

**West Virginia Developmental
Disabilities Council**

BYLAWS

(Amended 01/28/03)

(Amended 01/30/07)

(Amended 04/28/15)

(Amended 04/25/17)

DEFINITIONS

1. The term "developmental disability" means a severe, chronic disability of an individual that -
 - (A) is attributable to a mental or physical impairment, or combination of mental and physical impairments;
 - (B) is manifested before the individual attains age 22;
 - (C) is likely to continue indefinitely;
 - (D) results in substantial functional limitations in 3 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.
 - (g) Economic self-sufficiency; and
 - (E) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in (D) (a) through (g) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

2. The term "Council" refers to the West Virginia Developmental Disabilities Council.
3. Unless otherwise defined, the term "Chairperson" as used herein shall refer to the Chairperson of the Council.
4. "Executive Director" refers to the individual hired by the Council to oversee the

implementation of the Council's State Plan, supervise Council staff, and carry out other activities as directed by the Council.

5. The "Developmental Disabilities Act" refers to the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, which funds the Council and its activities.
6. The term "year" shall refer to the federal fiscal year from October 1 through September 30.

ARTICLE I: NAME

The name of this Council shall be the West Virginia Developmental Disabilities Council, established by Executive Order of the Governor of West Virginia, in accordance with the provisions of Section 124 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402.

ARTICLE II: PURPOSE

The Council's mission is to assure that West Virginia citizens with developmental disabilities receive the services, supports, and other forms of assistance they need to exercise self-determination and achieve independence, productivity, integration and inclusion in the community. Its goals are to effect systems change by:

- (1) Analyzing the needs of West Virginia citizens with developmental disabilities and proposing strategies for meeting those needs;
- (2) Involving people with developmental disabilities and their families in the development of policies and programs;
- (3) Providing training and technical assistance to build competent and inclusive communities; and
- (4) Providing grants to community organizations to demonstrate innovative services and practices.

ARTICLE III: FUNCTIONS AND DUTIES

The general functions of the Council are to plan, evaluate and advocate for services and opportunities for West Virginians with developmental disabilities and to exercise those duties set forth in the Developmental Disabilities Act and the federal regulations pertaining to the Act.

In particular, the Council shall have the following duties and responsibilities:

- (1) To employ the values of self-determination, independence, productivity, inclusion, and integration in its mission and all of its activities;
- (2) To prepare and approve a budget for funds received under the Developmental Disabilities Act.
- (3) To hire, consistent with State law, an Executive Director who shall be supervised and evaluated by the Council, and who shall hire and supervise the Council staff and obtain the services of such professional, technical and clerical personnel consistent with State law as the Council determines to be necessary to carry out its functions.
- (4) To solicit nominations and make recommendations to the Governor on citizen appointments to the Council which are consistent with the requirements of the Developmental Disabilities Act and which reflect the diversity of the State.
- (5) To facilitate the attendance and participation of Council members through a variety of supports, including the scheduling and locations of meetings and reimbursement of meeting-related expenses.
- (6) To develop a five-year State Plan for services and opportunities that promote self determination, independence, productivity, inclusion and integration in consultation with people with developmental disabilities, their families, community organizations and State agencies.
- (7) To monitor, review and evaluate, at least annually, the implementation of the State Plan.

- (8) To provide information directly to Federal, State, and local policymakers, including Congress, the Federal executive branch, the Governor, State legislature, and State agencies, in order to increase the ability of such policymakers to offer opportunities and to enhance or adapt generic services to meet the needs of, or provide specialized services to, individuals with developmental disabilities and their families.
- (9) To participate in the development of public policies that promote self-determination, independence, productivity, inclusion and integration for people with developmental disabilities, and to provide education and information on such policies.
- (10) To provide demonstration grants, training and other assistance to support the development of innovative practices in local communities throughout the State.
- (11) To promote, support and participate in public awareness activities that illustrate and foster valued social roles for people with developmental disabilities.
- (11) To provide training and opportunities for people with developmental disabilities and family members to gain and use leadership skills.
- (12) To participate in interagency collaboration and coordination to enhance services and opportunities for people with developmental disabilities.
- (13) To develop and implement policies and procedures that ensure Council activities are carried out in an efficient, effective and fiscally responsible manner, are accountable to the public and are consistent with the Council's values and mission.
- (14) To regularly evaluate Council performance, activities and outcomes to assure consistency with the Council's mission and the federal Developmental Disabilities Act.
- (15) To periodically review the designated State agency and its activities under the Developmental Disabilities Act, and make any recommendations for change to the Governor.

- (16) To annually prepare and transmit to the Commissioner of the Administration on Intellectual and Developmental Disabilities (AIDD) a report about the progress made by the Council in achieving the goals of the Council.

ARTICLE IV: MEMBERSHIP

Membership of the Council shall be formed in accordance with the requirements of the Developmental Disabilities Act, the regulations pertaining to the Act and the Council's Policy on Membership. The Council shall be composed of thirty-one (31) members with the membership to include:

- (1) The Director of each of the following agencies, or his/her designee. (Only one individual per agency may serve as a designee and must be specified in writing by the Director of that agency in advance):
 - a. Division of Rehabilitation Services (Rehabilitation Act of 1973)
 - b. Office of Special Education (Individuals with Disabilities Education Act)
 - c. Bureau of Senior Services (Older Americans Act of 1965)
 - d. Bureau for Medical Services (Title XIX of the Social Security Act)
 - e. WVU Center for Excellence in Disabilities (Centers for Excellence in Developmental Disabilities Education, Research and Service)
 - f. Developmental Disabilities Division, Bureau for Behavioral Health and Health Facilities
 - g. Office of Maternal, Child, and Family Health (Title V of the Social Security Act)
 - h. Bureau for Children and Families
 - i. Disability Rights of WV (Protection and Advocacy agency)
- (2) Two representatives of local and non-governmental agencies, and private nonprofit groups concerned with services for individuals with developmental disabilities.
- (3) People with developmental disabilities, family members and guardians shall comprise at least 60% of the Council in accordance with the following provisions of the Developmental Disabilities Act:

- a. At least one-third shall be individuals with developmental disabilities;
- b. At least one-third shall be parents or guardians of living children with developmental disabilities, or immediate relatives or guardians of living adults with developmental disabilities;
- c. The remaining shall be a combination of individuals described in 3a and 3b; at least one of whom shall be an immediate relative or guardian of a living individual with a developmental disability who resides or previously resided in an institution or shall be an individual with a developmental disability who resides or previously resided in an institution; and
- d. Not employees of a State agency that receives funds or provides services under this subtitle, and who are not managing employees of any other entity that receives funds or provides services under this subtitle.

ARTICLE V: VACANCIES

In the event a member resigns, the Chairperson shall recommend a replacement to the Council for its approval, with the recommendation that this person be appointed by the Governor to fill such vacancy for the unexpired term.

Non-governmental members shall be appointed by the Governor for four-year terms, with the exception of first terms, which may be appointments of less than four years in order to assure a balanced rotation of Council Members. In the event the Governor, due to the press of more important business, fails to replace or reappoint members of the Council whose terms have expired, then said members shall continue to serve on the Council in good standing until such time as the Governor is able to make new appointments.

ARTICLE VI: MEETINGS

The Council shall meet at least quarterly and as often as necessary, as determined by the Chairperson, or at the request of one-third of the total members. Council members

shall be notified of quarterly meetings in accordance with the Council Policy on Membership.

Each member of the Council shall have one vote and shall comply with the Council's policies on Conflict of Interest and Membership.

A quorum of the Council shall consist of one-third of the total members. A quorum shall be required for the transaction of any business of the Council.

Governor appointed Council members may be reimbursed for reasonable and necessary expenses incurred (including expenses for respite care and personal assistance services) while in attendance at meetings in accordance with the Council's Policy on Membership. Governor appointed members shall be eligible for a stipend for quarterly meetings of the Council at a rate established in the Council Policy on Membership, if such member is not being paid by any other entity to attend Council meetings and perform other Council duties. Governor appointed members shall also be eligible for reimbursement for telephone expenses incurred when conducting Council business.

The location and proceedings of all meetings of the Council and its committees shall comply with the Council's Policy on Accessibility. Meetings, except when in Executive Session, shall be open to the public. The time and place of Council meetings shall be registered in advance with the Secretary of State's Office in accordance with State law.

ARTICLE VII: OFFICERS

A Chairperson and Vice Chairperson will be elected for a two year term by a majority vote of the Council. The Chairperson and Vice-Chairperson shall each be a person with a developmental disability or family member or guardian and shall not be eligible to be a grant recipient of the Council. Each term shall begin on July 1.

The Chairperson will provide leadership to the Council in establishing its overall goals and priorities; chair the meetings of the Council; appoint committee and workgroup members and chairpersons, with the exception of the Nominating Committee; conduct

meetings of the Executive Committee; serve as spokesperson for the Council on public policy issues; conduct an annual evaluation of the Executive Director with input from Executive Committee and other Council members.

The Vice Chairperson shall assume the responsibilities of the Chairperson in his/her absence.

ARTICLE VIII: COMMITTEES AND WORKGROUPS

The Council will have an Executive Committee and an ad-hoc Nominating Committee. The Council shall establish workgroups as it deems necessary or desirable to carry out its responsibilities.

In addition to the Chairperson and Vice Chairperson, the Executive Committee will be composed of four other Members elected by the Council. In the event that the Immediate Past Chairperson of the Council is still a member, he/she will be an ex-officio (non-voting) member of the Executive Committee.

The role of the Executive Committee will be to oversee the work of the Council. The Committee will meet to conduct business of the Council which arises between quarterly meetings, to review committee and workgroup recommendations, and will be responsible for participating in an annual evaluation of the Executive Director. The Executive Committee shall have the authority to approve expenditures that arise between Council meetings in accordance with the Council's Policy on Committees and Workgroups.

The Nominating Committee will be elected by a majority vote of the Council. The Committee is responsible for soliciting and reviewing applications for membership and bringing recommendations to be sent to the Governor for appointment to the Council for approval, as well as putting forth a slate for Chair and Vice-Chair to be voted on by the Council.

Each Committee and workgroup will be chaired by a member of the Council who is an individual with a developmental disability or family member, and efforts will be made to appoint individuals with developmental disabilities or family members to at least 50% of all Committee and workgroup positions. The Council Chairperson may choose

to add non-Council members to committees and workgroups as ex-officio members in accordance with the Council's Policy on Committees and Workgroups. Ex-officio committee/workgroup members may not vote and have no official standing on the Council.

The responsibility of each committee/workgroup, in relation to its subject area, shall be to: (1) Collect and analyze information regarding the needs of people with developmental disabilities and the effectiveness of service programs in meeting those needs; (2) Recommend policies, positions, and initiatives intended to enhance the delivery of disability supports and services to the Council for consideration; (3) Suggest activities to raise public awareness regarding the needs and issues of people with developmental disabilities to the Council for consideration; and (4) Solicit the opinions and participation of people with developmental disabilities and their family members regarding disability issues.

Committees/workgroups may hold meetings by telephone conference call when necessary for member participation.

ARTICLE IX: PROCEDURE FOR AMENDMENT

The Bylaws may be amended by a two-thirds vote of the Council members present and voting at any meeting, provided that the wording of the proposed changes are delivered to every member at least two weeks before the date of the meeting.