



OPERATIONAL POLICY

Policy Title: Developing Council Responses to Emergent Issues	Policy Number: 2001-01 Page <u>1</u> of <u>5</u> Pages <i>Last Revised Date: 1/8 /07</i>
Approved:	Chairperson Ian Watlington

Purpose

The purposes of this Operational Policy are to establish criteria for determining when it is appropriate for Council members and staff to respond in writing or by verbal testimony to emergent or to emergency issues when such response is deemed to have policy, legislative, or political implications. Furthermore this policy outlines procedures that shall be followed when this policy is invoked.

Policy

Council positions and responses, whether delivered by Council members or staff shall be directed and guided by statute, Council mission, policies, positions, precepts, decisions; shall be communicated to Council members in a timely and respectful manner and shall be reviewed via a ratification process.

Definitions

Emergent issue: The issue is coming into existence, view, or attention but is not an emergency but demands attention. An issue impacting people with developmental disabilities either as an identifiable group or as part of a larger group of people with disabilities. Some examples are Systems Change by Developmental Disabilities Services, Portability of Services, and Self-Determination. Unless already covered by concepts stated in the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Council Mission, Council Philosophical Precepts, Policies, or Positions, the Council will typically lead the discussion and response development. Both, Council members and staff will typically deliver the response depending on the opportunity to present the response.

Emergency issue: The issue is of serious nature, developing suddenly, typically unexpectedly, and demanding immediate attention. An issue impacting people with developmental disabilities either as an identifiable group or as part of a larger group of people with disabilities. Some examples are legislation, lawsuits, or people receiving services, identified in harmful situations.

Policy Title: Developing Council Responses to Emergent Issues	Policy Number: 2001-01 Page <u>2</u> of <u>5</u> Pages <i>Last Revised Date: 1/8/07</i>
---	---

Unless already covered by concepts stated in the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Council Mission, Council Philosophical Precepts, Policies, or Positions, the Council Members or staff may lead the process for developing a response. Either, Council members or staff may deliver a response depending on the opportunity to present the response under this policy.

Procedure

This procedure is applicable to Council members and Staff for emergent issues. Any Council Member or staff member may invoke this policy and initiate consideration of a response to an Emergent Issue. The person that invokes the policy must contact Executive Director who will review the request to designate the appropriate process to follow. The Executive Director will ensure that the initiation of the policy has followed the communication process outlined in Section (B) of the policy procedure and that an Emergent Issues Form is completed.

- A. Guidance for developing a response, verbal or written
 - 1. Council responses shall be based on direct guidance found in one or more of the following published documents:
 - a. *Council Policy Papers* (such as *Inclusion, Family Support, Sexual Rights Protection*, or any others that may be developed.)
 - b. *Council Position Papers* (such as the *Council Position on Managed Care, Resolution on the Right to Communicate (Including Facilitated Communication)*, or any others that may be developed as a result of processing emergent issues.)
 - c. *Council Policies* (such as the *Council Policy on Ethnic and Cultural Diversity*, or any others that may be developed.)
 - d. *Council Values, Precepts, Priorities, and Principles* (such as but not limited to those documented in our federal law, state law, state plan, and mission statement.)

It is assumed unless declared otherwise by the Council or Executive Committee that existing Policy Papers, Position Statements, Policies are current for the purposes of emergent responses.

- 2. If no guidance for a response exists in any of the aforementioned published Council documents, timeliness is not an issue, and a Council committee has clear jurisdiction over the issue at hand, Council members or staff shall:
 - a. Bring the issue to the Committee chairperson under whose jurisdiction the issue falls; and,

Policy Title: Developing Council Responses to Emergent Issues	Policy Number: 2001-01 Page <u>3</u> of <u>5</u> Pages <i>Last Revised Date: 1/8/07</i>
---	---

- b. Work with the Committee under whose jurisdiction the issue falls to develop a recommended response; and,
 - c. Present the recommended response to the Council which shall take the recommendation or develop its own response that is disseminated in a timely manner.
3. If no guidance for a response exists in any of the aforementioned, published Council documents, timeliness is an issue, and/or no committee of the Council has clear jurisdiction over the issue at hand, Council members or staff shall present the issue to the Executive Committee Chair who shall be responsible and accountable for taking the issue to the Executive Committee in a timely way for a timely discussion and response.

B. Communication About Issues

1. The Executive Director shall ensure that the Council Chairperson and other Council members are notified of the Council's interest in issues that may have policy, legislative, or political implications.
 - a. The Executive Director shall ensure that the Council Chairperson and Council members are sent a timely advance copy of any emergent response developed within the parameters of Council Policy Papers; Council Positions; Council Policies; or Council Values, Precepts, Priorities or Principles as well as responses developed through Council Committees including Executive Committee process. As a Council draft work product, the timely advance response shared with any Council member, will not be public until it is submitted to the targeted policymaker, if requested by an elected official.
 - b. Council members shall be asked to review and provide immediate comments to the Executive Director or staff on emergent issues consistent with the process and timeline established by the Council, Council Chairperson, Committee Chairperson, and/ or staff. The process and timeline will be specific for each issue and will be defined when the emergent issue is declared. Emergency issue consideration may be extremely time-sensitive.
 - c. The Council Chair and Executive Director when finalizing each response shall consider concerns raised by Council members. It is recognized that there are times that some Council members may not agree with responses even when those responses may be developed under existing Council documentation. Analyses and rationale for positions will be articulated on Emergent Issue Forms and Council members' concerns will be noted. These forms are public documents.
 - d. All emergent responses will include a statement that the positions and responses are those of the Council as a whole and do not necessarily represent the views of individuals including agencies represented on the Council.
 - e. The Council Executive Committee will consider perceived violations of this policy.

Policy Title: Developing Council Responses to Emergent Issues	Policy Number: 2001-01 Page <u>4</u> of <u>5</u> Pages <i>Last Revised Date: 1/8/07</i>
---	---

f. All Council and Committee Members shall receive a hard copy of this policy, shall receive in-service training on this policy, and each new member shall receive training within the quarter that they assume Council or Committee membership.

2. Communication with Non-Council members

The Executive Director shall determine if courtesy copies of the response need to be provided to other non Council member individuals or to other agencies or organizations and shall act accordingly.

3. Presentation of an Emergent or Emergency Response

It is optimal to have the Council Chairperson, Committee Chairperson or a designated, Council member present the response to policymakers. In situations where it is not possible, the Executive Director or his/her designee may present the response as necessary. In the case of written (non-verbal) responses, the Council Chairperson or Public Policy Chairperson has the signatory authority.

4. Emergency Response

From time to time, timely notification of Council members requesting comments may not be possible or feasible. It is expected that the Council Chairperson and Executive Director would determine when an Emergency Response is necessary according to the definition cited above and develop and deliver the response. They will advise the Executive Committee of their action and will follow up with the full Council as soon as reasonably possible.

C. Ratification of Emergent and Emergency Responses by Full Council

1. Ratification of Emergent and Emergency Responses will be the process for the Council to consider whether each action taken according to this policy was appropriate.

2. An opportunity to vote for or against ratification shall occur at the next regularly scheduled Council meeting as a standing agenda item.

3. Assuming that quorum is met, a simple majority in favor of affirming the Emergent or Emergency Response constitutes ratification. Should quorum not be obtained, a vote on ratification shall be sought through an email/fax/phone call process as soon as reasonably possible.

4. Votes shall follow Roberts Rules of Order. A vote against affirming the Emergent or Emergency Response shall negate the response and the Council shall advise the Chair and Executive Director on steps to be taken to either amend or revoke the original response.

Authority

Developmental Disabilities Assistance and Bill of Rights Act of 2000 (P.L. 106-402) Sec. 125 (c) Council Responsibilities (1) In General. -"A Council, through Council members, staff, consultants, contractors, or sub grantees, shall have the responsibilities described in paragraphs (2) through (10)"...."(5) State Plan Implementation.... (J) Informing Policymakers. -The Council may support and conduct activities to provide information to policymakers by supporting and conducting studies and

Policy Title: Developing Council Responses to Emergent Issues	Policy Number: 2001-01 Page <u>5</u> of <u>5</u> Pages <i>Last Revised Date: 1/8/07</i>
---	---

analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations. The Council may provide the information directly to Federal, State, and local policymakers, including Congress, the Federal executive branch, the Governors, State legislatures, and State agencies, in order to increase the ability of such policymakers to offer opportunities and to enhance or adapt generic services to meet the needs of, or provide specialized services to, individuals with developmental disabilities and their families.”

OPERATIONAL POLICY FOR EMERGENT ISSUES

Adopted January 8, 2007

Ian Watlington Chairperson

Marcia Tewell, Executive Director