

Wisconsin Governor's Birth to 3 Program Interagency Coordinating Council

BYLAWS

Article I. Name and Authorization

Section 1. Name

The name of this body shall be the Wisconsin Governor's Birth to 3 Program Interagency Coordinating Council hereinafter called the ICC.

Section 2. Authority

The ICC exists as provided in the Governor's Executive Order.

Article II. Mission

The Wisconsin Birth to 3 Program Interagency Coordinating Council was established by the Governor to advise and assist the Department of Health Services (DHS) in the performance of the responsibilities established under Part C of the Individuals with Disabilities Education Act (IDEA) (see Appendix A). The mission of the ICC is to advise, review, analyze, and monitor the implementation of the State's hereinafter called the Wisconsin Birth to 3 Program; maintaining a forum for communication relative to early intervention including recommendations to DHS regarding the effective implementation of the Wisconsin Birth to 3 Program.

The Guiding Principles, currently adopted by the ICC, provide the framework for decision-making while carrying out the mission and responsibilities. These Principles present the philosophy and reinforce the importance of parent partnerships, community support, teamwork, collaboration, and the importance of early intervention (see Appendix B).

Article III. Functions

Section 1. The ICC shall:

- a. Advise and assist the designated lead agency in the performance of responsibilities under Section 635(a)(10) of The Individuals with Disabilities Act (IDEA), 20 USC 1435(a)(10), by:
 - i. Identifying the sources of fiscal and other support for services for the Wisconsin Birth to 3 Program, the assignment of financial responsibility to the appropriate agency and the procedure for distribution of funds.
 - ii. Promoting the full participation, cooperation, coordination, and collaboration of all appropriate public agencies in the State.
 - iii. Promoting methods of interagency coordination, including but not limited to, entering into interagency agreements.
 - iv. Developing policy recommendations that contribute to the statewide system of Birth to 3 Program service delivery.
- b. Advise and Assist the lead agency in the effective implementation of the Wisconsin Birth to 3 Program by establishing processes that include:
 - i. Review implementation of the performance plan that constitutes the Wisconsin Birth to 3 Program and to advise and assist DHS on enhancements to the planning and reporting requirements.

- ii. Increase knowledge and understanding of the Wisconsin Birth to 3 Program among the general public, parents of young children, legislators, professionals, service providers and other stakeholders;
 - iii. Seek and exchange information from parents, early intervention providers, and other stakeholders about any federal, state, or local policies that impede timely service delivery;
 - iv. Assurance that steps are taken to resolve policy or implementation problems identified; and
 - v. To the extent appropriate, the resolution of disputes.
 - vi. Ensure mechanisms that meet the lead agency's responsibilities of general supervision and monitoring.
- c. Advise and assist the lead agency about unmet needs within the state in relation to:
 - i. The delivery and coordination of services to infants and toddlers with developmental delays and disabilities;
 - ii. Opportunities for coordination and collaboration of agencies to streamline access to services; and
 - iii. The existence of adequate numbers of highly qualified personnel.
 - d. Advise and assist the DHS in their relationship with the state educational agency regarding:
 - i. Interagency agreements to support the transition of eligible toddlers to services provided under Part B of IDEA; and/or other services to the extent appropriate.
 - ii. In cooperation with the Governor, Legislature and involved state agencies, comment publicly on any legislation, rules, or regulations proposed for issuance regarding the delivery or coordination of early intervention services to infants and toddlers who have disabilities or developmental delays under Part C of IDEA.

Section 2. Administrative Responsibilities

The ICC shall:

- a. Have access to and consider reports and statistics kept by the lead agency and other included departments relating to matters concerning children with disabilities or developmental delays.
- b. Advise and assist the lead agency in the preparation of applications, amendments thereto and other reports as required.
- c. Advise and assist the lead agency on any policies the lead agency develops to meet the requirements of the Part C application.
- d. Submit an annual report to the Governor and to the Secretary of the U.S. Department of Education on the status of early intervention programs for infants and toddlers and their families with disabilities operated within the State. The ICC may certify its concurrence with the APR submitted by the lead agency in lieu of an annual report.
- e. Advise DHS to collaborate with 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, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the State.

Article IV. Membership

Section 1. Appointment

The Governor, in accordance with IDEA Section 641, shall appoint members to the ICC.

Section 2. Composition of ICC Membership

The Governor shall ensure that the membership of the ICC reasonably represent the population of the state and meet the requirements of Part C of IDEA Section 641. The ICC shall have sufficient time to implement changes in IDEA Section 641. Representatives of state agencies shall have sufficient

authority to engage in policy planning and implementation on behalf of such agency. (See Appendix C for detailed current composition requirements.)

Section 3. Term of Membership

The terms of office shall be determined based on the Governor's Executive Order* and/or identification of a specified term limit by appointment:

- a. Parents are appointed to three-year terms. Based on the qualifications stated in Article III, Section 3 Membership, consideration may be given to re-appointing parents for consecutive terms in the categories reflecting their child's age.
- b. Public providers, private providers and any non-designated members are appointed to three-year terms.
- c. The representative from the State Legislature is appointed as long as they hold the elected legislative office.
- d. The appointments of state agency representatives remain in effect at the pleasure of the state agencies' administration or Office of the Secretary as long as the appointee continues to hold the designated position of authority within the state agency represented.
- e. All other appointments shall be for no more than three years.
- f. Members may be reappointed for more than one term.

* The Governor shall appoint members based on the following: EXECUTIVE ORDER 334. Relating to the repeal of Executive Orders 17, 167 and 195 and re-establishing the State *Interagency Coordinating Council* -Designating membership and attaching to the Department of Health and Family Services.

Section 4. Term Vacancies

- a. In the event that a member resigns before the end of their term, the Chairperson shall immediately inform the Governor of the need to appoint a new member.
- b. New members appointed mid-term may be appointed to finish the end of the term and then may be reappointed to serve a consecutive, full-term.

Section 5. Designees

When the state agency ICC appointee or the State Legislature ICC member is unable to attend scheduled ICC meetings, they may assign a designee, in writing, to the ICC Chairperson. The designee shall have the authority to exercise the full privileges of the absent member.

Section 6. Compensation

Members serve without compensation; however, they may be reimbursed for reasonable and necessary expenses incurred in connection with the performance of their duties as ICC members. Childcare is reimbursable for parent representatives who require care for their child with disabilities while the parent is engaged in ICC responsibilities.

Section 7. Resignation

Any member desiring to resign from the ICC shall submit a letter of resignation to the Governor and the ICC Chairperson.

Section 8. Management Authority

Based on the budget presented by DHS for the ICC, the ICC may prepare and approve a budget using funds under the IDEA Part C to:

- a. Conduct hearings and forums.

- b. To reimburse members of the ICC for reasonable and necessary expenses for attending ICC meetings and performing ICC duties (including child care for parent representatives).
- c. To pay compensation to a member of the council if the member is not employed or must forfeit wages from other employment when performing official ICC business.
- d. To hire staff and to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this part.

Article V. Conflict of Interest

Section 1. Conflict of Interest

No member of the ICC, or designee, shall vote on any matter, which would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under state or federal law.

- a. Members of the ICC shall not use their position to obtain anything of value (e.g., money, property, favor, service, payment, loan or promise of future employment) for:
 - i. The member.
 - ii. The member's immediate family.
 - iii. An organization in which the member or someone in the member's immediate family:
 - Is a director, officer, trustee, employee or paid consultant.
 - Owns or controls equity, interest, voting rights, or outstanding indebtedness.
- b. If any of the above conditions exists, an ICC member shall disclose her/his interest and refrain from voting on the proposal.
- c. Members should evaluate circumstances that give the appearance of a conflict of interest. In such situations, members should disclose the circumstances and refrain from voting.

Article VI. Meetings

Section 1. Conduct of Meetings

All meetings of the ICC, including committee meetings, shall be open and public, and conducted in accordance with Wisconsin Government Code **Wisconsin Open Meetings Law, Wis. Stat. § 19.81-19.98A** (see Appendix D).

Section 2. Annual Meeting

An ICC annual meeting shall be held at least once in each calendar year.

Section 3. Special Meetings

Special meetings may be called by the Chairperson or by any two members of the Steering Committee or by any five (5) members of the ICC. Sufficient notice shall be given to the public.

Section 4. Regular Meetings

- a. Regular meetings of the full ICC shall be held at least quarterly. At least one meeting shall be held in a different geographic location within the state.
- b. Regularly scheduled meetings may be canceled by the Chairperson, in writing or by telephone after contacting or being contacted by a majority of the ICC members.
- c. Sufficient notice shall be given to the public.

Section 5. Meeting Agenda

- a. Prior to every ICC meeting, an agenda shall be distributed to each ICC member.

- b. Public comment and presentations shall take place at the beginning of the ICC meeting unless, in accordance with current Robert's Rules of Order, another arrangement is made.
- c. Requests for items to be included on the agenda shall be submitted to the Chairperson prior to public posting of the meeting.
- d. At least annually, the ICC shall participate in a public hearing or forum to provide opportunities to accept input from local agencies and other stakeholders. This hearing or forum may be held in collaboration with other agencies.

Section 6. Quorum

A quorum for an ICC meeting shall be a simple majority, filled and duly appointed Voting ICC members.

Section 7. Participation and Voting

- a. Decisions by the ICC shall, to the extent possible, be made by consensus of the members (and designees). If there is no consensus, decisions by the ICC shall be made by a majority vote of the members (and designees). Any member may request a roll call vote. Procedures for taking a roll call vote and conducting ICC meetings shall be in accordance with these bylaws and the Wisconsin Open Meetings Law.
- b. Any or all members may participate in a regular or special meeting of the ICC or committee through the use of telephone or any other means of communication by which all participating members may simultaneously hear each other during the meeting. The ICC member shall notify the Chairperson no later than three (3) days prior to the meeting, to allow conference call arrangements to be made. Any formal action taken under these circumstances must follow Wisconsin Open Meetings Law requirements or the action must be brought forward to the next open meeting.
- c. If an ICC member is not able to attend and/or participate in a regular or special meeting, the member may designate a person who shall be authorized to participate in ICC discussion. Designees may not vote, except as delineated in Article 4 Section 5 ICC By-Laws (Article 4, Sec 5, ICC Bylaws)
- d. Mail ballots or email may be used only in emergency situations following approval by the Steering Committee.

All ballots shall be open and no secret votes may be used. ICC members may request that Roll Call votes are conducted.

- e. Members who vote absentee must sign mail ballots and the outcome will be reported to the ICC members within five (5) working days of the close of balloting.

Section 8. Attendance

If an ICC member is absent from half of the regular meetings during the past 12-month period, the Chairperson shall notify the Governor regarding the member's attendance in writing.

Article VII. ICC Chair and Vice Chair

Section 1. Chairperson Designation

The Governor shall designate a member of the ICC to serve as the Chairperson of the ICC consistent with Part C of IDEA SEC 641. Any member of the ICC who serves as the representative of the lead agency may not serve as Chairperson. The ICC Chairperson appointed by the Governor shall preside at ICC meetings and exercise general governance over the ICC. The Chairperson shall execute correspondence on behalf of the ICC; represent the ICC at local, state, and national meetings; review and approve meeting agendas, review meeting minutes, and designate

committees and workgroups, and appoint committee/workgroup chairpersons as deemed necessary to carry out the business of the ICC. Additional duties include:

- a. Maintain communication between the ICC and DHS relative to the Wisconsin Birth to 3 Program and the activities of the ICC.
- b. Serve as Chairperson of the Steering Committee.
- c. Establish the agenda in consultation with the Steering Committee
- d. Be empowered to act on an emergency basis as per approved ICC procedures and policies.
- e. Serve as ex-officio member of the Standing Committees, except the Nominating Committee.
- f. Assure compliance with Wisconsin Open Meetings Law.

Section 2. Election of Vice Chairperson

The ICC shall elect a Vice Chairperson. Any member of the ICC who serves as the representative of the lead agency may not serve as the Chairperson of the ICC. The ICC Vice Chairperson shall be determined by a majority vote of the ICC members (or designees). In the absence of the ICC Chairperson, the Vice Chairperson shall conduct ICC activities, including meetings.

Section 3. Acting Chair

In the absence of the ICC Chairperson and Vice Chairperson, the ICC Chairperson shall designate an Acting Chairperson, an ICC member, who shall conduct ICC activities, including meetings for a predetermined period of time.

Article VIII. ICC Committees

Section 1. Election of Steering Committee Members

- a. The ICC shall elect three (3) Steering Committee members from the ICC membership who, along with the Chairperson and Vice Chairperson, shall make up the membership of the Steering Committee.
- b. The Vice Chairperson and members of the Steering Committee may be elected at the annual meeting and will serve for a term of one year or until their successors are elected. Officers may succeed themselves.
- c. The Nominating Committee will develop the slate of officers.

Article IX. Staffing

The lead agency shall provide professional, clerical and administrative support services to the ICC.

Article X. Parliamentary Procedure

If the Bylaws are silent, the procedures shall be in accordance with the most current edition of Robert's Rules of Order.

Article XI. Amendments of the Bylaws

Bylaws may be amended by a two-thirds (2/3) vote of the total ICC members. Proposed Bylaw changes shall be noticed in accordance with Article VI. of the ICC Bylaws.

Appendix (A)
IDEA Regulations Relevant to Interagency Coordinating Council

Appendix (B)
Guiding Principles

Appendix (C)
ICC Council Composition

Appendix (D)
Wisconsin Open Meetings Law

Appendix (E)
ICC Committees