

BYLAWS OF THE BOARD OF SERVICE TO THE BLIND AND VISUALLY IMPAIRED

ARTICLE I: NAME

The name of this body shall be the Board of Service to the Blind and Visually Impaired, hereinafter referred to as "Board".

ARTICLE II: PURPOSE

Section 1. Authority

The legal authority for establishment and administration of the Board rests in the Rehabilitation Act as amended.

Section 2. Purpose

The purpose of the Board shall be to serve as an advocate for all individuals who are blind and visually impaired needing vocational rehabilitation and independent living services within the state.

Section 3. Functions

The Board shall, after consulting with the State Workforce Development Council-

- (1) Review, analyze, and advise the designated State unit (the Division of Service to the Blind and Visually Impaired, hereafter referred to as SBVI or Division) regarding the performance of the responsibilities of the unit under the Rehabilitation Act, particularly responsibilities relating to-
 - (A) Eligibility (including order of selection);
 - (B) The extent, scope and effectiveness of services provided; and
 - (C) Functions performed by SBVI that affect or potentially affect the ability of individuals with disabilities in achieving employment outcomes;
- (2) In partnership with SBVI, assist in the preparation of applications, the State plan, State goals and priorities and amendments to the plan, reports, needs assessments, and evaluations required by the Rehabilitation Act;
- (3) To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with-

- (A) The functions performed by State agencies and other public and private entities responsible for performing functions for individuals who are blind or visually impaired; and
- (B) vocational rehabilitation services
 - (i) provided, or paid for from funds made available, under the Rehabilitation Act or through other public or private sources; and
 - (ii) provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals who are blind or visually impaired;
- (4) Prepare and submit an annual report to the Governor and the Commissioner of the Rehabilitation Services Administration on the status of rehabilitation programs operated within the State, and make the report available to the public;
- (5) To avoid duplication of efforts and enhance the number of individuals served, coordinate with other councils within the State, including the Board of Vocational Rehabilitation, Statewide Independent Living Council, the advisory panel established under the Individuals with Disabilities Education Act, the State Developmental Disabilities Council, the State Mental Health Planning Council of the Public Health Service Act, and the State Workforce Development Council;
- (6) Advise the Department of Human Services (DHS) and provide for coordination and the establishment of working relationships between DHS and the Statewide Independent Living Council and centers for independent living within the State; and
- (7) Perform such other functions, consistent with the purpose of this title, as the State Board of SBVI determines to be appropriate, that are comparable to the other functions performed by the Board.

ARTICLE III: MEMBERS

Section 1. Appointment

Appointments to the Board shall be made by the Governor from among residents of the state and there shall be reasonable geographic representation from the entire state. The appointing authority shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In selecting members, the appointing authority shall consider, to the greatest extent practicable, the extent to which minority populations are represented on the Board.

- (1) Board members in the last year of their term will notify the Division and Board membership as to intent to serve an additional term;
- (2) For vacant positions, the Division will solicit recommendations from organizations based on composition requirements in Article III, Section 2;
- (3) The Board Nomination Committee and Division shall review recommendations submitted by organizations;
- (4) Division Director will submit names in a timely manner for consideration by the Governor's office.

Section 2. Composition and Terms

Membership of the Board shall be in accordance with the requirements as specified in the Rehabilitation Act as amended. The Board shall be appointed by the Governor, of which a majority will be persons who are blind or severely visually impaired. Each member of the Board shall be appointed to serve a term of three years. No member of the Board may serve more than two consecutive full terms.

The Board shall be composed of-

- (1) At least one representative of the Statewide Independent Living Council, which representative may be the chairperson or other designee of the Council;
- (2) At least one representative of a parent training and information center established pursuant to the Individuals with Disabilities Education Act.
- (3) At least one representative of the Client Assistance Program;
- (4) At least one vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of the Board if the counselor is an employee of the Department of Human Services;
- (5) At least one representative of community rehabilitation program service providers;
- (6) Four representatives of business, industry, and labor;
- (7) Representatives of disability advocacy groups representing a cross section of individuals who are blind or severely visually impaired;
- (8) Current or former applicants for, or recipients of, vocational rehabilitation services;

- (9) At least one representative of the directors of the State's Native American Vocational Rehabilitation projects;
- (10) At least one 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;
- (11) At least one representative of the State Workforce Development Council.

Ex Officio Member - The Director of SBVI shall be an ex officio member of the Board.

A majority of Board members shall be persons who are blind or visually impaired and are not employed by SBVI.

Section 3. Attendance

Board members may not designate persons other than themselves to attend meetings. Board members shall notify the Director of SBVI when they are unable to attend a meeting. If a Board member has more than two absences per Board year, the Division Director's office shall be notified and asked to contact the appointee concerning that appointee's ability to continue to serve on the Board.

Section 4. Resignation

Any member desiring to resign from the Board shall submit her/his resignation to the Governor's Office and send copies of the letter to the Board Chairperson and Director of SBVI. Any vacancy occurring in the membership of the Board 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 Board.

Section 5. Financial Compensation

Members serving on the Board shall be reimbursed for travel expenses as set forth in Title 5 of the Administrative Rules of South Dakota and within the limits set by the annual appropriation approved by the Legislature. Reimbursement for expenses such as attendant services, interpreter services, childcare, readers and drivers, necessary to allow participation by a Board member, shall be provided after prior notification to SBVI. The Board may use funds appropriated under section 105 of the Rehabilitation Act to pay compensation to a member of the Board, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing the duties of the Board.

Attendance at SBVI sponsored training activities may be supported through the Board resource plan. Financial compensation will include expenses specified in this section to include registration but excluding compensation for lost wages for attendance at training activities. Attendance shall be up to the discretion of individual Board Members subject to the availability of resources. Board Members shall give prior notification to SBVI regarding attendance and reimbursement for expenses associated with attending training activities.

ARTICLE IV: OFFICERS

Section 1. Positions

The officers of the Board shall include a Chairperson, a Vice-Chair, and a Member at Large. The Board may elect additional officers as are deemed necessary. The Chair, Vice-Chair and Member at Large of the Board shall be elected by a majority vote of the Board.

Section 2. Duties

Chairperson: The Chairperson shall preside at all meetings of the Board. The Chairperson, in cooperation with SBVI, shall schedule all meetings of the Board and perform all such duties relative to the office. The Chairperson may represent the Board in dealing with other organizations and at public meetings and conferences, or designate an alternate to do so.

Vice-Chairperson: The Vice-Chair shall act as Chairperson in the absence of the Chairperson. In the event of the resignation, incapacity, or death of the Chairperson, the Vice-Chair shall serve as Chairperson. The Vice-Chair shall perform other duties as assigned by the Chairperson.

Member at Large: The Member at Large shall act as the third voting member of the Executive Committee.

Section 3: Nomination

Nominations for all offices shall be made from the floor.

Section 4: Election

The Chairperson, Vice-Chair and Member at Large shall be elected by a majority vote of the full Board membership. Elections shall be held during the last meeting of the state fiscal year.

Section 5: Eligibility to Hold Office

Officers deemed necessary, shall be elected from the membership at large.

Section 6: Terms

The term of offices for the Chairperson, Vice-Chair and Member at Large shall be one-year beginning with the first meeting after elections. There shall be no restriction to the number of terms served by Board officers.

Section 7: Vacancies

Vacancies in offices shall be filled by a majority vote of the members in attendance at the next Board meeting. Officers so elected shall serve for the remainder of the vacated term and shall be eligible for election to a full term.

ARTICLE V: MEETINGS

Section 1. Schedule

The Board shall meet as often as necessary, as determined by the Chairperson and in cooperation with the Director of SBVI, but at least four times per year. The Board activities shall function on a state fiscal year basis (July through June).

Special meetings of the Board may be called by the Chairperson, the Director of SBVI or upon the written request of eight or more Board members. Notice of special meetings shall be made to all Board members, not less than 10 days prior to the meeting, stating the purpose(s) of the meeting. No other business shall be transacted at a special meeting.

Section 2. Quorum

A quorum for a Board meeting shall be over 50 percent (50%) of the appointed Board membership.

Section 3. Agenda and Supporting Materials

An agenda is set by the Executive Committee in cooperation with the Division Director. The Division Director is responsible for bringing issues that require Board attention or action from the Division perspective. The Board Chairperson brings consumer or Board issues to the agenda.

Standing Agenda Items: Public comments are to be a standing agenda item. The agenda will be sent to Board Members at least one week prior to the meeting. Standing agenda items will include director's comments and SBVI program updates, at all meetings, with updates on the following programs or activities during at least one meeting per year: Legislation, Board Term Notification, Budget Development, State Plan, Review of Board Appointment Recommendations, and Election of Officers.

Section 4. Open Meetings Law

All meetings shall be open to the public in accordance with the state open meetings law, SDCL 1-25-1. The meetings shall be open and accessible to the general public unless there is a valid reason for executive session. Meetings may be held via teleconference if deemed necessary. Teleconference meetings will be held in accordance with SDCL 1-25-1.

Opportunity will be provided for general comments from the public at a designated time in the agenda. These comments could relate to any agency related item. Public comment would also be taken during the course of the meeting. These comments may be somewhat time limited and pertain only to the agenda item open for discussion. The Board Chair will recognize speakers from the audience and decide if the information being provided is germane and how long the person will be allowed to speak. Other Board members will be allowed to ask questions if the Chair allows.

Section 5. Voting

Voting by proxy shall not be permitted.

Section 6. Minutes

The minutes of all regular and special meetings shall be available for inspection by the public at all times at all SBVI offices, as set forth in SDCL 1-25-3.

Board minutes will be mailed or provided electronically after each meeting to the following: Independent Living Council and the Board of Vocational Rehabilitation.

Section 7. Public Notice

Public notice of all meetings shall be given by posting the agenda on the SBVI web site, the State of SD web site and in other Division correspondence when appropriate.

ARTICLE VI: COMMITTEES

- (1) The Chairperson may appoint ad hoc committees as necessary to conduct the work of the Board.
- (2) An Executive Committee will serve to handle Board business and decisions between meetings and will be composed of the Chairperson, Vice Chair and Member at Large. The Executive Committee cannot alter any action taken by the Board. All actions of the Executive Committee will be reported and ratified at the next scheduled Board meeting.

- (3) The Board Chair will appoint a Nomination Committee to assist with solicitation of nominations for Board vacancies. All recommendations will be shared with the full Board prior to submission to the Governor for consideration.

ARTICLE VII: PARLIAMENTARY AUTHORITY

Board meetings shall be conducted in accordance with the rules contained in the current edition of Robert's Rules of Order Newly Revised in all cases in which they are applicable and in which they are not inconsistent with these bylaws and any special rules the Board may adopt.

ARTICLE VIII: AMENDMENT OF BYLAWS

These Board bylaws may be amended at any meeting of the Board by a majority vote of the appointed Board membership in attendance, provided the amendment has been distributed to all Board members at least 10 days prior to the date of the meeting.

ARTICLE IX: CONFLICT OF INTEREST

Prior to any discussion or vote on an issue in which a Board member has a vested relationship or interest, the Board member, who has such a conflict of interest, shall declare it and shall abstain from voting on the issue.

If an issue comes before the Board in which the member has a personal vested interest or a vested relationship with an agency or person that will benefit from a decision related to that issue, it shall be the duty of the member to declare a conflict of interest prior to the discussion of the issue. The member shall be exempt from the right to vote on that issue. The member then will be free to participate in the discussion of the issue within the time limits established by the Chairperson for all Board members.

If a member disagrees with any decision made by the majority of the Board and wishes to act contrary to that decision, it shall be the duty of the member to inform others that the action is in opposition to the Board's wishes and on behalf of the individual member only.

ARTICLE X. DESIGNATED STATE AGENCY

The Rehabilitation Act requires designation of a State agency, which shall administer or supervise the administration of the State Plan. Consistent with that provision, the Governor has designated the Department of Human Services, which has designated the Division of SBVI to serve as that agency for the Board.

ARTICLE XI. BOARD STAFF

Technical assistance and staff support shall be provided to the Board by the Division of Service to the Blind and Visually Impaired under the management authority of DHS.

ARTICLE XII. BOARD MANUAL

Each member shall have a board manual to be prepared and disseminated by the Division containing information relevant to the Board.

ARTICLE XIII. RESOURCES

The Board shall prepare, in conjunction with SBVI, a plan for the provision of such resources, including such staff and other personnel, as may be necessary to carry out the functions of the Board. 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.

The Board shall advise the Division as to expenditure of resources consistent the Rehabilitation Act Amendments and in conjunction with the Board resource plan. The Executive Committee will represent the Board regarding expenditure of resource decisions between scheduled Board meetings.

To the extent that there is a disagreement between the Board and SBVI in regard to the resources necessary to carry out the functions of the Board as set forth in the Rehabilitation Act, the disagreement shall be resolved by the Department of Human Services consistent with the previous paragraph.