

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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EXECUTIVE ORDER 16-10
SUPERSEDING EXECUTIVE ORDER 96-06

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

WHEREAS, on April 2, 1976, Governor Daniel J. Evans issued Executive Order 76-03 establishing the State Developmental Disabilities Planning Council (now the Washington State Developmental Disabilities Council ("Council")) and qualifying the state of Washington for federal funding under P.L. 94-103, the Developmental Disabilities Assistance and Bill of Rights Act, for planning, administration, delivery of services, advocacy, and facility construction activities; and

WHEREAS, the Executive Order establishing the Council has subsequently been amended numerous times to reflect both changing state needs and amendments to federal law; and

WHEREAS, the federal law was again amended by the United States Congress as Public Law 106-402, the Developmental Disabilities Assistance and Bill of Rights Act of 2000, and requires changes to Council membership and responsibilities in order for Washington to remain eligible for funding; and

WHEREAS, the state of Washington continues to benefit from the Council's activities;

NOW, THEREFORE, I, Jay Inslee, Governor of the State of Washington, reaffirm the establishment of the Washington State Developmental Disabilities Council to assist the State in carrying out its requirements for participation in P.L. 106-402 ("Act").

Placement within State Government

The Act requires that a state agency be designated to receive, account for, and disburse funds available under the Act. The Department of Commerce ("Commerce") is hereby designated and shall fulfill those responsibilities. The Council and Commerce shall work together to assure that the Council operates within federal and state laws, policies, and procedures in all its administrative functions.

Purpose of the Council

- A. The Council, pursuant to the Act, shall engage in advocacy, capacity building, and systems change activities that contribute to a coordinated, consumer and family-centered/directed comprehensive system of community services, individualized

supports, and other forms of assistance that enable individuals with intellectual or developmental disabilities to exercise self-determination and be independent, productive, integrated, and included in all facets of community life.

B. The Council shall have the following primary responsibilities:

1. Advise the Governor and other state, local, and federal officials on significant issues and future trends in the provision of services to individuals with developmental disabilities and their families.
2. Review and comment, to the extent feasible, on state plans which relate to programs affecting persons with developmental disabilities.
3. Develop and implement a state plan and annual amendments, including specific goals and strategic performance targets, for the Council's advocacy, capacity building, and systems change activities as required by the Act.
4. Assist in developing the state plan. The Council shall:
 - a. Undertake a comprehensive review and analysis of state services and unmet needs as required by the Act;
 - b. Ensure the state plan is consistent with state law and obtain the appropriate state plan assurances; and
 - c. Make the draft state plan available for public review and input before adoption.
5. The Council shall annually evaluate the implementation of the state plan and update it as appropriate.
6. The Council shall submit to the Administrator of the federal Administration for Community Living the State Plan, its amendments, annual reports regarding the progress made in completing the goals outlined in the state plan, and other reports as required by the Administrator.

Membership of the Council

By November 1, 2016, the Council shall be composed of twenty-seven (27) members of which nine (9) shall constitute a quorum. The Governor shall appoint Council members, and they shall serve at the Governor's pleasure. Council members shall serve no more than two consecutive three-year terms.

The Council's composition shall be consistent with the Act and include representatives from the agencies and programs designated in the Act. Agencies and programs represented on the Council shall include those responsible for:

1. Rehabilitation Act – Department of Social and Health Services (DSHS) – Division of Vocational Rehabilitation;
2. Older Americans Act – DSHS – Aging and Long Term Support Administration;
3. Medicaid Title XIX – DSHS – Developmental Disabilities Administration;

4. Medicaid Title XIX – Health Care Authority;
5. Social Security Title V – Department of Health/Maternal Child Health;
6. IDEA – Office of Superintendent of Public Instruction /Special Education;
7. University Center of Excellence on Developmental Disabilities;
8. State Protection and Advocacy System; and
9. Representative of local and non-governmental agencies and non-profit agencies concerned with the services of individuals with developmental disabilities.

Representatives from the agencies and programs must have sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program they represent.

Consistent with the Act, not less than 60 percent of the Council membership shall consist of (i) individuals with developmental disabilities; (ii) parents or guardians of children with developmental disabilities or (iii) immediate relatives or guardians of adults with developmental disabilities who cannot advocate for themselves. At least one member shall be a person who resides or has resided in a large state developmental disability institution, or a parent or guardian of a person who resides or has resided in one.

Staff of the Council

The Council shall hire an Executive Director by recruiting candidates through a process designed by the Council after consultation with the Director of Commerce or her/his designee. The Executive Director shall be an exempt employee. The Council, through its Governor-appointed Chair, shall supervise and annually conduct a performance evaluation for the Executive Director using evaluation tools provided by the DSA (Commerce), state Employees Services, or developed by the Council. The Council shall set the Executive Director's compensation.

The Council may terminate the Executive Director only after notification and in consultation with the Director of Commerce or her/his designee.

The Council shall determine the number and type of staff to be hired by the Executive Director. The Executive Director of the Council shall hire and supervise Council staff.

The staff that perform the functions of the Council's DSA are hired by and responsible to the Director of Commerce or her/his designee.

The Council and staff shall be funded from monies available to it under the Act and other public or private funding as the Council may obtain. All funds shall be expended according to the provisions of the Act and other federal and state regulations.

Access to Information

In order to fulfill its responsibilities under the Act, the Council shall have access to all necessary information from state agencies whose responsibilities include serving persons with developmental disabilities. The Council and state agencies shall develop, if necessary, written memoranda setting forth their working relationship in order to meet the Act's requirements.

All aspects of the Council shall comply with, and conform to the requirements of the federal law.

This order is effective immediately and shall supersede Executive Order 96-06 which is hereby rescinded.

Signed and sealed with the official seal of the state of Washington, on this 26th day of October, 2016, at Olympia, Washington.

By:

/s/

Jay Inslee
Governor

BY THE GOVERNOR:

/s/

Secretary of State