

Department for Aging and Rehabilitative Services State Rehabilitation Council Bylaws

Adopted September 21, 2020

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Article I: Name, Authorization and Purpose

According to §51.5-129 of the *Code of Virginia*, the State Rehabilitation Council is established as a designated state council in the executive branch of government for the purpose of providing advice to and performing other functions for the Department (of Aging and Rehabilitative Services) regarding vocational services provided pursuant to Title I and Title VI of the federal Rehabilitation Act of 1973 as amended. The State Rehabilitation Council shall hereafter be referred to as the “SRC”.

Article II: Powers, Duties, and Responsibilities

In fulfilling its mission, the SRC shall:

1. Review, analyze, and advise the Department for Aging and Rehabilitative Services (DARS) regarding the performance of the responsibilities of DARS under Title 1 of the Rehabilitation Act, particularly responsibilities relating to:
 - a. Eligibility, including order of selection;
 - b. The extent, scope, and effectiveness of services provided; and
 - c. Functions performed by DARS that affect or that potentially affect the ability of individuals with disabilities to achieve rehabilitation goals and objectives under Title 1 of the Rehabilitation Act, as amended.
2. In partnership with DARS:
 - a. Develop, agree to, and review State goals and priorities for carrying out the vocational rehabilitation program; and
 - b. Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Commissioner.

3. Advise DARS regarding activities authorized to be carried out under this subchapter, and assist in the preparation of the State plan and amendments to the plan, applications, reports, needs assessments, and evaluations required by this subchapter.
4. To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with:
 - a. The functions performed by DARS;
 - b. 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
 - c. Employment outcomes achieved by eligible individuals receiving vocational rehabilitation services, including the availability of health and other employment benefits in connection with such employment outcomes.
5. Prepare and submit an Annual Report to the Governor and the Commissioner of the Rehabilitation Services Administration on the status of vocational rehabilitation programs operated within the State, and make the report available to the public.
6. To avoid duplication of efforts and enhance the number of individuals served, coordinate activities with other councils within the State, including the Statewide Independent Living Council, the State Special Education Advisory Council, the State Developmental Disabilities Council, the State Mental Health Planning Council, and the Governor's Work Force Investment Board.
7. Provide for coordination and the establishment of working relationships between DARS and the Statewide Independent Living Council and centers for independent living within the Commonwealth of Virginia.
8. Perform such as duties as may be prescribed to the SRC by Title I and Title VI of the federal Rehabilitation Act of 1973.

Article III: Membership

Section 1. Composition - The SRC shall be composed of at least 15 members to include:

- A. at least one representative of the Statewide Independent Living Council;
- B. at least one representative of PEATC;
- C. at least one representative of the disABility Law Center of Virginia (there is no limit on the number of consecutive terms this individual can be reappointed);
- 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 SRC if the counselor is an employee of DARS;
- E. at least one representative of the Employment Services Organizations;
- F. four representatives of business, industry and labor;
- G. representatives of disability advocacy groups representing a cross section of individuals with physical, cognitive, sensory, and mental disabilities; and 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. at least one representative of the Virginia Department of Education,
- J. at least one representative of the Virginia Board of Workforce Development, and
- K. the Commissioner of DARS, who shall be an ex-officio nonvoting member.

A majority of the SRC members shall be persons who are individuals with disabilities and not employed by DARS.

Section 2. Appointments and Terms

- A. Members of the SRC shall be appointed by the Governor. The Governor shall select members after soliciting recommendations from representatives or 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 SRC.
- B. The SRC shall recommend candidates to the Commissioner of DARS for transmittal to the Secretary of the Commonwealth.
- C. A SRC member term is three (3) years in length.

- D. Except as designated in 29 U.S. Code § 725, no member of the SRC may serve more than two (2) consecutive terms and must be appointed to a second term by the Governor.
- E. SRC members appointed to fill a vacancy of a partial completed term may fill the remainder of that term and two (2) additional full terms.

Section 3. Resignations and Terminations

- A. SRC members who resign from the SRC prior to the end of their term shall submit a letter of resignation to the SRC Chair and the Secretary of the Commonwealth.
- B. Termination at the completion of a member's term shall be automatic and not require a formal written resignation.
- C. SRC members leaving the SRC, either through resignation or at the end of their term, shall receive a recognition certificate acknowledging their service to the SRC.
- D. Any vacancy occurring in the membership of the SRC 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 SRC.

Article IV: Procedures

Section 1: § 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.

- A. All meetings of the SRC are open to the public and notice of the date, time, and place of such meetings shall be posted publicly.
- B. At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of the SRC shall be made available for public inspection at the same time such documents are furnished to the SRC.
- C. Minutes shall be recorded at all open meetings. Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (b) the members of the public body recorded as present and absent; and (c) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken. All minutes shall be reviewed and approved at subsequent meeting.

Section 2. Meetings

- A. The SRC shall convene at least four meetings per year in such places as it determines necessary for the efficient and effective conduct of the SRC.

It may also conduct forums or hearings as it determines necessary for the conduct of its duties.

- B.** All meetings shall comply with the requirements of the Virginia Freedom of Information Act (FOIA) and shall be publicly announced, accessible and open to the public with a period of time allotted in the agenda for public comment.
- C.** Non-members and members of the public shall be afforded an opportunity to provide input during two public comment periods per meeting (one at the beginning and one at the end of the meeting). Depending on the amount of public comment as well as meeting agenda and timing, public comments may be time limited. Written public comments will also be accepted by the committee. The receipt of written comments shall be noted verbally by the chair during the meeting and in the minutes.
- D.** Electronic participation by a SRC member shall be governed by the SRC's Electronic
- E.** Meeting Policy.

Section 3. Quorum

- A.** The presence of a simple majority of the voting members shall constitute a quorum.
- B.** A quorum shall be required for any official action or vote of the SRC.
- C.** When a voting member is unable to attend a meeting, the member may give their proxy to another voting member; the proxy must be documented in writing (which includes email) and given to voting member and the Chair five (5) calendar days in advance of the meeting and will be identified at the beginning of the meeting.
- D.** In the absence of a quorum, the present members may continue to meet to hear informational items, but shall not take any official action.

Section 4. Voting

- A.** All appointed members, except ex officio members, having voting privileges.
- B.** Only members present at a schedule meeting may vote, unless they have a proxy.

Section 5. Attendance

- A.** SRC members are expected to attend all regularly scheduled meetings.
- B.** Members should confirm attendance or absence as requested by staff in advance of the meeting.

- C. If two consecutive meetings are missed without notice, and attempts to contact the member have been unsuccessful, the staff in consultation with the Chair may request may to submit the review to the original appointing individual or body that has the sole authority to terminate the relationship and appoint an individual to fill the vacancy for the unexpired term.

Section 6. Conflicts of Interests

- A. All appointed members shall annually complete a Conflict of Interests Statement which is submitted to the Secretary of the Commonwealth and shall participate in training on the Conflict of Interests Act as required by §2.1-3130 of the *Code of Virginia*.
- B. No member of the SRC shall cast a vote on any matter that would provide direct benefit to, or otherwise create an actual conflict of interest for the member.

Section 7. Staff Support, Compensation and Expenses

- A. DARS shall provide such staff support as required to conduct the business of the SRC.
- B. SRC members shall be reimbursed for expenses to attend scheduled meetings and other events in compliance with Virginia state travel regulations.

Section 8. New Member Orientation

- A. Newly appointed members to the SRC will make every effort to attend a SRC new member orientation provided by DARS.
- B. Newly appointed members will receive a copy of these Bylaws and other information pertinent to their duties, including information on the Virginia FOIA and the Virginia Conflict of Interests Act.

Article V. Officers and Committees

Section 1. Officers

- A. The SRC has two elected officers: Chair and Vice Chair.
- B. The Chair and Vice Chair must be elected by the SRC's membership at large and cannot be an employee of DARS.
- C. The duties of the Chair are:
 1. To preside at all scheduled meetings;
 2. To appoint all ad hoc committees, task forces and other subgroups of the SRC;

3. Sign and/or authorize all letters, reports and official communications of the SRC; and
 4. Participate in the development of the SRC meeting agendas.
- D.** The duties of the Vice-Chair are:
1. Perform the duties of the Chair in the absence of the Chair; and
 2. Assist the Chair as requested; and
 3. If the Chair does not complete his/her term, the Vice Chair will complete the remainder of the term.

Section 2. Elections and Terms

- A.** The SRC elects a nominating committee composed of members of the SRC to identify and recommend the candidates for Chair and Vice Chair. A voting member may nominate additional candidates from the floor during the August meeting.
- B.** The Chair and Vice Chair shall be selected by a vote of the full SRC at the August meeting. The terms shall commence upon adjournment of the meeting in which the elections were held.
- C.** The term of the Chair and Vice Chair is one year. The Chair and the Vice Chair may each serve an additional consecutive year in office if approved by a vote of the SRC at the August meeting. Officers shall serve no more than 2 consecutive terms in each office.
- D.** If the Chair does not complete his/her term, the Vice Chair will complete the remainder of the term.
- E.** If the Vice Chair cannot complete his/her term, the [board] will elect a new Vice Chair to fill the remainder of the current term at the next regularly scheduled meeting.

Section 3. Committees

- A.** The SRC shall have an Executive Committee composed of the SRC Chair, Vice-Chair, Past Chair and two members at large voted on by the SRC on an annual basis at the August meeting.
- B.** The Executive Committee shall meet at the quarterly meeting or at the request of the Chair and meetings of the Executive Committee shall be open to all SRC members and the public.
- C.** The SRC Chair may establish such other committees or work groups as appropriate to conduct business.

Article VI. Bylaws Amendments

- A. These bylaws may be amended by a two-thirds (2/3) vote of the members present at any properly noticed meeting providing that the proposed amendments are submitted to the SRC in writing at the meeting immediately preceding the meeting at which the vote is to be taken, and that notice of the proposed amendments shall have been included in the notice of such meeting.
- B. These bylaws and any subsequent amendments shall become effective upon review and approval of the SRC on the date they are adopted.

Article VII. Reporting and Dissemination

- A. A SRC member shall not in writing or orally represent the SRC or SRC committee, taskforce, or workgroup with a position or opinion on an issue or subject as an official SRC position unless the SRC has previously recorded an official position on that issue or subject.