

**§ 370.11 What requirements apply to a notice of proposed redesignation?**

(a) Prior to any redesignation of the agency that conducts the CAP, the Governor shall give written notice of the proposed redesignation to the designated agency, the State Rehabilitation Advisory Council (SRAC), and the State Independent Living Council (SILC) and publish a public notice of the Governor's intention to redesignate. Both the notice to the designated agency, the SRAC, and the SILC and the public notice must include, at a minimum, the following:

- (1) The Federal requirements for the CAP (section 112 of the Act).
- (2) The goals and function of the CAP.
- (3) The name of the current designated agency.
- (4) A description of the current CAP and how it is administered.
- (5) The reason or reasons for proposing the redesignation, including why the Governor believes good cause exists for the proposed redesignation.
- (6) The effective date of the proposed redesignation.
- (7) The name of the agency the Governor proposes to administer the CAP.
- (8) A description of the system that the redesignated (i.e., new) agency would administer.

(b) The notice to the designated agency must—

- (1) Be given at least 30 days in advance of the Governor's written decision to redesignate; and
- (2) Advise the designated agency that it has at least 30 days from receipt of the notice of proposed redesignation to respond to the Governor and that the response must be in writing.

(c) The notice of proposed redesignation must be published in a place and manner that provides the SRAC, the SILC, individuals with disabilities or their representatives, and the public with at least 30 days to submit oral or written comments to the Governor.

(d) Following public notice, public hearings concerning the proposed redesignation must be conducted in an accessible format that provides individuals with disabilities or their representatives an opportunity for comment. The Governor shall maintain a written public record of these hearings.

(e) The Governor shall fully consider any public comments before issuing a written decision to redesignate.

(Approved by the Office of Management and Budget under control number 1820-0520)

(Authority: 29 U.S.C. 711(c) and 732(c)(1)(B))

**§ 370.12 How does a designated agency preserve its right to appeal a redesignation?**

(a) To preserve its right to appeal a Governor's written decision to redesignate (see §370.13), a designated agency must respond in writing to the Governor within 30 days after it receives the Governor's notice of proposed redesignation.

(b) The designated agency shall send its response to the Governor by registered or certified mail, return receipt requested, or other means that provides a record that the Governor received the designated agency's response.

(Approved by the Office of Management and Budget under control number 1820-0520)

(Authority: 29 U.S.C. 711(c) and 732(c)(1)(B))

**§ 370.13 What are the requirements for a decision to redesignate?**

(a) If, after complying with the requirements of §370.11, the Governor decides to redesignate the designated agency, the Governor shall provide to the designated agency a written decision to redesignate that includes the rationale for the redesignation. The Governor shall send the written decision to redesignate to the designated agency by registered or certified mail, return receipt requested, or other means that provides a record that the designated agency received the Governor's written decision to redesignate.

(b) If the designated agency submitted to the Governor a timely response to the Governor's notice of proposed redesignation, the Governor shall inform the designated agency that it has at least 15 days from receipt of the Governor's written decision to redesignate to file a formal written appeal with the Secretary.

(Approved by the Office of Management and Budget under control number 1820-0520)

(Authority: 29 U.S.C. 711(c) and 732(c)(1)(A))