

# By-laws of the Iowa Council for Early ACCESS

## ARTICLE I<sup>1</sup>

### Section 1. Name:

*The name of the organization shall be the Iowa Council for Early ACCESS (ICEA).*

### Section 2. Authority:

The Iowa Council for Early ACCESS is defined in Iowa Administrative Code 281 chapter 120.600-.605(34CFR303). The ICEA was established as the Interagency Coordinating Council by Governor Terry E. Branstad of the State of Iowa on June 24, 1987 to fulfill obligations specified in Part H of P. L. 99-457 and continues in its purpose of meeting requirements of the Individuals with Disabilities Education Act (IDEA), Part C, The Infant and Toddler Program as stated in Title 34 Code of Federal Regulations, Part 303, Subpart G – State Interagency Coordinating Council (2011). The Council will abide by all IDEA regulations.

*Early ACCESS is the name for the IDEA Part C system in Iowa. It is a system of early intervention services for infants and toddlers with a condition that is known to have a high probability of later delays or a developmental delay, and for their families. The Governor of Iowa designated the Department of Education as the “lead agency,” ultimately responsible for all aspects of the system. The signatory agencies shall hold responsibility for the system as specified in the Interagency Agreement with the Department of Education. The signatory agencies shall be the Department of Human Services, the Department of Public Health, and Child Health Specialty Clinics.*

## ARTICLE II

### Section 1. Purpose:

The purpose of the Iowa Council for Early ACCESS (ICEA) is to advise and assist the lead agency *working collaboratively with partnering agencies in the coordination, development and implementation of the policies that constitute the statewide system of early intervention services. Partnering agencies include the signatory agencies, and all public/private providers/agencies who work together in identifying, providing and coordinating services and resources to infants and toddlers and their families.*

### Section 2. Functions:

Functions of the Iowa Council for Early ACCESS [IAC 281-120.604-.605(34CFR303)]:

The Council **shall** advise and assist the Lead Agency (*and Signatory Agencies*) in the performance of its responsibilities including:

1. Identification of sources of fiscal and other support for services for early intervention service programs under Part C of the Individuals with Disabilities Education Act;
2. Assignment of financial responsibility to the appropriate agency;
3. Promotion of methods (including use of intra-agency and interagency agreements) for intra-agency and interagency collaboration regarding:
  - child find;
  - monitoring and enforcement;
  - financial responsibility and provision of early intervention services; and
  - transition.
4. Preparation of applications for IDEA Part C funds and amendments.

---

<sup>1</sup> Words in regular print are from IDEA Part C regulations regarding state interagency coordinating councils. Words in italics are Iowa specific by-law language.

## By-laws of the Iowa Council for Early ACCESS

In addition, the Council **shall** also:

5. Advise and assist the Lead Agency (*and Signatory Agencies*) regarding the transition of toddlers with disabilities to preschool (*IDEA Part B*) and other appropriate (*community*) services.
6. Prepare and submit an annual report to the Governor of Iowa and to the U.S. Department of Education Secretary on the status of Iowa's Early ACCESS system of early intervention services (*IDEA Part C*); and submit the report to the Secretary by a date that the Secretary establishes and must contain the information required by the Secretary for the year for which the report is made.
7. *Advise and assist the Lead (and Signatory Agencies) in the development and implementation of the policies that constitute a statewide Early ACCESS system.*
8. *Assist the Lead Agency in achieving the full participation, coordination, and cooperation of all appropriate public and private agencies in the state;*

The Council **may** carry out the following activities:

9. Advise and assist the department regarding the provision of appropriate services for children with disabilities from birth through age five.
10. Advise appropriate agencies in the state with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the state (*e.g. other state agencies; Head Start; Early Childhood Iowa Board and Stakeholder Alliance; etc.*).
11. Coordinate and collaborate with the state advisory council on early childhood education and care for children (*Early Childhood Advisory Council*). *Note: Early Childhood Iowa Steering Committee serves as this federally required Council in Iowa, per Head Start regulations.*

### ARTICLE III

#### Section 1. Membership:

*The membership of the Iowa Council for Early ACCESS shall consist of representatives of the public and private sector who by virtue of their position, interest, and training can contribute to the quality of services provided to infants and toddlers with special needs and their families. There shall be at least 18, but not more than 25 members.* Composition of the Council shall be as follows:

1. **PARENTS** - Not less than 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 member must be a parent of an infant, toddler, or child with a disability aged six years or younger;

*(\*) Parent means a natural or adoptive parent of a child; a guardian; a person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare); or a surrogate parent who has been assigned.*

2. **SERVICE PROVIDERS**- Not less than 20 percent of the members shall be public or private providers of early intervention services - *at least one of whom is an administrative representative of a grantee;*

3. **STATE LEGISLATURE**- Not less than one representative shall be from the state legislature;

4. **PERSONNEL PREPARATION** - Not less than one person shall be involved in personnel preparation (*Representative of a state university, private college or community college that prepares future EI providers*);

5. **AGENCY FOR EARLY INTERVENTION SERVICES** - Not less than one member shall be from each of the state agencies involved in the provisions of, or payment for, early intervention services to infants and toddlers

## By-laws of the Iowa Council for Early ACCESS

with disabilities and their families and have sufficient authority to engage in policy planning and implementation on behalf of these agencies (*Child Health Specialty Clinics, Departments of Education, Human Services and Public Health*);

6. AGENCY FOR PRESCHOOL SERVICES - Not less than one member shall be from the state educational agency responsible for preschool services to children with disabilities and have sufficient authority to engage in policy planning and implementation on behalf of that agency (*Department of Education*);

7. STATE MEDICAID AGENCY- Not less than one member shall be from the agency responsible for the State Medicaid program (*Department of Human Services*);

8. HEAD START AGENCY - Not less than one member shall be from a Head Start or *Early Head Start* agency or program in the state;

9. CHILD CARE AGENCY- Not less than one member shall be from a state agency responsible for child care (*Department of Human Services*);

10. AGENCY FOR HEALTH INSURANCE- Not less than one member shall be from the agency responsible for the State regulation of health insurance (*Iowa Insurance Commission*);

11. OFFICE OF THE COORDINATOR OF EDUCATION OF HOMELESS CHILDREN AND YOUTH- Not less than one member shall be a representative designated by the Office of Coordinator for Education of Homeless Children and Youths (*Department of Education*);

12. STATE FOSTER CARE REPRESENTATIVE- Not less than one member shall be a representative from the State child welfare agency responsible for foster care (*Department of Human Services*);

13. MENTAL HEALTH AGENCY- Not less than one member shall be a representative from the State agency responsible for children's mental health (*Department of Human Services*); and

14. The council **may** include other members selected by the Governor, including a representative from the Bureau of Indian Affairs (BIA) or, where there is no school operated or funded by the BIA, from the Indian Health Service or the tribe or tribal council.

### Section 2. Appointment:

Members of the Iowa Council for Early ACCESS shall be appointed by the Governor. The Governor shall ensure that the membership of the Council reasonably represents the population of the state. *According to state law, the Council is to be gender and politically balanced as well as geographically represented.*

### Section 3. Term of Office:

*Term of office shall be for 3 years. The three-year term begins on the date of the first scheduled Council meeting after the Governor makes the official appointment. Appointments shall be staggered terms of office to assure that the number of appointments approximate one third of the membership. Representatives from the Lead and Signatory Agencies may serve unlimited consecutive terms. All other members shall serve no more than two consecutive full terms. However, whenever a vacancy occurs, any person appointed to fill such vacancy shall hold the office for the remainder of the unexpired term. After having served the unexpired term, the appointee may hold the office for two consecutive full terms.*

### Section 4. Attendance:

*Regular attendance is expected. Consistent with Iowa Code § 69.15, if a member misses three consecutive meetings in a year or attends less than one half of the regularly scheduled meetings of an appointment year the member shall be deemed to have submitted a resignation. A member of the Membership Committee will contact*

## **By-laws of the Iowa Council for Early ACCESS**

*him/her to discuss the member's continuing ability to fulfill the duties of the appointment. The chair of the Council will forward the name to the Governor's Office for consideration to accept or reject the resignation.*

### **Section 5. Designees:**

*Members unable to attend a Council meeting may appoint a designee to represent them at official Council meetings. Designees may be actively involved in meeting activities, but shall not vote or be included in the determination of a quorum. If expenses of designees are to be reimbursed, a staff to the Council must be notified four weeks prior to the meeting in order to submit necessary paperwork.*

### **Section 6. Non-discrimination:**

*It is the policy of the Early ACCESS system not to discriminate on the basis of race, color, national origin, gender, disability, religion, creed, age or marital status in its programs or employment practices. If you have grievances related to this policy, please contact the Legal Counsel of the Iowa Department of Education, Grimes State Office Building, Des Moines, IA 50319, (515) 281-8661.*

## **ARTICLE IV**

### **Section 1. Number of Meetings:**

*The Iowa Council for Early ACCESS shall meet at the call of the Chair, and there shall be at least four meetings (quarterly) each year. The meeting shall be open and accessible to the general public in accordance with Iowa Code § 21 governing open meetings. Electronic meetings may be held in circumstances where such a meeting in person is impossible or impractical, notice of the meeting is appropriately made, and originates from a location/method where the public has access to the conversation. The minutes shall include a statement explaining why a meeting in person was impossible or impractical.*

### **Section 2. Notification of Meeting and Agenda:**

*The State Coordinator for Early ACCESS shall ensure that a written public notice of each meeting is posted at least ten days prior to each meeting. Notice with tentative agenda and minutes of the previous meeting shall be distributed to Council members no later than ten days prior to the next meeting.*

*Interpreters for persons who are deaf and other special accommodations shall be provided at Council meetings for both Council members and participants who give advance notice of their needs to staff of the Council.*

## **ARTICLE V**

### **Section 1. Executive Committee Members**

*The elected members of the Iowa Council for Early ACCESS Executive Committee shall be: the council chair (unless designated by the Governor), vice chair, a parent, and one additional member from the council.*

*The council administrative representative from a grantee and the appointed council representative from each of the signatory agencies shall be members of the Executive Committee with full voting privileges.*

*All officers shall be members in good standing of the ICEA.*

*The Early ACCESS State Coordinator is an ex-officio member of the Executive Committee without voting privileges.*

## **By-laws of the Iowa Council for Early ACCESS**

### Section 2. Elections:

Officers are elected annually at the first council meeting following the first day of July, with the possible exception of the chair. The Governor shall designate a member of the council to serve as chair or require the Council to elect a chair. Officers are nominated by the Membership Committee and notice of nominees sent to the full membership at least two weeks prior to the Council meeting. Special elections shall be held to fill vacant positions on the Executive Committee at the discretion of the Chair.

### Section 3. Duties:

*The Chair shall preside at all meetings and shall exercise general governance over the Council. The Chair shall serve as chair of the Executive Committee of the Council. In the absence of the Chair, the Vice-Chair shall assume that role.*

### Section 4. Functions of the Executive Committee:

The executive committee is responsible for:

1. Initially reviewing and discussing information and issues that will be addressed by the full council;
2. Establishing the framework for overall council business, including the calendar of meetings and the agenda for council meetings; and
3. Facilitating the implementation of the interagency agreement among the signatory agencies.
4. *Receive and filter information regarding the Iowa IDEA Part C system of services and prepare it for Council response;*
5. *Identify and make recommendations for the appropriate utilization of state resources as well as resources outside the purview of the state;*
6. *Consider action on the recommendations of the council;*
7. *Set priorities for development of the Early ACCESS system;*

## **ARTICLE VI**

### Section 1. Establishing Committees:

The Council may establish or dissolve other standing or ad hoc committees from time to time and in the furtherance of its work. *The Chair may establish committees or task forces as deemed necessary to carry out tasks designated by the Iowa Council for Early ACCESS. Each committee must consist of at least two Council members and must be chaired by a Council member.*

### Section 2. Standing Committees:

*The following are Standing Committees of the Iowa Council for Early ACCESS: By-laws, Membership, Parent, Public Policy, and Governor's Report.*

### Section 3. By-laws Committee:

*Purpose: To formulate rules for adoption by the Council for the governance of its members and the regulations of its affairs. By-laws shall be reviewed annually and revised as needed.*

### Section 4. Membership Committee:

## **By-laws of the Iowa Council for Early ACCESS**

*Purpose: To review Council composition, recruit potential members, and make recommendations to fill vacancies as specified in Article III, Section 1 in order to assure compliance with IDEA and the Council's ability to effectively perform its duties; and to contact members who have been unable to fulfill the duties of the appointment as specified in Article III, Section 4. Members recruited to represent the lead and signatory agencies shall be recommended to the membership committee by the respective department director for inclusion in the list of potential members to be forwarded to the Governor. Timelines and activities for this process shall be developed and implemented. The Committee shall present the final recommendations to the Council at a meeting prior to the first day of June for approval. The list of potential members is submitted to the Governor's Office by the first day of June.*

*A nomination sub-committee shall consist of the Vice Chair and two members of the Membership Committee, one of whom is a parent. The Nominations Sub-Committee shall meet at least on an annual basis. The sub-committee will submit a slate of officers for the Executive Committee to the Council members at least ten days prior to the first council meeting following the first day of July. The committee shall designate the Chair and the Vice Chair from the slate (unless the Governor has designated a Chair).*

### **Section 5. Parent Committee:**

*Purpose: To coordinate and support the leadership efforts of parents on the council.*

### **Section 6. Public Policy:**

*Purpose: To identify public policy issues of significance to the Early ACCESS system and the children and families it serves and provides a common, consistent message or source of information on those issues. To follow legislative issues before the State Legislature and Congress and assist in communication of policy concerns to the council and to determine a strategy for "real time" response to issues requiring action from members and their constituents.*

### **Section 7. Governor's Report Committee:**

*Purpose: Prepare an annual report to the Governor of Iowa and to the U.S. Department of Education Secretary on the status of Iowa's Early ACCESS system of early intervention services (IDEA Part C) for adoption by the Council. The Council shall prepare and submit the report according to the instructions of the U. S. Department of Education Office of Special Education.*

### **Section 8. Resources for Committees:**

*The fiscal agency for Early ACCESS (Department of Education) will provide resources to the committees as stipulated in the Part C Application and Budget.*

## **ARTICLE VII**

### **General Provisions and Procedures**

#### **Section 1. Parliamentary Procedures**

- 1. A majority of the appointed members constitutes a quorum.*
- 2. A person may be designated to attend a meeting of the Council in the absence of the appointed member, but only duly appointed Council members have voting privileges.*
- 3. Rules of precedence of motions and other parliamentary procedures not specified herein shall be governed by Robert's Rules of Order.*

#### **Section 2. Amendments:**

*By-laws may be amended by two-thirds (2/3) of the appointed Council members present. Proposed changes to the by-laws must be submitted in writing to all Council members a minimum of thirty (30) days prior to the vote.*

## **By-laws of the Iowa Council for Early ACCESS**

### **Section 3. Use of Funds by the Council:**

The Council may use funds appropriated to the Council as stipulated in the Iowa Department of Education's Part C Application and Budget to:

1. Conduct hearings and forums;
2. Reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care for parent representatives);
3. Hire staff or obtain the services of professional, technical, and clerical personnel as may be necessary to carry out the performance of its functions under IDEA, Part C.
4. Pay for accommodations needed for members and participants (e.g. interpreters, Braille, etc.)
5. Pay compensation to a member of the Council if the member is not employed or must forfeit wages from other employment when performing official Council business;

Except as provided in 1-5 above, Council members shall serve without compensation from funds available under IDEA, Part C.

### **Section 4. Conflict of Interest:**

No member of the council shall 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 State law.