

West Virginia Developmental Disabilities Council

Policy on Membership

Adopted 7/11/95

Amended 10/20/09

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I. Purpose

- A. The Council seeks to develop an active membership of people with developmental disabilities, their family members, and agency representatives who will work together to further the independence, productivity, integration and inclusion of people with developmental disabilities.
- B. This policy intends to assure that the Council: 1) recruits members who will promote its mission, 2) provides the support necessary for members to fulfill their roles, and 3) ensures its composition is consistent with the provisions of the Developmental Disabilities Act.

II. Composition

The composition of the Council shall conform to its Bylaws and the requirements of the Developmental Disabilities Act. It shall consist of thirty-one members in the following categories:

- A. The director of each of the following agencies, or his/her designee:
 - 1. Division of Rehabilitation Services (Rehabilitation Act of 1973)
 - 2. Office of Special Education (Individuals with Disabilities Education Act)
 - 3. Bureau of Senior Services (Older Americans Act of 1965)
 - 4. Bureau for Medical Services (Title XIX of the Social Security Act)
 - 5. WVU Center for Excellence in Disabilities (Centers for Excellence in Developmental Disabilities Education, Research and Service)
 - 6. Developmental Disabilities Division, Bureau for Behavioral Health and Health Facilities
 - 7. Office of Maternal, Child and Family Health (Title V of the Social Security Act)
 - 8. Bureau for Children and Families
 - 9. Disability Rights of WV (Protection and Advocacy agency)

- B. Two representatives of local and non-governmental agencies and private non-profit groups concerned with services for individuals with developmental disabilities.
- C. People with developmental disabilities and their family members or guardians. These individuals shall comprise at least 60% of the Council membership in accordance with the following provisions of the Developmental Disabilities Act:
 - (1) At least one-third shall be individuals with developmental disabilities;
 - (2) 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;
 - (3) The remainder shall be a combination of individuals described in C(1) and C(2); 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
 - (4) 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.
- D. Other individuals who are deemed by the Chairperson to have important contributions to make to the Council may be appointed as ex-officio members. Those individuals may participate in the meetings but they may not make motions or vote on matters before the Council.
- E. If a family member is serving a term on the Council and their family member with a developmental disability passes away, the family member may elect to finish serving their term and then, if they so choose and are qualified, seek appointment in a non-family member role.

III. Appointments

- A. Government agencies and the protection and advocacy agency shall be represented on the Council by the Director of the respective agency or the Director's 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. Designees shall have sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program they are designated to represent.
- B. Non-governmental members listed in paragraphs II B and II C shall be appointed to the Council 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. The terms of gubernatorial appointees shall begin on July 1st. 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, said members shall continue to serve on the Council in good standing until such time as the Governor is able to make new appointments.

- C. The Council shall, on an annual basis, solicit nominations and make recommendations to the Governor for appointments to the Council. The Council shall disseminate statewide a request for nominations to people with disabilities, families, advocacy organizations, service providers and other interested parties.
- D. The Council shall seek to develop and maintain a membership that:
 - (1) is comprised of individuals who have shown a commitment to the independence, productivity, integration and inclusion of people with developmental disabilities;
 - (2) reflects the demographic diversity of the State;
 - (3) is committed to all people with developmental disabilities and not one specific entity.
- E. The Council shall poll Governor-appointed members annually regarding their interest in continuing to serve on the Council. Members whose terms are not expiring, but who are unable to continue to participate, shall be encouraged to send the Council a letter of resignation. The letter shall be sent to the Governor and a recommendation for an appointment to complete that term shall be made.
- F. The Council shall maintain a record of attendance of its members and the Chairperson shall send a letter to remind a Member of his/her expected commitment to the Council after the second consecutive absence from a regular quarterly meeting. After a third consecutive absence, the Chairperson shall send a letter asking the Member to consider resigning. After the fourth consecutive absence, the Executive Committee shall consider asking the Governor to remove the Member from the Council.
- G. The Council shall accept nominations for re-appointment from members whose first terms are expiring and shall consider them according to the same criteria as new nominations. (Filling a partial term counts as a “first” term.)
- H. No Council member shall serve more than two (2) consecutive terms.
- I. The Chairperson may appoint and re-appoint individuals to serve as ex-officio members for a one year period, provided they are approved by a majority of the members of the Executive Committee.

IV. Member Participation

- A. It is expected that members will attend the regular quarterly meetings of the Council and will participate in committees and/or other activities that further the work of the Council.
- B. Council members shall be notified of quarterly meetings at least one month in advance.
- C. The Council shall support the participation of its members in the following ways:
 - (1) Council meetings, activities and materials shall comply with the Council's Policy on Accessibility.
 - (2) Governor appointed Council members may be reimbursed for reasonable and necessary expenses incurred (including up to \$100 for expenses for respite care and personal assistance services) while in attendance at quarterly meetings. Meals and mileage expenses incurred shall be reimbursed in accord with prevailing in-state and out-of-state expense reimbursement schedules for State employees. All expenses incurred must be turned in within 60 days of the meeting, or prior to the end of the fiscal year (Sep. 30), whichever occurs first.
 - (3) Governor appointed members shall be authorized for overnight stays prior to quarterly Council meetings if the member lives at least 70 miles from the meeting site.
 - (4) Governor appointed members shall be eligible for a stipend of \$75.00 for each of the regular quarterly meetings of the Council, if such member is not being paid by any other entity to attend Council meetings. Those members shall also be eligible for the stipend when they participate in all day committee/workgroup meetings (such as the Grant Review Workgroup).
 - (5) Council members may attend Council sponsored trainings free of charge; and, when attending trainings supported by Council funds, shall have their expenses covered by the Council in lieu of applying for designated stipends. All expenses incurred for an event must be turned in within 60 days of the event, or prior to the end of the fiscal year (Sep. 30), whichever occurs first.
 - (6) Council members who have been requested to represent the Council at out-of-state events shall have their expenses covered at the same rates applicable to State employees. Governor appointed Council members may also be reimbursed up to \$100 for respite care and personal assistance

services while in attendance at such events. In instances in which an attendant is required to be awake at night, the rate for personal assistance services may be authorized up to \$175 with prior approval. All expenses incurred for an event must be turned in within 60 days of the event, or prior to the end of the fiscal year (Sep. 30), whichever occurs first.

- (7) Governor appointed members shall be eligible for reimbursement for telephone expenses incurred when conducting Council business.
- (8) Receipts are required for reimbursement of expenses.