

NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
DIVISION OF VOCATIONAL REHABILITATION

STATE REHABILITATION COUNCIL BYLAWS



ARTICLE I. DESIGNATION

The organization referred to in this document shall be known as the State Rehabilitation Council, hereafter referred to as the "Council".

ARTICLE II. AUTHORIZATION

The Council is authorized in accordance with the Rehabilitation Act Amendments of 1998.

ARTICLE III. PURPOSE

Title I, section 105 of the Rehabilitation Act of 1973 as amended through the Rehabilitation Act Amendments of 1998 ("the Act") as well as the Workforce Innovation and Opportunity Act (WIOA) of 2014. The general purpose of the Council is to review, analyze, and advise the New Mexico Division of Vocational Rehabilitation (NMDVR), regarding all rehabilitation programs and policies administered by NMDVR under the Act.

ARTICLE IV. FUNCTIONS

The Council:

- A. Review, analyze, and advise NM DVR regarding the performance of the State unit's responsibilities under this part, particularly responsibilities related to—
 - 1. Eligibility, including order of selection;
 - 2. The extent, scope, and effectiveness of services provided; and
 - 3. Functions performed by State agencies that affect or potentially affect the ability of individuals with disabilities in achieving employment outcomes under this part; including the School to Work Transition.
- B. In partnership with NMDVR—
 - 1. Develop, review, and provide recommendations regarding State goals, priorities, and the State Plan in accordance with § 361.29(c); and
 - 2. Work collaboratively with NMDVR to create, maintain and update the SRC website and ensure that it is accessible to all users.
 - 3. Evaluate the effectiveness of the vocational rehabilitation program and submit annual reports of progress to the Governor, Public Education Department (PED), and Commissioner of Rehabilitation Services Administration (RSA) in accordance with § 361.29(e)

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- C. Advise NMDVR 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;
- D. To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with—
 - 1. The functions performed by NMDVR;
 - 2. The vocational rehabilitation services provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under the Act; and
 - 3. The employment outcomes achieved by eligible individuals receiving services under this part, including the availability of health and other employment benefits in connection with those employment outcomes;
- E. Prepare and submit to the Governor, PED, and Commissioner of RSA no later than 90 days after the end of the Federal fiscal year an annual report on the status of vocational rehabilitation programs operated within the State and make the report available to the public through appropriate modes of communication;
- F. Coordinate activities with the activities of other councils within the State, for example; the Statewide Independent Living Council (SILC), the State Developmental Disabilities Planning Council (DDPC), and the Commission for the Blind State Rehabilitation Council established under 34 CFR part 364, the advisory panel established under section 612(a)(21) of the Individuals with Disabilities Education Act; and
- G. Provide for coordination and the establishment of working relationships between NMDVR, SILC, and centers for independent living within the State.

ARTICLE V. MEMBERSHIP

A. Appointment.

- 1. The members of the Council must be appointed by the Governor or, in the case of a State that, under State law, vests authority for the administration of the activities carried out under this part in an entity other than the Governor (such as one or more houses of the State legislature or an independent board), the chief officer of that entity.
- 2. The appointing authority must select members of the Council 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 appointing

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authority must consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

B. Composition.

1. General. The Council must be composed of at least 15 members, including—

- a. At least one representative of the SILC, who must be the chairperson or other designee of the SILC;
- 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;
- c. At least one representative of the Client Assistance Program (CAP) established under 34 CFR part 370, who must be the director of or other individual recommended by the Client Assistance Program;
- d. At least one qualified vocational rehabilitation counselor with knowledge of and experience with vocational rehabilitation programs who serves as an ex officio, nonvoting member of the Council if employed by 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 groups that include a cross section of—
 - (a) Individuals with physical, cognitive, sensory, and mental disabilities; and
 - (b) Representatives of individuals with disabilities who have difficulty 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. In a State in which one (1) or more projects are carried out under section 121 of the Act (American Indian Vocational Rehabilitation Services), at least two (2) representatives of the directors of the projects; The Council has voted to include a representative from each 121 project. The Representative can be the director or designee.
- j. At least one (1) 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;

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- k. At least one representative of the State workforce investment board; and
 - l. The director of NMDVR as an ex officio, nonvoting member of the Council.
 - m. The Council has voted to include a disabled Veteran as a mandated member.
2. *Employees of NMDVR.* Employees of NMDVR may serve only as nonvoting members of the Council. This provision does not apply to the representative appointed pursuant to paragraph (B)(1)(d) of this section.
- C. *Majority.* A majority of the Council members must be individuals with disabilities who meet the requirements of § 361.5(b)(29) and are not employed by NMDVR.
- D. *Chairperson.* The chairperson must be—
- 1. Selected by the members of the Council from among the voting members of the Council, subject to the veto power of the Governor; or
 - 2. In States in which the Governor does not have veto power pursuant to State law, the appointing authority described in paragraph (A)(1) of this section must designate a member of the Council to serve as the chairperson of the Council or must require the Council to designate a member to serve as chairperson.
- E. Council members shall represent a broad range of disabilities, geographic areas of the state, ethnic and minority backgrounds and gender.
- F. Proxy votes shall be allowed with prior written notice to the Chair. The Council welcomes designated representatives to participate. However, the representative will not count toward a quorum nor have the ability to vote. Proxy votes shall be designated only to appointed members.
- G. If a Council member misses three (3) consecutive, regularly scheduled, quarterly meetings without an excusal from the Chair or designee, he/she will receive a letter from the Chair regarding continued participation on the Council and a replacement appointment may be requested from the Governor's office.
- H. Nominations for Council members should come from the Council membership and other interested parties and shall be presented to the Membership Committee for consideration.

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ARTICLE VI. TERMS OF APPOINTMENT

A. Terms of appointment.

1. Each member of the Council must be appointed for a term of no more than three (3) years, and each member of the Council, other than a representative identified in paragraph (B)(1)(c) or (B)(1)(i) in Article V, may serve for no more than two (2) consecutive full terms.
2. Each Council Member may serve two (2) three year terms (as appointed by the Governor); however, a Council member may, with the endorsement of the regular members of the Council, exceed his/her term if elected to an office, in order to compete the term of that office.
3. A member appointed to fill a vacancy occurring prior to the end of the term for which the predecessor was appointed must be appointed for the remainder of the predecessor's term.

B. Vacancies.

1. A vacancy in the membership of the Council must be filled in the same manner as the original appointment, except the appointing authority as described in paragraph (A)(1) of Article V may delegate the authority to fill that vacancy to the remaining members of the Council after making the original appointment.
2. No vacancy affects the power of the remaining members to execute the duties of the Council.

C. Conflict of Interest.

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.

ARTICLE VII. COUNCIL OFFICERS

- A. The Council shall have three (3) regular officers elected from the general membership for parallel two (2) year terms, to serve no more than two (2) consecutive terms, four (4) years total. These officers shall be designated Chairperson, Vice-Chairperson, and Sergeant At Arms (SAA), respectively.
- B. The Chairperson shall assume duties specified in the BYLAWS(Article VI of these BYLAWS), to serve as presiding officer at the Council and Executive Committee meetings and represent the Council on issues adopted by the Council.
- C. In the absence of the Chairperson, the Vice-Chairperson shall assume all rights and responsibilities of the higher office. Except where such vacancy would exist for one-half (1/2) or more of the elected Chairperson's term, the Nominating Committee will arrange for a special election for the balance of

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the term at the next full Council meeting or within thirty (30) days, whichever is sooner, and/or the Vice-Chairperson can call for such a special election.

- D. A vacancy in the Vice-Chairperson's office shall be governed by the following where such a vacancy would exist for one-half (1/2) or more of the elected Vice-Chairperson's term, the Nominating Committee will arrange for a special election for the balance of the term at the next full Council meeting or with thirty (30) days, whichever is sooner, and/or the Chairperson can call for such a special election.
- E. The Sergeant At Arms (SAA) will perform role call at each Council meeting and determine if there is a valid quorum. The SAA is charged with overseeing the Council compliance with the "Open Meetings Act", and Council bylaws. The SAA also serves as part of the Executive Committee.
- F. Election of new officers shall take place during the first regular meeting of the federal fiscal year. The election shall be carried out after a slate has been presented. Each Council member is entitled to one vote and a simple majority vote carries the election.

ARTICLE VIII. APPROVED COUNCIL COMMITTEES

- A. There shall be four (4) standing committees.
- B. The Executive Committee shall be composed of the Chairperson, Vice-Chairperson, Sergeant at Arms, Chair of the Legislative and Outreach Committee, Chair of the Membership, Training and Awards Committee, and the Chair of the Transition, State Plan and Outcomes Committee. The Executive Committee will also include the Director or designee as an ex-officio, NMDVR Liaison. This Committee shall meet at the call of the Chairperson. The Executive Committee shall function as the policy development and information review agent for the full Council.
- C. There shall be one standing committee called the **Legislative and Outreach Committee**. This committee will be responsible for "educating" legislators and pertinent legislative staff on both the local and national level. This committee shall also be responsible for conducting public forums to gather input on VR services and for completing the Customer Satisfaction Survey, which is distributed in conjunction with the Statewide Needs Assessment. Using the information gathered from the public forums, satisfaction survey, and other feedback venues, the committee shall set goals of providing information to the public and sharing DVR's successes, services, etc. as part of an outreach plan to help promote the agency and the Council. The committee will also ensure that all Council related reports receive the widest possible distribution and are made available to the public. The chair of this committee will serve on the Executive Committee.
- D. There shall be one standing committee called the Membership, Training, and Awards Committee. This committee will be charged with making sure the Council is in compliance with the statutory requirements for membership of the Council. If a member cycles off of the Council or leaves for any reason, this committee will recruit and assist with the process of getting the replacement nominee(s)

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appointed. This committee will also provide orientation to new members, and assign a mentor. This committee along with the chair will assign new members to a committee according to the committee needs. This committee will also develop training goals for the Council on an annual basis. The training will target topics that will enable the Council to become more informed Council members. Finally, this committee will set up an annual process for selecting a staff person or a group of staff persons from NM DVR that shall be recognized as significantly contributing to the success of the agency by going above and beyond. This committee will develop the criteria, review the nominations and select the candidates to present to the Council as a whole that will receive the Council award on an annual basis. The chair of this committee will serve on the Executive Committee.

- E. There shall be one standing committee called the Transition, **State Plan and Outcomes Committee**. This committee shall be chaired by the Vice-Chair, and NMDVR liaison staff shall be identified and appointed by the NMDVR Director to work with the committee. This committee will be responsible to advise the NMDVR and Department of Education regarding activities authorized to be carried out in accordance with Public Law 105-220, and to track the outcomes of these efforts. The committee will assist in the preparation of the state plan and any necessary amendments to the plan, applications, reports, evaluations, etc. The committee is charged with collaboration with the NM DVR to conduct a Statewide Needs Assessment at least tri-annually and for sharing the results of this assessment with the Legislative and Outreach Committee to ensure the widest possible distribution of the information gathered. Finally, this committee is responsible for preparation of the SRC Annual report that is submitted to RSA yearly. The chair of this committee will serve on the Executive Committee.
- F. The Chair may appoint an ad hoc committee to address issues/projects that may arise. This committee or work group shall operate only until their work or task is completed.
- G. Should the Council membership reduce to a number that would make meeting a quorum difficult for the executive committee, than the executive committee would only consist of the three officers.

ARTICLE IX. 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.

Every Council member will sign a "conflict of interest" form when they are appointed onto the Council. This form will be reviewed and edited as needed annually.

ARTICLE X. COUNCIL MEETINGS

Meetings. The Council must:

1. Convene at least four (4) meetings a year in locations determined by the Council to be necessary to conduct Council business. The meetings must be publicly announced, open, and accessible to

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- the general public, including individuals with disabilities, unless there is a valid reason for an executive session; and
2. Conduct forums or hearings, as appropriate, which are publicly announced, open, and accessible to the public, including individuals with disabilities; and
 3. Conduct business only with a quorum, which is the majority of voting members.

ARTICLE XI. VOTING

A. For Council meetings;

1. All voting Council members who are present are entitled to vote on all matters before the Council. Authorized proxy votes will be allowed as indicated in article V, F.
2. All votes shall be recorded and made part of the Council meeting minutes.

B. For committee meetings:

1. All Committee members who are present are entitled to vote on all matters before the Committee.
2. All votes shall be recorded and made part of the Committee meeting minutes.

ARTICLE XII. BYLAWS REVISIONS

Within at least thirty (30) days prior to written notice, the adoption of the Bylaws and revisions thereof, shall be executed only on the basis of a favorable vote by a simple majority of the current Council membership.

ARTICLE XIII. CODE OF CONDUCT

- A. All members and staff shall be provided with a copy of the 2010 New Mexico "Governmental Conduct Act" and shall abide by its terms.
- B. No Council member shall enter into any grant or contract agreement with the Council on their own behalf.
- C. All council members shall make the chair aware of potential conflicts of interest in writing as soon as the conflict arises.

ARTICLE XIV. REIMBURSEMENT

Compensation. Funds appropriated under Title I of the Act, except funds to carry out sections 112 and 121 of the Act, may be used to compensate and reimburse the expenses of Council members in accordance with section 105(g) of the Act.

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ARTICLE XV. RULES OF ORDER

- A. Roberts Rules of Order shall govern the conduct of business of all Council and Committee meetings in which they are applicable and not in conflict with the Council Bylaws.
- B. Meetings shall be conducted in a manner accessible to the Council and the general public in accordance with the Open Meetings Act. In addition, all meeting minutes, agendas, and reports will be posted in the NMDVR website under the SRC section.
- C. A visual and auditory vote will be taken each time a vote is called.
- D. All documents created by the Council will be available in alternative formats upon request.

Let it be resolved that the Bylaws of the State Rehabilitation Council have been reviewed and revised by the Bylaws Committee of the State Rehabilitation Council, the Chairperson of the State Rehabilitation Council and the Director for Vocational Rehabilitation. The Council, as a whole, shall adopt these revisions upon completion.

Bernadine Chavez
State Rehabilitation Council Chairperson

8/30/18
Date

[Signature]
Director for Vocational Rehabilitation

8/30/18
Date