

**BYLAWS
OF THE
GOVERNOR’S COUNCIL ON DEVELOPMENTAL DISABILITIES**

**ARTICLE I.
NAME**

The body referred to in this document shall be known as the Governor’s Council on Developmental Disabilities (Council).

**ARTICLE II.
AUTHORIZATION**

SECTION 1. The formation of the Council is authorized under Public Law 106-402, the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (The Act).

SECTION 2. State authorization of the Council is evidenced by Executive Order 15-19 and by the Governor’s appointment of the Council membership. The Council shall be responsible to the Governor.

**ARTICLE III.
PURPOSE**

SECTION 1. Public Law 106-402 requires each state that receives assistance under the Act is to establish and maintain a Council to undertake advocacy, capacity building and systemic change activities that contribute to a coordinated, consumer-and family-directed, comprehensive system of community services, individual supports, and other forms of assistance that contribute to the achievement and purpose of the Act.

The term “DEVELOPMENTAL DISABILITY” means a severe, chronic disability of an individual that:

- (I) is attributable to a mental or physical impairment or a combination of mental and physical impairments;
- (ii) Is manifested before the individual attains age 22;
- (iii) Is likely to continue indefinitely;
- (iv) Results in substantial limitation in three or more of the following areas of major life activity –
 - (I) self-care;
 - (II) receptive and expressive language;
 - (III) learning;
 - (IV) mobility;
 - (V) self-direction;
 - (VI) capacity for independent living;
 - (VIII) economic sufficiency; and
- (v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other assistance that are of lifelong or extended duration and are individually planned and coordinated.

Infants and young children – An individual from birth to age 9, inclusive, who has 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 clauses (i) through (v) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

SECTION 2. Prepare the Council’s State Plan required by federal law, including the selection of areas of emphasis for Council activities.

SECTION 3. Monitor, review and evaluate, not less often than annually, the implementation of the State Plan.

SECTION 4. Submit to the Secretary of the Department of Health and Human Services such periodic reports on its activities as the Secretary may reasonably request, and keep such records and afford such access thereto as the Secretary may find necessary to verify such reports.

SECTION 5. Study and implement ways of promoting public understanding of developmental disabilities.

SECTION 6. Consider the need for new state programs and laws in the field of developmental disabilities.

SECTION 7. Examine programs which provide services to persons with developmental disabilities and make recommendations for the improvement and coordination of programs for prevention of duplication and overlapping of services.

SECTION 8. Report and recommend to the Governor and to other governmental officials on matters relating to developmental disabilities.

SECTION 9. Review and act upon such other matters as may be deemed by the Council to fall within the intent of the federal law, guidelines, and directives.

ARTICLE IV.
DESIGNATED STATE AGENCY

The designated state agency is the Department of Finance and Administration.

ARTICLE V.
MEMBERSHIP

SECTION 1. The Council shall be composed of twenty- three (23) members, and the membership shall be consistent with PL 106-402.

SECTION 2. Membership shall include representatives of the principal state agencies: Department of Human Services (Developmental Disabilities Services, Children Medical Services – Title V, Aging and Adult Services, Medicaid – Title XIX); Arkansas Rehabilitation Services; IDEA-Special Education; Protection Advocacy System; University Centers for Excellence in Developmental Disabilities Education, Research and Service; local agencies and non-governmental agencies; and groups concerned with services to persons with developmental disabilities in the state.

SECTION 3. At least sixty percent (60%) of the membership of the Council will be persons who are:

- (i) Individuals with developmental disabilities;

- (ii) Parents or guardians of children with developmental disabilities; or
- (iii) Immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves, and WHO ARE NOT employees of a state agency that receives funds or provides services under the Developmental Disabilities Assistance and Bill of Rights Act as amended, WHO ARE NOT managing employees as defined in Section 125(b)(3)(B) of any other entity that receives funds or provides services under the ACT.

SECTION 4. Of the sixty percent membership who are individuals with developmental disabilities or immediate relatives or guardians of such persons:

At least one-third shall be individuals with developmental disabilities

And at least one-third shall be parents or guardians of children with developmental disabilities or immediate relatives or legal guardians of adults with mentally impairing or cognitive developmental disabilities who cannot advocate for themselves.

And one-third shall be a combination of the above described members.

Of the members of the Council who are individuals with developmental disabilities or family members, at least one member shall be an individual with developmental disabilities who resides or previously resided in an institution or an immediate relative or guardian of an individual with developmental disabilities who resides in an institution or who previously resided in an institution.

ARTICLE VI. APPOINTMENTS

All appointments to the Council shall be made by the Governor of the State of Arkansas in accordance with Public Law 106-402, upon the recommendation of the Council and other organizations, groups, and individuals.

ARTICLE VII. TERM OF APPOINTMENT

SECTION 1. The term of appointment, except for state agency representatives, shall be five (5) years, and appointments shall be staggered so that approximately only one-fifth (1/5) of the membership is appointed in any one year. Vacancies shall be filled in the same manner as the original appointment. Members appointed to complete vacancies shall serve for the duration of the predecessor's term. Completion of the predecessor's unexpired term of appointment shall be in addition to membership term limits.

Members of the Council, except for the members representing the principal state agencies as set forth in Section 3(b)(i) herein, shall:

- a. Be appointed by the Governor from among the residents of Arkansas;
- b. Serve at the pleasure of the Governor, who may remove members at will;
- c. Serve staggered five (5) year terms, which each member may serve no more than two full consecutive terms; and
- d. Be geographically representative of the state.

SECTION 2. The Council members representing the principal state agencies shall be appointed by the Governor without a term expiration date and shall serve at the pleasure of the Governor.

SECTION 3. Any member of the Council is eligible for reappointment. Council members shall be appointed for no more than two full consecutive five year terms, but may be reappointed after an absence of one year

ARTICLE VIII.
OFFICES AND DUTIES OF OFFICERS

SECTION 1. The Council shall have two regular officers, a Chair and a Vice Chair, which shall be designated by the Governor from among the Council's appointed membership.

SECTION 2. The Chair shall be the principal officer of the Council. The duties of the Chair shall include the following: to call and preside over Council meetings; to be a voting member of all committees and task forces except the Nominating Committee; to appoint the Chair and membership of all standing and ad-hoc committees, with the exception of the Executive Committee; to serve as the official spokesperson for the Council; to insure that the functions of the Council as described in Public Law 106-402, and its regulations are carried out; and represent other duties as may be prescribed by the Council from time to time.

SECTION 3. The duties of the Vice Chair shall include the following: to carry out the duties of the Chair in her/his absence, to assume the duties of the Chair, if that office is vacated, through the remainder of the term; and to carry out other duties as delegated by the Chair.

ARTICLE IX.
MEETINGS AND ATTENDANCE

SECTION 1. There shall be four regular meetings a year the second Thursday in March, June, September and December if possible, as called by the Council Chair.

SECTION 2. Special meetings may be called by the Council Chair.

SECTION 3. Twelve Council members shall constitute a quorum at Council meetings.

SECTION 4. All meetings of the Council shall be open to the public in accordance with state law.

SECTION 5. Council business shall be conducted by parliamentary procedure, using Robert's Rules of Order as a guide.

SECTION 6. A Council member who is an agency representative may name a permanent representative who has authority to engage in policy planning and implementation on behalf of the department, agency or program they represent and to attend all Council meetings. The permanent representative will count toward a quorum and have sole authority to vote. If the permanent representative is unable to attend, the agency may send a non-voting staff member to attend the council meeting and represent the program. Agency representatives shall recuse themselves from any discussion or vote on grants or contracts or any matter that would provide direct financial benefit to the member or their program or otherwise give the appearance of a conflict of interest.

SECTION 7. A member who misses more than two regular Council meetings in any twelve month period shall be considered to have vacated his/her seat on the Council unless absences are due to temporary illness, travel out of state, or causes deemed excusable by the Executive Committee. In such cases, the Council Chair shall then direct staff to inform the Governor of the Council vacancy. Staff will remind members who are in danger of losing seats after the second absence, and the Council Chair will formally notify them in writing should their absences continue and they should lose their seats.

SECTION 8. No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest. In accordance with Section 125(b) (4) (B) of the Act, a member of the Council shall recuse himself or herself from any discussion of grants or contracts for which the member's department, agency, or program is a grantee, contractor, or applicant.

SECTION 9: Council members and their immediate family members are not eligible to receive any individual or financial benefit from Council funded activities.

ARTICLE X.
REIMBURSEMENT

SECTION 1. Each Council member is eligible for reimbursement of allowable expenses in compliance with state rules and regulations

SECTION 2. Travel and reimbursement is allowed to and from regular-Council meetings, official committee meetings, and other business as directed by the Council.

SECTION 3. Reimbursement for long distance telephone calls is allowed when they are a part of official Council business.

SECTION 4. Council members with developmental disabilities, who require travel assistance in order to attend Council meetings or other official functions may have the costs of their travel companions reimbursed at the same rate as the Council member and receive other fees as established by the Council.

SECTION 5. Reimbursement of respite care is allowable.

SECTION 6. All requests for reimbursement shall be submitted on state travel forms.

ARTICLE XI.
OPERATING YEAR

The operating year of the Council shall be October 1 through September 30 and/or the fiscal year as established by the federal law.

ARTICLE XII.
COMMITTEE STRUCTURE

SECTION 1. The Council shall have four standing committees: Executive, State Plan and Implementation, Public Policy and Outreach, and Nominating. Committee members shall serve two year terms.

SECTION 2. The Executive Committee will consist of the Council Chair, Council Vice-Chair, the immediate past Chair (if available) and four (4) or five (5) members for a total of seven members, selected by vote of the Council at the same time the Chair and Vice Chair are appointed. Committee membership shall attempt to be globally reflective of the Council membership. The Executive Committee acts on behalf of Council between regularly scheduled meetings, such actions to be reported at the next meeting.

SECTION 3. The State Plan and Implementation Committee members will be appointed by the Chair and shall ensure the implementation of Council programs and initiatives as outlined in the state plan. The Committee shall be responsible for gathering data and information on specific needs and issues affecting individuals and their families, making recommendations to the Council for projects and activities that support the intent of the DD Act, monitoring Council activities to ensure consistency with selected areas of emphasis. The Committee is responsible to ensure that selected areas promote system change to improve and expand services and supports for individuals with developmental disabilities and provide opportunities for choice in services they receive.

SECTION 4. Public Policy and Outreach Committee members will be appointed by the Chair, and shall be responsible monitoring and reviewing policies and legislation to ensure that the rights and needs of individuals with developmental disabilities and their families are secured. Activities will include tracking legislation and policies that impact programs and services, educating community members about the importance of promoting policies and practices that will increase opportunities for independence, productivity and integration into the community, seeking input from individuals with developmental disabilities about issues and challenges they face, coordinating activities with other state advocacy groups on policies and legislation affecting people with developmental disabilities, and evaluating existing programs, policies and supports.

SECTION 5. The Nominating Committee members will be appointed by the Chair. The purpose of the committee is to develop a process to identify and recruit individuals for potential Council membership. Upon approval by the Council, recommendations will be forwarded to the Governor for consideration. Monitor Council membership to ensure compliance with the Act and attendance in accordance with Article 7 of these by-laws.

SECTION 6. The Chair shall appoint other ad-hoc committees as needed for specific purposes. Committees will be discontinued after completion of the specific purpose.

ARTICLE XIII.

FUNDING CONTROLS

ALL expenditure of funds under the DD Act, Public Law 106-402 shall be in accord with the Council state plan and comply with all federal and state laws, rules and regulations.

ARTICLE XIV.

AMENDMENTS OF BYLAWS

The Bylaws may be altered, amended, or repealed and new Bylaws may be adopted by the DDC at any regular meeting or special meeting by a vote of two-thirds (2/3) of the membership present.

Approved 1-21-2016

EXECUTIVE COMMITTEE

The Executive Committee shall:

1. Provide leadership for the Council and interact regularly with the Executive Director
2. Perform the function of the Council on matters requiring attention between regularly scheduled meetings and in emergency situations. Committee action is reported at the next Council meeting.
3. Serve as the steering body for the Council by providing guidance and overseeing the organization and general policy direction of the Council.
4. Hire, supervise and evaluate the Executive Director

STATE PLAN AND IMPLEMENTATION COMMITTEE

The State Plan and Implementation Committee shall:

1. Gather data and information on specific needs and issues affecting individuals and their families.
2. Make recommendations to the Council for projects and activities that support the intent of the DD Act.
3. Monitor Council activities to ensure consistency with selected areas of emphasis outlined in the State Plan.
4. Assure that selected areas promote system change to improve and expand services and supports for individuals with developmental disabilities and provides opportunities for choice in services they receive.

PUBLIC POLICY AND OUTREACH COMMITTEE

The Public Policy and Outreach Committee shall:

1. Monitor and review policies and legislation to ensure that the rights and needs of individuals with developmental disabilities and their families are secured.
2. Track legislation and policies that impact programs and services.
3. Educate community members about the importance of promoting policies and practices that will increase opportunities for independence, productivity and integration into the community.
4. Seek input from individuals with developmental disabilities about issues and challenges they face.
5. Coordinate activities with other state advocacy groups on policies and legislation affecting people with developmental disabilities.
6. Evaluate existing programs, policies and supports.

NOMINATING COMMITTEE

The Nominating Committee shall:

1. Develop a process to identify and recruit individuals for potential Council membership and present recommendations to the Council for review. Recommendations, approved by the Council, will be forwarded to the Governor for consideration.
2. Monitor Council membership to ensure compliance with the Act and attendance policy in accordance with Article IX, Section 7 of these by-laws and inform Council members of the attendance policy.
3. Prepare slate of nominees for the Executive Committee members, with the exception of the Chair and Vice Chair, and present to Council in accordance with Council by-laws. Nominees shall be presented and voted on at the first regular Council meeting of the new fiscal year every other year.
4. Submit nominations to the Council to fill vacancies that occur on the Executive Committee.