



**STATEWIDE REHABILITATION COUNCIL**  
**MASSACHUSETTS REHABILITATION COMMISSION**

## **Statewide Rehabilitation Council Bylaws**

### **Article I. Name of Organization**

**This entity shall be known as the Massachusetts Statewide Rehabilitation Council (“SRC” or “Council”).**

### **Article II. Purpose**

**The purpose of the Council is to serve in partnership with the Massachusetts Rehabilitation Commission (“MRC” or “Commission”) to implement the requirements of and improve the Commission’s performance under the Rehabilitation Act of 1973, as amended, and the Workforce Innovation and Opportunity Act of 2014.**

### **Article III. Council Functions**

**Section 3.01 The Council must, after consulting with the state workforce development board:**

- (a) Review, analyze, and advise MRC regarding the performance of its responsibilities, particularly responsibilities related to –**
  - (i) Eligibility, including order of selection;**
  - (ii) The extent, scope, and effectiveness of services provided; and**
  - (iii) Functions performed by state agencies that affect or potentially affect the ability of individuals with disabilities in achieving employment outcomes;**

**Section 3.02 In partnership with MRC, the Council must –**

- (a) Develop, agree to, and review MRC’s state goals and priorities;**
- (b) Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the U.S. Secretary of Education via the Rehabilitation Services Administration (RSA);**



- (c) Advise MRC regarding activities carried out under the Rehabilitation Act of 1973, as amended, and assist in the preparation of the vocational rehabilitation services portion of the Combined State Plan and amendments to the plan, application, reports, needs assessments, and evaluations;**

**Section 3.03 To the extent feasible, the Council must conduct a review and analysis of the effectiveness of, and consumer satisfaction with –**

- (a) The functions performed by MRC;**
- (b) The vocational rehabilitation services provided by state agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities; and**
- (c) The employment outcomes achieved by eligible individuals receiving services, including the availability of health and other employment benefits in connection with those employment outcomes;**

**Section 3.04 The Council must prepare and submit to the Governor and to the RSA, no later than ninety (90) days after the end of the federal fiscal year, an annual report on the status of vocational rehabilitation programs operated within the state and make the report available to the public through appropriate modes of communication;**

**Section 3.05 To avoid duplication of efforts and enhance the number of individuals served, the Council must coordinate activities with the activities of other Councils within the state, including the Statewide Independent Living Council, the advisory panel established under the Individuals with Disabilities Education Act, the Massachusetts Developmental Disabilities Council, the State Mental Health Planning Council, and the Massachusetts Workforce Development Board, and with the activities of entities carrying out programs under the Assistive Technology Act of 1998;**

**Section 3.06 The Council must provide for coordination and the establishment of working relationships between MRC and the Statewide Independent Living Council and centers for independent living within the state; and**

**Section 3.07 Perform other comparable functions as the Council determines to be appropriate, that are comparable to the other functions accomplished by the Council.**



**Section 3.08** The Council, in conjunction with MRC, must prepare a resource plan for the provision of resources, including staff and other personnel that may be necessary and sufficient for the Council to carry out its functions.

- (a) The resource plan must, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.
- (b) Any disagreements between MRC and the Council regarding the amount of resources necessary to carry out the functions of the Council must be resolved by the Governor.
- (c) The Council must, consistent with state law, supervise and evaluate the staff and personnel that are necessary to carry out its functions.
- (d) Those staff and personnel that are assisting the Council in carrying out its functions may not be assigned duties by MRC or any other agency or office of the state that would create a conflict of interest.

#### **Article IV. Appointment of Members**

**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.

#### **Article V. Member Composition**

**Section 5.01** The Council is composed of twenty (21) members; to satisfy the requirements of 34 CFR §361.17, fifteen (15) of the twenty (21) members must include –

- (a) At least one representative of the Statewide Independent Living Council, who must be the chairperson or other designee of the Statewide Independent Living Council;
- (b) At least one representative of a parent training and information center established pursuant to the Individuals with Disabilities Education Act;



- (c) At least one representative of the Client Assistance Program who must be the director or another individual recommended by the Client Assistance Program;**
- (d) At least one qualified vocational rehabilitation counselor with knowledge of and experience with vocational rehabilitation programs who serves as an ex officio, nonvoting member of the Council if employed by MRC;**
- (e) At least one representative of community rehabilitation program service providers;**
- (f) Four representatives of business, industry, and labor;**
- (g) Representatives of disability groups that include a cross section of –**
  - (i) Individuals with physical, cognitive, sensory, and mental disabilities; and**
  - (ii) Representatives of individuals with disabilities who have difficulty representing themselves or are unable due to their disabilities to represent themselves;**
  - (iii) Current or former applicants for, or recipients of, vocational rehabilitation services;**
- (h) At least one representative of the state educational agency responsible for the public education of students with disabilities who are eligible to receive services;**
- (i) At least one representative of the state workforce development board; and**
- (j) The Commissioner of MRC as an ex officio, nonvoting member of the Council.**

**Section 5.02** A majority of the Council members must be individuals with disabilities as defined at 34 CFR § 361.5(c)(28) who are not employed by MRC. Employees of MRC may serve only as nonvoting members of the Council. Every effort will be made to ensure demographic, geographic, minority and cross-disability representation within the Council's membership.

**Section 5.03** Ex-officio Membership. The Council may choose to select up to fifteen (15) ex-officio members provided that:

- (a) The individuals nominated by the Council ensure the broadest possible representation from organizations and agencies serving individuals with disabilities or**
- (b) The individuals are nominated in recognition of their participation and demonstrated interest in the affairs of the Council.**
- (c) The Executive Committee shall forward recommendations for ex-officio members to the Council for adoption.**



- (d) **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.**
- (e) **Ex-officio members shall have all the rights and privileges of Council members except that they cannot vote.**

## **Article VI. Terms of Appointment**

**Section 6.01 Each member of the Council shall serve for a term of not more than three (3) years and no voting member of the Council may serve more than two (2) consecutive full terms.**

- (a) **Members shall be appointed to staggered, renewable 3-year terms except that in making the original appointments the Governor shall appoint one third (1/3) of the members to serve for one year, one third (1/3) of the members to serve two years, and the remaining members to serve for three years.**
- (b) **The terms of service of the members initially appointed must be, as specified by the Governor, for varied numbers of years to ensure that terms expire on a staggered basis.**
- (c) **Members with expired terms shall continue to serve until their successor is appointed by the Governor or the member resigns.**

**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.**

**Section 6.03 Vacancies: A vacancy in the membership of the Council shall be filled in the same manner as the original appointment, except that the Governor may delegate this authority to fill a vacancy to the remaining members of the Council after making the original appointment.**

- (a) **When a member is appointed to fill a vacancy occurring prior to the end 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.**



**Section 6.04 Absences:** The Council values each and every member. Regular participation by Council members in Council activities is considered imperative for conducting Council business. While some circumstances may necessitate occasional absence from Council meetings and activities, chronic absences can impede the Council's efforts to fulfill its mission and purpose.

- (a) Absence from two (2) consecutive Council meetings without showing good cause will be considered grounds for termination from the Council.
- (b) Council members will not be re-nominated unless the Council Chair, after a consultation with the Commissioner, agrees that there is good cause to make an exception. The Chair may refer the matter to the entire Council as appropriate.

**Section 6.05 Resignations:** If the member is no longer interested in or unable to continue participation on the Council, the Executive Committee will advise them to submit a letter of resignation to the Council Chair, copying the MRC Commissioner, so that a replacement may be requested for appointment from the Governor's Office.

## **Article VII. Officers**

**Section 7.01** The Council shall elect officers from among its voting members. The officers shall consist of the following five (5) positions: The Chair of the Council, Vice-Chair, Secretary, and two Members-at-Large.

**Section 7.02** The 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 7.03** The Nominating Committee will present their slate of candidates, and elections for these offices will be held at the fourth quarter meeting. Nominations for officers may also be made from the floor at these elections. Officers assume their duties effective October 1.

**Section 7.04** The Chair and Vice-Chair must be selected by the members of the Council from among the voting members of the Council. The Chair and Vice Chair shall serve for a term of not more than three (3) years and may not serve more than two (2) consecutive full terms.



**Section 7.05** The Chair shall be the principal executive officer of the Council. The Chair shall preside at all meetings. The Chair may sign all instruments as may be authorized by the Council. The Chair shall perform all other duties incident to the office as prescribed by the Council.

**Section 7.06** 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.

## **Article VIII. Conflict of Interest**

**Section 8.01** No member of the Council may cast a vote on any matter that would provide direct financial benefit to the member or the member's organization or otherwise give the appearance of a conflict of interest under Massachusetts law.

## **Article IX. Meetings**

**Section 9.01** The Council must convene at least four (4) meetings a year to conduct business in locations determined by the Council.

- (a) The meetings must be publicly announced, open, and accessible to the general public, including individuals with disabilities, unless there is a valid reason for an executive session.
- (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.
- (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.

**Section 9.02** The Council may conduct forums or hearings as appropriate that are publicly announced, open, and accessible to the public, including individuals with disabilities.



**Section 9.03 Remote Participation:** Remote participation is to be implemented until such time that the Council deems the need to remove the option of remote participation by a simple majority vote. In order to meet the minimum requirements for remote participation, the Council has enacted the following requirements:

- (a) Conference technology must have features that allow participants to be clearly audible to each other;
- (b) Conference technology must be accessible for participants who are deaf and/or hard of hearing through TTY and/or video relay services;
- (c) The Chair, or person chairing the meeting, will announce and request introductions of all remote participants; and
- (d) All votes taken will be done so by a roll call vote.

**Section 9.04** Council members who participate remotely will not be considered absent according to 940 CMR §29.10(4)(c). Permissible reasons to participate remotely for Council meetings under 940 CMR §29.10(5) are personal illness, personal disability, emergency, military service, or geographical distance.

**Section 9.05** If technological difficulties are present during the meeting, the Chair, or person chairing the meeting, will table any voting matter until the difficulties can be corrected or until the next available meeting.

**Section 9.06** If the Council enters executive session, remote participants on the Executive Committee are able to join. Any other callers will be asked to disconnect from the conference line while the Council remains in executive session.

**Section 9.07** Prior to the meeting, remote participants will be sent all documents electronically (or by mail, as a reasonable accommodation request).

**Section 9.08** The Council encourages members to explore all possible solutions to be in physical attendance of the meeting prior to participating remotely.

**Section 9.09** If the Attorney General believes the regulations governing remote participation have been violated, remote participation may be temporarily or permanently discontinued.

## **Article X. Standing Committees**





**Section 10.01 The Executive Committee shall be a standing committee that consists of the Council Chair, Vice-Chair, chairs of standing committees, and the Commissioner of MRC.**

**Section 10.02 The Chair may establish other standing committees and appoint chairs to such committees for the attainment of the objective of the Council and to address on-going substantive matters of concern to the Council.**

- (a) Committee chairs must be voting Council members. The Council shall ratify the appointment of standing committees and their chairs by vote at regular meetings.**
- (b) Standing Committees may create subcommittees for a set time period of time as necessary and appropriate to address specific matters under their purview.**
- (c) Committee Responsibilities: All Committees established by the Council will be responsible for the following:**
  - (i) Establishing a committee mission statement and a set of objectives;**
  - (ii) Reviewing the mission statement and objectives annually, recommending and making revisions as necessary to achieve the mission of the Council;**
  - (iii) Reporting to the Council on their progress towards and achievement of their stated annual objectives; and**
  - (iv) Submitting to the Executive Committee a written report of its fiscal year activities for the Council's Annual report to the RSA.**

**Section 10.03 Council members must serve on at least one standing Committee, excluding the Executive Committee.**

**Section 10.04 Committee expenditures may only occur with approval of the Executive Committee.**

**Section 10.05 The MRC Commissioner may appoint agency staff for support services as necessary for Committee work.**

## **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.

## **Article XII. Votingbuiness**

**Section 12.01** Unless otherwise specified in these Bylaws, all votes shall be decided by a simple majority. The Chair of the Council shall vote in the event of a tie. Proxy voting will not be permitted.

**Section 12.02** Members participating remotely will be considered present at the meeting and will be able to vote on Council matters.

## **Article XIII. Parliamentary Authority**

Robert's Rules of Order shall govern Council meetings.

## **Article XIV. Operating Year**

**Section 14.01** The Council's operational year shall run concurrent to the Federal Fiscal Year, from October 1st to September 30th.

## **Article XV. Amendments**

**Section 15.01** By a vote of a two-thirds (2/3) majority of the entire 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).

**Section 15.02** The vote taken will be done so by a roll call. The outcome of the vote (yeas, nays, and/or abstentions) must be recorded in the minutes.

**Section 15.03** Any ratified alteration, amendment, or repeal and replacement of these Bylaws will be effective immediately upon approval.