



**BY-LAWS
COMMISSION ON REHABILITATION SERVICES**

**BUREAU OF REHABILITATION SERVICES
VOCATIONAL REHABILITATION SERVICES (VRS)**

**402 W. Washington Street
P.O. Box 7083
Indianapolis, IN 46207-7083**

Revisions Adopted: May 8, 2020

I. NAME

This Council established under the authority of the Rehabilitation Act of 1973, as amended, and I.C. 12-12-2-2 shall be known as the Commission on Rehabilitation Services (hereinafter referred to as the "Commission").

II. PURPOSES

- A. The Commission shall, after consulting with the State Workforce Investment Board: review, analyze and advise the Bureau of Rehabilitation Services (BRS) regarding the performance of the responsibilities of the Vocational Rehabilitation program under title I of the Rehabilitation Act Amendments of 1998 (formerly Subchapter I of the Rehabilitation Act (the Act), as amended) 29 U.S.C. § 720-753(a), particularly responsibilities related to:

- eligibility, including order of selection;
 - the extent, scope and effectiveness of services provided; and
 - functions performed by State agencies that affect or potentially affect the ability of individuals with disabilities in achieving employment outcomes under title I of the Act;
- B. In partnership with BRS: develop, agree to, and review State goals and priorities in accordance with section 101(a)(15)(C); and evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Commissioner in accordance with section 101(a)(15)(E);
- C. To the extent feasible, conduct a review and analysis of the effectiveness of and consumer satisfaction with: the functions performed by the Division of Disability and Rehabilitative Services (DDRS; vocational rehabilitation services provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under this Act; and employment outcomes achieved by eligible individuals receiving services under title I of the Act, including the availability of health and other employment benefits in connection with such employment outcomes;
- D. Prepare and submit an annual report to the Governor and the Commissioner on the status of vocational rehabilitation programs operated within the State, and make the report available to the public;
- E. To avoid duplication of efforts and enhance the number of individuals served, coordinate activities with the activities of other councils within the State, including the Statewide Independent Living Council (SILC) established under section 705, the advisory panel established under section 612(a)(21) of the Individuals with Disabilities Education Act (IDEA) (as amended by section 101 of the Individuals with Disabilities Education Act Amendment of 1997; Public Law 105-17) the State Developmental Disabilities Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024), the State mental health planning council established under section 1914(a) of the Public Health Services Act (42 U.S.C. 300x-4(a)), and the State Workforce Innovation Council;
- F. Provide for coordination and the establishment of working relationships between DDRS and the Statewide Independent Living Council (SILC) and centers for independent living (CIL) within the State;
- G. Perform such other functions, consistent with the purpose of title I of the Act, as the Commission on Rehabilitation Services determines to be appropriate, that are comparable to the other functions performed by the Commission.

III. MEMBERSHIP

A. Composition of the Commission

1. The Commission shall be composed of members who provide statewide and culturally diverse representation.
2. The Commission shall be composed of members who represent a broad range of individuals with disabilities.
3. A majority of the Commission members shall be persons who are individuals with disabilities described in section 7(20) (A); and not employed by DDRS.
4. The Commission shall consist of at least fifteen (15) members as follows:
 - Representatives of disability advocacy groups, representing a cross section of --
 - individuals with physical, cognitive, sensory, and mental disabilities;
 - and individuals' representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves.
 - Current or former applicants for, or recipients of, vocational rehabilitation services;
 - At least one (1) representative of the Statewide Independent Living Council established under section 705, which representative may be the chairperson or other designee of the Council;
 - At least one (1) representative of a parent training and information center established pursuant to section 682(a) of the Individuals with Disabilities Education Act (as added by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17);
 - At least one (1) representative of the client assistance program established under section 112;
 - At least one (1) representative of community rehabilitation program service providers.
 - Four (4) representatives of business, industry and labor;
 - At least one (1) representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services under title I of the Rehabilitation Act and part B of the Individuals with Disabilities Education Act;

- At least one (1) representative of the State Workforce Investment Board;
- At least one (1) qualified vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex-officio, nonvoting member of the Commission if the counselor is an employee of BRS;
- At least one (1) Representative representing a trade association of providers that deliver services to people with intellectual and other developmental disabilities;
- The BRS Director shall serve as an ex-officio nonvoting member.

In order to facilitate compliance with these membership requirements, the Commission will submit nominations to BRS to fill open positions at least annually, or as needed.

B. Appointment

Members of the Commission shall be appointed by the Governor. The Governor shall select members after soliciting recommendations from the Commission and/or representatives of 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 Commission.

C. Participation

Each Commission member will be expected to attend Commission meetings and to serve on at least one (1) Commission committee. Commission members may request to participate electronically in accordance with Indiana Code § 5-14-1.5-3.6. Such requests are to be directed to the Commission Chair, and the request will be handled pursuant to Indiana Code § 5-14-1.5-3.6. Electronic participation includes: telephone, computer or video conferencing. Electronic mail cannot be a means of electronic participation. As required pursuant to Indiana Code § 5-14-1.5-3.6(d), each member of the Commission must physically attend at least four (4) Commission meetings annually unless absence of Commission member is excused by the Chairman. This requirement does not apply to non-voting, Commission members.

D. Length of Terms

Each member of the Commission shall serve for a term of not more than three (3) years, and may serve no more than two (2) consecutive full terms, except that -- for a member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed, shall be appointed for the remainder of such term; and the terms of service of the members initially appointed shall be (as specified by the Governor) for such fewer number of years as will provide for the expiration of terms on a staggered basis. Members whose terms have expired will continue to serve

as active, voting members until they are replaced with new appointments.

E. Early Termination of Membership

A member wishing to terminate his or her Commission membership prior to the expiration of the term is to submit written notice of resignation to the BRS Director and the Commission Chairperson.

A member who fails to attend two (2) consecutive Commission meetings is to advise the Chairperson of the reasons for the absence and if he or she plans to continue membership on the Commission. Should a member fail to attend two (2) consecutive Commission meetings, it is incumbent upon the Chairperson to discuss or make reasonable efforts to discuss it with the member and determine if there is sufficient reason to believe that he or she will carry out the responsibilities of membership for the remainder of the term. If the Chairperson decides otherwise, he or she should notify the Commission members and the BRS Director of the vacancy created by the failure of the member to meet the requirements of membership.

F. Vacancies

Any vacancy occurring in the membership of the Commission 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 Commission.

IV. OFFICERS

A. Officers and Duties

The officers of the Commission shall be Chair, Vice Chair, and Secretary. These officers shall perform the duties prescribed by these By-Laws and by the parliamentary authority adopted by the Commission.

Chairperson

The responsibility of the Chairperson shall be:

- chair Commission meetings;
- sign documents and speak and conduct business on behalf of the Commission with Commission ratification as appropriate;
- appoint standing and ad hoc committees as needed from Commission membership, and participate with committees as necessary to assure Commission effectiveness and to establish Commission direction;
- monitor Commission member participation and take action to elicit member

participation; and

- Serve as an ex-officio member of all standing committees.

Vice Chairperson

It shall be the responsibility of the Vice Chairperson to carry out the duties of the Chairperson in his or her absence and to assist the Chairperson in carrying out those responsibilities upon the Chairperson's request.

Secretary

The Secretary of the Commission shall assist in clerical and administrative duties usual to the office of Secretary unless otherwise provided in these By-Laws

B. Nominating Procedure

Annually the Recruitment Committee will survey members who express a willingness to serve as an Officer of the Commission.

Nominees must be in good standing and have at least one year of experience with the Commission and qualify for the position.

If a full slate of Officers is not placed in nomination by group participation at the pre-election meeting the Recruitment Committee will assure that a petition for volunteers to fill the slate of Officers is sent to Commissioners prior to the meeting when elections are scheduled.

C. Election

Elections will be held within ninety (90) days after July 1 of each year.

The viva-voce method of election will be used in cases where candidates are unopposed or the election is not strongly contested. When there is more than one nominee for a given office in a viva-voce election—the candidates are voted on in the order in which they were nominated. When the nominations have ended, the Chair repeats the nominations and continues. As soon as one of the nominees receives a majority vote, the Chair declares him or her elected and no votes are taken on the remaining nominees for that office. The other Officers are elected in the same way. Under the procedure just described, it is necessary for members wishing to vote for a later nominee to vote against an earlier one. This fact gives an undue advantage to earlier nominees. When only one nominee is put up the Chair can take a voice vote, or can declare that the nominee is elected, thus effecting the election by unanimous consent or “acclamation.” The motion to close nominations should not be used as a means of moving the election of the candidate.

The Commission members will elect a Chairperson, Vice Chairperson, and a Secretary from among the membership of the Commission.

The Commission members will elect a qualified Officer in good standing having at least one (1) year experience on the Commission and who meets the following criteria:

- a) Chairperson -- General understanding of Robert's Rules of Order and experience in chairing/conducting meetings.
- b) Vice Chairperson -- Some familiarity with Robert's Rules of Order and how to chair/conduct meetings.
- c) Secretary -- Familiar with the clerical and administrative responsibilities of the Commission.

Officers will be elected by a simple majority vote of members present, provided that at least one-half (1/2) of the members are present. Acceptance of office by the individual elected may be acknowledged verbally immediately upon election (if present) or by his or her acceptance of the minutes of the meeting wherein the election occurred.

D. Length of Terms

Officers shall be elected to serve a term of one (1) year. No individual may serve in the same office for more than two (2) full consecutive terms. Terms will begin on July 1 of each year. Officers may serve a complete one (1) year term in office or until a successor is elected and installed.

E. Early Termination of Office

If the Vice Chairperson or the Secretary 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 Commission.

V. COMMISSION MEETINGS

The Commission shall convene at least four (4) meetings a year in such places as it determines to be necessary to conduct Commission business and conduct such forums or hearings as the Commission considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the general public unless there is a valid reason for an executive session.

A. Quorum

A quorum shall be the presence of a simple majority of the Commission's membership (51%) – and would not be dependent on whether or not the members present (either in person or by electronic means) are voting members. Non-voting members, such as the single designated VR Counselor, and the BRS Director would count as a part of the simple majority. Commission members who participate and vote electronically shall count toward a quorum. All meetings in which one or more members participates and votes electronically must be physically attended by at least 33% of the Commission. Every action taken or decision made by a majority of the Commission members present at a meeting shall be regarded as an action or decision of the entire Commission.

B. Scheduling/Notice

The Chairperson shall establish a regular, on-going schedule for Commission meetings and shall schedule special meetings (meetings in addition to those regularly scheduled) and executive sessions as he or she deems appropriate. The Commission shall meet at least four (4) times in each calendar year. All meetings shall be held in a physically accessible location. Each member will be notified of the date, time and location at least two (2) weeks in advance of the meeting. All meetings and notices of meetings will comply with I.C. 5-14-1.5 (Indiana Open Door Law).

C. Open to the Public

All regularly scheduled meetings shall be open to the public. Sufficient advance public notice shall be given. Individuals in attendance who are not members may address the Commission only at the discretion of the Chairperson and shall not vote. The Chairperson may schedule executive sessions. Notice shall comply with I.C. 5-14-1.5 (Indiana Open Door Law).

D. 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 these 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 Commission member who participates in an Executive Session of the Commission by electronic participation 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 Commission is not subject to any form of public disclosure.

E. Minutes

Attendance at and proceedings of all meeting will be recorded in minutes. Minutes will be distributed by e-mail to all members and the Director of the Bureau of Rehabilitation

Services 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.

F. Voting

Motions may be made, discussed and voted upon as necessary to accomplish Commission purposes, nominations/elections and other Commission business, provided that a quorum is present. Motions shall be passed by a simple majority vote of the members present. All votes taken at meetings of the Commission, where one or more members is participating and voting electronically, shall be taken by roll call vote as required by Indiana Code § 5-14-1.5-3.6(c)(2). 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. If a question arises concerning a possible conflict of interest which is not announced, the Chairperson will inquire as to this concern and determine whether abstention from voting is required. No vote by proxy shall be allowed.

VI. COMMITTEES

The Commission's committees and sub-committees meet on an "as needed" basis. The Commission on Rehabilitation Services has developed the following committees to conduct their federally mandated functions:

Committee functions:

A. POLICY & OVERSIGHT and PLANNING & EVALUATION COMMITTEE

Policy & Oversight - consults with the Bureau of Rehabilitation Services (BRS) on the development, implementation, and revision of State policies and procedures pertaining to the provision of vocational rehabilitation services; reviews appeals; advises BRS on eligibility and the scope and effectiveness of vocational rehabilitation services and activities, and the functions that affect individual employment outcomes. The committee's purpose relates to the implementation of policies and procedures rather than the day-to-day management of the programs, and involves researching issues brought before the Commission.

Planning and Evaluation - functions in partnership with BRS to fulfill all planning, evaluating, and reporting responsibilities as defined in the Rehabilitation Act. This includes:

- **Needs Assessment** - works with BRS in the development and evaluation of the BRS statewide needs assessment, which is required every three years.
- **Goals and Priorities** - provides input into the development of State goals and

priorities, and incorporates into recommendations consumer comments from public forums, satisfaction surveys, etc. in coordination with VRS.

- **State Plan** - reviews and makes recommendations pertaining to State Plan amendments, ensuring compliance with Rehabilitation Act requirements in partnership with VRS.
- **Evaluation and Reporting** - evaluates the effectiveness of the BRS program and the State Plan goals and priorities, and other requirements of the Rehabilitation Act to ensure that the annual report submitted to the Rehabilitation Services Administration complies with the federal requirements: and makes the report widely available to the public through the BRS website and the NCSRC website.

B. RECRUITMENT, PUBLIC OUTREACH, AND COMMISSION DEVELOPMENT COMMITTEE

Recruitment - researches, recruits, and nominates candidates who are interested in serving on the Commission. Names and contact information of potential candidates are submitted to the governor for consideration. The committee also ensures that the nominations for Commission chairperson, vice-chairperson, and secretary are solicited as warranted.

Public Outreach - coordinates public education, advocacy, publicity, and outreach efforts; develops the approach and strategies to enhance the image and vitality of the Commission; and distributes materials for effective communication with consumers, the public, and the Rehabilitation Services Administration, including reports, brochures, etc. The committee is responsible for making recommendation regarding information for the Commission's annual report.

Commission Development - collaborates with the National Coalition of State Rehabilitation Councils (NCSRC) to ensure that all Commission members are well informed and participate in national training initiatives and remain knowledgeable in matters related to the Commission's duties and the achievement of defined goals. The committee is responsible for the orientation of newly appointed Commission members through the development of presentations and training components.

C. THE CUSTOMER SATISFACTION COMMITTEE

The Customer Satisfaction Committee - reviews and analyzes customer input and/or satisfaction with the functions of BRS to include services and employment outcomes, and conducts such activities as necessary to assess satisfaction and obtain feedback, such as written and/or telephone surveys, public forums, focus groups, etc.

D. EMPLOYMENT FIRST COMMITTEE

The Employment First Committee – provides recommendations for the statewide Employment First Plan and related documents, as well as recommendations for the

required annual update on the implementation and progress toward advancing competitive, integrated employment for individuals with disabilities as described in IC 22-9-11 (the Employment First Act). The sub-committee will be comprised of at least 51% of individuals with disabilities.

VII. COMMISSION COMMUNICATIONS

The Chairperson is recognized as the official spokesperson of the Commission. Any verbal or written inquiries concerning the Commission received from agencies, organizations or individuals are to be directed to the Chairperson. Likewise, any verbal or written communication initiated on behalf of the Commission is to be initiated by the Chairperson or his or her designee. Unless specifically directed by the Chairperson, or in his or her absence the Vice Chairperson, other Commission members will refrain from speaking or writing on behalf of the Commission,

The Commission's E-mail address is VRCommission@fssa.IN.gov for interested parties to send opinions, comments, or concerns to the Commission. The Commission shall request that designated BRS staff monitor daily the email received for the Commission.

VIII. ADOPTION/REVISION OF BY-LAWS

By-Laws shall be adopted or revised only in accordance with voting mechanisms described in V.F. above. Written drafts of any substantial revisions will be developed and distributed to all members in advance of voting. Revisions will become effective immediately unless indicated otherwise by the motion passed. Copies of the By-Laws and any revisions will be provided to all Commission members and the Director of the Bureau of Rehabilitation Services within six (6) weeks following adoption/revision and thereafter to other parties upon request. Copies will be provided in large print, Braille or other accessible media upon request.

IX. RESOURCES

A. Plan

The Commission shall prepare, in conjunction with the BRS, a plan for the provision of such resources, including such staff and personnel, as may be necessary and sufficient to carry out the functions of the Commission under this section. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

B. Resolution of Disagreements

To the extent that there is a disagreement between the Commission and BRS in regard to the resources necessary to carry out the functions of the Commission as set forth in this section, the disagreement shall be resolved by the Governor.

C. Supervision and Evaluation

The Commission shall, consistent with State law, supervise and evaluate such staff and personnel as may be necessary to carry out its functions under this section.

D. Personnel Conflict of Interest

While assisting the Commission in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State unit or any other agency or office of the State that would create a conflict of interest.

X. COMPENSATION AND EXPENSES

The Commission may use funds allocated to the Commission by the designated State unit under this title (except for funds appropriated to carry out the client assistance program under section 112 and funds reserved pursuant to section 110(c) to carry out part C) to reimburse members of the Commission for reasonable and necessary expenses of attending Commission meetings and performing Commission duties (including child care and personal assistance services), and to pay compensation to a member of the Commission.

- If the member lives fifty-one (51) miles away or more, he or she can be reimbursed for overnight accommodations at the current State rate. The person must pay for the overnight accommodation and provide VRS with a -zero- balance receipt for reimbursement.
- If the member is unemployed or forfeits wages from his or her employer, he or she would receive a State rate stipend for each day of attendance at Commission meetings.
- If the member requires an attendant, the attendant can be reimbursed at the State rate.
- All Commission members can be reimbursed for mileage at the State rate. The Commission member must pay upfront and provide BRS with a -zero- balance receipt for reimbursement.

XI. HEARINGS AND FORUMS

The Commission is authorized to hold such hearings and forums as the Commission may determine to be necessary to carry out the duties of the Commission.