

# **CONSTITUTION/BYLAWS**

**12.1.2022**

## **MONTANA STATE REHABILITATION COUNCIL**

### **ARTICLE I NAME**

The name of the Council shall be: Montana State Rehabilitation Council, as mandated by Public Law 102-569, and other appropriate laws.

### **ARTICLE II PURPOSE**

The purpose of the Council is to advise the Administrator of the Montana Vocational Rehabilitation and Blind Services program (VRBS) concerning policy and program issues, delivery of services to consumers, and methods for reaching potential consumers.

### **ARTICLE III STATUTORY FUNCTIONS**

FUNCTIONS OF THE COUNCIL - The Council shall, after consulting with the State Workforce Innovation Board -

1. Review, analyze, and advise VRBS regarding its performance; particularly in areas relating to –
  - A. Eligibility and selection processes (including order of selection);
  - B. The extent, scope, and effectiveness of services provided; and
  - C. Functions performed by state agencies that affect or potentially affect the ability of Montanans with disabilities in achieving employment outcomes.
  
2. In partnership with the VRBS,
  - A. Develop, agree to and review state goals and priorities;
  - B. Review the effectiveness of the Vocational Rehabilitation and Blind Services program and submit reports, including the Annual Report, of progress to the Commissioner of the federal

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Rehabilitation Services Administration.

3. Advise the Department of Public Health and Human Services and VRBS and, assist in new Councilmember applications, the State Plan, the Strategic Plan and amendments to the plans, reports, statewide needs assessments, and evaluations required by the Rehabilitation Act.
4. To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with –
  - A. The functions performed by VRBS;
  - B. VRBS provided by state agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities;
  - C. Employment outcomes achieved by eligible individuals receiving VRBS services, including the availability of health and other employment benefits in connection with such employment outcomes.
    - 1) Outcomes presented through Consumer Needs assessment
    - 2) Outcomes present through client Satisfaction Survey
5. Prepare and submit an annual report to the Governor on the status of vocational rehabilitation programs operated within the state and make the report available to the public.
6. Coordinate with other councils within the state, including the Statewide Independent Living Council established under Section 705 of the Rehabilitation Act, the Advisory Panel established under Section 612 (a)(21) of the Individuals with Disabilities Education Act (as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Pubic Health Law 105-17), the State Planning Council described in Section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024), and the State Mental Health Planning Council established under Section 1914(a) of the Public Health Service Act (42 U.S.C. 300x-4(a)), and the State Workforce Board.
7. Provide for coordination and the establishment of working relationships between VRBS and the Statewide Independent Living

Council and Centers for Independent Living within the state.

8. Perform such other functions, consistent with the purposes of this title, as the Montana State Rehabilitation Council determines to be appropriate, that are comparable to the other functions performed by the Council.
9. The meetings of the full committee, hearings and forums shall be publicly announced.

## **ARTICLE IV GOALS**

1. Facilitate informed communication between regional and state staff on policy and program issues.
  - A. A member of the council will be chosen to send out NCSRC communication and attend NCSRC trainings.
  - B. SRC Staff Liaison sends VRBS program and staff updates to councilmembers.
2. Provide information to VRBS on the effect of its programs on the community as well as on consumers.
3. Facilitate public input into state and regional planning for VRBS.
4. Advocate for consumer rights and services.
5. Communicate the purpose and needs of VRBS to the public and community leaders.
6. Support VRBS in its efforts to expand resources available to individuals with disabilities.
7. Advise VRBS on other issues as requested.

## **ARTICLE V MEMBERSHIP**

### COMPOSITION AND APPOINTMENT

1. Composition - The Council shall be composed of -

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- A. At least one representative of the Statewide Independent Living Council established under Section 705 of the Rehabilitation Act as amended, which representative may be the Chairperson or other designee of the Council;
  - B. At least one representative of a parent training and information center established pursuant to Section 682(a) of the Individuals with Disabilities Education Act (as added by Section 101 of the IDEA Amendments of 1997; Public Law 105-17);
  - C. At least one qualified representative of the Client Assistance Program established under Section 112 of the Reauthorization of the Rehabilitation Act (1992);
  - 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 VRBS;
  - 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 –
    - 1) Individuals with physical, cognitive, sensory, and mental disabilities; and
    - 2) 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 Native American VRBS Projects ("Section 121" projects) in Montana;
  - J. At least one representative of the state educational agency responsible for the public education of students with disabilities who are eligible to receive services under this title and the IDEA; and
  - K. At least one representative of the State Workforce Innovation Board.
2. Members of the Council may meet one or more of the composition guidelines as set out above.
3. Ex officio Member - the Administrator of VRBS shall be an ex officio

member of the Council.

4. Appointment - Members of the Council shall be appointed by the Governor. The Governor shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In selecting members, the Governor shall consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.
5. Qualifications - A majority of Council members shall be persons who are –
  - A. Individuals with disabilities as described in Section 7(20)(A) of the Rehabilitation Act of 1998; and
  - B. Not employed by VRBS.
6. Terms of Appointment –
  - A. Length of Term - Each member of the Council shall serve for a term of not more than three (3) years, except that –
    - 1) 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; and
    - 2) The terms of service of the members initially appointed shall be (as specified by the appointing authority) for such fewer number of years as will provide for the expiration of terms on a staggered basis.
  - B. Number of terms - no members of the Council, other than the Client Assistance Program, the VRBS Administrator, and the representative of the Native American VR 121 Project, may serve more than two consecutive terms.
7. Vacancies - Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.
8. Conflict of Interest - No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member

or otherwise give the appearance of a conflict of interest under state law.

9. Compensation and Expenses - The Council will use funds appropriated to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including childcare and personal assistance services), and to pay compensation honorariums.
10. If a member has two unexcused absences out of the four (4) regularly scheduled meetings, the Council may vote to discontinue the individual's membership on the Council.
11. All members have equal voting rights except ex officio members.
12. The Council will function as a body. An individual member may not represent the Council without the expressed approval of the Council as a whole. The Chairperson or the Administrator of VRBS will be authorized to speak for the Council or may authorize members to act as a public spokesperson.

## **ARTICLE VI MEETINGS, PROCEDURES & FORUMS**

1. There shall be four (4) quarterly meetings each year. Meeting dates shall be specifically designated and planned in advance.
  - All members shall attend quarterly meetings in person with the exception of an extenuating circumstance/weather that prohibits the entire board from traveling/meeting. In that instance the meeting will be moved to an online platform.
  - A member must request to be excused from attending the meeting in person due to extenuating circumstances. The request must be made within 5 days of the meeting. In the event of an in-person excused absence, a videoconference link will be sent to the individual member.

2. A special meeting of the Council may be called by the Chairperson, Vice Chairperson, or when requested by one fifth of the Council membership. Members must receive notice of special meetings at least five (5) working days in advance of said meeting.
3. Robert's Rules of Order shall govern the business conducted in all cases in which they are applicable and not in conflict with these Bylaws.

**Quorum:**

- In order to conduct any official business, a quorum shall consist of fifty-one percent (51%) of the current Council membership.

**Voting:**

1. Each member shall have one vote. The Chairperson of the Council may vote only in the event of a tie. The Chairperson may then cast the deciding vote.
2. All decisions shall be made by a majority vote of the members present.
3. All votes will be by voice and a show of hands. Ex-officio members may not vote or present motions at Full Council meetings.

## **ARTICLE VII OFFICERS**

1. **Chairperson** - Subject to the control of the Council, the Chairperson shall preside according to Robert's Rules of Order, Revised. He/she shall establish appropriate subcommittees, make appointments thereto, and shall have such other powers and duties as may be prescribed from time to time by the Council.
2. **Vice Chairperson** - In the absence of the Chairperson, the Vice Chairperson shall perform all duties of the Chairperson and in so acting shall have all the power of the Chairperson.
3. **Functionary** - The Functionary will work with the SRC Staff Liaison to ensure meeting minutes are distributed to members and administrative tasks are completed as needed.
4. A councilmember designated by the council will conduct the meeting in the rare occurrence of the Chair and Vice Chair being absent. (See

policy manual for full Chairperson, Vice Chairperson, and Functionary duties.)

## **ARTICLE VIII ELECTIONS**

1. Officers shall be elected by public council vote in-person and virtually at the last meeting of the calendar year. If a vacancy occurs within the Chairperson, Vice Chairperson, or Functionary that position will be filled at the next regularly scheduled meeting.
2. All Council positions will be elected by a majority vote of the Council. If two or more members are seeking a position, the member who receives the most nominations will be put to the council for a majority vote.
3. The Chairperson shall be elected to serve a term of one (1) year with the opportunity to be re-elected/run for re-election.
4. The Vice Chairperson shall be elected to serve a term of one (1) year with the opportunity to be re-elected/run for re-election.

## **ARTICLE IX SUBCOMMITTEES**

1. Standing subcommittees will be established by the Council when and if the Council deems necessary.
2. Ad hoc subcommittees shall be created by the Chairperson for specific functions and will cease to operate when the need is met.
3. Councilmembers shall be evenly distributed among subcommittees. Councilmembers shall switch subcommittees mid-term if a subcommittee is in need of more members.
4. The meetings shall be open and accessible to the general public. Executive sessions may be closed to the public.
5. Membership on a committee will require a commitment of time, in

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addition to attendance at committee meetings. Committee members should expect to receive assignments and spend the necessary time to meet deadlines outside of quarterly meetings.

6. Regular attendance at committee meetings is expected of community members. If a committee member misses three (3) consecutive meetings, the committee Chairperson may bring the matter before the SRC Executive Committee to determine if that member should be removed from the committee.

## **ARTICLE X      COMMUNICATION**

1. The minutes of each meeting shall be distributed to members for approval and published via the SRC website. Notice of next meeting and location shall be made through this report.

## **ARTICLE XI     RESOURCE PLAN**

1. Plan - The Council should plan for the provision of such resources, including such staff and personnel, as may be necessary to carry out the functions of the Council under this section.
2. Resolution of disagreements - To the extent that there is a disagreement between the Council and VRBS in regard to the resources necessary to carry out the functions of the Council as set forth in this section, the disagreement shall be resolved by the Governor or appointing agency consistent with paragraph one (1).
3. Staff conflict of interest - While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the Department of Public Health and Human Services or any other agency or office of the state that would create a conflict of interest.
4. Councilmembers conflict of interest- Council members are prohibited from making a decision or participating in any manner in the decision regarding a matter in which he/she has a prohibited interest (i.e., conflict of interest). A Council member will have a prohibited interest when, in the course of his/her duties, he/she has the opportunity to

perform an act or make a decision in his/her official capacity which might substantially affect the economic interest of either him/herself or the individual agency or organization he/she represents or otherwise give the appearance of a conflict of interest under State law. This is exclusive of other agencies/organizations of similar purpose.

## **ARTICLE XII AMENDMENTS**

AMENDMENTS These Bylaws may be amended at any regularly scheduled meeting of the Full Council by a two-thirds vote of the current membership, provided that the amendment has been submitted in writing to each member of the Council prior to the next council meeting. The amendment shall be voted on at the following council meeting, provided that the amendment is not in conflict with any applicable state and federal laws and regulations. The full council must review and make amendments if any at least one time per calendar year.