

Statewide Council for Vocational Rehabilitation Bylaws

Preamble

Whereas, the Kentucky Office of Vocational Rehabilitation (OVR) is established by the Kentucky Revised Statutes with vested power in the Executive Director of that Office to administer the rehabilitation program for individuals with disabilities throughout the Commonwealth;

Whereas, the Kentucky Office of Vocational Rehabilitation Statewide Council for Vocational Rehabilitation is established by 29 USC § 725, 34 CFR 361.16, 361.17 and by Kentucky Revised Statute 151B.245 to accomplish the purposes and functions enumerated in the Rehabilitation Act of 1973, as amended; and

Now, therefore, in recognition of these federal and state legislative mandates the Kentucky Statewide Council for Vocational Rehabilitation and the Kentucky OVR shall collaborate and partner in the establishment of programs for the delivery of vocational rehabilitation services to individuals with disabilities throughout the Commonwealth.

Article I – Name

The name of the organization is the Kentucky Statewide Council for Vocational Rehabilitation (SCVR).

Article II- Purpose and Functions

SCVR is established pursuant to KRS 151B.245 and the Rehabilitation Act Amendments of 1998, for the purpose of advising the OVR and the Executive Director thereof concerning such matters as the delivery of vocational rehabilitation services, the preparation of the state plan, the evaluation of the effectiveness of and consumer satisfaction with OVR functions and services, and other matters as may be referred to the SCVR by the Executive Director consistent with the responsibilities of OVR. Pursuant to 29 USC 725 (c) and (d), 34 CFR 361.17(h) and KRS 151B.245, the functions of the SCVR include the following:

1. To review, analyze, and advise OVR regarding the performance of the responsibilities of OVR under the Rehabilitation Act, particularly responsibilities relating to eligibility (including order of selection), the extent, scope, and effectiveness of services provided; and functions performed by State agencies that affect or that potentially affect the ability to assist individuals with disabilities in achieving employment outcomes under the Rehabilitation Act;
2. In partnership with OVR, develop, agree to, and review State goals and priorities in accordance with section 29 USC § 721(a)(15)(c); and evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Rehabilitation Services Administration Commissioner in accordance with 29 USC § 721(a)(15)(E);
3. To advise OVR regarding activities authorized to be carried out under the Rehabilitation Act, and assist in the preparation of the State plan and amendments to the plan, applications, reports, needs assessments, and evaluations required by the Rehabilitation Act;
4. To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with the functions performed by OVR; vocational rehabilitation services provided by State agencies and other public and private entities responsible for providing such services to individuals with disabilities under the Rehabilitation Act; and employment outcomes achieved by eligible individuals receiving services under the Rehabilitation Act, including the availability of health and other employment benefits in connection with such employment outcomes;
5. To prepare and submit an annual report to the Governor and the Rehabilitation Services Administration Commissioner on the status of vocational rehabilitation programs operated within the State and make the report available to the public;
6. To avoid duplication of efforts and enhance the number of individuals served, coordinate activities with the activities of other councils within the State, including the Statewide Independent Living Council, the advisory panel established under section 612(a)(20) of the Individuals with Disabilities Education Act [20 U.S.C. 1412(a)(20)], the State Council on Developmental Disabilities established under section 15025 of title 42, the State mental health planning council established under section 300x-3(a) of title 42, and the State Workforce Development Board;
7. To provide for coordination and the establishment of working relationships between OVR and the Statewide Independent Living Council and centers for independent living within the State;

8. SCVR shall prepare, in conjunction with OVR, a resource plan including designation of such staff as may be necessary to carry out its functions. The designated staff person assisting the SCVR in carrying out its functions shall not be assigned duties by OVR or any other state agency that would create a conflict of interest; and
9. To perform such other functions, consistent with the purpose of the Rehabilitation Act, as the SCVR determines to be appropriate, that are comparable to the other functions performed by the SCVR.

Article III- Composition and Tenure

Section 1- Composition

SCVR shall be composed of a maximum of nineteen (19) members who are residents of the Commonwealth of Kentucky and the majority of whom shall be individuals with disabilities who meet the requirements of 34 CRF 361.5 (c)(28). The members shall serve for the following staggered initial terms, but their successors shall serve for a term of three (3) years. There shall be:

1. One (1) representative of the Statewide Independent Living Council, (chair or other designee) (initial term of two (2) years);
2. One (1) representative of a parent training and information center established pursuant to Section 682(a) of the Individuals with Disabilities Education Act (initial term of one (1) year);
3. One (1) representative of the Client Assistance Program established under 34C.F.R.pt.370, who shall be designated by the employee of the Education and Labor Cabinet responsible for overseeing the Client Assistance Program (initial term of one (1) year);
4. One (1) representative of community rehabilitation program service providers (initial term of three (3) years);
5. Four (4) representatives of business, industry, and labor (initial term of three (3) years);
6. One (1) representative of a disability group that includes individuals with physical, cognitive, sensory, and mental disabilities (initial term of two (2) years);
7. One (1) representative of a disability group that includes individuals with disabilities who have difficulty representing themselves due to their disabilities (initial term of two (2) years);

8. One (1) current or former applicant for or recipient of vocational rehabilitation services (initial term of one (1) year);
9. One (1) representative of the state educational agency responsible for the public education of students with disabilities who are eligible to receive services under Part B of the Individuals with Disabilities Education Act (initial term of one (1) year);
10. One (1) representative of the Kentucky Workforce Innovation Board (initial term of one (1) year);
11. One (1) representative from the Kentucky Council of the Blind (initial term of three (3) years);
12. One (1) representative from the National Federation of the Blind from Kentucky (initial term of three (3) years);
13. One (1) representative from the Bluegrass Council of the Blind (initial term of three (3) years);
14. One (1) representative from the State Committee of Blind Vendors (initial term of one (1) year);
15. One (1) 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 the designated state agency (initial term of two (2) years);
16. The Executive Director of OVR as an ex officio nonvoting member of the Council;

Section 2- Appointments

Appointments to the SCVR shall be made by the Governor in accordance with federal and state mandates. No later than the first quarterly meeting of each calendar year, the SCVR shall select a list of individuals who meet the criteria set forth elsewhere in these bylaws, and shall submit their names and credentials through the Executive Director of OVR for the Governor's consideration. Individuals may be selected from a slate of nominees presented by the Nominating Committee, as provided elsewhere in these bylaws, or may be nominated from the floor. Any individual nominated from the floor must indicate, in writing, his/her willingness to serve and his/her credentials for the position in question, as stipulated elsewhere in these bylaws.

Section 3- Terms of Appointment

Each member of the SCVR Council for Vocational Rehabilitation must be appointed to a term of no more than three (3) years, and each member may serve for no more than two (2) consecutive full terms, for a total of six (6) consecutive years. Members shall be

eligible to succeed themselves and shall serve until their successor is appointed. There shall be a meaningful break in service, defined as one (1) full three (3) year term, by members upon expiration of their second term.

Exception: In accordance with the 1998 Rehabilitation Act Amendments, the two-term limit does not apply to council members who represent the Client Assistance Program and the designated state unit Ex-Officio.

Should a vacancy occur, an individual may be appointed to complete that term in the same manner as the original appointment pursuant to KRS 151B.245. An individual who is appointed to complete a partial term shall be eligible for subsequent appointment to only one (1) additional three-year (3) term.

Section 4- Compensation

Members of the SCVR shall serve without compensation, but shall be reimbursed in accordance with 29 USC § 725(g), 34 CFR 361.17(k), Rehabilitation Services Administration Technical Assistance Circular (RSA-TAC) 12-01(14) and state administrative regulation 200 KAR 2:006 for actual expenses incurred in attending SCVR meetings and performing SCVR duties.

Section 5- Conflict of Interest

No member of the SCVR shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under state law.

Section 6- Removal

The SCVR may vote to recommend removal of a member if that member's action negatively affects the Council or the representative agency in providing positive outcomes in which the Council or representative agency is deemed to serve. The recommendation shall be made to the appointing authority who shall make the final determination pursuant to law. Such recommendation requires a two-thirds vote by eligible Council members

Article IV- Officers

Section 1- Chairperson

The SCVR shall have a Chairperson whose term shall be for one (1) year. The duties of the Chairperson are: to preside at SCVR meetings; to chair the Executive Committee; to appoint all standing and special committees and the respective chairpersons of each; to serve as an ex officio member of all SCVR committees; to consult with the OVR Executive Director and with the SCVR Executive Committee members on agenda items

for each meeting by mail or by telephone; and to maintain communication with the OVR Executive Director and the SCVR Vice Chairperson.

In accordance with RSA-TAC 12-01, ex officio, nonvoting members of the Council shall not serve as Chairperson. It is the Council's preference to select a chairperson that is an individual with a disability. It is also the Council's preference to select a chairperson that has the availability to take on the responsibilities of serving as Chairperson, that has demonstrated leadership skills, and a minimum potential for conflicts of interest that might result in frequent recusals from voting or actively participating in the work of the Council.

Section 2- Vice Chairperson

The SCVR shall have a vice chairperson whose term shall be for one (1) year. The duties of the vice chairperson are to assist, as needed, the chairperson in carrying out his/her duties; to preside at meetings in the absence of the chairperson; and to succeed the chairperson upon the completion of his/her term. It is the Council's preference to select a vice chairperson that is an individual with a disability.

Section 3- Elections

1. Officers will be elected at the second quarterly meeting of each calendar year from a slate of nominees submitted by the Nominating and Bylaws Committee; nominations may also be nominated from the floor. Terms of office will commence on July 1 following the election.
2. Should a vacancy occur in an office, the SCVR may hold a special election, as appropriate, at any regular meeting. A slate of nominees may be submitted by the Nominating Committee.

Section 4- Removal

After due process, which includes but is not limited to an opportunity to explain his or her position, an officer may be removed from office for cause by a two-thirds vote of the SCVR membership.

Article V- Committees

The standing committees of the SCVR are: Executive, Public Awareness and Legislative, Blind Services, Policy and Planning, Consumer Services and Program Evaluation, and Nominating and Bylaws. Special committees or subcommittees may be authorized at any time by the SCVR or by the Chairperson.

Each committee shall have at least three (3) members. The membership of each committee shall be selected by the Chairperson. The Chairperson of the SCVR shall not serve as a committee Chairperson, except for the Executive Committee, while serving as

Council Chairperson. The committees shall meet preceding each regular meeting of the SCVR.

The Chairperson of each committee or his/her designee will be responsible for presenting a report of the committee's activities to each regular meeting of the SCVR, as appropriate.

Standing committees shall be established to attend to critical ongoing tasks, responsibilities, and objectives of the SCVR. The Chairperson of each standing committee shall be a voting member of the SCVR.

Ad Hoc committees may be formed to study and advise on special matters by the Council Chairperson with the approval of the Executive Committee. Ad Hoc committees may also be established at the request of OVR.

The council chair with the approval of the Executive Committee may invite non- council members of the SCVR to serve in an advisory capacity on standing committees.

Committee Descriptions are as follows:

The Executive Committee acts as an advisor to the Chairperson and approves appointments of standing committees and special committees. It has general supervision responsibilities for the Council and conducts the affairs of the Council between meetings. This Committee reports at each meeting of the Council on any actions it has taken between meetings. Consists of the Chair, Vice Chair and past Chair of the SCVR and Chairs of standing committees.

The Public Awareness and Legislative Committee discusses issues on advocacy, education, and communication in advancement of the OVR's mission. This committee is also responsible for the Council's Annual Report. This committee also gives out two awards annually.

The Blind Services Committee discusses topics related to service to consumers who are blind and visually impaired.

The Policy and Planning Committee reviews, analyzes and makes recommendations on relevant policies of Vocational Rehabilitation. The committee works on the strategic plan, the state plan, and amendments to the plans, eligibility and other components of the program.

The Nominating and Bylaws Committee receives and considers modifications to SCVR Bylaws and presents them to the full SCVR membership for approval or revision. This

committee will also inform members of expiring terms and submit nominations for officer positions.

The Consumer Services and Program Evaluation Committee works to monitor the OVR's effectiveness in assisting people with disabilities to maximize independence and economic security in their communities. Among other task the committee oversees the Council's Consumer Satisfaction Survey and Comprehensive Statewide Needs Assessment.

Article VI- Meetings

Section 1- Schedule

1. Regular meetings of the SCVR shall be on a quarterly basis. Special meetings shall be called by the Chairperson, or a majority of the membership of the SCVR.
2. The date, time, and place of all regular meetings shall be set by the SCVR and shall be published on the website in accordance with the Kentucky Open Meetings Act. The date, time, and place of special meetings shall be set by the officers and the Executive Director and shall be published at least twenty-four (24) hours in advance in accordance with the Kentucky Open Meetings Act. Emergency meetings may be called in accordance with the Open Meetings Act. Meeting notices containing pertinent information shall be distributed in writing to the SCVR membership not less than ten (10) days prior to any regular meeting and as soon as possible prior to any special meeting in compliance with the Kentucky Open Meetings Act.
3. The purpose for which a special meeting is called will be stated in the meeting notice. Business to be considered at a special meeting will be limited to that stated in the notice.
4. The SCVR may conduct meetings through a hybrid arrangement, permissible under KRS 61.826 ("Video teleconferencing of meetings") of the Open Meetings Act, where members of the SCVR and the public may elect to participate via either in-person at the meeting or through a video teleconferencing option.

When the SCVR convenes meetings with an available video teleconferencing option, the Council shall ensure that it provides a meeting notice which shall include specific information on how any member of the Council or of the public may view the meeting electronically. Members of the Council who participate in a meeting by video teleconference shall remain visible on camera at all times that business is being discussed.

When two or more members are attending a meeting in-person from the same physical location, the Council must designate a primary physical location so that all members of the Council and the public can be seen and heard by the public.”

5. The SCVR may conduct such public forums and hearings as it deems appropriate. All meetings, forums, and hearings will be publicly announced. Consistent with the state’s Open Meetings ACT, KRS 61.805 to 61.850, the meetings will be open and accessible to the general public.
6. Members of the public have the right to observe public meetings. During the open forum and at the end of the SCVR meeting, the public may have the opportunity to provide comment related to topics on the agenda. Members of the public are given no longer than three (3) minutes to provide comment as to not disrupt the facilitation of the meeting. Prior to public comment, the SCVR Chair will advise the public that the time limit is three (3) minutes unless there is a request for reasonable accommodations due to disability prior to the time for public comment.

Section 2- Attendance

Failure to attend three (3) consecutive quarterly SCVR meetings may constitute grounds for recommendation for replacement of that member pursuant to law. Such recommendation requires a two-thirds vote by eligible Council members present and voting.

Members who participate in meetings by video teleconference must follow the requirements of KRS 61.826 of the Open Meetings Act entitled “Video teleconferencing of meetings”. Members who do not comply with KRS 61.826 are not considered present and shall not propose, second or participate in voting or business discussions at SCVR meetings.

Failure to follow KRS 61.826 two (2) or more times shall constitute grounds for recommendation for replacement of that member pursuant to the law. Such recommendation requires a two-thirds vote by eligible Council members present and voting.

Section 3- Parliamentary Procedure

Meetings shall be conducted in accordance with Robert’s Rules of Order, current version to the extent possible. However, the SCVR shall attempt always to reach a consensus.

Section 4- Quorum

A majority of the SCVR membership shall constitute a quorum. A majority of those present may adjourn a meeting. Quorum shall be defined as a majority of all currently

occupied positions. Vacancies shall reduce the threshold required for quorum since they shall not be counted as part of the total number of currently occupied seats.

Section 5- Voting

Members of the SCVR must be present at meetings in order to cast their votes. Members are deemed to be present if they attend in person or via video teleconference in accordance with KRS 61.826 of the Kentucky Open Meetings Law. No proxy voting is permitted at any time.

Article VII- Amendments

These Bylaws may be amended at any regular meeting of the SCVR by a two-thirds majority vote of members present and voting, provided that;

1. The proposed amendment, and the name of the individual(s) proposing changes, is submitted to the Nominating and Bylaws Committee for its review not less than fourteen (14) days prior to the meeting;
2. The Nominating and Bylaws Committee reviews the proposed changes, and the Committee drafts a recommendation to present to the full Council;
3. Both the original and amending language, as well as the recommendation of the Nominating and Bylaws Committee, is presented to the full Council for consideration;
4. Both the original and amending language is read in its entirety on the floor of the meeting at the time of its consideration; and
5. A quorum is present.

Adopted: June 21, 2021

Amended: November 8, 2021

Amended: October 25, 2022

Amended: January 23, 2023

Amended: April 24, 2023

Amended (Article 6. Section 1. Number 6. Addition): January 22, 2024

Amended: April 20, 2026