

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2018-03**

WHEREAS, Public Law 106-402 requires (1) a state council on developmental disabilities to engage in advocacy, capacity building and systemic change activities that contribute to a person- and family-centered and directed system of services that enable individuals with intellectual or developmental disabilities to exercise self-determination, be independent, be productive and be integrated and included in all facets of community life; and (2) a designated state agency which, on behalf of the state, shall receive, account for, and disburse based on the state plan, and shall provide required assurances and other support services; and,

WHEREAS, This state council shall, at all times, include in its membership representatives of the principal state agencies that administer funds provided under the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act, the Older Americans Act of 1965, Titles V and XIX of the Social Security Act, the University Center for Excellence in Developmental Disabilities Education, Research, and Service, the state protection and advocacy system, local and non-governmental agencies, and private for-profit and nonprofit groups concerned with services for individuals with intellectual or developmental disabilities; and,

WHEREAS, Not less than 60 percent of the membership of such state council shall consist of individuals with intellectual or developmental disabilities, parents or guardians of children with intellectual or developmental disabilities, or immediate relatives or guardians of adults with mentally impairing intellectual or developmental disabilities who cannot advocate for themselves:

IT IS, THEREFORE, BY EXECUTIVE ORDER, directed that the South Dakota Council on Developmental Disabilities be continued with advisory functions regarding programs and services for individuals with intellectual or developmental disabilities in South Dakota pursuant to Public Law 106-402 and authorized to function in compliance with the following sections of this order.

General Provisions

Section 1. Organization. The functions of the South Dakota Council on Developmental Disabilities (hereinafter referred to as "Council") shall be carried out pursuant to the authority vested by Section 27B-1 of the South Dakota Codified Laws. The Council will have a staff responsible to the Council. In fulfilling the requirements of P.L. 106-402, the Division of Developmental Disabilities is hereby designated as the state agency that, on behalf of the state, shall provide support to the Council. This assignment remains consistent with the decision made on June 14, 1988, to retain the designation of this division as the designated state agency to administer the Developmental Disabilities Basic Support Grant Program.

Section 2. Membership. The Council shall consist of the following state agency representatives who shall have sufficient authority to engage in policy planning and implementation on behalf of

the department, agency or program they represent and shall serve at the pleasure of the Governor:

1. The director or designee of the Division of Developmental Disabilities, Department of Human Services;
2. The director or designee of the Office of Special Education in the Department of Education;
3. The director or designee of the Division of Rehabilitation Services, Department of Human Services;
4. The director or designee of the Division of Long Term Services and Supports, Department of Human Services;
5. The secretary or designee of the Department of Social Services who shall represent all programs within that department and, specifically, public assistance, medical assistance, and social services;
6. The secretary or designee of the Department of Health who shall represent all programs within that department and, specifically, maternal and child health and children's special health services;
7. The director or designee of the South Dakota Developmental Center;
8. The director or designee of the University of South Dakota Center for Disabilities.

Representatives of the following local agencies, nongovernmental agencies, and private for-profit and nonprofit groups concerned with services for individuals with intellectual or developmental disabilities shall be appointed by the Governor:

9. A representative of community based service providers whose term shall be for three years.
10. The director or designee of Disability Rights of South Dakota, whose term shall be at the pleasure of the Governor.

At least fifteen (15) other individuals who shall be individuals with intellectual or developmental disabilities or their parents or guardians appointed by the Governor are as follows:

11. Five (5) individuals who have an intellectual or developmental disability including at least one individual who receives services from a community based service provider and one individual who resides or previously resided in the Developmental Center, and who shall be appointed to one-year, two-year, or three-year terms;

12. Five (5) parents or guardians of children with intellectual or developmental disabilities or immediate relatives or guardians of adults with intellectual or developmental disabilities who cannot advocate for themselves, who shall be appointed to one-year, two-year, or three-year terms; and
13. Five (5) individuals meeting the requirements of either number 11 and 12 above, who shall be appointed to one-year, two-year, or three year terms, including an immediate relative or guardian of an individual with an intellectual or developmental disability who resides or previously resided in the Developmental Center whose term shall be for three years.

There shall be reasonable geographic, cultural and ethnic representation from the entire state as well as diversity in types of disabilities. All appointees shall be residents of the state of South Dakota. The future term of appointment of the individuals with intellectual or developmental disabilities or their parents or guardians, and local government and private for-profit and not-for-profit agency representation shall be three (3) years.

Section 3. Activities. P.L. 106-402 provides areas of emphasis for Council activities and allows flexibility to meet state needs. In order to create an environment in which individuals with intellectual or developmental disabilities direct their own lives and participate in the community, the Council's main activities include:

1. **Information, Education & Planning.** In cooperation with the designated state agency, the Council shall prepare, modify and approve a state developmental disabilities plan, including a plan for implementation and provide information and education to individuals with intellectual or developmental disabilities, their families, service providers, and the general public.
2. **Influencing and Advocacy.** In cooperation with the designated state agency, the Council shall advocate and support systems change among the various federal, state, local or private agencies involved in the developmental disabilities service delivery network, and promote and support best practices across the service delivery system. The Council shall promote partnerships among individuals with intellectual or developmental disabilities, their families, coalitions, state agencies, and service providers. The Council shall serve as an advocate for individuals with intellectual or developmental disabilities of all ages.
3. **Monitoring and Evaluation.** In cooperation with the designated state agency, the Council shall provide continual monitoring of the developmental disabilities service network, legislation, state plans and policies, and provide for methods to evaluate the quality of that service network.

Section 4. Executive Order 2001-09 is hereby abolished, except for the current appointees and their terms of office shall be recognized under the provisions of this Order.

Dated in Pierre, South Dakota, this 24th day of April, 2018.



Dennis Dugaard
Dennis Dugaard, Governor

ATTEST:

Shantel Krebs
Shantel Krebs, Secretary of State