

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2009-165
September 25, 2009

SUBJECT: Re-Establishment - The District of Columbia Commission on Persons with Disabilities

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub L. No. 93-198, D.C Official Code § 1-204.22(11)(2008 Supp.), and in accordance with the Disability Rights Protection Act of 2006, effective December 28, 2006, D.C Law 16-239, D.C Official Code § 2-1431.01 *et seq.* (2001), and section 125(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 ("federal Act"), approved October 30, 2000, 114 Stat. 1696, 42 U.S.C. 15025(a), it is hereby **ORDERED** that Mayor's Order 97-3, dated January 8, 1997, and Mayor's Order 2008-38, dated March 13, 2008, are both rescinded in their entirety and re-issued as follows:

1. ESTABLISHMENT

There is established in the government of the District of Columbia the District of Columbia Commission on Persons with Disabilities ("Commission") within the Office of Disability Rights ("ODR").

There is also established, as a standing committee of the Commission, the Developmental Disabilities State Planning Council ("DD Council"). The DD Council shall carry out all of the functions and responsibilities assigned to such bodies under section 125 of the federal Act.

2. PURPOSE

The Commission shall work to enhance measurably the image, status, inclusion, and quality of life for all District of Columbia residents, visitors, and employees with disabilities and to ensure that they have the same rights and opportunities as those without disabilities. The Commission shall serve as an advisory body to inform and advise the District on programs, services, facilities, and activities that impact the lives of residents with disabilities in the District of Columbia.

The Commission shall advocate on behalf of persons with disabilities and their families to promote inclusive communities and service delivery systems and to provide opportunities for public input, outreach, and education. The Commission shall work within ODR and in collaboration with the Office of Human Rights, the Department on Disability Services ("DDS"), and all other agencies, boards, and commissions of the District government that affect the lives of residents with disabilities.

3. FUNCTIONS

A. The Commission shall:

- (i) In accordance with local and federal laws and guidelines, and in cooperation with District of Columbia community organizations, advise the Mayor, ODR, DDS, and all District government agencies that work directly or indirectly with persons with disabilities on issues affecting persons with disabilities, including the identification of needs and recommending strategies to address them;
- (ii) Review, comment on, assist in the design of, and formulate recommendations concerning proposed and existing legislation, regulations, budgets, policies, programs, state plans, and any other activities of the District or federal governments that may impact the lives of persons with disabilities;
- (iii) Work cooperatively with the Statewide Independent Living Council, the State Rehabilitation Council, the Special Education Advisory Taskforce, and other councils, boards, or commissions that address the needs or rights of persons with disabilities;
- (iv) Promote services, supports, and initiatives that better ensure that people with disabilities are afforded full equality of opportunity in every facet of community life, including in regard to affordable housing, public accommodations, education, school to work transition, employment transportation, communication, recreation, community living, emergency preparedness, health services, voting, and access to public services;
- (v) Conduct public hearings and other forums to determine views of persons with disabilities and other members of the public on matters of importance to persons with disabilities in the District of Columbia;
- (vi) Seek the ongoing input and advice of individuals and community stakeholders regarding the views, needs, barriers, aspirations, and public policy priorities of District of Columbia residents with disabilities and their families;
- (vii) In collaboration with relevant District agencies, conduct community outreach, education and awareness, information and referral activities, and disseminate resource information for and about persons with disabilities and raise the profile of persons with disabilities in the District of Columbia;
- (viii) Produce and annually update a five-year strategic plan and an annual statement of goals and objectives, and develop an annual report on the activities of the Commission. The strategic plan shall be developed, monitored, reviewed, evaluated, and implemented with input and comment from relevant stakeholders; and

- (ix) Undertake other activities to advance the mission of the Commission that may be determined or assigned by the Mayor or his or her designee.

B. The DD Council shall:

- (i) Advise and assist the Commission in identifying and addressing issues related to children, adults, and older persons with developmental disabilities and their families;
- (ii) Develop and produce a Developmental Disabilities State Plan in accordance with the requirements of the federal Act;
- (iii) Engage in advocacy, capacity building, and systemic change activities that are consistent with the purposes of the federal Act;
- (iv) Assure that, to the extent possible, the State Plan aligns with, complements, and is incorporated within the Commission's strategic plan;
- (v) Participate fully in the work of the Commission, by promoting collaboration and coordination among appropriate public and nonprofit organizations in ways that build and continuously improve on a coordinated, consumer-and-family-centered, consumer-and-family-directed system of supports and assistance that enable individuals with developmental disabilities to exercise self-determination, as independent, productive, integrated community members;
- (vi) Submit through the Commission, ODR, and the Mayor, periodic reports on the DD Council's activities to the Secretary of the U.S. Department of Health and Human Services, including a report by January 1 of each year on the activities carried out during the preceding year with Federal Assistance on State Developmental Councils Grant Funds, and keep and afford access to those records; and
- (vii) Undertake other activities to advance the mission of the Commission.

4. **MEMBERSHIP AND MEETINGS**

A. The Commission shall consist of a minimum of twelve (12) and a maximum of fifteen (15) members representing the general public and shall be appointed by the Mayor. The Mayor shall also appoint at least two (2) members of the DD Council, not including the DD Council Chairperson, to serve jointly on the Commission.

At least fifty-one percent (51%) of Commission members shall at all times consist of person with disabilities and shall otherwise have experience with, or a demonstrated interest in, issues that impact persons with disabilities.

Commission members shall be District residents and may include representation from the following communities: persons with disabilities; representatives of the District of Columbia

business community; representatives of the service provider community who serve persons with disabilities in the District; representatives of advocacy organizations who serve person with disabilities in the District; and other individuals in the District who have a demonstrated interest in enhancing the self-determination, productivity, integration, and valued participation of people with disabilities in all facets of community life.

B. The DD Council, including the members jointly serving on the Commission, shall consist of fifteen (15) members appointed by the Mayor.

Nine (9) members of the DD Council shall be consumer members and shall be appointed as follows:

- Three (3) shall be persons with developmental disabilities;
- Three (3) shall be parents, guardians, or immediate relatives of persons with developmental disabilities (collectively, “representatives”); and
- Three (3) shall be a combination of persons with developmental disabilities and their representatives.

At least one (1) of the DD Council consumer members shall be an immediate relative or guardian of an institutionalized or previously institutionalized person with a developmental disability OR shall be an individual with a developmental disability who resides or previously resided in an institution.

None of the DD Council consumer members shall be employees of a District government agency that receives funds or provides services under the Federal Assistance to State DD Councils grant program, managing employees of any other entity which receives such funds or provides such services, or persons with an ownership or controlling interest with respect to any such other entity.

Six (6) of the DD Council shall general members, who shall be appointed by the Mayor from at least one (1) each of the following:

- Providers of services to persons with developmental disabilities;
- A representative of DDS;
- The District’s Protection and Advocacy Organization;
- The District’s designated University Center for Excellence in Developmental Disabilities; and
- Local and non-governmental agencies or private non-profit groups concerned

with services for individuals with developmental disabilities in the District.

C. Each member, or a designated representative, shall attend all meetings of the full Commission and its subcommittees. The Commission's by-laws may permit members representing the general public to take excused absences. Any member who, without receiving an excused absence by the appropriate Chairperson, fails to attend three (3) consecutive meetings shall be deemed to be removed from the Commission, and a vacancy shall be created.

5. **TERMS**

Members shall be appointed to terms of three (3) years, except that of the first appointed members, one-third shall be appointed for a term of one (1) year, one-third for a term of two (2) years, and one-third for a term of three (3) years. The date on which a majority is sworn in shall serve as the anniversary date for all subsequent appointments. Should a vacancy occur through death, incapacity, or resignation of a member, the Mayor shall appoint a successor to complete the unexpired term.

6. **ORGANIZATION**

A. The Mayor shall appoint one Chairperson of the Commission, who shall serve in that capacity at the pleasure of the Mayor.

B. The Mayor shall also appoint one Chairperson of the DD Council, who shall serve in that capacity at the pleasure of the Mayor and who shall sit on the Commission, but may not chair the Commission.

C. In addition to the DD Council, the Commission may establish other appropriate committees or task forces, and may also establish rules and procedures and by-laws in accordance with this Order.

7. **ADMINISTRATION**

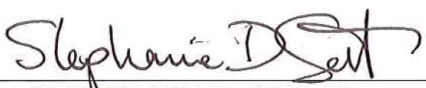
ODR shall provide the Commission and its subcommittees with a Special Assistant for full program support. The Special Assistant's responsibilities shall comply fully with section 125(d)(3) of the federal Act. If at any time a vacancy in the Special Assistant's position should occur, the Commission can assist ODR with candidate selection. Additional resources to support activities of the Commission may be provided from appropriate government grants or from grant-funded District agencies responsible for providing service to persons with physical, mental, developmental, and emotional disabilities.

8. **COMPENSATION**

Members of the Commission shall serve without compensation, with the exception of members of the DD Council, whose members shall be compensated in accordance with section 125(c)(8) of the federal Act. Commission expenses shall be authorized in advance by agreement with the ODR Director and the appropriate Commission member(s).

9. **RESCISSION:** Mayor's Order 97-3, dated January 8, 1997, and Mayor's Order 2008-38, dated March 13, 2008, are both rescinded.
10. **EFFECTIVE DATE:** This Order shall become effective immediately.


ADRIAN M. FENTY
MAYOR

ATTEST: 
STEPHANIE D. SCOTT
SECRETARY OF THE DISTRICT OF COLUMBIA