BY-LAWS

NEVADA EARLY INTERVENTION INTERAGENCY COORDINATING COUNCIL

AUTHORIZATION

The Nevada Early Intervention Interagency Coordinating Council exists by authority of Part C of the Individuals with Disabilities Education Act (IDEA) of 2004, Public Law 108-446, and is appointed by the Governor. The Lead Agency for Part C in Nevada is the Nevada Department of Health and Human Services, Aging and Disability Services Division, IDEA Part C Office.

The following by-laws replace and supersede the by-laws approved on the 6th day of September, 2007. These by-laws constitute the rules under which the Nevada Early Intervention Interagency Coordinating Council will operate.

ARTICLE I

NAME, VISION, AND MISSION

1.1 Name:
The name of the council shall be the Nevada Early Intervention Interagency Coordinating Council (hereinafter referred to as ICC or Council).

1.2 Vision Statement:
All children with developmental disabilities or special needs in Nevada will be provided the opportunity to participate as fully as possible in the typical places and activities of their families and communities in order to achieve optimal health and development.

1.3 Mission Statement:
The mission of the ICC is to support the ongoing development of quality statewide services for young children and their families.
To accomplish this mission, the ICC will:

- Advise and assist the state lead agency and other entities in the development, implementation, and evaluation of policies and procedures
- Advise, advocate, and collaborate to maximize each child's potential
- Promote the capacity of service providers in facilitating the child's learning and participation in family and community life
- Facilitate communication and foster partnerships across local, state, and federal levels
- Support new empirically based trends and best practices in early intervention.

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ARTICLE II

COMMITTEE MEMBERS, POWERS, AND MEETINGS

Section 1

The ICC shall be composed of at least (A) A sufficient number of members; (B) 20 percent of the members shall be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities (one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger) [Note: To avoid a potential conflict of interest, it is recommended that parent representatives who are selected to serve on the ICC not be employees of any agency involved in providing early intervention services.] (Recommendation from IDEA Subpart G—State Interagency Coordinating Council, Sec.303.600 Establishment of Council); (C) 20 percent of the members shall be public or private providers of early intervention services; (D) one member shall be from the State legislature; (E) one member shall be involved in pre-service personnel preparation (University/college level); (F) one member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies; (G) one member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency; (H) one member from the agency responsible for the State governance of insurance; (I) a representative from a Head Start agency or program in the state and a representative from a State agency responsible for child care; (J) a representative from the Office of the Coordinator of Education of Homeless Children and Youth (K) a representative from the State Foster Care agency (L) Mental Health and may include (M) members of the federally funded Parent Training and Information's Parents Encouraging Parents program; (N) a representative from the Nevada Developmental Disabilities Council; (O) a representative from the Nevada University Center for Excellence in Developmental Disabilities; (P) a representative from the Nevada Disability, Advocacy, and Law Center; (Q) other members selected by the Governor which may include a representative from the Bureau of Indian Affairs, the Indian Health Services or the tribe/tribal council. All members of the ICC shall be appointed by the Governor.
An orientation to the ICC will be provided to all new appointees. Orientations will be designed and facilitated by lead agency staff.

Participation in ICC meetings by all members is critical to the success of the ICC in meeting its mission.

As established and agreed upon by the ICC, each member is expected to:

1. Attend and actively participate in all Council meetings;
2. Promote and Support the ICC Vision and Mission;
3. Provide written and oral comment to the Council and other relevant agencies on issues affecting the Council;
4. Provide written and oral comment on the continuous development and improvement of a statewide system of integrated, comprehensive, interagency programs providing quality early childhood care and services to all children, including infants and toddlers with disabilities and their families;
5. Assist with the development and functioning of task forces and/or other committees established by the Council to explore designated topics relating to the statewide system;
6. To review and provide comments on documents such as those concerning policies, applications for funding, rule making, and proposed legislation;
7. Gather information and take action on substantive issues of concern identified by Council members, and other stakeholders.

Section 2

The ICC shall have the power to perform any and all acts necessary and proper and convenient to accomplish the purposes of the Individuals with Disabilities Education Act of 2004 and any other powers applicable to ICC and as authorized or directed by the Governor of the State of Nevada. The chairperson of the ICC shall be elected by the membership of the State from among the members of ICC.

The ICC Strategic Planning Summit will take place every three years to create a three-year plan and the ICC will meet face-to-face once a year to review and update strategies identified at the Summit.

Part C Staff will review previous meeting minutes to carry items over to the next meeting.

Written notice of meetings shall be provided to all ICC members and shall include time and place of meetings. Special meetings of the ICC may be called by the Chair/Co-Chair or upon the request of two thirds of the Council's membership and must be in compliance will the Open Meeting Law.

Draft copies of minutes will be provided to Council members prior to the next scheduled Council meeting. At that next meeting, this draft will be considered and edited, as necessary. A majority vote will approve the minutes. Approved minutes of the Council meetings shall be made available on the BEIS publications website at http://health.nv.gov/ for public inspection.

Public participation is deemed vital to the effective functioning of the ICC. Within appropriate constraints determined by the Co-Chair, a portion of each meeting of the ICC shall be set aside for public participation. All ICC meetings are subject to the Open Meeting Law.

Section 3

The ICC shall meet quarterly and in such places as it deems necessary.

Section 4

A. A quorum shall be required for transaction of all business.

B. A quorum is made up of a simple majority of the ICC members; however, a quorum must consist of a minimum of ICC members or designated substitutes with the majority being ICC appointed members. A simple majority will carry the vote and the minority position will be recorded in the minutes. In the event of a tie vote the Council Co-Chairperson shall cast the deciding vote.

C. ICC members shall inform the ICC Co-Chair at least twenty-four (24) hours in advance of an anticipated absence and the identified representative from their affiliated group who will act as their substitute. The substitute representative may vote on behalf of the ICC member. Any such substitutions shall be duly announced at the beginning of the meeting and noted in the meeting minutes. When a member elects to send a substitute, it will not be counted as absence on part of the member.

D. With prior permission from the Co-chair, members of the Council may participate in a meeting by means of conference telephone or similar communications equipment by means of which all persons participating can hear each other. Participation in a meeting pursuant to this shall constitute presence at such meeting. The votes of ICC members participating by way of communication equipment shall be included on matters submitted to a vote.

Section 5

So far as practical, and where not in conflict with applicable law, Robert's Rules of Order shall be complied with at the meetings.

The agenda will be provided at least one week prior to the meeting and be in compliance with open meeting law requirements.

Additionally, the Council will comply with the following provisions:

1. The Council shall limit discussion to items on the proposed agenda.
2. Agenda items shall be transmitted by ICC members and Staff to the Council Co-Chairs at least forty-five (*45*) working days prior to any scheduled meeting. The Co-Chairs in conjunction with staff, shall then develop an agenda that will clarify items for discussion, information and decision.
3. Persons or organizations desiring to address the Council may be placed on the agenda by making such request in writing to a Council Co-Chair at least 45 working days prior to the Council meeting. The Co-Chair may allot a specified time period for the requested presentation.
4. Non-Council members not scheduled as part of the proposed agenda may be heard by the Council during the portion of the agenda designated as "Public Comment".

Section 6

Part C shall annually prepare an ICC budget for review by the Council.

Expenses for travel, lodging and per diem incurred in the performance of ICC duties shall be reimbursed in the amount and manner prescribed by law upon the authorization of the Governor of the State of Nevada. Expenses shall include child care stipends for parent representatives. All ICC members shall serve as a function of their profession without additional compensation for their services.

Section 7

No member of the ICC may cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest.

Section 8

Upon the occurrence of multiple vacancies in the ICC and/or multiple applicants, the Co-Chairs may request a nomination committee be convened to review applicants information and provide a recommendation to the ICC. The final recommendation will be forwarded to the Governor of the State of Nevada with a request for appointment.

ARTICLE III

OFFICERS AND STAFF

Section 1

Agency Co-Chair
The officers of the ICC shall include an Agency Co-chair elected by the ICC from among the members of the ICC. The Agency Co-chair may not be a representative of the lead agency. In the event of permanent inability of the Agency Co-chair to act, the ICC shall elect a new Agency Co-chair from among members of the ICC.

A. The duties of the Co-Chair shall include the following:
   a) to call, approve the agenda, and preside over the Council meetings, in conjunction with the Parent Co-Chair;
   b) to submit reports, as necessary, to appropriate state or federal agencies;
   c) to serve as official spokesperson for the Council;
   d) to establish and dissolve task force groups or committees as necessary;
   e) to sign all documents on behalf of the Council;
   f) assure that members reporting to the Council on family and agency issues at each meeting select and share concise information on those issues and other important topics for inclusion with the minutes;
   g) act as a mentor to the Parent Co-Chair.

Section 2

Parent Co- Chair
The Council may select a parent representative to serve as Parent Co-chair.

A. The duties of the Parent Co-Chair shall include the following:
   a) to call and preside over the Council meetings and to carry out all duties of the Agency Co-Chair as contained in Section 1.
   b) The term of office for the Parent Co-Chairperson shall be for two years.
   c) There shall be no limit on the number of times an individual may be selected to serve as co-chairperson unless such selection violates other provisions of these by-laws.
   d) Should a vacancy in the office of co-chair occur between elections, the council shall select another individual to fill the unexpired term for that office.

Section 3

The lead agency shall provide clerical and administrative support services to the ICC standing committees and special committees, in accordance with Part C of the IDEA of 2004 to assist in the performance of the council's functions.

ARTICLE IV

TERM OF OFFICE AND DUTIES

Section 1

Representation from agencies and/or entities required by federal law may be appointed at the pleasure of the Governor of the State of Nevada without a specified term. All other members of the ICC shall hold office at the pleasure of the Governor of the State of Nevada for a staggered three-year term of appointment commencing on July 1 of each year, except to fill a vacancy in an unexpired term. Members from a non-mandated agency may be appointed only for two consecutive terms unless approved by consensus of the Council.

Co-Chair terms will be for three years with a possibility of approval of a second term upon the consensus of the Council.

Any Council member with three (3) consecutive unexcused absences in a year, considered lack of participation without just cause, may be called for review by the Council for possible recommendations to the Governor for appointment of a different person to the Council. A two-thirds majority vote of the full Council membership is required to ratify a recommendation to the governor that a member be removed/terminated.

a) A Council member may resign, be removed from the Council, or become ineligible to serve due to her/his loss of qualification as set out in these bylaws.
b) Resignations shall be submitted in writing to the Governor through the Part C office and the Co-Chairs.

Appointments to fill a vacancy on the Council for any reason are made by the Governor. The Council, through the Part C staff, shall inform the Governor within forty-five (45) calendar days of any vacancy and the recommended replacement.

Consideration will be given to maintaining a balanced geographic representation and maintaining federal law representation requirements.

Section 2

The duties of the ICC shall be the following:

(A) Advise and assist the Nevada Department of Health and Human Services to develop and implement policies that constitute the statewide system;

(B) Disseminate information about the activities of the Council and its actions to local, private and public service providers, parents, advocacy organizations, state agency personnel and other interested parties;

(C) Assist the Nevada Department of Health and Human Services in achieving full participation, coordination, and cooperation of all appropriate public agencies in the State;

(D) Assist the Nevada Department of Health and Human Services in the implementation of a statewide system that includes:
   1) seeking information from service providers, service coordinators, parents, and others about any Federal, State or local policies that impede timely service delivery; and
   2) taking steps to ensure that any policy problems identified under paragraph (C) (1) of this section are resolved;

(E) Assist the Nevada Department of Health and Human Services with Nevada's Part C, State Performance Plan for the purposes of
   1) implementing the Part C State Performance Plan ,
   2) evaluating system and service information gathered quarterly, and
   3) advising the lead agency, and other stakeholder agencies, on system strengths as well as issues of concern, and on recommended actions or needed systemic changes identified by the State Performance Plan;

(F) To the extent appropriate, assist the Nevada Department of Health and Human Services in the resolution of system disputes.

(G) Advise and assist the Nevada Department of Health and Human Services in the performance of the responsibilities set out in federal law, particularly the identification of the source of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements;

(H) Advise and assist the Nevada Department of Health and Human Services in the preparation of applications and amendments to those applications;

(I) Advise and assist the Nevada Department of Health and Human Services and the Nevada Department of Education regarding the transition of toddlers with disabilities to services provided under Part B and other appropriate services to facilitate a smooth, seamless system of transition for children with disabilities; and

(J) Provide input to the Annual Performance Report to the Governor and to the U. S. Department of Education of the status of early

intervention programs operated within the State for infants or toddlers with disabilities and their families.

Section 3

The ICC may address 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 V

COMMITTEES

Section 1

The ICC may establish standing committees and/or special committees as deemed necessary to carry out the function of the Council. Members appointed to these committees may come from outside the Council, but said committees will be chaired by an ICC member. Committee meetings are subject to the Open Meeting Law.

These committees are intended to be task specific. They are expected to review issues and topics as assigned by the Council and to make recommendations to the Council.

ARTICLE VI

SAVING CLAUSE

Section 1

Should any provision contained in these by-laws, or any amendments hereafter, be found to be unlawful or contrary to public policy in any court of competent jurisdiction, or in any way in irreconcilable conflict with the Individuals with Disabilities Education Act of 2004 (or any rule or regulation incidental thereto having the effect of law), or any authority having jurisdiction in such matters, said decision or ruling shall in no way be construed so as to affect any of the remaining provisions of these by-laws or any amendments thereto.

ARTICLE VII

AMENDMENTS

Section 1

These by-laws may be altered, amended or repealed by a majority of the ICC members at any regular scheduled meeting of the ICC.

Section 2

Inconsequential or immaterial provisions of these by-laws may be suspended from time to time in the best interests of ICC.

ADOPTED AND APPROVED this 23 day of NOVEMBER, 2009.

_____, Agency Co-Chair

_____, Parent Co-Chair

APPROVED AS TO FORM:

_____
Deputy Attorney General for
Nevada State Attorney General