of the City and County of Denver and moves out of county may request to receive services and supports from a mill levy community provider for a transition period up to **90 days** from the date they cease to reside in Denver.
 - v. If an eligible person temporarily relocates outside of Denver with an intent to return, they may request to be covered up to **150 days** from the date of relocation. DHS may request a documented plan to return to support the request.
 - vi. Residency requirements captured in ordinance and rulemaking may be further defined in DHS service agreements with mill levy community providers when necessary to ensure proper documentation in the context of services to be delivered, but may not contradict or expand upon those requirements.
 2. *“Eligible Persons.”* Meaning persons with intellectual and developmental disabilities, children up to age five (5) with developmental delays, and persons seeking a developmental disability or delay determination, who also meet residency eligibility.
 - i. Person with an Intellectual and Developmental Disability (I/DD). This program references the Colorado state definition of IDD (10 CCR 2505-10 8.600.4) which defines intellectual and developmental disability for service eligibility purposes. Persons with I/DD must have been diagnosed, as follows: a) children up to age five (5) with developmental delays, and b) a person who, before the age twenty-two (22), manifests a significant disability which is attributable to an intellectual and developmental disability or related conditions which include Prader-Willi syndrome, cerebral palsy, epilepsy, autism or other neurological conditions

when such conditions result in impairment of general intellectual functioning or adaptive behavior.

- ii. Persons seeking developmental disability or delay determinations are any person who presents as potentially eligible under the above definitions. Should the person suspected of having an I/DD not meet eligibility criteria, a reasonable amount of time is allowed to safely transition this individual to services and supports through other funding streams or programs, not to exceed 90 days.
- B. *“Benefit.”* For the purposes of this program, benefit is understood as the accepted general meaning, i.e. something that produces good or helpful results or effects, or that promotes wellbeing.
- i. This program is not designed to be an entitlement.
 - ii. Funding decisions are made by the program based on prioritization of needs as determined by the program, and which may be set forth in provider contracts.
 - iii. Language throughout the ordinance references benefits as, “services and supports for the benefit of eligible persons.” Keeping in mind concepts, policies, and practices pursued by the City and County of Denver for diversity, equity, access, and inclusion (DEAI), this program anticipates programs designed with, for, and through persons with intellectual and developmental disabilities that aim to increase natural supports, opportunity, and inclusion in community life, such as programs designed around socializing neurotypical persons and residents with I/DD.
 - iv. Programs may have indirect benefit or spillover benefit which the program believes are contemplated under the ordinance, where they either:
 - a) indirectly benefit eligible persons through provision of trainings or resources for providers, professionals, other individuals, or organizations who will use those trainings and resources to serve or interact with eligible persons, and/or
 - b) have attendant spillover benefits to residents of other counties and non-I/DD persons, provided Denver residents are the primary intended beneficiaries and to the extent any attendant spillover benefits to non-Denver residents and non-I/DD persons do not detract from or negatively impact the receipt of benefits by the intended target demographic of eligible persons.

Providers of services that may have an indirect or spillover benefit must be able to demonstrate how expenditures primarily benefit eligible persons, in accordance with their service agreement and applicable laws.
 - v. Mill levy funded costs incurred by DHS to “administer funds expended on behalf of eligible persons” carry a requirement of primarily benefitting eligible persons.

Section 2. Eligibility verifications

A. Residency verification

- i. Organizations or vendors under contract with this program are ultimately responsible for verifying and documenting residency eligibility for persons receiving benefits under this program in their service records.
- ii. Persons with I/DD and their families may be asked by an organization or vendor, or by Denver Human Services, to provide an address and should be prepared to provide any requested supporting documentation, before obtaining access to a service or support funded by this program.
 - a) To determine whether a person meets residency eligibility (see Section 1), use the following tools:
 - I. Look up the current address on the online property record search on the Denver assessor's website. If the Denver assessor has a record of the property, the person is a resident and meets residency eligibility, or
 - II. Look up the current address on the Denver City Council districts map to see whether the property is assigned to a Denver City Council district. If assigned a district, the person is a resident and meet residency eligibility.
 - III. The location that an eligible person experiencing homelessness presents will be used to verify residency.
 - b) Only one of the above verifications affirming residency is needed to confirm residency eligibility.

B. I/DD verification

- i. Organizations or vendors under contract with this program are ultimately responsible for documenting I/DD eligibility verification for persons receiving benefits under this program in their service records.
- ii. Practices for verifying I/DD eligibility may differ across service agreements based on project type, background, purpose, scope, and target audience and will be defined in vendor service agreements as needed, but may not contradict or expand the class of eligible persons beyond what is allowed by ordinance.
- iii. Acceptable verification practices may require formal eligibility documentation, or allow for alternative contextual documentation, so that an organization can affirm a person accessing services or supports has an I/DD. Examples include, but are not limited to:
 - a) The organization already serves the person with I/DD and has current formal eligibility documentation on file or is able to request formal eligibility documentation and keep it confidential in compliance with applicable privacy laws, rules and regulations.
 - b) The organization receives referrals of persons to serve from other organizations that understand and serve people with I/DD. This could include either State-designated Community Centered Boards (CCBs),

Program Approved Service Agencies (PASAs), school district special education staff, or other I/DD mill levy partner organizations, including DHS IDDEAS contractors and subcontractors.

- c) If none of the above is available, or if it is appropriate to request due to the project type, an organization may request the person with I/DD (or their parent, caregiver, or guardian) provide an attestation of I/DD eligibility and/or demonstrate connectivity to other programs through an intake form. Simple questions that inform the service or support to be provided can create context to support an attestation, so long as it is consistent with and does not expand the class of eligible persons beyond what is allowed by ordinance.
 - d) None of the above precludes DHS from funding projects for the primary benefit of eligible persons that have attendant indirect or spillover benefits (see Section 1).
- iv. Persons with I/DD, and their families, should be prepared to provide documentation or supportive information to an organization, vendor, or Denver Human Services before they gain access to a service or support funded by this program.

Section 3. Indirect costs

- A. Indirect costs are defined in D.R.M.C. Sec 53-550, and are guided by DHS policies such as indirect and administrative cost rate policies.
- B. Indirect cost rate (ICR) reimbursement is based on actual indirect costs or negotiated and/or federally approved indirect cost rates.
- C. Federally approved indirect cost rates above the maximum rate established in ordinance must be formally supported by an organization's Federal Indirect Cost Rate Agreement.
- D. Indirect cost rates are agreed upon per service agreement and may be reviewed as follows:
 - i. Direct costs and indirect costs are appropriately categorized.
 - ii. Indirect cost rates meet ordinance requirements.
 - iii. Indirect costs to be reimbursed are in line with a contracted organization's business structure and support service agreement goals to maximize impact.
 - iv. Indirect costs are not out of alignment with general industry norms or best practices.
- E. Indirect costs are negotiated at the discretion of Denver Human Services. This includes scenarios where a contracted organization may secure a federally approved indirect cost rate during an active contract.

Section 4. Grievance procedure

- A. Only an eligible person has standing to file a grievance under this procedure. An eligible person's guardian, advocate, supportive decision maker, or legal representative may file a grievance under this procedure on behalf of an eligible person.

- i. These persons will be referenced collectively here as grievant.
- B. If a grievant wishes to file a grievance, the following procedures will apply:
 - i. If the grievance involves a program vendor providing services rather than services directly provided by DHS to the eligible person, then no grievance will be considered until it is clearly demonstrated, with supporting documentation, that the eligible person has exhausted all available administrative remedies with the program vendor, including completion of that vendor's grievance process.
 - ii. Grievances will only be considered regarding a dispute with:
 - a) a) the vendor's or program's determination of whether an application or request for service is complete, or
 - b) b) the vendor's or program's determination of eligibility for IDDEAS mill levy funding, or
 - c) c) the vendor's or program's requirement of documentation, or
 - d) d) the vendor's or program's adherence to applicable laws, program rules, or City contract requirements or obligations.
 - iii. For a grievance to be considered, the grievant must file a written request for grievance with the DHS IDDEAS program, ATTN: Program Manager, at 1200 Federal Blvd., Denver, CO 80204, or email IDDEASgrievance@denvergov.org.
 - a) A grievant may request ADA accommodations to properly file a grievance.
 - iv. The written request will include a brief factual description of what happened giving rise to the grievance and a request for the resolution sought.
 - v. Upon receipt of the written grievance, DHS staff will begin the process of investigation and gathering of information to assess the grievance and requested resolution.
 - vi. The investigation and information gathering process will be completed timely. A written final resolution will be provided to the person who filed the grievance in 45 days or less following receipt of the person's written grievance.
 - vii. The written final resolution will be the end of the grievance process and considered the point of exhaustion of all administrative remedies.
- C. Any other notices or comments that are not applicable to the grievance procedure will be acknowledged as feedback and do not constitute a formal review or response from DHS.