



# Executive Order

## Commonwealth of Pennsylvania

### Governor's Office

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## Executive Order 2026-03 – Developmental Disabilities Council

Date: April 15, 2026

By Direction of:

A blue ink signature of Josh Shapiro, the Governor of Pennsylvania.

Josh Shapiro, Governor

- WHEREAS, Pennsylvania remains committed to the continued advancement of a strong and responsive system of services that supports people with Developmental Disabilities; and
- WHEREAS, the federal government enacted *The Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402* (hereinafter "*Public Law 106-402*" or "*Developmental Disabilities Act*"), substantially amending earlier enacted federal statutes, which governed the operation of the Pennsylvania Developmental Disabilities Council; and
- WHEREAS, the *Developmental Disabilities Act* authorizes federal funding for programs supporting people with Developmental Disabilities to achieve independence, productivity, inclusion, and self-determination; and
- WHEREAS, the *Developmental Disabilities Act* continues to require states to establish or maintain a Developmental Disabilities Council, which is directed to fulfill, to the maximum extent possible, the goals set forth in *Public Law 106-402*; and
- WHEREAS, the Commonwealth previously created the Developmental Disabilities Planning Council, and thereafter, in 1997, reestablished it as the Developmental Disabilities Council to fulfill the purposes of the *Developmental Disabilities Act*; and
- WHEREAS, the Developmental Disabilities Council has a mandate to work with people with Developmental Disabilities and their families helping them to participate in the design of and obtain access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, integration and inclusion in all facets of community life.

NOW, THEREFORE, I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby continue and reauthorize the Developmental Disabilities Council (hereinafter referred to as "Council") and, further, order and direct as follows:

**1. Council Function.**

- a.** The mandate of the Council is to carry out the duties of a state council specified in applicable federal laws and regulations and this Executive Order and to advise the Governor on all matters affecting people with Developmental Disabilities in the Commonwealth. Federal policy articulated in *Public Law 106-402* states that individuals with Developmental Disabilities and their families have competencies, capabilities, and personal goals that should be recognized, supported, and encouraged, and any assistance to such people should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individuals.
- b.** Consistent with the policy of *Public Law 106-402* and as stated in Section 1.a. of this Executive Order, the Council shall promote, through systemic change, capacity building, and advocacy activities the development of a consumer and family-centered, comprehensive system, and a coordinated array of culturally competent services, supports, and other assistance designed to achieve independence, productivity, integration, and inclusion into the community for people with Developmental Disabilities.
- c.** Duties and obligations of the designated State Agency and the Council will be governed by all applicable federal and Commonwealth laws, regulations, and procedures.

**2. Composition of Council.**

- a.** The Council shall be composed of the following:

  - (1)** Secretary of Human Services, or the Secretary’s designee;
  - (2)** Secretary of Education, or the Secretary’s designee;
  - (3)** Secretary of Health, or the Secretary’s designee;
  - (4)** Secretary of Aging, or the Secretary’s designee;
  - (5)** Secretary of Labor and Industry, or the Secretary’s designee; and
  - (6)** At least eighteen (18) additional members. These additional members are to be appointed by and serve at the pleasure of the Governor and shall include: one representative from the University Center for Excellence in Developmental Disabilities Education, Research, and Service in the Commonwealth; one representative from the state protection and advocacy system; one representative from a local and non-governmental agency; and one representative from a private non-profit group concerned with services for people with Developmental Disabilities. The remaining additional members are to include people with disabilities and family members as described in Section 2.d.

Any designees of the Commonwealth Secretaries, listed in Section 2.a.(1)-(5), shall be representatives from the agency offices that administer funds provided under federal laws related to individuals with disabilities, including the *Rehabilitation Act of 1973*, and *The Individuals with Disabilities Education Act*, the *Older Americans Act of 1965*, and Titles V and XIX of the *Social Security Act*.

- b.** The Governor shall seek recommendations for members from organizations representing a broad range of people with Developmental Disabilities and individuals interested in people with Developmental Disabilities, including for the non-state agency members of the Council. The Council shall coordinate Council and public input and provide recommendations of nominees for Council membership to the Governor. The membership of the Council shall be geographically representative of the Commonwealth and reflect the diversity of the Commonwealth with respect to race and ethnicity.
- c.** Council members who serve by virtue of the office that they hold, listed in Section 2.a.(1)-(5), may continue to serve as long as they hold such office and must have sufficient authority as outlined in the *Developmental Disabilities Act*. All other Council members are subject to term limits and membership rotation, as set forth in the Council Bylaws. Members are allowed to continue to serve on the Council until such members' successors are appointed. The Council shall notify the Governor regarding membership needs and when vacancies occur. Council members appointed to and serving on the Council prior to the date of this Executive Order may complete the remaining term of their appointment and will be subject to all other term limits and membership rotation provisions set forth in the Council Bylaws.
- d.** Not less than sixty (60%) percent of the membership of the Council shall consist of individuals who are:
  - (1)** People with Developmental Disabilities,
  - (2)** Parents or guardians of children with Developmental Disabilities,
  - (3)** Immediate relatives or guardians of adults with mentally impairing Developmental Disabilities who cannot advocate for themselves, and
  - (4)** Not employees of a state agency that receives funds or provides services made available under *Public Law 106-402*, and not those who are managing employees (as defined in *Section 1126(b)* of *The Social Security Act*) of any other entity that receives funds or provides services under *Public Law 106-402*.
- e.** Of the members of the Council described in Section 2.d.:
  - (1)** One-third shall be people with Developmental Disabilities as described in Section 2.d.(1).
  - (2)** One-third shall be parents or guardians of children with Developmental Disabilities as described in Section 2.d.(2) or immediate relatives or guardians of adults with Developmental Disabilities as described in Section 2.d.(3).
  - (3)** One-third shall be a combination of people described in Section 2.d.
- f.** Of the members of the Council described in Section 2.e., at least one shall be an immediate relative or guardian of an institutionalized or previously institutionalized individual with a Developmental Disability or shall be an individual with a Developmental Disability who resides, or previously resided, in an institution.

- g.** The Governor shall appoint the Chairperson of the Council who shall serve for two years and may thereafter be reappointed. The Council may make recommendations to the Governor concerning the appointment or reappointment of a Chairperson.

### **3. Council Responsibilities.**

- a.** As outlined in *Public Law 106-402*, and any subsequent amendments thereto, the Council shall have the following responsibilities:
  - (1)** Serve as an advocate for systemic change, capacity building, and activities.
  - (2)** Examine goals, determining the extent to which the goals were achieved, whether there were impediments to achievement, and whether amendment of the state plan is needed.
  - (3)** Develop and submit the state plan.
  - (4)** Implement the state plan.
  - (5)** Review the designated State Agency and the activities it carried out pursuant to the *Developmental Disabilities Act* and make any recommendations for change to the Governor.
  - (6)** Submit periodic reports.
  - (7)** Develop, approve, and implement a Council budget.
  - (8)** Hire, supervise, and assign staff of the Council.
- b.** As outlined in *Public Law 106-402*, the Council does not have any policymaking authority or administrative authority over any program assisted under the *Rehabilitation Act of 1973, 29 U.S.C. 701 et seq.*, or the *Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.*

### **4. Council Administration and Support Services.**

- a.** Members of the Council shall serve without salary but shall be reimbursed for reasonable and necessary expenses for attending Council meetings and performing Council duties, and for those members serving as described in Section 2.d., reimbursement may include childcare and personal assistance services.
- b.** The Council shall, consistent with state law, recruit and hire a Director of the Council, should the position of Director become vacant, and shall supervise and annually evaluate the Director.
- c.** The Director shall hire, supervise, and annually evaluate the staff of the Council. Council recruitment, hiring, and dismissal of staff shall be conducted in a manner consistent with federal and state nondiscrimination laws. Dismissal of personnel shall be conducted in a manner consistent with state law and personnel policies. The staff and other personnel, while working for the Council, shall be responsible solely for assisting the Council in carrying out its duties and shall not be assigned duties by the designated State Agency or any other agency or office of the Commonwealth.

- d. The Council shall not be subject to Commonwealth policies on hiring freezes, reductions in force, prohibitions on staff travel, or other policies, to the extent that such policies would impact staff or functions funded with federal funds and would prevent the Council from carrying out its functions.
- e. The Department of Human Services shall serve as the Council's designated State Agency and provide supportive services, as requested and negotiated with the Council, in support of the Council's duties and functions.
- f. The Council shall adopt rules of procedure consistent with the provisions of this Executive Order, *Public Law 106-402*, and any subsequent amendments thereto, regulations and guidelines issued by the U.S. Department of Health and Human Services, and all applicable Commonwealth laws, regulations, and procedures.

**5. Cooperation by State Agencies.**

All Commonwealth agencies under the jurisdiction of the Governor shall cooperate fully with the Council and shall provide such assistance and information as needed to carry out the functions in an effective manner.

**6. Definition.**

As used in this Executive Order and as defined in *Public Law 106-402*, the term "Developmental Disability" means a severe, chronic disability of an individual that:

- a. Is attributable to a mental or physical impairment or a combination of mental and physical impairments.
- b. Is manifested before the individual attains age 22.
- c. Is likely to continue indefinitely.
- d. Results in substantial functional limitations in three or more of the following areas of major life activity:
  - (1) Self-care.
  - (2) Receptive and expressive language.
  - (3) Learning.
  - (4) Mobility.
  - (5) Self-direction.
  - (6) Capacity for Independent living.
  - (7) Economic self-sufficiency.
- e. Reflects the individual's need for a combination and sequence of special, inter-disciplinary, or generic services; individualized supports; or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

- f. An individual from birth to age nine, inclusive, who has a substantial developmental delay or a specific congenital or acquired condition, may be considered to have a Developmental Disability without meeting three or more of the criteria described in Section 6.a-e of this definition, if the individual, without services and supports, has a high probability of meeting those criteria later in life.

**7. Effective Date.**

This Executive Order is effective immediately and shall remain in effect until amended or rescinded by the Governor.

**8. Rescission.**

Effective immediately, *Executive Order 1997-2*, dated May 30, 1997, is hereby rescinded.