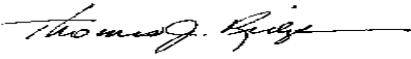


**Commonwealth of Pennsylvania**  
**GOVERNOR'S OFFICE**

**EXECUTIVE ORDER**

Subject:		Developmental Disabilities Council		Number: 1997-2
Date:	May 30, 1997	Distribution:	B	By Direction Of:  Thomas J. Ridge, Governor

By virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, do hereby reestablish the **Developmental Disabilities Council**, formerly known as the Developmental Disabilities Planning Council, as follows:

**1. Establishment.**

*The Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, Public Law 103-230*, amended substantially the earlier enacted statutes which governed the operation of the Pennsylvania Developmental Disabilities Planning Council. To advance further the development within the Commonwealth of a responsive system of services for individuals with developmental disabilities and to fulfill to the maximum extent practicable the goals of *Public Law 103-230*, the **Developmental Disabilities Council** (hereinafter referred to as the "Council") is established.

**2. Council Function.**

**a.** The mandate of the Council is to carry out the duties of a state planning council specified in applicable federal laws and regulations and this Executive Order and to advise the Governor on all matters affecting individuals with developmental disabilities in the Commonwealth. Federal policy articulated in *Public Law 103-230* states that individuals with developmental disabilities and their families have competencies, capabilities, and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individuals.

**b.** The Council shall promote, through systemic change, capacity building and advocacy activities consistent with the policy of *Public Law 103-230* stated in Section 2.a. of this Executive Order, the development of a consumer and family-centered, comprehensive system, and a coordinated array of culturally competent services, supports, and other assistance designed to achieve independence, productivity, and integration and inclusion into the community for individuals with developmental disabilities.

c. Duties and obligations of the designated state agency and the Council will be governed by all applicable federal and Commonwealth laws, regulations, and procedures.

### **3. Composition of Council.**

a. The Council shall be composed of the Secretary of Public Welfare, the Secretary of Education, the Secretary of Health, the Secretary of Aging, and the Secretary of Labor and Industry, or their designees, and 15 other members to be appointed by the Governor, including representatives of institutions of higher education, university affiliated programs in the Commonwealth, the state protection and advocacy system, local agencies, nongovernmental agencies, and private nonprofit groups concerned with services for individuals with developmental disabilities in the Commonwealth in which such agencies and groups are located.

b. The Governor shall select members of the Council, at his discretion, after soliciting recommendations from organizations representing a broad range of individuals with developmental disabilities and individuals interested in individuals with developmental disabilities, including the non-state agency members of the Council. The Council shall coordinate Council and public input to the Governor regarding all recommendations. To the extent feasible, the membership of the Council shall be geographically representative of the Commonwealth and reflect the diversity of the Commonwealth with respect to race and ethnicity.

c. Ex officio members shall continue to serve as long as they hold office. All other members shall serve terms as determined by the Governor at the time of appointment to rotate membership on the Council. Members shall continue to serve on the Council until such members' successors are appointed. The Council shall notify the Governor regarding membership requirements when vacancies remain unfilled for a significant period of time.

d. Not less than 50 percent of the membership of the Council shall consist of individuals who are:

(1) Individuals with developmental disabilities.

(2) Parents or guardians of children with developmental disabilities.

(3) Immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.

(4) Not employes of a state agency that receives funds or provides services made available under *Public Law 103-230*, and who are not managing employes (as defined in *Section 1126(b) of The Social Security Act*) of any other entity that receives funds or provides services under *Public Law 103-230*.

e. Of the members of the Council described in Section 3.d.:

(1) One-third shall be individuals with developmental disabilities as described in Section 3.d.(1).

(2) One-third shall be parents of children with developmental disabilities as described in Section 3.d.(2) and immediate relatives or guardians of adults with mentally impairing developmental disabilities as described in Section 3.d.(3).

(3) One-third shall be a combination of individuals described in Section 3.d.

f. Of the members of the Council described in Section 3.e., at least one shall be an immediate relative or guardian of an institutionalized or previously institutionalized individual with a developmental disability or an individual with a developmental disability who resides or previously resided in an institution.

g. The Governor shall appoint a Chairperson of the Council who shall serve for two years and may thereafter be reappointed. The Council may make recommendations to the Governor concerning the appointment or reappointment of a Chairperson.

#### **4. Council Responsibilities.**

As outlined in *Public Law 103-230*, the Council shall have the following responsibilities:

(1) Serve as advocate for systemic change, capacity building, and advocacy activities.

(2) Examine priority areas.

(3) Develop and submit a state plan.

(4) Implement the state plan by various activities including demonstration of new approaches, outreach, training, supporting communities, interagency collaboration and coordination, coordination with related councils, committees, and programs, barrier elimination, systems design, citizen participation, public education, coalition development, informing policymakers, and prevention.

(5) Monitor the state plan.

(6) Review of designated state agency.

(7) Submit periodic reports.

(8) Develop a Council budget.

(9) Hire, supervise, and assign staff.

#### **5. Council Administration and Support Services.**

a. Members of the Council and its committees shall serve without salary but shall be reimbursed for reasonable and necessary expenses for attending Council meetings and performing Council duties, including child care and personal assistance services.

**b.** The Council shall, consistent with state law, recruit and hire a Director of the Council, should the position of Director become vacant, and shall supervise and evaluate annually the Director.

**c.** The Director shall hire, supervise, and evaluate annually the staff of the Council. Council recruitment and hiring of staff shall be consistent with federal and state nondiscrimination laws. Dismissal of personnel shall be consistent with state law and personnel policies. The staff and other personnel, while working for the Council, shall be responsible solely for assisting the Council in carrying out its duties and shall not be assigned duties by the designated state agency or any other agency or office of the Commonwealth.

**d.** The Council shall not be subject to Commonwealth policies on hiring freezes, reductions in force, prohibitions on staff travel, or other policies, to the extent that such policies would impact staff or functions funded with federal funds and would prevent the Council from carrying out its functions.

**e.** Until the provisions of Section 5.f. are implemented, the responsibilities of the designated state agency shall temporarily be continued by the Office of the Secretary of the Department of Public Welfare and staff to the Council shall be assigned to the Department of Public Welfare for complement and administrative purposes.

**f.** The Council shall conduct a review of the designation of the Department of Public Welfare as the designated state agency and submit its recommendations to the Governor to assure compliance with *Public Law 103-230*. During this review and until its completion, the Department of Public Welfare shall ensure the provision of adequate staff which shall participate with the Council in preparation of the Developmental Disabilities State Plan. Furthermore, the department shall provide assurances and support services, as requested by and negotiated with the Council, in support of its duties and functions.

**g.** The five principal departments which may be involved in the implementation of the Developmental Disabilities State Plan, Health, Aging, Education, Public Welfare, and Labor and Industry, shall designate specific personnel to work with the Council and the administrative unit to ensure their ability to perform mandated functions.

**h.** The Council shall adopt rules of procedure consistent with the provisions of this Executive Order, *Public Law 103-230*, regulations and guidelines issued by the U.S. Department of Health and Human Services, and all applicable Commonwealth laws, regulations, and procedures.

## **6. Cooperation by State Agencies.**

All Commonwealth agencies under the jurisdiction of the Governor shall cooperate fully with the Developmental Disabilities Council and shall provide such assistance and information as needed to carry out the functions in an effective manner.

## **7. Definition.**

As used in this Executive Order and as defined in *Public Law 103-230*, the term "developmental disability" means a severe, chronic disability of an individual five years of age or older that:

(1) Is attributable to a mental or physical impairment or a 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:

(a) Self-care;

(b) Receptive and expressive language;

(c) Learning;

(d) Mobility;

(e) Self-direction;

(f) Capacity for independent living; and

(g) Economic self-sufficiency.

(5) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, supports, or other assistance that is of lifelong or extended duration and is individually planned and coordinated.

(6) When such term is applied to infants and young children, it means individuals from birth to age five, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

**8. Rescission.** *Executive Order 1989-4* is hereby rescinded.