

## **Executive Order No. 2015-16**

**WHEREAS**, South Carolina continues to identify more clearly the critical importance of strengthening resources for programs designed to serve the needs of our citizens with disabilities; and

**WHEREAS**, the State must make the most effective use of its resources to meet such needs by continuing to develop, implement, and evaluate realistic policies, plans, and programs; and

**WHEREAS**, the well-being of the citizens of South Carolina with substantial disabilities is a priority and responsibility of State government.

**NOW, THEREFORE**, pursuant to the powers conferred upon me by the Constitution and Laws of the State, I hereby reestablish the South Carolina Developmental Disabilities Council, which is the State's forum for developmental disabilities matters and will advocate for persons with those disabilities defined herein.

**FURTHER**, The Council is also established in accordance with the Federal Developmental Disabilities Act of 2000 (the Act) (Public Law 106-402). The Act defines the term developmental disability as a severe, chronic disability of an individual that is attributable to a mental or physical impairment or combination of mental and physical impairments; is manifested before the person attains age twenty-two; is likely to continue indefinitely; results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living and economic sufficiency; and 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.

### **Members:**

The Council shall at all times include in its membership representatives of the principal State governmental agencies that administer funds provided under Federal laws related to persons with developmental disabilities. The Governor hereby appoints to the Council the directors of the following public agencies and programs:

- (1) South Carolina Department of Education
- (2) South Carolina Department of Health and Environmental Control
- (3) South Carolina Department of Mental Health
- (4) South Carolina Department of Disabilities and Special Needs
- (5) South Carolina Vocational Rehabilitation Department
- (6) South Carolina Lt. Governor's Office on Aging
- (7) South Carolina Department of Health and Human Services

The directors referenced above may designate representatives to act on behalf of their respective agencies and programs in the Council's deliberations.

Additionally, in order to provide a continuum to its advocacy efforts, the Council shall include the University Center for Excellence in Developmental Disabilities Education Research and Service the Protection and Advocacy System and representation of non-governmental agencies concerned with individuals with a developmental disability. The chief administrative officer or his/her designated representative who acts on behalf of the organization in any deliberations of the Council shall represent these private organizations and programs.

No less than sixty percent of the total Council membership shall consist of consumer representatives who are not officers or have ownership or controlling interest of any entity, or who are not employees of any state agency that receives funds and provides services under the Developmental Disabilities Act. Of the consumer members, at least one-third shall be persons with developmental disabilities; one-third shall be parents or guardians of children with developmental disabilities or immediate relatives or guardians of adults with developmental disabilities with at least one of these having a family member in an institution; and the remaining one-third shall be representatives from any developmental disabilities consumer category. For purposes of appointment, consumer members may not be providers of services.

The consumer members of the Council shall be appointed by the Governor from the residents of the state to serve at his pleasure on a rotating basis. Terms of office shall be four years and no member shall serve more than two consecutive terms, unless the individual has been appointed to fill a vacant term less than 2 years in duration at initial appointment. They would then be able to fill two additional terms.

The active consumer members of the existing Council shall select the Chairperson. The Council membership shall elect all other officers of the Council and election shall not be limited to consumers.

All members of the Council serve at the pleasure of the Governor, who may remove members at-will.

**Organization:**

The Council shall promulgate bylaws for the orderly conduct of its business, and in discharging its responsibilities, consistent with Federal law, the Council shall:

- (1) Develop and approve a State Plan.
- (2) Monitor, review, and evaluate the implementation of such state plan.
- (3) Submit to the designated federal agency such periodic reports on its activities as may reasonably be requested, and keep such records and afford access thereto as necessary to verify such reports.

In support of the Council, the program shall be housed within the Department of Administration effective July 1, 2015, which shall act as the Designated State Agency as required in Federal law.

This Executive Order shall take effect July 1, 2015, and shall supersede Executive Order 2010-03.

**GIVEN UNDER MY HAND AND THE  
GREAT SEAL OF THE STATE OF SOUTH  
CAROLINA, THIS 6th DAY OF JULY, 2015.**

**NIKKI R. HALEY**