

[LOGO PLACEHOLDER]

BY-LAWS

FIRST STEPS INTERAGENCY COORDINATING COUNCIL

Indiana Family and Social Services Administration
Division of Disability and Rehabilitative Services
Bureau of Child Development Services | First Steps
402 W. Washington Street W453 Indianapolis, IN 46204

Adopted: [DATE]

I. NAME & AUTHORITY

The First Steps Interagency Coordinating Council (ICC) is Indiana's state interagency coordinating council required by Part C of the Individuals with Disabilities Education Act, or IDEA. The First Steps ICC is governed by state law under Indiana Code (IC) 12-12.7-2-7 through 12-12.7-2-16. Federal laws and regulations for the ICC can be found in United States Code (USC) at 20 USC 1441 and the Code of Federal Regulations (CFR) at 34 CFR 303.600 through 300.605.

II. DEFINITIONS

"Early intervention services" has the meaning set forth in 34 CFR 303.13 and IC 12-12.7-3.

"Infant or toddler with a disability" as used in section IV means a child under the age of three (3) who is receiving or has received early intervention services and includes children with developmental delays.

III. PURPOSE

The purpose of the First Steps ICC is to advise and assist Indiana's lead agency for IDEA Part C, the Indiana Family and Social Services Administration (FSSA), Division of Disability and Rehabilitative Services (DDRS), Bureau of Child Development Services (BCDS/First Steps). The ICC advises and assists DDRS in the performance of its responsibilities under Part C. These DDRS responsibilities include, pursuant to 34 CFR 303.604(a) and 604(b), the:

- 1) Identification of sources of fiscal and other support for First Steps early intervention services,
- 2) Assignment of financial responsibility to the appropriate agency,
- 3) Promotion of methods for intra-agency and interagency collaboration regarding:
 - a. Public awareness activities ("child find") under 34 CFR 303.115 and 303.302;
 - b. Monitoring agencies, programs, services, and service providers under 34 CFR 303.120 and 303.700 through 708;
 - c. Financial responsibility and provision of early intervention services under 34 CFR 303.202 and 34 CFR 303.511; and
 - d. Transition of children and families to IDEA Part B and other programs under 34 CFR 303.209, and
- 4) Preparation of Indiana's annual federal grant application under IDEA Part C.

The ICC is also responsible, pursuant to 34 CFR 303.604(c), for the preparation and submission of an annual report to the Governor and U.S. Department of Education Secretary on the status of early intervention services in the state.

IV. MEMBERSHIP

a. Composition

Pursuant to IC 12-12.7.2.8, the ICC must reasonably represent the population of Indiana and consist of at least fifteen (15) but not more than twenty-five (25) members appointed by the Governor as follows:

- 1) At least twenty percent (20%) of the members must be individuals who:
 - A) are parents, including minority parents, of infants or toddlers with disabilities or of children who are less than thirteen (13) years of age with disabilities; and
 - B) have knowledge of or experience with programs for infants and toddlers with disabilities,
with at least one (1) of these parents being a parent of an infant or toddler with a disability or a child less than seven (7) years of age with a disability.
- 2) At least twenty percent (20%) of the members must be public or private providers of early intervention services.
- 3) At least one (1) member must be a member of the general assembly.
- 4) 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 must be represented by at least one (1) member. The members described in this subdivision must have sufficient authority to engage in policy planning and implementation on behalf of the state agency the member represents.
- 5) At least one (1) member must be involved in personnel preparation.
- 6) At least one (1) member must:
 - A) represent a state educational agency responsible for preschool services to children with disabilities; and
 - B) have sufficient authority to engage in policy planning and implementation on behalf of the agency.
- 7) At least one (1) member must represent the department of insurance created by IC 27-1-1-1.
- 8) At least one (1) member must represent an agency or program that is:
 - A) located in Indiana; and
 - B) authorized to participate in the Head Start program under 42 U.S.C. 9831 et seq.
- 9) At least one (1) member must represent a state agency responsible for child care.
- 10) At least one (1) member must represent the office of Medicaid policy and planning established by IC 12-8-6.5-1.
- 11) At least one (1) member must be a representative designated by the office of coordinator for education of homeless children and youths.
- 12) At least one (1) member must be a state foster care representative from the department of child services established by IC 31-25-1-1.

13) At least one (1) member must represent the division of mental health and addiction established by IC 12-21-1-1.

b. Appointments

Pursuant to IC 12-12.7.2.9, ICC appointments will be made by the Governor with staggered terms and subsequent appointments for terms of three (3) years. A council member may be reappointed for succeeding terms. As of July 1, 2020, a member shall continue to serve until a successor is appointed.

c. Participation

Council members may request to participate electronically. Such requests must be directed to the ICC chairperson one week prior to the meeting in writing to allow for set up. Electronic participation includes: telephone or computer or video conferencing. Electronic mail cannot be a means of electronic participation. Each member of the ICC must physically attend at least six (6) meetings annually unless the member's absence is excused by the ICC chairperson.

Proxy and Voting Representation

Failure to attend three (3) consecutive meetings of the ICC shall result in a review by the ICC for possible recommendations to the Governor for termination of the member's appointment. While proxy representation is highly desirable in instances when an ICC member has conflicting commitments, representation by proxy does not fulfill the expectation of active ICC membership by the individual appointed to serve. Proxy will have voting privileges.

d. Resignation

An appointed ICC member who wishes to terminate their council membership prior to the expiration of their term must submit written notice of resignation to the ICC chairperson, ICC vice chairperson, and First Steps director.

e. Vacancies

Any vacancy occurring in the membership of the ICC is filled by the Governor. The ICC, through its chairperson or vice chairperson, shall inform DDRS of any vacancies. Recommendations for filling vacancies may be made by appointed ICC members at any meeting and forwarded to the Governor's office through DDRS and FSSA.

f. Electronic Meetings

In the event a remote/virtual meeting is necessary, one may take place with notice to the council members and the public. Voting may take place via a remote meeting as long as a quorum is present.

V. OFFICERS

a. Elected Officers

The ICC shall elect a chairperson and vice chairperson annually in accordance with IC 12-12.7-2-11. These officers shall perform the duties set forth in this section.

Either the chairperson or vice chairperson must be an appointed ICC member serving as a parent in accordance with IC 12-12.7-2-8(a)(1). Neither the chairperson nor vice chairperson may be an employee or representative of DDRS. Officers may be reelected for succeeding terms. **Any thought on this issue?**

b. Election Process

Annually the ICC will identify appointed members who are willing to serve as ICC chair or vice chair. If a full slate of officers is not placed in nomination by group participation at the pre-election meeting, the ICC must petition its membership for volunteers before the meeting in which the elections are scheduled to occur.

Elections will be held annually and no later than ninety (90) days after July 1 each year. Officers will be elected by a simple majority vote of appointed ICC members present, provided that at least one-half (1/2) of the appointed members are present. Acceptance of office by the individual elected may be acknowledged verbally upon election (if present) or by his or her acceptance of the minutes from the meeting wherein the election occurred.

c. Officer Duties

Elected officers shall work collaboratively with the First Steps director, other FSSA and DDRS staff, and any staff responsible for ICC coordination.

The **chairperson** shall:

1. Speak publicly for the ICC;
2. Schedule meetings of the ICC for the upcoming year and ICC executive committee meetings, develop meeting agendas, and ensure the completion of tasks related to ICC meetings;
3. Cancel an ICC Meeting;
4. Preside over all meetings of the ICC and ICC executive committee and ensure ICC meetings are conducted in accordance with Robert's Rules of Order;
5. Perform all duties incident to the position of chairperson and all other duties as may be prescribed by the ICC; and
6. Vote only in the event of a tie on any vote undertaken by ICC appointed membership.

In the event that the chairperson is unavailable, the **vice chairperson** shall:

1. Schedule meetings of the ICC and the ICC executive committee, develop meeting agendas, and ensure the completion of tasks related to ICC meetings; and
2. Preside over all meetings of the ICC and ICC executive committee and ensure ICC meetings are conducted in accordance with Robert's Rules of Order. **Any other duties to include?**

d. Early Termination of Office

If the vice chairperson wishes to terminate his or her office prior to the expiration of the term, he or she may do so by submitting a written notice of resignation to the chairperson. If the chairperson wishes to terminate his or her office prior to expiration of the term, he or she may do so by submitting written notice of resignation to the vice chairperson. Officers may be subject to removal from office for failure to appropriately carry out the duties of the office by a two-thirds (2/3) majority vote of the ICC.

VI. MEETINGS

The ICC shall meet 6 times a year. The meetings shall be publicly announced. The meetings shall be open and accessible to the general public. A twelve-month schedule of meetings is developed for the following year by the ICC during its third regularly scheduled meeting of the calendar year.

a. Conduct

All meetings will be conducted in accordance with Robert's Rules of Order, as understood and interpreted by the chairperson, unless otherwise indicated within the ICC by-laws. Should a procedural issue arise, Robert's Rules of Order will be used as a reference for resolution of the issue. If a procedural issue is not raised during the course of the meeting in which it occurs, the procedure taken shall stand as valid.

Any ICC member who participates in an ICC meeting electronically must assure that the entire communication in which they participate is conducted in strict privacy and confidentiality such that the business of the agency and Council is not subject to any form of public disclosure.

b. Voting and Quorum

A quorum consists of a simple majority of the full council membership. The ICC may take official action when a quorum is present. Final decisions on recommendations of the ICC shall be made by a majority vote of the membership. Committee recommendations of majority and/or consensus opinions are given to the ICC for their consideration. Only official ICC members or their

designated proxies have voting privileges. Any member may request that his/her vote be recorded in the minutes, or on request of any member, the vote of each member will be recorded.

Motions may be made, discussed, and voted upon as necessary to accomplish ICC business provided that a quorum is present. Motions shall be passed by a simple majority vote of the members present. Any member present at a meeting who has a professional, financial, personal, or legal conflict of interest with regard to any motion made or issue presented for discussion shall announce the conflict and abstain from voting on that motion in accordance with section **VI (e)** of these by-laws .

c. Nonvoting Representatives

Meetings are open to the public and are announced sufficiently in advance of the dates they are held to ensure that all interested parties have an opportunity to attend. In most instances, public notices will be distributed approximately four weeks prior to a regularly scheduled meeting. Interested parties may add their names to the mailing list for the public notices by contacting the chairperson, vice chairperson, or ICC coordinator.

d. Accessibility & Accommodations

Requests for accommodations (for example, interpreter services for deaf or hard of hearing) should be made at least two weeks in advance to the chairperson, vice chairperson, or ICC coordinator.

e. Conflicts of Interest

No member of the ICC may cast a vote on any matter that would provide direct financial benefit or gain to that member or the agency or organization that they represent and/or are affiliated with. Members must abstain from voting any time their action would give the appearance of a conflict of interest.

f. Minutes

Attendance and proceedings of all ICC meetings will be recorded in minutes. Minutes will be distributed by e-mail to all members and the First Steps director within six (6) weeks following the meeting and to any other party upon request. Minutes of each meeting will be reviewed for approval or modification and adoption at the following meeting.

VII. COMMITTEES

A committee is a body of three or more persons, assigned by the Chairperson (except where otherwise specified) and officially appointed by the ICC, to give more careful consideration to a task or matter than is possible by the ICC as a whole. Committee membership is not limited to members of the ICC, but may include other interested citizens. ICC and Parent representation on committees is a high priority. The ICC has established three (3) types of committees: Executive Committee, Standing Committees, and Task Forces/Work Groups. All committees, regardless of their type, must be selected in such a manner as to support a diversity of thought and opinions related to the issues under consideration. The composition of these committees and the scope of their functions are detailed below.

a. EXECUTIVE COMMITTEE

The ICC executive committee shall consist of the ICC chairperson, vice chairperson, and three (3) members selected by the ICC from its appointed membership at the last meeting of the calendar year. The membership shall consist of at least one parent, one provider, and one representative of a state agency. The First Steps director shall serve as a nonvoting member of the executive committee. This committee:

1. Conducts business requiring the immediate attention of the ICC between meetings;
2. Negotiates with DDRS/BCDS on an annual ICC budget in accordance with IC 12-12.7-2-14 and section **VIII** of these by-laws; and
3. Executes any other functions, duties, or responsibilities delegated to it by the ICC or its chairperson.

The executive committee must poll the full ICC for a vote by voice, fax, ground mail, or e-mail prior to taking formal action on any item, including before offering a formal recommendation to DDRS/BCDS. A simple majority of ICC members must support recommendations originating from the ICC executive committee.

b. STANDING COMMITTEES **Input needed**

c. AD HOC COMMITTEES / TASK FORCES / WORKGROUPS **Input needed**

VIII. BUDGET

Pursuant to IC 12-12.7-2-14, the ICC shall prepare and approve a budget using funds under this chapter to do the following:

1. Conduct hearings and forums;
2. Pay per diem and travel and other expenses in accordance with IC 12-12.7-2-14.5, effective July 1, 2020; and
3. Hire the staff and obtain services that are necessary to carry out ICC functions.

IX. EXPENSES & COMPENSATION

1. In accordance with IC 12-12.7-2-14.5 and effective July 1, 2020, any member of the ICC who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).

The member is also entitled to reimbursement for traveling expenses under IC4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

2. Any member of the ICC who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

3. Any member of the ICC who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

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