

BYLAWS  
of the DELAWARE  
INTERAGENCY COORDINATING COUNCIL (ICC)

These Bylaws constitute the rules under which the Delaware Interagency Coordinating Council (hereinafter referenced as Council) will operate.

Article I

**Council Authority and Purpose**

- 1.1 **Authority** The Council exists by authority of Federal and State Law: Title I of P. L. 99-457, enacted by the U. S. Congress, October 8, 1986, amendments to the Education of the Handicapped Act and subsequent reauthorizations to the Individuals with Disabilities Education Act (formerly PL 99-457) and House Bill No 531 and Amendment 1 enacted in the 139<sup>th</sup> General Assembly, 1998.
- 1.2 **Purpose** The purpose of the Council is to create the direction and vision to drive an early intervention system in the State of Delaware; to enhance the physical, mental, and social development of infants and toddlers with disabilities and/or developmental delays; to maximize these infants' and toddlers' ability to function in society thereby minimizing educational and institutional costs; and to increase the family's capacity to promote the growth and development of their infants and toddlers with disabilities and/or developmental delays.
- 1.3 **Function** The Council:
- (A) Shall advise and assist the lead agency in the development, implementation and operation of a statewide system of integrated, comprehensive, interagency programs providing early intervention services to infants and toddlers with disabilities and/or developmental delays and their families;
  - (B) Shall assist the lead agency in achieving the full participation, coordination, and cooperation of all appropriate public agencies in the state;
  - (C) Shall assist the lead agency in the effective implementation of the statewide system, by establishing a process that includes--
    - (i) Seeking information from service providers, service coordinators, parents, and others about any Federal, State, or local policies that impede timely service delivery and
    - (ii) Taking steps to ensure that any policy problems identified under the above section (i) are resolved;
  - (D) Shall advise and assist the lead agency in the identification of the sources 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;
  - (E) To the extent appropriate, shall assist the lead agency in the resolution of disputes;
  - (F) Shall prepare and submit (by a date established by the Secretary of the U. S. Department of Education) an annual report to the Governor and to the Secretary

containing information required by the Secretary for the reporting year on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State; and

- (G) May advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children aged birth to 5, inclusive.

## Article II

### **Membership**

2.1 Composition A Council of 23 (twenty-three) members, including the Chair, shall be appointed by the Governor. In making appointments to the Council, the Governor shall ensure that the membership of the Council reasonably represents the population of the State.

(A) The Council shall be composed as follows:

- (1) At least 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. At least 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.
- (2) At least 20 percent of the members shall be public or private providers of assessment or evaluation of children to determine eligibility and/or need for early intervention,
- (3) Including at least one member representing private providers of direct early intervention services.
- (4) At least one member shall be from the State legislature.
- (5) At least one member shall be involved in personnel preparation.
- (6) At least 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.
- (7) At least 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.
- (8) At least one member shall be from the agency responsible for the State regulation of insurance especially in the area of health insurance.
- (9) At least one member shall be from the State Medicaid agency.
- (10) At least one member shall be from the Office of the Coordinator of Education of Homeless Children and Youth.
- (11) At least one member shall be from the State child welfare agency responsible for foster care.

- (12) At least one member shall be from the State agency responsible for children's mental health.
- (13) The Council may include other members appointed by the Governor.
- (14) The ICC may recommend names to the Governor and lead agency.
- (15) Members of the Council shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of Council.

## 2.2 Term

- (A) The membership year shall begin upon the approval of the Governor.
- (B) The recommended membership terms shall be three years membership. Members will serve until such time as reappointment occurs.
- (C) Members can be reappointed for consecutive terms at the discretion of the Governor.
- (D) A member may resign or may be removed by the Governor at any time.
- (E) The Governor will be notified that a vacancy has occurred within 30 days of such vacancy.
- (F) If it becomes necessary to appoint a new member during the year at a time other than when appointed, the balance of the time remaining between the appointment and when appointed will count as the first year of that member's term.

## 2.3 Roles and Responsibilities of Council Members

- (A) Provide written and oral comment to the Council and lead agency on issues affecting the Council;
- (B) Provide written and oral comment on the development of a statewide system of integrated, comprehensive, interagency programs providing early intervention service to infants and toddlers with disabilities and/or developmental delays and their families;
- (C) Assist with the development and actively participate in the functioning of committees, task forces, work groups and such established by the Council to explore designated topics relating to the Statewide system;
- (D) Review and provide comments on documents such as those concerning applications for funding, rulemaking, and proposed legislation;
- (E) Attend and actively participate in all Council meetings. Missing three (3) consecutive officially scheduled meetings is a condition warranting consideration for removal/termination of a member. A two-thirds (2/3) majority vote of the full Council membership is required to ratify a recommendation to the Governor that a member be removed.

2.4 Proxies

- (A) Members shall indicate a formally designated proxy in writing to attend a meeting in their absence. This applies to both full ICC and work group/committee meetings. With permission of the member, the proxy will be considered a voting member during the member's absence.
- (B) Council members cannot be a proxy for other Council members.
- (C) A proxy can represent only one Council member at the meeting.
- (D) Attendance by the proxy shall constitute attendance under Article II, Sec. 2.3.

Article III

**Officers and Duties**

3.1 Officers

- (A) The Officers of the Council shall consist of a Chairperson and a Vice Chairperson.
- (B) The Governor shall designate a member of the Council to serve as the chairperson of the Council, or shall require the Council to so designate such a member. Any member of the Council who is a representative of the Lead Agency may not serve as chairperson of the Council.
- (C) The Vice Chairperson shall be a member of the Council and will be elected by the Council annually. Any member of the Council who is a representative of the Lead Agency may not serve as vice chairperson of the Council.

3.2 Terms

- (A) The Chairperson shall serve at the pleasure of the Governor.
- (B) The Vice Chairperson shall be elected by members for a one year term.

3.3 Duties

- (A) Chairperson
  - (1) Preside over all meetings;
  - (2) Establish committees, work groups and such and appoint chairpersons, preferably members of the Council;
  - (3) Serve as the liaison between the Council and involved state agencies;
  - (4) Convene Executive Committee meetings.
- (B) Vice Chairperson
  - (1) Assume the duties of the Chairperson in his/her absence;
  - (2) Act as parliamentarian.

## Article IV

### **Meetings**

#### 4.1 Number of Meetings

- (A) Full ICC meetings shall be called by the Governor, the Chairperson or the lead agency. The Council shall meet at least quarterly and in such places as it deems necessary.
- (B) Work group/committee meetings shall be called by the group Chairperson, the ICC Chairperson or the lead agency.

#### 4.2 Public Notice All regular Council meetings shall be publicly announced sufficiently in advance of the dates they are to be held to ensure that all interested parties have an opportunity to attend, shall be open and accessible to the general public, and shall be held in accordance with the Delaware "Freedom of Information Act" (Title 29, Chapter 100).

#### 4.3 Quorum

- (A) A quorum for any ICC related meetings shall consist of 51% of the appointed members and proxies.
- (B) A call for quorum may be made at the beginning of each regularly scheduled meeting and may be verified at any time during the meeting.
- (C) A simple majority of the quorum may transact of any business of the Council.

#### 4.4 Services Interpreters for persons who are deaf and other necessary services must be provided at Council meetings, both for Council members and participants. Part C federal funds may be used to pay for those services.

## Article V

### **Committees**

#### 5.1 Committees

- (A) Such committees (work groups, task forces and such), either standing or special, shall be appointed by the Chairperson as deemed necessary to carry on the work of the Council.
- (B) The Chairperson and Part C staff for the Lead Agency shall be ex-officio members of all committees.

#### 5.2 Executive Committee

- (A) There shall be an Executive Committee which shall consist of the Chairperson, Vice Chairperson, a Lead Agency ICC member, a parent member and up to three additional ICC members (as determined appropriate by the Chairperson). The Part C Coordinator shall be an ex-officio member.
- (B) The Executive Committee shall exercise all powers of the Council between the meetings of said Council, except the power to make, alter, or amend Bylaws.

- (C) A majority shall constitute a quorum, but the affirmative vote of a majority of the whole Committee shall be necessary in every case.
- (D) Said Committee shall keep regular minutes of its proceedings.

#### Article VI

#### **Conflict of Interest**

##### 6.1 Conflict of Interest

- (A) No member of the Delaware Interagency Coordinating Council may cast a vote on any matter that is likely to provide a direct financial benefit to that member or otherwise give the appearance of a conflict of interest under 29 *Del. Code* Chapter 58.

#### Article VII

#### **General Provisions**

- 7.1 Amendment of Bylaws Bylaws may be amended by a two-thirds (2/3) majority of the members. Proposed changes to the Bylaws shall be submitted in writing to the membership a minimum of thirty (30) days prior to the vote.
- 7.2 Robert's Rules of Order Rules of precedence of motions and other parliamentary procedures not specified herein shall be governed by Robert's Rules of Order.

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