

Vermont Developmental Disabilities Council

August 14, 2007

WHEREAS, Congress recognizes that disabilities are a natural part of the human experience that do not “diminish the right of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream” of society, 42 U.S.C. §15001;

WHEREAS, it is the purpose of the Developmental Disabilities Assistance and Bill of Rights Act 2000, 42 U.S.C. 15001 et seq. (hereinafter the Act), “to assure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life, through culturally competent programs” authorized under the Act; and

WHEREAS, the State of Vermont and its various departments and agencies provide services to individuals with developmental disabilities and their families in order to provide the information, skills, opportunities, and support necessary to achieve full integration and inclusion in society; and

WHEREAS, individuals with developmental disabilities often require lifelong community services, individualized supports, and other forms of assistance, that are most effective when provided in a coordinated manner; and

WHEREAS, individuals with developmental disabilities and their families are the primary decision-makers regarding the services and support such individuals and their families receive and they should contribute to policy decisions and program development that affect their lives; and WHEREAS, our communities are enriched by the contributions of individuals with developmental disabilities and their families who participate fully and actively in community activities and, with education and support, communities can become more accessible and responsive to their needs.

NOW THEREFORE, BE IT RESOLVED THAT I, James H. Douglas, by virtue of the power vested in me as Governor of the State of Vermont, do hereby establish the Vermont Developmental Disabilities Council to engage in advocacy, capacity building, and systemic change activities consistent with the purposes and policies of the Act that contribute to a coordinated, comprehensive system of needed community services, individualized supports, and other forms of assistance that promote self-determination of individuals with developmental disabilities and their families.

In the implementation of its charge, the Council shall:

- 1) Conduct a comprehensive review and analysis of the adequacy of services, supports and other assistance available to individuals with developmental disabilities and their families in Vermont, including a description of service systems and policies, and the extent of direct benefits and unmet needs;
- 2) Develop a 5-year strategic State plan through a planning process that includes stakeholder input and is derived from identified unmet needs of individuals and families;
- 3) Inform the Governor and other policymakers annually about issues impacting the lives of individuals with developmental disabilities and their families;
- 4) Implement the State plan by providing and supporting advocacy, capacity building, and systemic change activities such as outreach, training, technical assistance, support and education activities in communities, interagency collaboration and coordination, coordination with related councils, committees, and programs, barrier elimination, systems design and redesign, coalition development, citizen participation, and demonstration projects;
- 5) Prepare, approve and implement a budget using amounts authorized by the Act;
- 6) Hire an Executive Director to supervise the staff of the Council, to approve and hire other staff, and to obtain other professional, technical, and clerical personnel consistent with state law determined by the Council to be necessary to carry out its functions;
- 7) Submit periodic reports on the Council's activities and outcomes as reasonably requested by the Secretary of U.S. Health and Human Services, keep records, and afford access as the Secretary finds necessary to verify those reports; and
- 8) Adopt by-laws, develop operating policies, and form such committees and task forces as may be required to undertake specific projects authorized by the Council. The Council shall consist of no less than 21 and no more than 25 members as necessary to meet the requirements established in the Act, as that Act may from time to time be amended. Up to five members of the Council shall be representatives from the Agency of Human Services designated by the Secretary and one member shall be a representative from the Vermont Department of Education designated by the Commissioner.

The Governor shall appoint all remaining members, at his discretion, and after soliciting recommendations as required by the Act. Members shall be geographically representative of the State and reflect the diversity of the State with respect to race and ethnicity, and shall include:

- 1) One representative from Vermont Protection and Advocacy;
- 2) One representative from the University of Vermont Center on Disability & Community Inclusion;
- 3) Up to two representatives from local and non-governmental agencies and private nonprofit groups concerned with services for individuals for developmental disabilities in the State;

4) An additional number of members to constitute at least 60% of the Council membership as follows: 1/3 shall be individuals with developmental disabilities, 1/3 shall be parents or guardians of children with developmental disabilities or immediate relatives or guardians of adults with disabilities, and 1/3 shall be a combination of these individuals provided that members under this subsection shall not be employees of a state agency or other entity that receives funds or provides services under the Act. At least one of these members shall be an immediate relative or guardian of an individual with a developmental disability who resides or previously resided in an institution.

The Council shall elect a Chair from among its members, subject to the approval of the Governor. Appointed members shall have the authority to engage in policy planning and implementation on behalf of their agency, department or program. Except for state and public agency representatives, members of the Council may serve no more than two terms of three years each. Public members of the Council shall be entitled to appropriate support and reimbursement of expenses as described in the Act and with available funds received under the Act.

The Agency of Human Services shall serve as the state agency designated to provide support to the Council on behalf of the state. The Council shall periodically review the activities of the designated state agency to assure that it is in compliance with the Act.

This Executive Order supersedes and replaces Executive Order No. 05-94 (codified as No. 3-27), dated April 20, 1994. The Council created by this order, however, shall be a continuation of, and successor to, the Council established by Executive Order No. 05-94. Members of the Council on the effective date of this order shall continue to serve until the expiration of their terms and may be re-appointed unless a public member has served two terms.

This Executive Order shall take effect upon signing and shall be reviewed at least every five years to ensure continuing compliance with the Act as it may from time to time be amended.

Witness my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier this 14th day of August, A.D. 2007.

James H. Douglas, Governor

By the Governor:

Kiersten Bourgeois, Secretary of Civil and Military Affairs

Executive Order No. 05-07