

Maine State Rehabilitation Council - Division for The Blind and Visually Impaired

BY LAWS

ARTICLE I – NAME

This organization shall be known as the Maine State Rehabilitation Council (hereinafter referred to as the Council) to the Division for the Blind and Visually Impaired (hereinafter referred to as the Division).

ARTICLE II – MISSION

The mission of the Council is, in partnership with the Director of the Division, to formally provide leadership and diverse viewpoints in order to effectively develop and evaluate programs, policies and services, and to influence, at the systemic and policy level, the direction of those services to the blind and visually impaired population of Maine. The Council will also partner with the Division to identify priorities that help create opportunities, increase independence and broaden access to the workplace for citizens of all ages who are blind or visually impaired.

ARTICLE III – FUNCTION AND RESPONSIBILITIES

The Council must, after consulting with the State Workforce Development Board, perform the following tasks:

1. Review, analyze, and advise the Division regarding the performance of its responsibilities
 - a) Eligibility, including order of selection
 - b) The extent, scope, and effectiveness of services provided; and
 - c) Functions performed by State agencies that affect or potentially affect the ability of individuals with visual impairment, blindness and with additional disabilities in achieving employment outcomes.
2. In partnership with the Division, develop, agree to, and review State goals and priorities.
3. Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Secretary of the Department of Education.

4. Advise the Division regarding activities carried out, and assist in the preparation of the vocational rehabilitation services portion of the Unified or Combined State Plan and amendments to the plan, applications, reports, needs assessments, and evaluations.
5. To the extent feasible, conduct a review and analysis of effectiveness and consumer satisfaction with VR and services provided by state agencies and other public or private entities responsible for providing VR services to individuals with visual impairment, blindness and with additional disabilities under the Act, and of employment outcomes, including health and employment benefits in connection with the employment outcomes.
6. Prepare and submit to the Governor and to the Secretary of the Department of Education, 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.
7. Coordinate activities with the activities of other councils, including:
 - a) Statewide Independent Living Council
 - b) State Developmental Disabilities Planning Council
 - c) State Quality Improvement Council
 - d) State Workforce Development Board
 - e) And activities of entities carrying out programs under the Assistive Technology Act of 1998
8. Provide for coordination and the establishment of working relationships between the Division and the Statewide Independent Living Council and centers for independent living within the State.
9. Perform other functions that are comparable to the other functions performed by the Council.
 - a) The Council, in conjunction with the Division, must prepare a plan for the provision of resources, including staff and other personnel, that may be necessary and sufficient for the Council to carry out its functions.
 - b) The resource plan must, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

10. The Council must, consistent with State law, supervise and evaluate the staff and personnel that are necessary to carry out its functions.
 - a) Those staff and personnel that are assisting the Council in carrying out its functions may not be assigned duties by the Division or any other agency or office of the State that would create a conflict of interest.
11. The Division will consult with the Council regarding the:
 - a) Need to establish an order of selection, including any reevaluation of the need.
 - b) Priority categories of the particular order of selection,
 - c) Criteria for determining individuals with the most significant disabilities.
12. Selection of impartial hearing officers. The impartial hearing officer for a particular case must be selected from a list of qualified impartial hearing officers maintained by the Division. Impartial hearing officers included on the list must be jointly identified by the Division and the Council.

ARTICLE IV – MEMBERSHIP

Section 1. Composition of the Council

The Council must be composed of the following individuals:

- A. At least one representative of the Statewide Independent Living Council;
- B. At least one representative of a parent training and information center;
- C. At least one representative of the Client Assistance Program (CAP);
- D. At least one Vocational Rehabilitation Counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex-officio, non-voting member of the Council if the counselor is an employee of the Division;
- E. At least one representative of community rehabilitation program service providers;
- F. Four representatives of business, industry, and labor;
- G. At least one member of a disability advocacy group representing individuals who are blind;
- H. At least one representative of an individual who is blind, has multiple disabilities, and has difficulty representing himself or herself or is unable due to disabilities to represent

himself or herself;

- I. Current or former applicants for, or recipients of, services provided by the Division;
- J. At least one representative of an American Indian VR program if one exists in the state;
- K. At least one representative of the State Education Agency (SEA) responsible for Individuals with Disabilities Education Act (IDEA);
- L. At least one representative of the State's Workforce Development Board; and
- M. Director of the Division as an ex-officio, non-voting member.

Section 2. Appointment of Members

Members of the Council must be appointed by the Governor. The Governor must select members after soliciting recommendations from organizations representing the blindness community and organizations who are interested in individuals who are blind or visually impaired. The majority of the voting Council members must be individuals who are blind or visually impaired.

Section 3. Terms of Appointment

- A. **Length of Term.** Each member of the Council must be appointed to serve for a term of no more than three years, except that a member appointed to serve a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term.
- B. **Number of Terms.** No member of the Council may serve more than two consecutive full terms except there are no limits on terms of CAP representatives or representatives of the AIVR Program.

Section 4. Size of Council

The size of the Council must be at least fifteen members, but no more than thirty members.

Section 5. Resignation

Any member may resign by sending a written resignation to the Governor with notification to the chairperson of the Council.

Section 6. Termination of Membership

Members are expected to be active participants in all Council meetings. Any member who is absent and not excused from three consecutive regular meetings will be recommended for removal from the Council. The chairperson will forward the member's name to the Governor and request that the termination process be initiated.

Section 7. Vacancy

Any vacancy occurring in the membership must 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 Council.

Section 8. Conflict of Interest

No members of the Council shall cast a vote on any matter that would provide a direct benefit to the member or the organization that he/she represents, or otherwise would give the appearance of a conflict of interest under state law. In matters that present the possibility of a conflict of interest, Council members are required to self-disclose. The Council will ultimately decide if a conflict of interest exists.

Section 9. Compensation and Expenses

The Council will use funds appropriated under this title to reimburse members and nominees of the Council for the reasonable and necessary expenses of attending Council meetings and performing Council duties. Types of expenses might include, but are not limited to childcare, personal assistance services and transportation.

The Council will also pay \$50.00 (Honorarium) for those not otherwise compensated for participation in regular Council business meetings upon request of the Council member or nominee. Reimbursement is contingent on the availability of Council funds.

Reasonable and necessary expenses will be reviewed by the Chair, Co-Chair, Treasurer and Division Director at the request of the Treasurer.

Section 10. Committees

Standing committees shall be established by the Council when necessary. Ad hoc committees shall be created by the chairperson for specific functions and will cease to operate when the need is met. Committee membership shall be assigned by the chairperson and are not restricted to Council members.

ARTICLE V – OFFICERS

Section 1. Officers and Duties

The officers shall consist of Chairperson, Co-Chairperson, and Treasurer.

Either the Chairperson or Co-Chairperson shall be blind or visually impaired or a parent of a blind or visually impaired child. The Chairperson shall preside at all Council meetings. He/she is authorized to sign all letters, reports, and other communications of the Council. He/she is generally responsible for directing and coordinating the affairs of the Council.

In the absence of the Chairperson, Co-Chairperson shall substitute for and have all the duties and powers of the Chairperson.

The treasurer is responsible for making sure the Council stays on budget, maintaining accurate records of the Council finances, reporting the financial status of the Council to the Council, and authorizing payments to fiscal agents.

Section 2. Election and Terms of Office

The officers shall be elected annually at the October meeting, provided there is a quorum. Election shall be determined by a simple majority of the Council members present and voting. The officers shall serve for a one-year term. Officers cannot hold the same office for more than three consecutive terms.

Section 3. Removal

Any elected officer may be removed by a two-thirds vote of all members, whenever the Council may be best served thereby.

Section 4. Vacancy

A vacancy filled in any office because of death, resignation, removal, or illnesses, shall be filled by the Council through election from the existing membership for the remainder of the unexpired term.

ARTICLE VI – MEETINGS

Section 1. Regular Meetings

The Council must convene at least four meetings a year in such places as it determines necessary to conduct Council business. These meetings must be publicly announced, open, and

accessible to the general public. The Council shall keep a true and accurate record of its proceedings. This record shall be available for public scrutiny during normal business hours.

Section 2. Other Meetings

The annual meeting of the Council shall occur each October. Other forums and hearings shall be convened when necessary to conduct Council business. These hearings and forums must be publicly announced must be open and accessible to the general public.

Section 3. Procedures

Meetings shall be conducted in accordance with Roberts Rules of Order, Revised.

Section 4. Quorum

A quorum exists when a majority of members with voting rights are in attendance.

Section 5. Voting

All members (including nominees) of the Council, except ex officio members, shall have voting privileges. Only members present at a scheduled Council meeting (either physically or remotely) may vote.

ARTICLE VII – AMENDMENT

These by laws may be amended, altered or repealed by a two-thirds vote of the members present at a scheduled Council meeting. A copy of the proposed amendments shall be mailed to all Council members at least thirty days prior to the Council’s scheduled meeting at which a vote on the proposed amendments is to be taken.

ARTICLE VIII – CONFIDENTIALITY STATEMENT

All Council members and Council staff are required to protect the confidentiality of any client information that is made available while conducting Council business. Disclosure of any personal client information is hereby prohibited.

Adopted March 13, 2018, updated December 17, 2021