

Missouri State Rehabilitation Council for the Blind

By Laws

Amended November 2004

LEGAL AUTHORITY: A State Rehabilitation Council is mandated by Section 105 of the Rehabilitation Act of 1973, as amended. On February 5, 1993, Governor Mel Carnahan signed Executive Order 93-01, which established the Rehabilitation Council for the Blind.

Section 101 (a)(21) of the Rehabilitation Act, as amended by the Workforce Innovation and Opportunity Act (WIOA), requires Rehabilitation Services for the Blind (RSB) to assure in the VR Services Portion of the Combined State Plan RSB has established a State Rehabilitation Council (SRC) that meets the requirements set forth in Section 105 of the Rehabilitation Act. The SRC must be established so RSB can received funding for the administration and operation of the Vocational Rehabilitation (VR) program in Section 105(a)(1) of the Rehabilitation Act.

The Council shall operate with all applicable powers, duties, and responsibilities contained in Title I of the Rehabilitation Act of 1973, as amended, hereinafter referred to as the "Act". For administrative purposes, it is assigned to the Family Support Division (formerly known as Division of Family Services)/Rehabilitation Services for the Blind.

Article I: Name

I.1 The name of this organization shall be the "State Rehabilitation Council for the Blind," for the State of Missouri, Family Support Division (formerly known as Division of Family Services)/Rehabilitation Services for the Blind. The State Rehabilitation Council for the Blind is hereinafter referred to as the "Council." Family Support Division is hereinafter referred to as "FSD" and Rehabilitation Services for the Blind is hereinafter referred to as "RSB."

Article II: Purpose

II.1 To act as a forum through which blind citizens, parents, providers, and other interested Missourians can be heard and voice their opinions and constructive criticisms, make recommendations and give public recognition for VR services being performed on their behalf by RSB;

II.2 To serve jointly with RSB in its activities to improve VR services, programs and facilities for blind and visually impaired clients;

II.3 To receive from RSB information concerning the intents and objectives of RSB so that the Council, in turn, can pass this information on to blind clients;

II.4 Within the general purpose as expressed above, the Council may function in such specific ways as the following:

- a. Receive from RSB and other sources reports regarding needs of blind and visually impaired clients;

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- b. Review findings of studies relating to the identification of needs of clients;
- c. Offer comments, suggestions, points of view, and recommendations with respect to current and projected VR policy, procedures and activities of RSB designed to satisfy client needs;
- d. Assist RSB in acquainting the general public with the needs of blind persons and of the State's services, programs, and facilities;
- e. Promote and coordinate use of the available services and agency resources on behalf of blind persons;
- f. Make recommendations regarding RSB's staffing needs;
- g. Provide Council recommendations with respect to unusual and significantly important applications for services and case management;
- h. Consider other functions and responsibilities which are relevant and appropriate;
- i. Offer support for administrative and legislative efforts to improve programs, services, and facilities;

Article III: Responsibilities of Rehabilitation Services for the Blind

III.1 Orient the Council to RSB and advise it regarding controlling legislation, regulations and policies, as well as its services, programs, facilities and personnel. This will include:

- a. Explaining the above at Council meetings and, when indicated, providing training to Council members, and
- b. Making written information regarding the above available to Council members.

III.2 Make available to Council members information regarding budgetary limitations, RSB fiscal operations and the procedures that must be adhered to in any provision of services requiring expenditures.

III.3 Make all written information available to the Council in accessible media - regular and large print, braille, computer disc or tape.

III.4 Objectively consider Council recommendations regarding changes in services, service delivery, programs and facilities.

III.5 Keep the Council informed about acceptance or rejection of its recommendations and give explanations for rejections.

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III.6 Provide staff support to make arrangements for Council meetings, including overnight accommodations, meals, meeting rooms, materials and supplies. Record minutes of each Council meeting and the distribute minutes to the membership, certify to all actions taken by the Council and monitor the handling of budgetary matters and financial action taken by the Council.

III.7 Members are not compensated for their service, which is voluntary. Members may be reimbursed for expenses incurred including compensation for lost wages in conjunction with attendance at Council meetings and other Council business.

III.8 Prepare, in conjunction with the Council, a plan for the provision of resources, including staff support, needed to carry out Council functions.

III.9 Assure that RSB staff who assist the Council in carrying out its duties are not assigned other duties that would result in a conflict of interest.

III.10 Consult with the Council regarding the development, implementation, and revision of RSB policies and procedures of general applicability pertaining to the provision of VR services.

III.11 In regard to the State Plan:

- a. The goals and priorities must be jointly developed, agreed to, reviewed annually, and, as necessary, revised by the Council and RSB per 34 CFR 361.29(c)(1)(2)
- b. Provide all plans, reports, and other information required to be submitted to the Secretary.
- c. Provide all policies and information on all practices and procedures of general applicability provided to or used by RSB personnel providing VR services.
- d. Provide copies of due process hearing decisions transmitted in a manner to ensure that the identity of the participants in the hearings is kept confidential.

Article IV: Responsibilities of the Council and Its Members

IV.1 To jointly review, analyze, and advise RSB regarding RSB's performance of responsibilities under Title I of the Act, relating especially to eligibility for Vocational Rehabilitation (VR) services; the extent, scope and effectiveness of VR services that RSB provides; and functions performed by State agencies that potentially affect the ability of blind individuals to achieve rehabilitation goals and objectives;

IV.2 In partnership with RSB jointly develop, agree to, and review State goals and priorities in accordance with 361.29(c). Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Secretary in accordance with 361.29(e). Advise FSD and

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RSB regarding activities carried out under this part and assist in the preparation of the State plan and amendments to the plan, applications, reports, needs assessments, and evaluations required by this part.

IV.3 To the extent feasible, conduct a review and analysis of the effectiveness of, and client satisfaction with:

- a. VR services and other functions performed by RSB
- b. State agencies and other public and private entities responsible for providing vocational rehabilitation services for blind individuals;
- c. The employment outcomes achieved, including the availability of health and other employment benefits in connection with those employment outcomes.

IV.4 To prepare and submit an annual report to the Governor, to the Commissioner of the Rehabilitation Services Administration of the U. S. Department of Education, and to the Director of FSD no later than 90 days after the end of the fiscal year and make the report available to the public;

IV.5 To coordinate with other councils within the State, including the Statewide Independent Living Council, the Advisory Panel established under the Individuals with Disabilities Education Act, the State Planning Council established in accordance with the Developmental Disabilities Assistance and Bill of Rights Act and the State mental health planning council established under the Public Health Service Act, the State workforce development board, and entities carrying out the programs under the Assistive Technology Act of 1998;

IV.6 To advise the FSD and/or RSB and provide for coordination and the establishment of working relationships between the FSD and/or RSB and the Statewide Independent Living Council and Centers for Independent Living in Missouri;

IV.7 To select a pool of individuals to serve as impartial hearing officers for VR applicants and recipients who wish to appeal a decision of RSB.. Impartial hearing officers selected must not be a member of the SRC.

IV.8 To perform such other functions, consistent with the purpose of Title I of the Act, as the Council determines to be appropriate, as long as they are comparable to the other functions performed by the Council;

IV.9 In order to carry out the above responsibilities mandated by the Act, the Council will:

- a. Become informed about RSB services, programs and fiscal policies and procedures.
- b. Recognize that Council members represent the State's blind and visually impaired clients. Recognize that the Council is not a forum for personal grievances.

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- c. Set meeting dates and establish the agenda for the meetings.
- d. Elect an Executive Board.
- e. Act as advocate(s) for RSB as well as for clients in the maintenance of services, programs, and facilities.
- f. Hold confidential and not disclose, directly or indirectly, any information pertaining to individual clients obtained in the course of Council activities.

Article V: Membership

V.1 The membership of the Council shall be composed of at least 15 members and no more than twenty-one (21), appointed by the Governor, with the following representation mandated by the Act:

- a. At least one representative of the Statewide Independent Living Council who must be the chairperson or other designee of the Statewide Independent Living Council;
- 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, who must be the director or other individual recommended by the Client Assistant Program;
- d. At least one qualified vocational rehabilitation counselor with knowledge of and experience with VR programs and who, if an RSB employee, shall serve as an ex-officio, nonvoting Council member;
- e. At least one representative of community rehabilitation program service providers;
- f. Four representatives of business, industry and labor;
- g. At least One representative of advocacy groups representing individuals who are blind: and
- h. At least one representative of individual who is blind, has multiple disabilities, and has difficulty representing himself or herself;
- i. Current or former applicants for, or recipients of, VR services.
- 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 part and part B of the Individuals with Disabilities Education Act.
- k. At least one representative of the State workforce investment board.

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I. The Deputy Director, FSD/RSB shall be an ex officio member of the Council. The Deputy Director shall not be a voting member of the Council.

V.2 The Governor shall select Council members from recommendations of individuals and organizations interested in the rehabilitation of individuals who are blind.

a. A majority of the Council members shall be persons who meet RSB visual requirements for VR and who are not employed by RSB.

b. The membership of the Council shall include members of the major organizations of blind persons in Missouri.

c. All Council members shall be residents of the State of Missouri.

V.3 The terms of all Council members shall begin on September 1.

V.4 Council members shall serve terms of three (3) years provided, however, that of the members first appointed, seven (7) shall serve a term of three (3) years, seven (7) shall serve a term of two years and seven (7) shall serve a term of one (1) year. The allocation of such terms shall be on a random basis.

V.5 No Council member may serve more than two (2) consecutive full terms except for the RSB Deputy Director and the representative identified in section V.1(c) Client Assistance Program. No member of the SRC to whom term limits apply may continue to serve on the Council after their term has expired unless they are reappointed. Members who serve two terms may reapply after a meaningful break of one year of service to the council has passed.

V.6 Any vacancy occurring in the Council membership shall be filled in the same manner as the original appointment except the Governor may delegate the authority to fill that vacancy to the remaining members of the council after making the original appointment.

Recommendations for membership should be submitted to the RSB SRC Liaison to request the Governor to make the appointment.

V.7 A member appointed to fill a vacancy prior to the end of the term for which the predecessor was appointed must be appointed for the remainder the predecessor's term and will be counted as one term.

V.8 A vacancy on the Council shall be deemed to have occurred when a member is physically or mentally incapacitated, is absent from two (2) consecutive meetings without good cause, or gives notice of resignation in writing to the Chairperson giving this information. The Chairperson shall convey this by letter to the Governor recommending that a vacancy be declared and requesting that a new appointment be made.

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V.9 A member shall be deemed to have demonstrated good cause for his or her absence from a meeting when he or she submits an acceptable explanation for such absence to the chairperson. The Council by affirmative vote shall be the arbiter should controversy arise.

Article VI: Officers

VI.1 The officers of the Council shall consist of a Chairperson and a Vice-Chairperson

VI.2 The Chairperson. The duties of the Chairperson shall be to call all special meetings, send a notice of all regular or special meetings, preside at all Council meetings and sit as ex-officio member of all sub-committees appointed by him or her. The Chairperson shall have the power to create any and all sub-committees deemed necessary or appropriate by the Council.

VI.3 The Vice-Chairperson shall have all the duties and powers of the Chairperson in the event of his/her absence or incapacity and other duties as assigned by the Chairperson.

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VI.5 Except for the initial officers of the Council, who shall serve until August 31, 1994, each officer shall serve for a term of one (1) year.

VI.6 Succession. An officer may be permitted to succeed himself or herself for more than one term.

VI.7 Vacancies. If a vacancy occurs, for any reason, in any office provided for herein, such vacancy shall be filled by electing a replacement at the next regular meeting of the Council.

Article VII: Executive Board

VII.1 The Council shall have an Executive Board composed of the Chairperson, Vice-Chairperson, and two persons elected to the Executive Board from the membership of the Council.

VII.2 The Executive Board shall have all the powers and responsibilities of the Council as a whole, except that the Executive Board may not hold elections, and that no actions taken by it shall be effective beyond the date of the next meeting of the Council as a whole after such action unless such an action is ratified by the affirmative vote of a majority of the members eligible to vote at such a Council meeting.

VII.3 The two (2) members of the Executive Board who are not also officers as defined in Article VI hereof shall be elected on the same day as the officers, serve for a term co-extensive with such officers, and be replaced in the event of a vacancy in the same manner. A person, however, may serve for an unlimited number of years on the Executive Board, provided that he

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or she may not serve in the same capacity on the Board for more than two (2) consecutive terms.

Article VIII: Elections

VIII.1 Except for the initial officers and members of the Executive Board, an election for the officers and members of the Executive Board shall be held at the May meeting of the Council, these persons assuming their duties on September 1 following.

VIII.2 The elections shall be held in the following order: Chairperson, Vice-Chairperson, , first Executive Board Member, and second Executive Board Member.

- a. All nominations shall be done from the floor.
- b. After the nominations for a particular office have been completed, each nominee shall give a brief statement concerning his or her qualifications.
- c. Voting for each office may be by secret ballot, if requested by any council member.
- d. The nominee who receives a plurality of the votes cast shall be deemed to have been elected. If no one receives a plurality, there shall be another ballot between the two (2) candidates receiving the most votes. If, in the second balloting, there is a tie, the winner shall be determined by the flip of a coin. If there is only one (1) nominee for any particular office such member shall be elected by acclamation.

VIII.3 The new officers and Executive Board members shall assist and consult with the retiring officers during the months of June, July and August to ensure a smooth transition of Council leadership. All decisions and official Executive Board actions, however, shall be those of the current year's leaders until their terms end on August 31.

VIII.4 In the event that an officer of the SRC is unable to complete his/her term in office, voluntary or involuntary, the Council will hold an election at the next scheduled meeting to replace that officer for the remaining portion of the term.

Article IX: Meetings

IX.1 The Council must convene at least four meetings a year in locations determined by the Council to be necessary to conduct Council business. The Council must conduct forums or hearings, as appropriate.

IX.2 Council meetings are conducted in person unless an electronic means is approved by the Chairperson. Electronic means of communication include conference call, video chat, or any other means of communication whereby all participants in the meeting can communicate with each other.

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IX.3 Council members unable to attend meetings in person may submit a request for an electronic option limited to one (1) time per year. The request must be approved by the Chairperson, and participation in this manner shall constitute presence in person at the meeting.

IX.2 Special meetings may be called by the Chairperson upon written request of any seven members of the Council, or after consulting with the Deputy Director of FSD/RSB.

IX.3 Notice of all regular and special meetings shall be mailed by the Chairperson not less than twenty-one (21) days before the date of the noted meeting. Notice of special meetings shall be provided at the earliest date possible. The notice shall state the time, date and place of the meeting as well as an agenda of items to be considered at such meeting.

IX.4 No business of the Council shall take place without a quorum present. A quorum shall be constituted by the presence of a majority of the currently occupied seats on the Council.

IX.5 All meetings shall be called to order by the Chairperson, or, in his or her absence, by the Vice-Chairperson, who shall then preside. Except when inconsistent with the provisions hereof and controlling legislation, regulations and policies governing FSD/RSB, all meetings shall be governed in accordance with the rules set forth in "Robert's Rules of order, newly revised".

IX.6 Except when explicitly provided to the contrary herein, all voting shall be by voice vote.

IX.7 Those eligible to vote shall be the duly appointed members of the Council present. No proxies shall be permitted.

IX.8 All meetings of the Council shall be open unless there is need for an executive session or matters of a confidential nature relating to staff or clients are discussed, as defined by the Sunshine Law. When matters regarding clients or staff are discussed a written release must first be obtained from the affected individual.

Article X: Committees

X.1 The Council shall appoint standing committees to review, analyze and recommend to the full membership of the Council those matters within their area of concentration. The Council Chairperson will appoint a chairperson, vice-chairperson and members for each of the committees listed below. The committees appointed will serve in the following areas:

- a. Planning Committee: Responsible for reviewing, analyzing and recommending to the Council on RSB State and Strategic Plans, as well as any planning process undertaken by the Council either separately or in conjunction with RSB or other State agencies.

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b. Evaluation Committee: Responsible for reviewing, analyzing and recommending to the Council those matters pertaining to:

1. Efforts to determine the extent, scope and effectiveness of services
2. Client satisfaction with services
3. Ongoing statewide studies of rehabilitation needs
4. Satisfaction with/effectiveness of functions that other agencies provide for RSB clients
5. The Council Annual Report

c. Program/Policy Committee: Responsible for reviewing, analyzing and recommending to the Council those matters pertaining to:

1. RSB staffing needs
2. Eligibility for RSB services
3. Applications for service
4. Changes to RSB policy, rule or process
5. Changes to SRC bylaws

d. Governmental Affairs Committee: Responsible for reviewing, analyzing and recommending to the Council those matters pertaining to:

1. Legislation proposed/pending in the Missouri Legislature
2. Legislation proposed/pending in the U.S. Congress
3. Development of legislative materials/positions

X.2 The Council Chairperson shall select ad-hoc committee members so as to form a well-balanced group. The ad-hoc committee chairperson shall seek assistance, as needed, from non-voting consultants with expertise in areas under ad-hoc committee consideration. These consultants may be both blind clients/professionals and knowledgeable persons from the community-at-large. The final draft of the ad-hoc committee's work must be presented to each member at least two (2) weeks before its presentation to the Council. The ad-hoc committee's work is finished upon Council acceptance of final report.

Article XI: Adoption

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XI.1 These Bylaws shall be adopted as the rules governing the business and affairs of the Council when, after an appropriate motion has been made and seconded, such motion receives the affirmative votes of two-thirds (2/3) of the members of the Council eligible to vote at a meeting duly called and held.

Article XII: Amendment

XII.1 These Bylaws may be amended at any time. However, any proposed amendment shall be provided to the Committee subject to Article IX,(3), said notice including the proposed amendment, its rationale and need. An amendment shall be deemed to have been made when it receives the affirmative votes of two-thirds (2/3) of the members of the Council present and voting at a meeting duly called and held.

Article XIII: Conflict of Interest

XIII.1 No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member or the member's organization or otherwise give the appearance of a conflict of interest under State law.