

As Presented by the Olmstead Advisory Committee to the Disability Commission
November 16, 2005

Proposed Draft

§ 2.2-XXXX. Purpose. The purpose of this Chapter is to assure ongoing progress by all Executive branch state agencies toward community integration of Virginians with disabilities in accordance with all applicable state and federal laws so that they may enjoy the benefits of society and the freedoms of everyday life. Community integration allows people to move into more integrated settings and avoid having to move into less integrated settings.

§ 2.2-XXXX. Definitions.

As used in this chapter:

"Board" means the Community Integration Advisory Board established under § 2.2-XXXX.

"Director" means the Director of Community Integration for People with Disabilities established under § 2.2-XXXX.

"Implementation Team" means the Community Integration Implementation Team established under § 2.2-XXXX.

§ 2.2-XXXX. Community Integration Implementation Team established; membership; chairman.

The Community Integration Implementation Team is hereby established in the Executive Branch of state government. The Implementation Team shall consist of the head or his designee of each of the following state agencies and entities: the Department for the Blind and Vision Impaired; the Department of Education; the Department of Housing and Community Development; the Department of Medical Assistance Services; the Department of Mental Health, Mental Retardation and Substance Abuse Services; the Department of Rail and Public Transportation; the Department of Rehabilitative Services; the Department of Social Services; the Department of Transportation; the Department of Veterans' Services; the Office of Comprehensive Services for At-Risk Youth and Families; the Special Advisor to the Governor for Workforce Development; the State Council of Higher Education for Virginia; the Virginia Board for People With Disabilities; the Virginia Community Colleges System; the Department for the Aging; the Department for the Deaf and Hard of Hearing; the Department of Health; the Department of Professional and Occupational Regulation; the Virginia Housing Development Authority; and the Statewide Independent Living Council. The Secretaries of Commerce and Trade, Education, Health and Human Resources and Transportation, or their designees, shall serve as *ex officio*, voting members of the Implementation Team. The Governor may appoint

representatives of other agencies or institutions of higher education to the Implementation Team at his discretion.

B. The Director shall chair the Implementation Team. The vice-chairman shall be selected by majority vote of the members of the Implementation Team.

§ 2.2-XXXX. Powers and duties of Implementation Team

A. The Implementation Team shall have the power and duty to:

1. Develop and annually update a comprehensive, cross-governmental strategic plan, the purpose of which is to assure continued community integration of Virginians with disabilities;
2. Seek advice and input from the Board as the strategic plan is developed;
3. Develop budget and legislative proposals that support implementation of the strategic plan; and
4. Report annually by July 15 to the Board on the status of community integration of Virginians with disabilities.

B. All executive branch agencies of the Commonwealth shall participate in the activities of the Team upon request.

§ 2.2-XXXX. Community Integration Advisory Board established; membership; terms; quorum.

A. The Community Integration Advisory Board is established as an advisory board within the meaning of § 2.2-2100, in the Executive branch of state government. The Board shall have a total membership of 21 citizen members, appointed by the Governor, that shall consist of: 11 members with disabilities, including one current resident of a state mental health facility, one current resident of a state mental retardation training center, and one current resident of a nursing facility; four family members of Virginians with disabilities; and six members who provide services to Virginians with disabilities or who advocate for such persons or services. Notwithstanding the provisions of § 2.2-2101, members of the legislature are considered to be citizens for purposes of this section.

Upon initial appointment, seven members shall be appointed for four-year terms, seven for three-year terms, and seven for two-year terms. Thereafter, all members shall be appointed for four-year terms. Vacancies shall be filled by the Governor in the same manner as the original appointment for the unexpired portion of the term. Each Board member shall be eligible for reappointment for a second consecutive term at the discretion of the Governor. Persons who are first appointed to initial terms of less than four years shall thereafter be eligible for reappointment to two consecutive terms of four years each.

In making appointments to the Board, the Governor shall endeavor to ensure both a balanced geographical representation and a diverse disability and ethnic representation.

B. The Board shall elect a chairman from its membership and may elect one of its members as vice-chairman. The Board shall also elect one of its members as secretary. The Board shall meet at least four times a year at such times as it deems appropriate or on call of the chairman. A majority of the members of the Board shall constitute a quorum.

C. The Director shall provide staff support to the Board.

2.2-XXXX. Compensation; expenses.

Members shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses in accordance with § [2.2-2823](#).

2.2-XXXX. Powers and duties of Board.

The Board shall have the power and duty to:

1. Monitor the implementation of state and federal laws concerning community integration of Virginians with disabilities;
2. Study all matters that present barriers or challenges to full community integration of -Virginians with disabilities;
3. Advise and make recommendations to the Director and the Implementation Team related to eliminating barriers and challenges to community integration of Virginians with disabilities and such other related matters as may arise in the performance of their duties;
4. Review and advise the Director and the Implementation Team on its strategic plan; and
5. Report recommendations to the Governor.

§ 2.2-XXXX. Cooperation from other state agencies.

All agencies of the Commonwealth shall assist the Board upon request.

§ 2.2-XXXX. Position created.

There is created in the Office of the Governor the position of Director of Community Integration for People with Disabilities. The Director shall serve at the pleasure of the Governor.

§ 2.2-XXXX. Responsibilities of the Director.

The Director's responsibilities shall include, but shall not be limited to:

1. Review agency strategic plans and funding allocations to assure that they support community integration of Virginians with disabilities;
2. With the assistance of the Team, the Board, the Secretaries of Commerce and Trade and Health and Human Resources, the Virginia Housing Development Authority, and the Department of Housing and Community Development, work with all stakeholders to develop a policy regarding housing options for Virginians with disabilities who want to and can live in more integrated community settings and coordinate the implementation of this policy;
3. Create a system to monitor the effectiveness of community integration efforts, including a system to measure and evaluate the performance of the Commonwealth in this area;
4. Assist agencies in implementing policies and regulatory changes needed to ensure and support community integration of Virginians with disabilities;
5. Monitor federal legislation and policy in order to maximize the Commonwealth's effective use of and access to funds that support community integration;
6. Report annually by May 31 to the Governor on the status of efforts to create opportunities that further the goal of ensuring integration of Virginians with disabilities into the community;
7. Serve as Chairman of the Implementation Team; and
8. Employ the personnel required to carry out the purposes of this Chapter.

§ 2.2-XXXX. Funding

Contingent upon funding, the Department of Medical Assistance Services shall serve as the fiscal agent for the administrative costs associated with the work of the Director, the Implementation Team and the Board.

AMENDMENTS TO EXISTING STATUTES:

§ 2.2-2101. (Effective until July 1, 2008) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § [54.1-901](#); to members of the Council on Indians, who shall be appointed as provided for in § [2.2-2628](#); to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § [23-231.3](#); to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § [23-231.25](#); to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § [2.2-5204](#); to members of the Board of Veterans Services, who shall be appointed as provided for in § [2.2-2452](#); to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § [23-231.15](#); to members of the Commonwealth Competition Commission, who shall be appointed as provided for in § [2.2-2621](#); to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § [2.2-2423](#); to members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind, who shall be appointed as provided for in § [22.1-346.1](#); to members of the Substance Abuse Services Council, who shall be appointed as provided for in § [37.1-207](#); to members of the Criminal Justice Services Board, who shall be appointed as provided in § [9.1-108](#); to members of the Council on Virginia's Future, who shall be appointed as provided for in § [2.2-2685](#); to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § [2.2-2648](#); to members of the Virginia Workforce Council, who shall be appointed as provided for in § [2.2-2669](#); to members of the Commission on Civics Education, who shall be appointed as provided for in § [22.1-212.18](#); or to members of the Forensic Science Board, who shall be appointed as provided for in § [9.1-1109](#); or to members of the Community Integration Advisory Board, who shall be appointed as provided for in § 2.2-XXXX.

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