

EXECUTIVE ORDER NO. 2001-07

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, and to do so the State must continue to develop, implement, and evaluate realistic policies, plans and programs; and

WHEREAS, the well-being of 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 matters pertaining to developmental disabilities and will serve as an advocate for persons with those disabilities defined herein.

This Council is also established in accordance with the Federal Developmental Disabilities Act of 2000 (Public Law 106-402). The Act defines the term developmental disability as a severe, chronic disability of a person which 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 person'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.

The Council shall at all times include in its membership representatives of the principal state governmental agencies which administer and/or provide services to persons with developmental disabilities, higher education institutions and programs, as well as other related state and local governmental agencies and organizations.

The Governor hereby appoints the directors of the following public agencies and programs:

- South Carolina Department of Education
- South Carolina Department of Health and Environmental Control
- South Carolina Department of Mental Health
- South Carolina Department of Disabilities and Special Needs
- South Carolina Department of Social Services
- South Carolina Vocational Rehabilitation Department
- South Carolina School for the Deaf and the Blind
- South Carolina Commission for the Blind
- South Carolina Commission on Higher Education
- South Carolina Department of Health and Human Services-Office of Senior 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 representation of non-governmental agencies and organizations concerned with the developmentally disabled. The chief administrative officer or his/her designated representative who act on behalf of the organization in any and all 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 which receives funds and provides services under the Developmental Disabilities Act. Of the consumer members, at least one-third shall be persons with developmental disabilities; and one-third shall be immediate relatives or guardians of persons who have mentally impairing developmental disabilities with at least one of these having a family member in an institution; the remaining one-third shall be representatives from any developmental disabilities consumer category.

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.

The Chairperson of the Council shall be appointed by the Governor for a term of two years with a limit of one successive term. The active consumer members of the existing Council shall select the Chairperson. For purposes of appointment, consumer members may not be providers of services. The Council shall submit its recommendations of persons to the Governor for his consideration. The Council membership shall elect all other officers of the Council and election shall not be limited to consumers.

The Council Chairperson, with the advice and consent of the Executive Committee, may appoint representatives of other agencies and organizations or individuals who deal with persons with developmental disabilities to serve in an *ex officio* capacity to complement the Council's efforts.

The Council shall promulgate by-laws for the orderly conduct of its business, and in discharging its responsibilities, the Council shall:

- Develop jointly with the designated administering agency the Developmental Disabilities State Plan, and approve the State Plan for the provision of services for persons with developmental disabilities.
- Monitor, review, and evaluate the implementation of such state plan and the state program.
- Formulate its program and recommendations in accordance with the Act upon review and comment of all state plans and other activities in the State, which relate to the developmentally disabled population.
- Submit to the Secretary of the United States Department of Health and Human Services, through the Governor, such periodic reports on its activities as may reasonably be requested, and keep such records and afford access thereto as the Secretary finds necessary to verify such reports.
- In support of the Council, the Governor shall house the Council staff within the Office of the Governor and shall provide, as appropriate, the support of the Office of Executive Policy and Programs.

State agencies to administer the state programs shall be designated by the Governor and described in the state plan.

This Executive Order shall take effect immediately, and shall supersede Executive Order 95-04.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 8th DAY OF MARCH, 2001**

JIM HODGES
Governor

Last Updated: Tuesday, July 7, 2009 at 10:23 A.M.