

## **BY-LAWS**

### **State Interagency Coordinating Council**

#### **Article I - Name**

The name of this body is the Virginia Interagency Coordinating Council for Early Intervention Services, hereinafter to be referred to as the Council.

#### **Article II - Legal Base**

##### ***Section 1: Legal Base***

The *Individuals with Disabilities Education Act (IDEA)*, Part C Individuals with Disabilities Education Act Amendments of 1997, provides the legal base for the composition and duties of the Council.

##### ***Section 2: Purpose***

As noted in the *Code of Virginia, Section 2.1-765* the duties of the Council shall include advising and assisting the lead agency (Department of Mental Health, Mental Retardation and Substance Abuse Services) in the following:

1. Performing its responsibilities for the early intervention system;
2. Identifying sources of fiscal and other support for early intervention services, recommending financial responsibility arrangements among agencies, and promoting interagency agreements;
3. Developing strategies to encourage full participation, coordination, and cooperation of all appropriate agencies;
4. Resolving interagency disputes;
5. Gathering information about problems that impede timely and effective service delivery and taking steps to ensure that any identified policy problems are resolved;
6. Preparing federal grant applications; and
7. Certifying an annual report to the Governor and the U.S. Secretary of Education on the status of early intervention services within the Commonwealth, in accordance with an Office of Management and Budget directive

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## **Article III - Membership**

### ***Section 1: Council Composition***

In accordance with the *Individuals with Disabilities Education Act Amendments of 1997*, Part C, Section 641(b), The Governor shall appoint 29 members. The composition of the council shall be:

1. Nine parents, seven of whom have children 12 years of age or younger with disabilities, and others who have direct knowledge of or experience with programs for infants and toddlers with disabilities, including at least one parent of an infant or toddler with a disability or of a child aged 6 or under with a disability (or at least 20% of the total membership);
2. Six public or private providers of early intervention services, with at least one being a local council coordinator (or at least 20 % of the total membership);
3. One State legislator;
4. Two people involved in personnel preparation (or a minimum of one person);
5. One person representing a Head Start agency or program in the State; and
6. One representative each from the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and who shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies including:
  - \* Bureau of Insurance of the State Corporation Commission
  - \* Virginia Department for Rights of Virginians with Disabilities
  - \* Virginia Department for the Deaf and Hard of Hearing
  - \* Virginia Department for the Visually Handicapped
  - \* Virginia Department of Education
  - \* Virginia Department of Health
  - \* Virginia Department of Medical Assistance Services
  - \* Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services
  - \* Virginia Department of Social Services

7. One person representing a third party private insurer or HMO agency providing coverage for early intervention services.

The Department of Education is responsible for preschool services to children with disabilities; the Department of Social Services is the state agency responsible for child care. The Bureau of Insurance of the State Corporation Commission is responsible for the governance of health insurance.

These representatives shall participate in all Council activities. The parent and provider members of the Council shall represent the broad geographic and cultural diversity of the Commonwealth.

In addition, four parents and two providers, who meet the qualifications above, will be appointed by the Governor to serve as alternates for parents and providers, respectively, who are full members and unable to attend a full VICC meeting. The alternates will serve on a rotating basis and will receive prior notice that their attendance is requested.

### ***Section 2: Terms of Office***

Non state agency members of the Council shall be appointed by the Governor for three-year terms. Non agency members may be reappointed for one additional three-year term. Initially, terms of office for current non state agency VICC members will be determined by a lottery for three-year, two-year, and one-year terms. If a category consists of one member, that member will be appointed to a three-year term. If the category consists of two members, one will be appointed for a three-year term and the second for a two-year term. State agency members are designated by their agency heads and are appointed by the Governor.

If a non state agency VICC member resigns, a replacement will be appointed by the Governor to complete that term. The replacement may subsequently be reappointed for one three-year term.

## **Article IV - Organization**

### ***Section 1: Officers***

The Governor shall require the council to so designate a member of the council to serve as the Chair. Any member of the council who is a representative of the lead agency may not serve as the Chair of the council. Officers of the Council shall consist of Chair, Vice-Chair, and Secretary.

### ***Section 2: Terms of Office***

The Chair, Vice-Chair, and Secretary shall be elected. Elected officers shall have a one-year term of office and may serve any number of consecutive terms.

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### ***Section 3: Election***

Nominations for the positions of Chair, Vice-Chair and Secretary shall be presented to the Council in writing one month prior to the last meeting of the Federal Fiscal Year (October 1 - September 30) for election at that meeting. An affirmative vote of a majority of the Council shall be required for election of officers. Officers begin their term at the beginning of October, following their election. Vacancies occurring in unexpired terms of elected officers shall be filled through a by-election process for the remainder of that term.

### ***Section 4: Duties of Officers***

**Chair.** The Chair shall preside at all meetings of the Council and shall be an ex-officio member of all committees. The Chair shall be the official representative of the Council, but may delegate this responsibility when appropriate and necessary. The Chair shall work closely with Lead Agency staff and shall perform all other duties incident to the Office of the Chair.

**Vice-Chair.** In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair, and when so acting shall have all the powers of and be subject to all restrictions upon the Chair.

**Secretary.** In the absence of the Chair and the Vice-Chair, the Secretary shall perform the duties of the Chair, and when so acting shall have all the powers of and be subject to all restrictions upon the Chair. During a meeting of the Council, the work of the Secretary is to function as the Parliamentarian, limited to giving advice to the chair and, when requested, to any other member. It is also the duty of the Secretary to call the attention of the chair to any error in the proceedings that may affect the substantive rights of any member or may otherwise do harm. After the Secretary has expressed an opinion on a point, the Chair has the duty to make the final ruling.

### ***Section 5: Steering Committee***

#### **A. Composition:**

The Steering Committee shall consist of the Chair, Vice-Chair, Secretary, Early Intervention Interagency Management Team representative, Lead Agency Program Director, Program Coordinator, and Standing Committee Chairs or co-chairs. Since the Steering Committee serves as an administrative committee on behalf of the Council, the Standing Committee Chairs, or one of the co-chairs for each standing committee, must be VICC members.

#### **B. Duties**

The Steering Committee shall conduct all business matters pertaining to the purposes and administration of the Council and shall keep the Council fully informed of such matters.

#### **C. Meetings and Quorum:**

The Chair shall present to the Council a schedule of quarterly Steering Committee meetings. Other meetings

may be called by the Chair for emergency matters. Any four (4) members of the Steering Committee may petition for a meeting to the Chair. All meetings of the Steering Committee will be announced in writing prior to the meeting. Minutes of Steering Committee meetings will be kept and distributed to the Council. The quorum required for a Steering Committee meeting shall be 40% of its voting members.

## **Article V: Conduct of Meetings**

### ***Section 1: Meetings***

Regular meetings of the Council will be held at least quarterly. Additional and/or special meetings may be called by the Chair in consultation with the Steering Committee. All meetings will be open to the public and will be announced in the *Virginia Register*.

### ***Section 2: Quorum***

In order to establish a quorum for Council meetings, 40% of the members must be present.

### ***Section 3: Voting***

Each of the members of the Council shall have one (1) vote. An affirmative vote of a majority of the Council members present is required for the Council to take any official action.

### ***Section 4: Conflict of Interest***

“No member of the Council shall cast a vote on any matter which would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.” (*Individuals with Disabilities Education Act Amendments of 1997, Section 641(f)*).

“No member of the Council may submit a funding request to the Council or otherwise participate in a transaction before the Council in violation of the State and Local Government Conflict of Interest Act (*Code of Virginia, Section 2.1-639.1 et.seq.*)”

### ***Section 5: Reimbursement of Expenses***

All reimbursement shall be paid out of funds under Part C of the *Individuals with Disabilities Education Act Amendments of 1997*. All such reimbursement shall be subject to the limitations of funds available to the Council and shall be governed by the Virginia State Travel Regulations.

## **Article VI - Reports**

The Council, through the Steering Committee, shall certify an annual report to the Governor and the U.S. Secretary of Education on the status of early intervention services within the Commonwealth, in accordance with an Office of Management and Budget directive, including agreement or disagreement with the State’s Annual Performance Report, and appended additional comments if desired.

## **Article VII - Committees**

### ***Section 1: Committees of the Council***

A committee is a body of three or more persons, appointed by the Chair (except where otherwise specified), to give more careful consideration to a task or matter before the Council than is possible by the Council as a whole. A committee has the responsibility of recommending that a specific action be taken by the full Council relative to the tasks or matters referred to Committee. The Council has established three types of committees: the Steering Committee; Standing Committees; and Special Committees. The responsibilities and membership of the Steering Committee are described above and for Standing and Special Committees are described below. Committee membership is not limited to members of the Council and may include other interested citizens. Membership should be as broad as possible.

### ***Section 2: Standing Committees***

The terms of the Chair s or co-chairs of the Standing Committees shall coincide with the terms of office of the elected officers and they may serve consecutive terms. Members of standing committees annually elect the Chairs or co-chairs of all committees. Standing Committees of the Council shall be proposed by the officers and established by a vote of the full Council.

### ***Section 3: Special Committees***

The Chair, with Steering Committee or full VICC approval, may establish special committees as deemed appropriate and necessary.

## **Article VIII - Amendments**

These bylaws, with the exception of requirements established under federal or state law, may be amended, repealed, or restructured during any regular or special Council meeting by a majority vote of the members present providing that written notice of proposed amendments has been distributed to all Council members ten (10) days prior to the Council meeting.

## **Article IX**

The Rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order which the Council may adopt.

## **Article X**

These bylaws were approved by OSEP in Spring 1998. Terminology changes to reflect the change from Part H to Part C were made in February 1999. They were revised by the Virginia Interagency Coordinating

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Council 12-8-99.