

*February 8, 2022*

*Greetings Steering Committee members,*

*At the last meeting it was requested that I share my notes and questions about the current SRC Bylaws.*

*As with any council bylaws, practices often change after they are written. My notes in the attached highlight areas that may not reflect the current reality.*

*They are not intended as a criticism, but rather to raise the question of, "Should we change practices? Or should we change bylaws?" in those areas where there is not currently alignment.*

*Thanks,*

*Kate*

## **STATE REHABILITATION COUNCIL**

# **BY-LAWS**

## ARTICLE I NAME

The name of this organization shall be known as the Vermont State Rehabilitation Council (hereinafter referred to as the “Council”).

## ARTICLE II PURPOSE

**Section 1** To act as a forum through which individuals with disabilities, providers, and other interested Vermonters can voice their opinions and concerns, and to give recommendations for services being performed on their behalf by the Division of Vocational Rehabilitation (hereinafter referred to as the “Division”) with the goal of improving the quality and effectiveness of services to individuals with disabilities.

**Section 2** To advocate for effective and responsive services, programs, and resources for individuals with disabilities.

**Section 3** To promote the availability of “user-friendly” information concerning the responsibilities, intent, and objectives of the Division so that the Council and the Division can, in turn, pass this information on to individuals with disabilities. This is not something that has not been a focus area in the past several years.

## ARTICLE III FUNCTIONS

**Section 1** Within the general purpose as expressed above, the Council shall function in such specific ways as delineated in the Rehabilitation Act, which include:

(A) review, analyze, and advise the designated State unit regarding the performance of the responsibilities of the unit We review and analyze. It is unclear to me if the SRC has reviewed the Rehab Act to advise state unit about responsibilities. Generally it seems that the state unit advises the SRC about responsibilities.

(B) in partnership with the designated State unit--  
(i) develop, agree to, and review State goals and priorities  
(ii) evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Secretary of Education; I am unclear about RSA progress reports beyond the annual report.

(C) advise the designated State agency and the designated State unit regarding their activities and assist in the preparation of the State plan and amendments to the plan, applications, reports, needs assessments, and evaluations; Comments in A above also apply here.

**(D)** conduct a review and analysis of the effectiveness of, and consumer satisfaction with--

- (i)** the functions performed by the designated State agency;
- (ii)** vocational rehabilitation services provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under this Act; and
- (iii)** employment outcomes achieved by eligible individuals receiving services under this title;

**(E)** prepare and submit an annual report to the Governor and the Commissioner on the status of vocational rehabilitation programs operated within the State, and make the report available to the public; To my knowledge, the SRC does not currently submit anything to the Governor or DAIL Commissioner.

**(F)** coordinate activities with the activities of other councils within the State; At one time we did this to a small extent with the SILC but are not currently. Unclear if there are other councils we've worked with in the past.

**(G)** provide for coordination and the establishment of working relationships between the designated State agency and the Statewide Independent Living Council and centers for independent living within the State; and At the moment this happens de facto by virtue of Sarah's SRC membership but unclear what will happen when her term expires.

**(H)** perform such other functions as the State Rehabilitation Council determines to be appropriate, that are comparable to the other functions performed by the Council.

#### **ARTICLE IV. RESPONSIBILITIES OF THE DIVISION**

**Section 1** To make available to the Council, information about any relevant legislation, regulations, policies, services and programs that affect the work of the Division.

**Section 2** To make available to Council members information regarding budgetary matters, Division fiscal operations, and procedures that must be adhered to, and any provision of services requiring expenditures. Aside from high level Director's Reports, I am unclear how we are meeting this.

**Section 3** To make all information available to the Council in writing and/or alternate format as necessary to meet the needs of Council members (e.g., Braille, large format, tapes, etc.)

**Section 4** To objectively consider Council recommendations regarding

changes in services, service delivery, programs, and facilities.

**Section 5** To keep the Council informed about acceptance or rejection of its recommendations and **give written explanation of its decisions**. **Unclear if this is happening.**

**Section 6** To make arrangements for Council meetings; i.e., room, meals, Council reporter, and necessary reasonable accommodations for members (interpreters, transportation, etc.).

**Section 7** To pay staff, training, and support service costs relevant to the effective operation of the Council, including: 1) An honorarium or per diem and mileage to Council members or other selected persons for attendance at Council meetings or other meetings as requested by the Division or the Council; and 2) **set an hourly fee for other requested consultation time**. **Based on our last SC meeting it sounds like the per diem amount should also be set as the hourly consultation time rate? (\$25 for half day, \$50 for full day).**

**Section 8** To provide secretarial services as needed. **The current staff member role for the SRC is classified as an executive temp position of “Administrative Services Director III”. I wonder if that’s the appropriate level of staffing for what is desired/required and if it might better serve the council for continuity to have a staff member who is able to be a classified employee eligible for state benefits.**

## **ARTICLE V. RESPONSIBILITY OF THE COUNCIL**

**Section 1** To become informed about Division programs, services, policies, and procedures.

**Section 2** To represent the interests of Vermonters with disabilities and serve as a catalyst for building an effective coalition among individuals with disabilities, businesses, advocates, and the Division toward the achievement of greater employment goals and opportunities for Vermonters with disabilities.

**Section 3** To set meeting dates and establish annual goals and objectives designed to further the Council’s ability to effectively carry out its purposes, as specified under federal law.

**Section 4** To make every effort to attend all meetings and invest in the process of the Council.

## **ARTICLE VI. MEMBERSHIP OF THE COUNCIL**

**Section 1** Appointment – Members of the Council shall be appointed by the Governor. The Governor shall select members after soliciting recommendations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

**Section 2** Terms – Each member of the Council shall serve for a term of three years, except a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term. No member may serve more than two consecutive full terms with the exception of the Client Assistance Program position.

**Section 3** Qualifications – A majority of Council members shall be individuals with disabilities as defined under the Rehabilitation Act. Membership shall include the following:

- (A) at least one representative of the Statewide Independent Living Council established under section 705;
- (B) at least one representative of a parent training and information center established pursuant to the Individuals with Disabilities Education Act;
- (C) at least one representative of the client assistance program;
- (D) at least one qualified vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of the Council if the counselor is an employee of the designated State agency;
- (E) at least one representative of community rehabilitation program service providers;
- (F) four representatives of business, industry, and labor;
- (G) representatives of disability advocacy groups **representing a cross section of--**
  - (i) individuals with physical, cognitive, sensory, and mental disabilities; and
  - (ii) individuals' representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves;
- (H) current or former applicants for, or recipients of, vocational rehabilitation services;
- (I) at least one representative of the State educational agency; and
- (J) at least one representative of the **State workforce investment board**.

**Section 4** All vacancies of the Council **shall be filled from a list** developed

by the Council and approved for appointment by the Governor.

**Section 5** The Director of the designated unit shall be an ex-officio, non-voting member of the Council. Other Division staff may attend on a request, issue, or region-oriented basis.

**Section 6** The Council will hire and supervise staff to assist it in carrying out the tasks and mandates of the Council. The Council and its staff will be provided



**Section 2** Special meetings may be called by the Chair, or by one-third (1/3) of the voting members of the Council by making their wishes known to the full membership. Any member may request that the Chair call a special meeting, provided it is necessary to transact business that cannot wait for a regularly scheduled meeting. The Chair will make the determination whether a special meeting is appropriate. DVR Director or DVR Director's Designee may call a special meeting when necessary to transact business that cannot wait for a regularly scheduled meeting. It may be useful to think through as an SC the types of scenarios that might call for special meetings.

**Section 3** A simple majority of voting Council members will constitute a quorum.

VR staff members are ex-officio council members and do not vote. But are they considered voting members in committee?

- Are Diane, Amanda, and James voting members of the Steering Committee?
- Are Rocko and Kristin voting members in P&P?

**Section 4** All actions of the Council, except amendments to the By-Laws, shall be by a simple majority vote of those voting members present when a quorum is established.

**Section 5** The Council may request other interested individuals to attend.

## **ARTICLE IX. COMMITTEES**

Do committee level decisions require quorum?

Do committee level decisions require approval by the full council or Steering Committee before being implemented by the council? (For example, AOE committee drafts an SRC legislative platform or the P&P committee makes revisions to VR chapters.)

**Section 1** The Council shall have a Steering Committee which shall be responsible for the Council and its activities between full Council meetings. Members will be the Chair, Vice-Chair, the Chairs of other appointed committees, and any others appointed by a majority vote of the Committee. Total membership shall not exceed eight (8) members.

**Section 2** The Membership shall establish other such committees as are necessary to carry out the responsibilities of the Council. Each member of the Council shall volunteer to serve on at least one established Committee. In the event there is insufficient voluntary membership distribution among committees, the Executive Committee may make the necessary adjustments.

**Section 3** *Ad hoc* workgroups may be established by Committee Chairs to address specific issues or tasks. These workgroups are expected to be time-limited.

**Section 4** The Chairs of committees or workgroups shall be elected by members of said committees or workgroups, annually, at their first meeting. Chairmanship of a workgroup does not qualify for membership on the Steering Committee.

**Section 5** Individuals who are not Council members may be appointed to committees or *ad hoc* workgroups. These individuals have full voting rights

within the committee or workgroup. The majority of members of any committee or workgroup must be Council members.

## **ARTICLE X MEMBER RESPONSIBILITIES**

**Section 1** Council members shall attend at least 50% of all regular and special Council meetings and 75% of the meetings of the committees/workgroups of which they are members. Attendance will be considered at time of reappointment and failure to meet attendance criteria is grounds to request removal from the Council.

**Section 2** Council members who miss three (3) consecutive council or committee meetings, without valid excuse, will be asked to resign. Members who need to be inactive for a period of six (6) months or less due to personal or work-related issues, shall notify the Chair of their plans for a leave of absence along with an anticipated start and end date. Attendance at meetings during an inactive period will be waived and not counted against a members' participation. Members who believe they will be inactive for more than six months in any twelve-month period will be expected to submit a letter of resignation. We are not currently implementing the 3 missed meeting criteria. If we do implement, what is a "valid excuse" and who decides that?

**Section 3** Council members shall review provided materials prior to meetings and be prepared to participate constructively in scheduled activities.

**Section 4** Council members shall adhere to all policies approved by the Council covering representation of the Council before outside entities.

**Section 5** Information of a confidential nature shall be clearly disclosed as such and will only be discussed in executive session of the Council. There are times when we've had regional manager report outs that I wondered if we may have crossed these boundaries and wonder if there are guidelines we can help provide in advance.

## **ARTICLE XI RULES OF ORDER**

The rules contained in the current edition of Roberts Rules of Order shall govern the Council in all cases in which they are applicable and not inconsistent with these By-Laws and any special rules that the Council may adopt.

## **ARTICLE XII. AMENDMENTS TO THE BY-LAWS**

These By-Laws may be amended by a two-thirds (2/3) majority vote of the voting members at any meeting in which a quorum is present. The meeting shall be properly warned and the proposed amendment(s) provided to all Council members in writing, and appropriate alternate format, at least fifteen (15) days prior to said meeting. No proxy votes will be accepted.