

# ***Mississippi State Rehabilitation Council***

## ***Bylaws***

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### **Introduction**

The Mississippi State Rehabilitation Council (SRC) is established in accordance with Section 105 of the Rehabilitation Act of 1973, as amended, and its implementing regulations at 34 CFR § 361.16 and § 361.17. These bylaws govern the structure, responsibilities, and operations of the Council.

The SRC exists to partner with the Mississippi Department of Rehabilitation Services (MDRS), the designated state agency, in providing guidance and collaboration for the delivery of vocational rehabilitation (VR/VRB) services. The Council serves as a vital advisory body, ensuring that the needs and priorities of individuals with disabilities are represented and addressed in the State's VR/VRB program.

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### **Article I – Name**

The name of this organization shall be the Mississippi State Rehabilitation Council (referred to hereafter as the "Council").

### **Article II – Membership**

#### **A. Composition**

The Council shall be composed of at least 15 members in accordance with 34 CFR § 361.17. The composition must include the following representatives:

1. **Statewide Independent Living Council (SILC):**  
At least one representative from the SILC established under Section 705. This representative may be the Chairperson or another designee of the SILC;
2. **Parent Training and Information Center:**  
At least one representative from a parent training and information center established pursuant to Section 682(a) of the *Individuals with Disabilities Education Act* (IDEA). (As added by section Amendments of 1997; Public Law 105-17);
3. **Client Assistance Program:**  
At least one representative from the Client Assistance Program established under Section 112;
4. **Vocational Rehabilitation Counselor:**  
At least one qualified VR/VRB counselor with knowledge of and experience with vocational rehabilitation programs who shall serve as an ex-officio, nonvoting member of the Council if the counselor is an employee of the designated State agency;

5. Community Rehabilitation Program:  
At least one representative of community rehabilitation service providers;
6. Business, Industry, and Labor:  
At least four representatives from business, industry, or labor sectors;
7. Disability Advocacy Groups:  
Representatives from disability advocacy organizations, ensuring representation of individuals with physical, cognitive, sensory, and mental disabilities; and representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves;
8. VR/VRB Service Recipients or Applicants:  
Current or former applicants for, or recipients of, vocational rehabilitation services;
9. Section 121 Projects (if applicable):  
In states with projects funded under Section 121, at least one representative from the directors of those projects in such state;
10. State Educational Agency:  
At least one representative of the state 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 IDEA (Individuals with Disabilities Education Act);
11. State Workforce Development Board:  
At least one representative from the State Workforce Development Board;
12. Director of the Designated State Unit (DSU):  
The DSU Director shall serve as an ex officio, nonvoting member of the Council.

**Note:** An impartial hearing officer for due process cannot serve as a Council member.

## **B. Appointment of Members**

Members of the Council shall be appointed by the Governor of Mississippi. The Governor shall make appointments after soliciting recommendations from representatives of organizations that represent a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

In making appointments, the Governor shall consider the extent to which minority populations are represented on the Council to the greatest extent practicable.

## **C. Qualifications of Members**

A majority of Council members must:

1. Be individuals with disabilities as defined in Section 7(20)(B) of the Rehabilitation Act; and
2. Not be employed by the designated State unit (although DSU staff may serve as nonvoting members);
3. Be selected with the objective of achieving statewide representation.

## **D. Standards and Expectations of Council Members**

In order to ensure that the Council accomplishes its mission and objectives, Council members shall adhere to the following standards and expectations:

1. Council members must submit any suggestions for agenda items at least two weeks prior to a scheduled Council meeting by contacting the Council staff at:  
Phone: 1-800-443-1000, Ext. 5254 or 601-853-5254.
2. Council members should attend meetings prepared to actively participate and advise on the functions of the council. This includes the review of information contained in the Council's training manual and all other information sent to members in advance of each meeting.
3. Council members should be prepared to discuss disability-related issues brought to their attention by community leaders, employers, or citizens in the disability community. as well as remember that they, as SRC members, are working partners with the Mississippi Department of Rehabilitation Services (MDRS) and should strive to enhance the MDRS reputation in the community.
4. Council members should participate, as possible, in a variety of agency meetings, conferences, and programs to enhance their effectiveness as Council members. (Members who elect to participate in such meetings will be reimbursed for actual expenses in accordance with Title I, Section 105(g) of the Rehabilitation Act.)
5. Council members should support the values of self-direction and personal independence for people with disabilities. Therefore, regular attendance at Council and committee meetings is expected. If a member is unable to attend a meeting, it is expected that they notify the Chairperson or Council staff liaison at 1-800-443-1000, Ext. 5254 prior to the meeting. Members who do not attend three (3) or more consecutive meetings will be replaced. Replacements will be appointed as described earlier in Article II.
6. Council Members agree to practice confidentiality standards in accordance with Section 34 CFR § 361.38 – *Protection, Use, and Release of Personal Information*.

#### **E. Terms of Appointment**

Length of term - Each Council member shall serve a term of no more than three (3) years.

#### **F. Number of Terms**

No Council member, other than representatives of the Client Assistance Program and the Section 121 American Indian Vocational Rehabilitation Services Program, may serve more than two consecutive full terms.

#### **G. Vacancies**

1. Any vacancy occurring in membership of the council shall be filled in the same manner as the original appointment.
2. Vacancies shall not affect the power of the remaining members to execute the duties of the Council.
3. The appointing authority may delegate the authority to fill a vacancy to the remaining members of the Council after making the original appointment.

4. To ensure that a pool of applicants is up-to-date, a nomination application form shall be distributed statewide annually. Returned nominations are placed in a file and updated from year to year, and available for use when vacancies arise.

## **H. Delegation**

The Executive Committee has the authority to recommend to the Governor the removal of any member who has had unexcused absences from three (3) or more regular meetings in the same year.

The business of the Council will primarily be conducted by the standing committees, who will report to the full Council during regular business meetings.

## **Article III – Functions of the Council**

The Council shall, after consulting with the State workforce development board:

### **A. Collaborate and Advice**

Review, analyze, and advise the Designated State Unit (DSU) regarding the performance of responsibilities under the Rehabilitation Act, particularly responsibilities relating to:

1. Eligibility determination (including Order of Selection);
2. The extent, scope, and effectiveness of services provided;
3. functions performed by State agencies that affect or that potentially affect the ability of individuals with disabilities in achieving employment outcomes under this title.

### **B. Partner in Planning and Evaluation**

In partnership with the DSU:

1. Develop, agree to, and review State Plan goals and priorities, in accordance with Section 101(a)(15)(C); and
2. Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Commissioner of RSA, in accordance with Section 101(a)(15)(E).

### **C. Advise on Policy and Program Planning**

Advise the designated State agency and DSU regarding activities authorized to be carried out under Rehabilitation Act, and assist with:

- In preparation of the OVR/OVRB services portion of the Combined State Plan;
- Amendments to the plan, applications, reports, needs assessments, and evaluations required by this title.

### **D. Monitor Program Effectiveness and Consumer Satisfaction**

To the extent feasible, conduct review and analysis of the effectiveness of, and consumer satisfaction with the:

1. Functions performed by the designated State agency;
2. The quality and effectiveness of vocational rehabilitation services provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under this Act; and
3. Employment outcomes achieved by eligible individuals receiving services under this title, including the availability of health and other employment benefits in connection with such employment outcomes.

#### **E. Submit an Annual Report**

Prepare and submit an annual report to no later than 90 days from the end of the program year to the Governor and the Commissioner of the Rehabilitation Services Administration on the status of vocational rehabilitation programs operated within the State, and make the report available to the public through appropriate modes of communication:

#### **F. Coordinate with Other Councils and Entities**

To avoid duplication of efforts and increase the number of individuals served, the Council shall coordinate its activities with those of other councils and entities within the State. These include:

- The Statewide Independent Living Council, established under Section 705 of the Rehabilitation Act;
- The Advisory Panel established under Section 612(a)(21) of the Individuals with Disabilities Education Act (as amended by Section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17);
- The State Developmental Disabilities Council, established under Section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. § 6024);
- The State Mental Health Planning Council, established under Section 1914(a) of the Public Health Service Act (42 U.S.C. § 300x-3(a));
- The State Workforce Development Board; and
- Entities carrying out programs under the Assistive Technology Act of 1998 (29 U.S.C. § 3001 et seq.).

The Council shall make every effort to maintain regular communication and strategic alignment with these entities to ensure efficient service delivery and comprehensive support for individuals with disabilities.

#### **G. Promote Interagency Collaboration**

Provide for coordination and the establishment of working relationships the DSU, the Statewide Independent Living Council, and centers for independent living operating within the state of Mississippi.

## **H. Perform Other Relevant Duties**

The Council shall perform such other functions, consistent with the purpose of this title, as the State Rehabilitation Council determines to be appropriate, that are comparable to the other functions performed by the Council.

## **Article IV - Resources**

### **A. Plan**

The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and other personnel, as may be necessary and sufficient to carry out the functions of the Council under this section. 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.

### **B. Resolution of Disagreements**

To the extent that there is a disagreement between the Council and the designated State unit regarding the resources necessary to carry out the functions of the Council as set forth in this section, the disagreement shall be resolved by the Governor.

## **Article V - Supervision and Evaluation**

Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out its functions under this section.

## **Article VI - Personnel Conflict of Interest**

While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State unit or any other agency or office of the State that would create a conflict of interest.

## **Article VII - Conflict of Interest**

- No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the members or otherwise give the appearance of a conflict of interest under State law.
- The Council members should make it clear when a potential conflict of interest arises and have the meeting minutes to reflect his/her refusal from casting votes or otherwise influencing decisions of the Council in such matters.
- No member or committee may use the name of the Council for any purpose other than one clearly authorized by the Council Chairperson or Vice-Chairperson.

## **Article VIII - Meetings**

### **A. Regular Council Meetings**

The Council shall convene at least four (4) meetings per year to conduct official business. Additional meetings, forums, or hearings may be held as deemed appropriate to fulfill the Council's duties under Section 105 of the Rehabilitation Act, as amended. Meetings may be conducted in person, or through video, or teleconference platforms.

All meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the public unless a valid reason for an executive session is warranted and justified under applicable laws. Statewide meeting locations will be considered to ensure equitable access for SRC members and the public. Telecommuting for members will be allowed.

Meetings shall be scheduled at times and locations designated by the Chairperson, with at least ten (10) days' written notice provided to all members. The notice shall include access details for meetings held via teleconference or video conferencing to ensure full participation and transparency.

### **B. Frequency and Purpose**

The Council will meet as often as necessary to conduct its business, but no less than quarterly. The Council may conduct other forums or hearings as it considers appropriate in the fulfillment of its duties and responsibilities as described in Section 105 of the Rehabilitation Act as amended.

### **C. Special or Emergency Meetings**

Special or emergency meetings may be called by the Chairperson, the Executive Director of MDRS, or by a majority vote of the Council. Special meetings may be held in person, or through video, or teleconference platforms at the Chairperson's discretion.

Meetings will be held in locations convenient and accessible for all members.

### **D. Meeting Notices**

- All regular meetings and their agenda items will be announced at least one (1) week in advance. Council members will be notified of regular and special meetings at least two (2) weeks prior to such meetings. Any changes to the established date, time, or location must be communicated to members via special notice.
- If the meeting is held virtually, information on how the public can access the meeting (link, dial-in, platform) must be included.

### **E. Quorum**

A quorum shall consist of a majority of the currently appointed voting members of the Council who are present, either in person or via approved teleconference or video. No proxy voting shall be allowed.

### **F. Votes**

All voting rights of the Council shall be exercised only by the duly appointed members of the State Rehabilitation Council who are present, either in person or via approved teleconference or video, at a duly called meeting.

Votes taken during meetings held via teleconference or video must be conducted in a manner that is clearly audible or visible to all Council members and to the public.

### **G. Minutes**

Official minutes shall be recorded by the Secretary or their designee for all regular and special meetings of the Council, including those conducted via teleconference or video. These minutes shall be reviewed and approved at a subsequent regular meeting of the Council. All meeting minutes shall be made available to the public upon request, in accordance with the Mississippi Open Meetings Act (§ 25-41-5, MS Code Annotated ), which governs official meetings of public bodies held through electronic means.

### **H. Accessibility and Communication Support**

ASL Interpreters and other necessary or special services will be provided at Council meetings for members or participants. The Council chairperson shall request of all Council members or presenters before the Council that the use of technical terms or other language forms not commonly familiar to lay person be curtailed.

All documents considered by the Council will be made available in alternative formats upon request.

### **I. Public Communication and Comments**

Individuals may communicate with the Council by contacting the Chairperson, Council members, or the designated staff assistant.

#### **Staff Assistant Contact Information:**

- Phone: 1-800-443-1000, Ext. 5254
- Fax: (601) 853-5260
- TTY: 1-800-443-1000

Public comments should be registered with the staff assistant or the Chairperson at least two weeks before the meeting so that the agenda may reflect a period for discussion of these comments. The period for public comments will be limited to five (5) minutes per person.

### **Article IX - Executive Session**

Under State Law, all official meetings of public bodies (such as the Mississippi State Rehabilitation Council) shall be open to the public, unless an “executive session” is declared. Executive sessions allow the public body to discuss sensitive matters according to Section 25-41-7(2), MS Code Annotated. The procedure for entering executive session will adhere to Section 25-41-1, MS Code Annotated, Opening Meetings.

### **Article X - Compensation and Expenses**

The Council may use funds allocated to the Council by the designated state unit to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay



compensation to a member of the Council, 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 Council.

## **Article XI - Organization and Procedures**

The State Rehabilitation Council is housed for administrative purposes in the state headquarters building of the Mississippi Department of Rehabilitation Services (MDRS).

The Council functions in an advisory capacity (not administrative) and does not have veto authority over the decisions of the MDRS Executive Director.

Except as provided in subparagraph (B), the Council shall select a chairperson from among its membership.

### **A. Chairperson**

The Council Chair serves as the presiding officer of the Council and the Executive Committee. He/she provides leadership and direction in all undertakings of the Council and is the official representative of the Council.

- The Chair appoints all standing committees and, with the advice and consent of the Executive Committee, may create ad hoc committees as deemed necessary. The Chair advises the Governor of any recommended changes in Council membership.
- The Chair is responsible for decisions regarding day-to-day operation of the Council and coordination among standing committees.
- The Chair shall preside at all Council meetings, sign all official communications, and communicate directly with the VR/VRB Director and MDRS Executive Director.
- In the absence of the Chair, the Vice Chair shall substitute for and shall have all powers and duties of the Chair and automatically succeed in the position of Chair.
- The Chair will review and approve all official communications before dissemination outside the Council.
- The Chair will approve in advance all travel by Council members except for regular Council or committee meetings.
- The Chair will continue to serve on the Executive Committee in an ex officio capacity for one year after his/her term of appointment expires.

The Chairperson represents the Council on adopted issues at hearings, meetings, and conferences. In their absence, the Vice Chair will serve in this capacity in the absence of the Chairperson. Ad hoc committees, task forces, and study groups shall be created at the privilege of the Chair to evaluate Council activities and identify areas of concern for Council attention. Each ad hoc committee, task force, and study group must elect a Chair who is a Council member for the purpose of reporting to the Council.

### **B. Committees**

The Chair may establish ad hoc committees as needed to establish certain short-term functions.

Duties and responsibilities will be assigned to ad hoc committees and shall be approved by the Council chairperson.

For technical support purposes each established ad hoc committee will be assigned a VR/VRB staff member (non-voting) to serve as a resource to the committee. Duties/responsibilities of such staff shall be clearly outlined and are subject to the approval of both the Council Chair and the VR/VRB Director. Objectives of each committee (duties/responsibilities) may be modified based on the following:

1. New Federal Regulations, State or Strategic Plan, and
2. A majority vote of the full Council

Ad hoc committees may meet via teleconference to conduct meetings. The teleconference would be coordinated by the Council's Staff Assistant. Costs are included in the Council budget.

## **Article XII - Technical Support Staff**

The Staff Assistant assigned by the VR/VRB Director to the Council is a career service employee of the Vocational Rehabilitation program. In a partnership approach to management and supervision, the Staff Assistant reports to the Council Chair for daily administration, budget development, policy, and service issues as they arise.