

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 67
IDAHO STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

67-6701. DECLARATION OF PURPOSE. The legislature finds that disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in all aspects of their lives; that individuals with developmental disabilities comprise from 1.2 to 1.65 percent of the population; that individuals with developmental disabilities are at greater risk of discrimination and abuse, neglect, and exploitation; that individuals with developmental disabilities and their families often do not have access to appropriate services, support and other assistance to live independent lives in their homes and communities; that an increasing number of people with developmental disabilities are living at home with aging parents as primary caregivers; and that services and programs are located within diverse agencies and organizations with no central point for coordination and cooperation, comprehensive planning, evaluation, monitoring and advocating on behalf of people with developmental disabilities. This act is designed to assure that individuals with developmental disabilities and their families participate in the design of, and have access to, needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life through culturally appropriate programs. This act is also intended to assure the dignity of persons with developmental disabilities, by reaffirming their rights, which are the same rights as other people of the state of the same age and include the right to live as complete and normal lives as possible and to develop their abilities and potential to the fullest extent possible.

It is understood that the intention of this act is not to supersede the authority or responsibilities of agencies of state government responsible for providing services to persons with developmental disabilities.

[67-6701, added 1978, ch. 269, sec. 1, p. 618; am. 2002, ch. 113, sec. 1, p. 317.]

67-6702. DEFINITIONS. (1) "Advocacy" means to act in the interest of individuals with developmental disabilities in accordance with the purposes of this chapter.

(2) "Assistive technology device" is any item, equipment or product system that is used to increase, maintain or improve functional capabilities of individuals with disabilities.

(3) "Assistive technology service" is any service which directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device.

(4) "Council" means the Idaho state council on developmental disabilities.

(5) A "developmental disability" means a severe and chronic disability of an individual that:

(a) Is attributable to a mental or physical impairment or combination of mental and physical impairments;

(b) Is manifested before the individual attains age twenty-two (22) years;

(c) Is likely to continue indefinitely;

(d) Results in substantial functional limitations in three (3) 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; or

(vii) Economic self-sufficiency; and

(e) Reflects the need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports or other forms of assistance which are:

(i) Of lifelong or extended duration, and

(ii) Individually planned and coordinated.

(6) "Inclusion" means the acceptance and encouragement of the presence and participation of individuals with developmental disabilities, by individuals without disabilities, in social, educational, work and community activities, that enables individuals with developmental disabilities to:

(a) Have friendships and relationships with individuals and families of their own choice;

(b) Live in homes close to community resources;

(c) Enjoy full access to and active participation in the same community activities and types of employment as individuals without disabilities;

(d) Take full advantage of their integration in a manner that allows them to live, learn, work and enjoy life in regular contact with individuals without disabilities;

(e) Enjoy full and equal access to appropriate assistive technology devices and services and to information and electronic technology.

(7) "Individualized supports" means supports that:

(a) Enable an individual with a developmental disability to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life;

(b) Are designed to:

(i) Enable such individual to control such individual's environment, permitting the most independent life possible;

(ii) Prevent placement into a more restrictive living arrangement than necessary;

(iii) Enable such individual to live, learn[,] work, and enjoy life in the community;

(c) Include:

(i) Early intervention services;

(ii) Respite care;

(iii) Personal assistance services;

(iv) Family support services;

(v) Supported employment services;

(vi) Support services for families headed by aging caregivers of individuals with developmental disabilities;

(vii) Provision of assistive technology devices and services; and
 (viii) Transportation services.

(8) "Integration" means exercising the equal right of individuals with developmental disabilities to access and use the same community resources as are used by and available to other individuals.

(9) "Productivity" means:

(a) Engagement in income-producing work that is measured by increased income, improved employment status, or job advancement; or

(b) Engagement in work that contributes to a household or community.

(10) "Self-determination" means that individuals with developmental disabilities have, with appropriate assistance:

(a) The ability and opportunity to communicate and make personal decisions;

(b) The ability and opportunity to communicate choices and exercise control over the type and intensity of services, supports and other assistance the individuals receive;

(c) The authority to control resources to obtain needed services, supports and other assistance;

(d) Opportunities to participate in and contribute to their communities;

(e) Financial and other support necessary to:

(i) Advocate for themselves and others;

(ii) Develop leadership skills, through training in self-advocacy;

(iii) Participate in coalitions;

(iv) Educate policymakers; and

(v) Play a role in the development of public policies that affect individuals with developmental disabilities.

[67-6702, added 1978, ch. 269, sec. 1, p. 619; am. 2002, ch. 113, sec. 2, p. 318.]

67-6703. IDAHO STATE COUNCIL ON DEVELOPMENTAL DISABILITIES. (1) The Idaho state council on developmental disabilities is established to engage in advocacy, capacity building, and systemic change activities that:

(a) Contribute to a coordinated, consumer and family-centered, consumer and family-directed, comprehensive system that includes needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families; and

(b) Are consistent with the requirements of the developmental disabilities assistance and bill of rights act of 2000 (P.L. 106-402) and subsequent acts.

(2) For budgetary purposes and for administrative support purposes, the council shall be assigned, by the governor, to a department or office within the state government. However, this assignment shall not interfere with the advocacy, capacity building, and systemic change activities, budget, personnel, plan development or plan implementation of the council, except that the designated state agency shall have the authority necessary to carry out the responsibilities described in P.L. 106-402, section 125(d) (3).

[67-6703, added 1978, ch. 269, sec. 1, p. 620; am. 2002, ch. 113, sec. 3, p. 320.]

67-6704. COMPOSITION. (1) The council shall consist of twenty-three (23) members to be appointed by the governor, at least sixty percent (60%) of whom shall be individuals with developmental disabilities, parents or guardians of children with developmental disabilities, or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves. These members shall not represent any other category of membership.

(2) At least five (5) of the members shall be persons with a developmental disability, and at least seven (7) of the members shall be parents or guardians of children with a developmental disability. One (1) additional member shall be either a person with a developmental disability or the parent of a child with a developmental disability. These members shall not be employees of a state agency that receives funds or provides services under P.L. 106-402 or managing employees of any other entity that receives funds or provides services under P.L. 106-402. For purposes of this subsection, "managing employee" shall have the same meaning as in 42 U.S.C. 1320a-5(b).

(3) The principal state agencies concerned with services or programs affecting individuals with developmental disabilities shall be represented as members of the council, including entities responsible for administering funds under:

- (a) The rehabilitation act of 1973 (29 U.S.C. 701 et seq.);
 - (b) The individuals with disabilities education act (20 U.S.C. 1400 et seq.);
 - (c) The older Americans act of 1965 (42 U.S.C. 3001 et seq.);
 - (d) Titles V and XIX of the social security act (42 U.S.C. 701 et seq. and 42 U.S.C. 1396 et seq.).
- (4) The council shall also have representation from:
- (a) The state protection and advocacy organization;
 - (b) The university center for excellence in developmental disabilities education, research and service.

One (1) representative may represent more than one (1) program or service.

(5) The remainder of the members shall be representatives of local and nongovernmental agencies and private nonprofit groups concerned with services for individuals with developmental disabilities pursuant to P.L. 106-402 and council bylaws required by section [67-6707](#)(2), Idaho Code.

(6) The membership of the council shall be geographically representative of the state and reflect the diversity of the state with respect to race and ethnicity.

[67-6704, added 1978, ch. 269, sec. 1, p. 620; am. 1986, ch. 28, sec. 1, p. 81; am. 2002, ch. 113, sec. 4, p. 321; am. 2016, ch. 42, sec. 1, p. 92.]

67-6705. APPOINTMENT AND TERM OF OFFICE. (1) Council members' terms shall be for three (3) years.

(2) The governor shall make appropriate provisions for rotation of membership on the council.

(3) A vacancy occurring in the membership of the council shall be filled by appointment of the governor for the unexpired portion of the vacated term.

(4) Members may be replaced because of poor attendance, lack of participation in the council's work, or malfeasance in office.

[67-6705, added 1978, ch. 269, sec. 1, p. 620; am. 2002, ch. 113, sec. 5, p. 322.]

67-6706. COMPENSATION AND EXPENSES. Members of the council shall serve with no salary or benefits, but are entitled to reimbursement for travel and other expenses as authorized by the Idaho Code. Those members of the council, as set out in section [67-6704](#)(2), Idaho Code, shall also be reimbursed for expenses associated with the respective members' respite care for their child or adult family member with developmental disabilities when necessary for the members to participate in authorized council activities and meetings required under section [67-6707](#)(2), Idaho Code.

[67-6706, added 1978, ch. 269, sec. 1, p. 621; am. 1986, ch. 28, sec. 2, p. 82; am. 2002, ch. 113, sec. 6, p. 322.]

67-6707. ORGANIZATION OF COUNCIL -- EMPLOYMENT OF NECESSARY PERSONNEL. (1) The governor shall, after consultation with the council members, appoint a chair from among the council membership who shall serve for a one (1) year term, but at the pleasure of the governor.

(2) The council shall adopt and amend bylaws governing its proceedings, activities and organization, including, but not limited to, provisions for election of officers other than the chair; provision for a quorum, procedure, frequency and location of meetings; and establishment, functions and membership of council committees.

(3) The council shall employ and fix the compensation, subject to provisions of [chapter 53, title 67](#), Idaho Code, of such personnel as may be necessary, including, but not limited to, a full-time administrator, who shall be designated as the executive director of the council and who shall be exempt under the provisions of [chapter 53, title 67](#), Idaho Code.

[67-6707, added 1978, ch. 269, sec. 1, p. 621; am. 2002, ch. 113, sec. 7, p. 323.]

67-6708. RESPONSIBILITIES AND DUTIES. The council shall:

(1) Serve as a forum by which issues and benefits regarding current and potential services and programs for persons with developmental disabilities may be discussed by consumer, public, private, professional and lay interests.

(2) Advocate for individuals with developmental disabilities and conduct or support programs, projects and activities that carry out such advocacy.

(3) Advise the executive and legislative branches of local, state and federal governments and the private sector on programs and policies pertaining to current and potential services to persons with developmental disabilities and their families.

(4) Submit periodic reports to the governor, the legislature and departments of state government on how current federal and state programs, rules, regulations, and legislation affect services to persons with developmental disabilities.

(5) Assess, review and/or monitor the services and programs being provided for individuals with developmental disabilities.

(6) Review and comment on all service plans and budgets of the state which will or may affect services and programs for persons with developmental disabilities.

(7) Review and comment on proposed state legislation and/or rules and regulations relating to services and programs for persons with developmental disabilities.

(8) Participate in community integration for individuals with developmental disabilities.

(9) In consultation with the designated state agency develop and adopt, and annually review and revise as necessary, a five (5) year strategic state plan. Such state plan shall be the state plan required to be submitted under P.L. 106-402, as amended, and shall describe how the council will conduct and support advocacy, capacity building and systemic change through:

(a) Outreach and identification of individuals with developmental disabilities and their families to assist and enable them to obtain services, supports and assistance;

(b) Training for individuals with developmental disabilities, their families and personnel to enable them to obtain access to the services and supports they need;

(c) Technical assistance to assist public and private entities to assist and support individuals with developmental disabilities in achieving independence, integration, productivity and self-determination;

(d) Support for and education of communities to respond positively to individuals with developmental disabilities and their families;

(e) Interagency collaboration and coordination;

(f) Coordination with related councils, commissions and programs concerning individuals with disabilities;

(g) Efforts to eliminate barriers to the access and use of community services by individuals with developmental disabilities, to enhance system design and redesign, and to enhance citizen participation;

(h) Public education activities regarding the capabilities, preferences and needs of individuals with developmental disabilities through coalition development, self-advocacy training and education of policymakers;

(i) Conducting studies, analyses, information gathering, and providing recommendations to local, state and federal policymakers in order to increase their ability to offer opportunities or enhance services to individuals with developmental disabilities;

(j) Demonstration of new approaches to services and supports for individuals with developmental disabilities and their families to assist them in achieving independence, integration, productivity and self-determination;

(k) Demonstration of new approaches to increase access to electronic and information technologies for individuals with significant disabilities; and

(l) Other advocacy, capacity building and systemic change activities to promote a coordinated, consumer and family directed comprehensive system of supports and services for individuals with developmental disabilities.

[67-6708, added 1978, ch. 269, sec. 1, p. 621; am. 2002, ch. 113, sec. 8, p. 323.]

67-6709. SHORT TITLE. This act shall be known and cited as the "Idaho state council on developmental disabilities act."

[(67-6709) 67-6710, added 1978, ch. 269, sec. 1, p. 623; am. & re-desig. 2002, ch. 113, sec. 10, p. 325.]