



# BYLAWS

The West Virginia Early Intervention Interagency Coordinating Council has established BYLAWS or rules from which to work by. These rules are important for understanding the roles, responsibilities and functions of the Council, as well as, how the meetings are run. Please take time to review the BYLAWS carefully and ask questions if you need clarification. BYLAWS can be found in Section Three of your orientation manual.

# **BYLAWS**

## WEST VIRGINIA EARLY INTERVENTION INTERAGENCY COORDINATING COUNCIL

### **ARTICLE 1: MISSION, SCOPE OF AUTHORITY, TARGET POPULATION AND VISION**

Section 1: The mission of the West Virginia Early Intervention Interagency Coordinating Council here and after referred to as "Council" is: to optimize the health and development of young children with special needs and their families.

Section 2: The scope of authority of the Council is described in the following statements:

- (1) Existence and function of the Council is authorized under U.S.C.29 1482(a) through 1482(g) and 34 CFR, Part 303 for any state receiving financial assistance under that part.
- (2) In accordance with federal statute and regulation, the West Virginia Early Intervention Interagency Coordinating Council is authorized under WV code in Chapter 16, Article 5K.

Section 3: Council members are appointed by the Governor to fulfill the functions as described in 34 CFR, Part 303.650 through 303.654. As described in federal regulations, the Council shall:

- (1) advise and assist the lead agency (Department of Health and Human Resources) in the development and implementation of the policies that constitute the statewide system;
- (2) assist the lead agency in achieving the full participation, coordination, and cooperation of all appropriate public agencies in the State;
- (3) assist the lead agency in the effective implementation of the statewide system, by establishing a process that includes (1) seeking information from service providers, service coordinators, parents and any Federal, state, or local policies that impede timely service delivery; and (2) taking steps to ensure that any policy problems identified under paragraph Article 1, Section 3, Number (1) of this section are resolved; and
- (4) to the extent appropriate, assist the lead agency in the resolution of disputes.
- (5) The Council may advise and assist the lead agency and the State education agency regarding the provision of appropriate services for children aged birth to five, inclusive.
- (6) The Council may advise appropriate agencies in the State with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families.
- (7) The Council shall advise and assist the lead agency in the identification of sources of fiscal and other support for early intervention services under

Part C, assignment of financial responsibility to the appropriate agencies, and promotion of interagency agreements.

- (8) The Council shall advise and assist the lead agency in the preparation of applications and amendments to the U.S. Department of Education under Part C.
- (9) The Council shall advise and assist the State educational agency regarding the transition of toddlers with disabilities to preschool and other appropriate services.
- (10) The Council:
  - (a) Shall prepare an annual report to the Governor and to the Secretary of the U.S. Department of Education on the status of early intervention programs operated within the State for children eligible under Part C and their families;
  - (b) May prepare a combined report with the lead agency, and
  - (c) Shall submit the report to the Governor and the U.S. Department of Education by dates established by those entities.
- (11) Each annual report must contain the information required by the U.S. Department of Education for the year for which the report is made.

Section 4: In order to optimize the health and development of young children with special needs, the Council believes that early intervention services should:

- (1) be family centered;
- (2) support and enhance the capacity of families to fully participate in their communities;
- (3) support and enhance the capacity of communities to include families;
- (4) have adequate and flexible resources and funding;
- (5) be accountable, responsive and meaningful for families;
- (6) ensure an individualized, integrated and coordinated team approach to service planning and delivery;
- (7) ensure the development and retention of sufficient, qualified personnel; and
- (8) be collaborative, seamless and comprehensive in order to provide service options for children with special needs ages birth through five and their families in settings and activities which are available for their typical age peers in natural environments within their community.

## **ARTICLE 2: MEMBERSHIP/ORGANIZATION**

Section 1: The total number of Governor-appointed members of the Council shall be, at

least, 15. State agency representatives are designated by the administrative head of that agency and appointed by the Governor.

Section 2: Membership of the Council shall conform with the requirements of the Individuals with Disabilities Education Act (IDEA), Part C, and the federal regulations pertaining thereto. The Council shall be composed as follows:

- (1)
  - (i) At least 20 percent of the members must be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience, with programs for infants and toddlers with disabilities.
  - (ii) At least two parent representatives must be parents of a child with a disability aged six or younger.
- (3) At least 20 percent of the members must be public or private providers of early intervention services.
- (4) At least one member must be from State legislature.
- (5) At least one member must be involved in personnel preparation.
- (6) At least one member must –
  - (i) Be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families;
  - (ii) Have sufficient authority to engage in policy planning and implementation on behalf of these agencies.
- (7) At least one member must –
  - (i) Be from the State educational agency responsible for preschool services to children with disabilities; and
  - (ii) Have sufficient authority to engage in policy planning and implementation on behalf of that agency.
- (8) At least one member must be from the agency responsible for the State governance of health insurance.
- (9) At least one member must be from a Head Start agency or program in the State.
- (10) At least one member must –
  - (i) Be from a State agency responsible for childcare;
  - (ii) Have sufficient authority to engage in policy planning and implementation on behalf of that agency.
- (11) Selected members-at-large who improve the Council's ability to effectively perform its' duties as recommended by the Membership Committee annually and approved by the Council.
- (12) The Council may include other members as selected by the Governor.

- Section 3: Membership of the Council shall represent the broad diversity of the state.
- Section 4: Members shall be appointed by the Governor. The term of a member is three years beginning July 1. Members may be reappointed. Effective July 1999, appointments shall be staggered terms of office to assure that new appointments do not exceed 1/3 of the membership.
- Section 5: Members will renew their agreements to participate on the Council annually.
- Section 6: A Council member's resignation must be in writing and shall be submitted to the Governor. Copies of the written resignation shall also be submitted to the Council Chairperson and the Council Director or designated staff person.
- Section 7: When a vacancy occurs, the replacement shall be from the same category as the member being replaced. The Membership Committee shall conduct a search and provide recommendations to the Council for review. The Council shall recommend a replacement for the vacancy to the Governor within 90 days from the notice of the vacancy. The recommended individual(s) may serve as acting member(s) pending approval.

### **ARTICLE III: MEMBERSHIP REVIEW**

- Section 1: A Membership Committee of the Interagency Coordinating Council shall meet on at least a semi-annual basis to review Council membership compliance with the provisions of the Individuals with Disabilities Education Act (IDEA), Part C, and make recommendation regarding composition of the Council that would improve the ability to effectively perform required duties. The Committee shall report findings and recommendations regarding composition of the Council semi-annually. Upon approval by the Council, recommendations will be forwarded to the Governor. The Membership Committee shall consist of the Council Chairperson and three members of the Council, at least one of whom shall be a parent, approved by the Council for the duration of their current terms on the Council. The Council Director or designated staff person shall serve as an ex-officio member of the committee.
- Section 2: Members who miss three consecutive meetings shall be replaced, except in the even of exceptional circumstances as defined in Council Operational Procedures. Attendance by all Council members is critical to the function of the Council.

### **ARTICLE IV: OFFICERS**

- Section 1: The officers of the Council shall be the Chairperson and Vice Chairperson, at least one of which will be held by a parent representative. Each shall serve a two-year term beginning July 1.
- Section 2: The Council shall submit a recommendation to the Governor for appointment of the Chairperson. Any member of the Council who is a representative of the lead agency may not serve as Chairperson. The Vice Chairperson shall be elected by a vote of the Council.

- Section 3: Duties of the Chairperson shall be as follows:
- (1) To conduct the meetings of the ICC;
  - (2) To work closely with the Vice Chairperson and Council Director or designated staff person in planning efforts; and
  - (3) To appoint Chairpersons for committees.
- Section 4: Duties of the Vice Chairperson shall be as follows:
- (1) To conduct meetings of the ICC in the absence or request of the Chairperson;
  - (2) To work closely with the Council Director or designated staff person and Chairperson in planning efforts; and
  - (3) To serve as Council contact for committee chairpersons.

**ARTICLE V: COMMITTEES**

- Section 1: The Chairperson shall establish such committees or task forces as is deemed necessary to carry out the Council's responsibilities. Membership Committee will be the sole standing committee of the Council.
- Section 2: Each committee shall be chaired or co-chaired by a parent. At least one chairperson of each committee shall be a Council member.
- Section 3: Each member of the Council shall participate on a committee.
- Section 4: Committee chairpersons are responsible for submitting minutes of committee meetings to the Council Director or designated staff person immediately following committee meetings. Council Director or designated staff person shall distribute committee minutes to committee members, as well as, the Council Chairperson and Vice Chairperson.
- Section 5: Committees shall meet as needed for their purpose.

**ARTICLE VI: MEETINGS**

- Section 1: The Council shall meet at least quarterly and in such places as it deems necessary. Meetings shall be publicly announced and open and accessible to the general public.
- Section 2: Notification of the Council members of regular Council meetings shall be 30 days prior to the meeting date. In addition, public notification of regular Council meetings shall begin 15 days prior to the meeting and continue through that period.
- Section 3: A quorum of the Council shall consist of 30 percent of voting members. A quorum shall be required for the affirmative transaction of any business of the Council.
- Section 4: Each Council member, with the exception of the Council Chairperson, is entitled to one vote on each matter submitted to a vote. A vote of the majority of a quorum is necessary to approve any action taken by the Council. Voting by

proxy is not permitted. In the event of a tie vote, the Council Chairperson shall cast the deciding vote.

Section 5: Emergency action may be taken during a special meeting of the Council called without public notification.

**ARTICLE VII: PROCEDURES**

Section 1: Formal actions of the Council shall be conducted by "Roberts Rules of Order" (most recently revised edition). Additionally, the Council will comply with the following:

- (1) The council shall limit discussion to items on the proposed agenda.  
However, additional items may be submitted by a majority vote of the Council during the acceptance of the agenda at the beginning of each meeting.
- (2) The agenda items shall be transmitted by Council members to the Council Director or designated staff person and/or Council Chairperson at least fifteen (15) days prior to any scheduled meeting. The Council Director or designated staff person and the Council Chairperson shall then determine a tentative agenda.
- (3) Persons or organizations desiring to address the Council may be placed on the agenda by making such request in writing to the Council Chairperson and/or Council Director or designated staff person fifteen (15) days prior to the Council meeting. A specified allotment of time may be assigned for the requested presentation.
- (4) Persons not scheduled as part of the proposed agenda may be heard by the Council during the portion of the agenda designated as "Public Comment".
- (5) The Council will submit to a vote only those items on which there is modified consensus among the membership. The modified consensus rule is: Can we live with and publicly support the proposal? If not, what would we add to, delete from or modify in the proposal so that we can live with and publicly support it? In the event that modified consensus cannot be obtained, a vote may be requested by the Council Chairperson.

Section 2: Interpreters for persons who are deaf and other necessary services must be provided at Council meetings, both for Council members and participants.

Section 3: Copies of the minutes will be compiled and mailed within a reasonable time to Council members and individuals on the distribution list.

Section 4: Approved minutes of Council meetings shall be written and available for public inspection. Minutes will be made available in alternative formats.

**ARTICLE VIII: CONFLICT OF INTEREST**

Section 1: No member of the Council shall cast a vote on any matter, which would provide direct financial benefit to that member or their agency or otherwise give the appearance of a conflict of interest under State Law.

#### **ARTICLE IX: SUPPORT AND MANAGEMENT**

Section 1: The Department of Health and Human Resources, as appointed by the Governor, will function as the lead agency and fiscal agent.

Section 2: The lead agency shall provide designated staff and services to the Council, in accordance with the Individuals with Disabilities Education Act (IDEA), Part C.

Section 3: Members of the Council shall be reimbursed for travel and lodging expenses for attending Council meetings and performing Council duties under state guidelines. Parent representatives of the Council shall receive an honorarium and childcare expenses as outlined in Council Operational Procedures.

#### **ARTICLE X: AMENDMENTS**

Section 1: These Bylaws may be amended or repealed and new Bylaws may be adopted by formal action of the Council at any regular or special meeting of the Council. Proposed changes shall be submitted in writing to the Council Chairperson and/or Council Director or designated staff person. Proposed changes will be circulated to Council members at least fifteen (15) days prior to the scheduled meeting at which action is to be taken.

Section 2: The Bylaws will be printed after adoption. A copy will be delivered to each current member and to individuals who are later appointed/designated as members of the Council.

#### **DEFINITION:**

Council Director or Designated Staff Person: refers to the staff person assigned by the lead agency to provide support and assistance to the Council in fulfilling its responsibilities.

Parent Representative: refers to a parent or primary caregiver.