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| **Bylaws Review – September 2024** | | |
| **New Language (if applicable)** | **Previous Language (if applicable)** | **Rationale** |
| Section 4.01 The members of the Council must be appointed by the Governor in accordance with 34 CFR 361.17 and any Massachusetts authorizing provision.  Section 4.02 The members of the Council shall reflect a diversity of perspectives and backgrounds, enjoy the respect of organizations representing or supporting a broad range of individuals with disabilities, equitably represent communities of color and historically underrepresented populations, and be representative of the geographic diversity of the Commonwealth.  Section 4.03 The Council may, in accordance with policy and practices set forth by the Governor, make recommendations for appointment. | Section 4.01 The members of the Council must be appointed by the Governor.  Section 4.02 The appointing authority must select members of the Council after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations  interested in individuals with disabilities.  Section 4.03 In selecting members, the appointing authority must consider, to the greatest extent practicable, the extent to which minority populations are  represented on the Council. | Reflects executive order change. |
| Section 5.01 The Council is composed of at least 15 members which must include - | Section 5.01 The Council is composed of ~~twenty (21) members~~at least 15 members~~; to satisfy the requirements of 34 CFR §361.17, fifteen (15) of the twenty (21) members~~ which must include – | Reflect executive order change. |
| n/a | ~~Section 5.03~~ ~~Ex-officio Membership. The Council may choose to select up to fifteen (15) ex-officio members provided that:~~   1. ~~The individuals nominated by the Council ensure the broadest possible representation from organizations and agencies serving individuals with disabilities or~~ 2. ~~The individuals are nominated in recognition of their participation and demonstrated interest in the affairs of the Council.~~ 3. ~~The Executive Committee shall forward recommendations for ex-officio members to the Council for adoption.~~ 4. ~~Ex-officio membership is renewable annually by the Council at the time of the Annual Meeting to take effect concurrent with the beginning of the fiscal year.~~ 5. ~~Ex-officio members shall have all the rights and privileges of Council members except that they cannot vote.~~ | Ex-Officio language used in error previously. Aligned with regulations. |
| 1. The authority to appoint, and remove, members to the Council vests solely with the Governor.   (d) A member of the Council who has served the maximum number of terms may only be reappointed to any membership slot after a meaningful break in service. A meaningful break in service means 3 years from the date member’s last term on the Council expired. | Section 6.01  (c) Members with expired terms shall continue to serve until their successor is  appointed by the Governor or the member resigns. | 6.01 (a) is added to align with boards and commissions processes.  6.01(c) is precluded by Federal Regulations.  Regulations (TAC 23 02 #14) permit members to come back but only after a meaningful break, and defining the break is encouraged. |
| Section 6.02 Vacancies: A vacancy in the membership of the Council shall be filled in the same manner as the original appointment.  **(a)** When a member is appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed, the member must be appointed for the remainder of the predecessor’s term. Such appointee may serve two consecutive full terms following completion of the original partial term.  **(b)** No vacancy affects the power of the remaining members to execute the duties of the Council. | ~~…except that the Governor may delegate this authority to fill a vacancy to the remaining members of the Council after making the original appointment.~~  Section 6.02 ~~All terms of officers and members shall end at the end of the current and relevant operating year following the Annual Meeting of the SRC. All terms shall begin concurrent with the fiscal year except in the case of terms initiated to fill vacancies occurring midyear.~~ | Governor authority with terms not subject to fiscal year. |
| Section 6.03 (a)Absence from two (2) consecutive, quarterly Council meetings without showing good cause may be considered grounds for termination from the Council.  (b)If the Council votes by simple majority to remove a member pursuant to this Section, the Council shall forward to the Governor its recommendation for removal. | 1. Absence from two (2) consecutive, quarterly Council meetings without showing good cause may be considered grounds for termination from the Council. 2. If the Council votes by simple majority to remove a member pursuant to this Section, the Council shall forward to the Governor its recommendation for removal. | Clarified meeting type. Governor authority to remove, not council. |
| Article VII. Officers Section 7.01 The Council shall elect officers from among its voting members. The officers shall consist of two (2) positions: The Chair of the Council and Vice-Chair. The chair can create additional roles as needed. | Article VII. Officers Section 7.01 The Council shall elect officers from among its voting members. The officers shall consist of ~~the following~~ two~~five~~ (2~~5~~) positions: The Chair of the Council and ~~,~~ Vice-Chair~~, Secretary, and two Members-at-Large.~~. The chair with a simple majority support can create additional roles as needed. | Removed officers that are not currently applicable with option to add roles as needed. |
| 7.02 Members interested in an officer position are encouraged to inform the chair in the meeting of the second calendar year quarter prior to elections in the third quarter meeting. Nominations for officers may also be made from the floor at these elections. Officers assume their duties effective October 1. | ~~Section 7.02The Officers are elected by the Council from a slate of voting members presented by the Ad Hoc Nominating Committee. The Council will seek volunteers to serve on the Nominating Committee at the third quarter meeting. The Nominating Committee will create a slate of candidates between the third and fourth quarter meetings.~~  ~~Section 7.03The Nominating Committee will present their slate of candidates, and elections for these offices will be held at the fourth quarter meeting.~~  7.02 Members interested in an officer position are encouraged to inform the chair in the third quarter meeting prior to officer elections in the fourth quarter meeting. Nominations for officers may also be made from the floor at these elections. Officers assume their duties effective October 1. | Unnecessary requirement, burdensome. Simplified. |
| Section 7.05  The Vice-Chair shall assume the role of the Chair if, for any reason, the Chair is unable to preside. In the event of a resignation of the Chair, the Vice-Chair shall assume the role for the remainder of the Chair’s term. The Vice-Chair shall perform such other duties as may be assigned by the Chair or the Council. | In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. The Vice-Chair shall perform such other duties as may be assigned by the Chair or the Council. | Added additional detail (e.g. response to a chair resignation) |
| IX. 9.01 (b) At any regular meeting, a fifty-one percent (51%) voting membership in attendance [whether physically or remotely in accordance with M.G.L. Ch. 30A Sec. 20(e)] shall constitute a quorum, excluding vacancies. Pursuant to federal law, vacancies shall not affect the power of the remaining members to execute the duties of the SRC. | IX. 9.01 (b) At any regular meeting, a fifty-one percent (51%) voting membership in attendance [whether physically or remotely in accordance with M.G.L. Ch. 30A Sec. 20(e)] shall constitute a quorum. | Clarified quorum consistent with Federal Regulations. |
| n/a | IX. 9.01 ~~(~~c)~~In situations where it is impossible to convene a quorum of the full Council, the Chair or Chair's designee may request a mail or telephone vote. The outcome of any voting yeas, nays, or abstentions must be recorded in the minutes of the first succeeding Council meeting.~~ | Not permitted by OML. |
| (d) Except in an emergency, the meetings shall file meeting notices sufficiently in advance of a public meeting to permit posting of the notice at least 48 hours in advance of the public meeting.  (e)The Council will only go into an executive session for purposes outlined in the Open Meeting Law and only after the body has first convened in an open session; a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes; the chair states the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called; and the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session. | n/a | New language from OML. |
| **Section 9.01**  **e.**  The council must keep accurate minutes of all meetings, including executive sessions, detailing date, time, place, attendance, absences, discussions, documents used, decisions, and votes.  **f.** Votes in open sessions cannot be by secret ballots; votes in executive sessions must be recorded by roll call.  **g.** Minutes of open session meetings must be timely created and approved, generally within the next three public body meetings or within 30 days, whichever is later, unless good cause for further delay exists. Minutes shall be approved during a noticed meeting and by unanimous consent of the body[SD1] [JF2] .  **h.** Documents and exhibits used in open or executive sessions are part of the official record.  **i.** Materials from open sessions, including minutes, notes, and documents, are public records except for certain exempt personnel information.  j. The opportunity for public comment will be regularly provided at the end of each meeting. The Chair, of the Council or respective Committee, will decide whether to permit additional public comment during a meeting and may set restrictions on public comment to include designating when and for what agenda topics public comment are allowed, time limits for each person speaking, rules preventing speakers from disrupting others and removing those speakers if they do.­ | n/a | Added specificity to meeting requirements and public comment approaches. |
| Section 11.01 Ad hoc committees may be established by the Council Chair based on the recommendation of any member. Any member seeking to establish an ad hoc committee must do so by writing to the Council Chair explaining the purpose of the committee, the specific matter to be considered, the resources necessary, and the length of time required to achieve its objective.  Section 11.02 Ad hoc committees shall have a predetermined purpose and limited in term to no more than one full calendar year which can be reviewed and extended**,**  by recommendation of the Council Chair and a majority vote of eligible Council members | Article XI. Ad Hoc Committees  Section 11.01 Ad hoc committees may be established by the Council Chair  based on the recommendation of any member.  Section 11.02 Ad hoc committees shall have a pre-determined purpose and term length, which can be reviewed and extended by recommendation of the  Council Chair and a majority vote of eligible Council members. | Create a distinction between ad hoc and standing committees. |
| Article XII. Voting business  Section 12.01 .Section 12.01 Unless otherwise specified in these Bylaws, actions taken on any motion shall be determined by a simple majority of voting members present. Proxy voting will not be permitted. | Article XII. Voting business  Section 12.01 Unless otherwise specified in these Bylaws, all votes shall be  decided by a simple majority 51% of a confirmed quorum. Proxy voting will not be permitted. | Adjusted for quorum language permitted by Federal Regulations. |
| Section 12.02 Where any formality beyond the ordinary courtesies of joint action is required, Roberts Rules of Order (the most recent edition) shall govern the proceedings | ~~Article XIII.Parliamentary Authority~~  ~~Robert’s Rules of Order shall govern Council meetings.~~ | Removed. Will maintain high-level use of Robert’s Rules (“modified”) and describe in procedures in response to recommendation in the DEI-A report. |
| Article XIV. Amendments  Section 15.01 By a simple majority vote of the quorum present, the Bylaws may be altered, amended, or repealed and replaced by new Bylaws. Written notice of the proposed alteration, amendment, or repeal and replacement must be disseminated to the voting membership in accordance with these Bylaws three (3) weeks before a vote on the proposed change(s). | Article XIV. Amendments  Section 15.01 By a simple majority vote ~~of a two-thirds (2/3) majority~~ of the ~~entire~~ quorum present, ~~Council membership,~~ these Bylaws may be altered, amended, or repealed and replaced by new Bylaws. Written notice of the proposed alteration, amendment, or repeal and replacement must be disseminated to the voting membership in accordance with these Bylaws three (3) weeks before a vote on the proposed change(s). | Removed language previously tied to Robert’s Rules of Order. |