

Executive Order 93-01

Whereas, the state of Missouri should pursue all possible avenues to secure proper funding for the rehabilitation of its blind citizens: and

Whereas, under Title One of Public Law 102-569, the Rehabilitation Act Amendments of 1992, federal funds are available to the state for a wide range of rehabilitation services: and

Whereas, this federal law requires that the State Plan filed with the Secretary, U.S. Department of Education, provide for an advisory council appointed by the Governor to consult actively and continually with the Department of Social Services, Family Support Division (formerly known as Division of Family Services), Rehabilitation Services for the Blind: and

Whereas, Section 1.12 of the Reorganization Act of 1974 authorizes the Governor to create by executive order such advisory councils as may be required to conform with requirements to receive federal grants.

Now, therefore, I, Mel Carnahan, Governor of the state of Missouri, by virtue of the authority vested in me by the constitution and laws of the state of Missouri, including Section 1.12 of the Reorganization Act of 1974, hereby create and establish the State Rehabilitation Advisory Council for the Blind (hereinafter referred to as the Council).

The Council is assigned for administrative purposes to the Family Support Division (formerly known as Division of Family Services), Rehabilitation Services for the Blind, and should operate with all applicable powers, duties and responsibilities contained in Title One of Public Law 102-569, the rules and regulations promulgated there under by the Secretary, U.S. Department of Education, or his successor, applicable State Statutes and rules and regulations promulgated there under, and this executive order, including advising Rehabilitation Services for the Blind on planning, development, support, implementation, and evaluation of the appropriate state program assisted under Title One of Public Law 102-569.

The Council shall consist of no more than 21 individuals appointed by the Governor, to be broadly representative of rehabilitation interests of persons in the state who are blind or severely impaired, including persons representative of the various groups identified in Section 126 of Public Law 102-569, and as ex officio

member, the director of Rehabilitation Services for the Blind. A majority of the council members shall be persons who are individuals with disabilities described in Section 7(8) (B) of said Public Law, who meet Rehabilitation Services for the Blind visual requirements for vocational rehabilitation, and who are not employed by Rehabilitation Services for the Blind. The membership so appointed shall include members of the major organizations of the blind in Missouri.

The members appointed by the Governor shall serve terms of three years: provided, however, that of the members first appointed, seven shall serve a term of three years, seven shall serve a term of two years, and seven shall serve a term of one year. No member shall serve more than two consecutive full terms, and any vacancy occurring in the council membership shall be filled in the same manner as the original appointment.

Council members may be reimbursed for reasonable, actual and necessary expenses arising from council activity or business. The guidelines of the Family Support Division (formerly known as Division of Family Services) shall govern the rate of reimbursement for travel expenses.

The Council, in conjunction with Rehabilitation Services for the Blind, shall prepare a plan for the provision of resources, including staff and other personnel, as may be necessary to carry out the functions of the Council but the plan, to the maximum extent possible, shall rely on the use of resources in existence during the implementation period of the plan.

The Council shall make annually a report on its activities to the Governor, to the Commissioner of Rehabilitation Services Administration of the U.S. Department of Education, and to the director of the Family Support Division (formerly known as Division of Family Services). A copy of that report shall be transmitted by the Council to the legislative library.

In witness whereof I have hereunto set my hand and cause to be affixed the great seal of the state of Missouri in the city of Jefferson on this fifth day of February, 1993.

Mel Carnahan
Governor

Rehabilitation Act Definition of State Rehabilitation Council (SRC)

STATE REHABILITATION COUNCIL AS DEFINED IN THE REHABILITATION ACT AS REAUTHORIZED IN 1998

SEC. 105. STATE REHABILITATION COUNCIL.

(a) ESTABLISHMENT -

(1) IN GENERAL - Except as provided in section 101(a)(21)(A)(i), to be eligible to receive financial assistance under this title a State shall establish a State Rehabilitation Council (referred to in this section as the `Council') in accordance with this section.

(2) SEPARATE AGENCY FOR INDIVIDUALS WHO ARE BLIND - A State that designates a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind under section 101(a)(2)(A)(i) may establish a separate Council in accordance with this section to perform the duties of such a Council with respect to such State agency.

(b) COMPOSITION AND APPOINTMENT -

(1) COMPOSITION -

(A) IN GENERAL - Except in the case of a separate Council established under subsection (a)(2), the Council shall be composed of--

(i) at least one representative of the Statewide Independent Living Council established under section 705, which representative may be the chairperson or other designee of the Council;

(ii) at least one representative of a parent training and information center established pursuant to section 682(a) of the Individuals with Disabilities Education Act (as added by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17);

(iii) at least one representative of the client assistance program established under section 112;

(iv) at least one qualified vocational rehabilitation 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;

(v) at least one representative of community rehabilitation program service providers;

(vi) four representatives of business, industry, and labor;

(vii) representatives of disability advocacy groups representing a cross section of--

(I) individuals with physical, cognitive, sensory, and mental disabilities; and

(II) individuals' representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves;

(viii) current or former applicants for, or recipients of, vocational rehabilitation services;

(ix) in a State in which one or more projects are carried out under section 121, at least one representative of the directors of the projects;

(x) 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 this title and part B of the Individuals with Disabilities Education Act; and

(xi) at least one representative of the State workforce investment board.

(B) SEPARATE COUNCIL - In the case of a separate Council established under subsection (a)(2), the Council shall be composed of--

(i) at least one representative described in subparagraph (A)(i);

(ii) at least one representative described in subparagraph (A)(ii);

(iii) at least one representative described in subparagraph (A)(iii);

(iv) at least one vocational rehabilitation counselor described in subparagraph (A)(iv), who shall serve as described in such subparagraph;

(v) at least one representative described in subparagraph (A)(v);

(vi) four representatives described in subparagraph (A)(vi);

(vii) at least one representative of a disability advocacy group representing individuals who are blind;

(viii) at least one individual's representative, of an individual who--

(I) is an individual who is blind and has multiple disabilities; and

(II) has difficulty in representing himself or herself or is unable due to disabilities to represent himself or herself;

- (ix) applicants or recipients described in subparagraph (A)(viii);
- (x) in a State described in subparagraph (A)(ix), at least one representative described in such subparagraph;
- (xi) at least one representative described in subparagraph (A)(x); and
- (xii) at least one representative described in subparagraph (A)(xi).

(C) EXCEPTION- In the case of a separate Council established under subsection (a)(2), any Council that is required by State law, as in effect on the date of enactment of the Rehabilitation Act Amendments of 1992, to have fewer than 15 members shall be deemed to be in compliance with subparagraph (B) if the Council--

- (i) meets the requirements of subparagraph (B), other than the requirements of clauses (vi) and (ix) of such subparagraph; and
- (ii) includes at least--
 - (I) one representative described in subparagraph (B)(vi); and
 - (II) one applicant or recipient described in subparagraph (B)(ix).

(2) EX OFFICIO MEMBER - The Director of the designated State unit shall be an ex officio, nonvoting member of the Council.

(3) APPOINTMENT- Members of the Council shall be appointed by the Governor. The Governor 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 Governor shall consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

(4) QUALIFICATIONS-

(A) IN GENERAL- A majority of Council members shall be persons who are--

- (i) individuals with disabilities described in section 7(20)(A); and
- (ii) not employed by the designated State unit.

(B) SEPARATE COUNCIL- In the case of a separate Council established under subsection (a)(2), a majority of Council members shall be persons who are--

- (i) blind; and
- (ii) not employed by the designated State unit.

(5) CHAIRPERSON-

(A) IN GENERAL - Except as provided in subparagraph (B), the Council shall select a chairperson from among the membership of the Council.

(B) DESIGNATION BY GOVERNOR - In States in which the chief executive officer does not have veto power pursuant to State law, the Governor shall designate a member of the Council to serve as the chairperson of the Council or shall require the Council to so designate such a member.

(6) TERMS OF APPOINTMENT-

(A) LENGTH OF TERM- Each member of the Council shall serve for a term of not more than 3 years, except that--

- (i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and
- (ii) the terms of service of the members initially appointed shall be (as specified by the Governor) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

(B) NUMBER OF TERMS- No member of the Council, other than a representative described in clause (iii) or (ix) of paragraph (1)(A), or clause (iii) or (x) of paragraph (1)(B), may serve more than two consecutive full terms.

(7) VACANCIES-

(A) IN GENERAL- Except as provided in subparagraph (B), any vacancy occurring in the membership of the Council 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 Council.

(B) DELEGATION - The Governor may delegate the authority to fill such a vacancy to the remaining members of the Council after making the original appointment.

(c) FUNCTIONS OF COUNCIL- The Council shall, after consulting with the State workforce investment board--

(1) review, analyze, and advise the designated State unit regarding the performance of the responsibilities of the unit under this title, particularly responsibilities relating to--

(A) eligibility (including order of selection);

(B) the extent, scope, and effectiveness of services provided; and

(C) functions performed by State agencies that affect or that potentially affect the ability of individuals with disabilities in achieving employment outcomes under this title;

(2) in partnership with the designated State unit--

(A) develop, agree to, and review State goals and priorities in accordance with section 101(a)(15)(C); and

(B) evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Commissioner in accordance with section 101(a)(15)(E);

(3) advise the designated State agency and the designated State unit regarding activities authorized to be carried out under this title, and assist in the preparation of the State plan and amendments to the plan, applications, reports, needs assessments, and evaluations-- required by this title;

(4) to the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with--

(A) the functions performed by the designated State agency;

(B) 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

(C) 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;

(5) prepare and submit an annual report to the Governor and the 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 established under section 705, the advisory panel established under section 612(a)(21) of the Individual 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 described in 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-4(a)), and the State workforce investment board;

(7) provide for coordination and the establishment of working relationships between the designated State agency and the Statewide Independent Living Council and centers for independent living within the State; and

(8) 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.

(d) RESOURCES-

(1) 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.

(2) RESOLUTION OF DISAGREEMENTS - To the extent that there is a disagreement between the Council and the designated State unit in regard to 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 consistent with paragraph (1).

(3) 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.

(4) 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.

(e) CONFLICT OF INTEREST - No member of the Council 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.

(f) MEETINGS - The Council shall convene at least four meetings a year in such places as it determines to be necessary to conduct Council business and conduct such forums or hearings as the Council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the general public unless there is a valid reason for an executive session.

(g) COMPENSATION AND EXPENSES - The Council may use funds allocated to the Council by the designated State unit under this title (except for funds appropriated to carry out the client assistance program under section 112 and funds reserved pursuant to section 110(c) to carry out part C) 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.

(h) HEARINGS AND FORUMS - The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

Missouri State Rehabilitation Council for the Blind

By Laws

LEGAL AUTHORITY: A State Rehabilitation Council is mandated by Section 105 of the Rehabilitation Act of 1973, as amended. On February 5, 1993, Governor Mel Carnahan signed Executive Order 93-01, which established the Rehabilitation Council for the Blind. The Council shall operate with all applicable powers, duties, and responsibilities contained in Title I of the Rehabilitation Act of 1973, as amended, hereinafter referred to as the "Act". For administrative purposes, it is assigned to the Family Support Division (formerly known as Division of Family Services)/Rehabilitation Services for the Blind.

Article I: Name

I.1 The name of this organization shall be the "State Rehabilitation Council for the Blind," for the State of Missouri, Family Support Division (formerly known as Division of Family Services)/Rehabilitation Services for the Blind. The State Rehabilitation Council for the Blind is hereinafter referred to as the "Council." Family Support Division is hereinafter referred to as "FSD" and Rehabilitation Services for the Blind is hereinafter referred to as "RSB."

Article II: Purpose

II.1 To act as a forum through which blind citizens, parents, providers, and other interested Missourians can voice their opinions and constructive criticisms, make recommendations and give public recognition for services being performed on their behalf by RSB;

II.2 To serve jointly with RSB in its activities to improve the services, programs and facilities for blind and visually impaired consumers;

II.3 To receive from RSB information concerning the intents and objectives of RSB so that the Council, in turn, can pass this information on to blind consumers;

II.4 Within the general purpose as expressed above, the Council may function in such specific ways as the following:

- a. Receive from RSB and other sources reports regarding needs of blind and visually impaired consumers;
- b. Review findings of studies relating to the identification of needs of consumers;
- c. Offer comments, suggestions, points of view, and recommendations with respect to current and projected activities of RSB designed to satisfy consumer needs;
- d. Assist RSB in acquainting the general public with the needs of blind persons and of the State's services, programs, and facilities;
- e. Promote and coordinate use of the available services and agency resources on behalf of blind persons;
- f. Make recommendations regarding RSB's staffing needs;

Missouri State Rehabilitation Council for the Blind

By Laws

- g. Provide Council recommendations with respect to unusual and significantly important applications for services and case management;
- h. Consider other functions and responsibilities which are relevant and appropriate;
- i. Offer support for administrative and legislative efforts to improve programs, services, and facilities;

Article III: Responsibilities of Rehabilitation Services for the Blind

III.1 Orient the Council to RSB and advise it regarding controlling legislation, regulations and policies, as well as its services, programs, facilities and personnel. This will include:

- a. Explaining the above at Council meetings and, when indicated, providing training to Council members, and
- b. Making written information regarding the above available to Council members.

III.2 Make available to Council members information regarding budgetary limitations, RSB fiscal operations and the procedures that must be adhered to in any provision of services requiring expenditures.

III.3 Make all written information available to the Council in accessible media - regular and large print, braille, computer disc or tape.

III.4 Objectively consider Council recommendations regarding changes in services, service delivery, programs and facilities.

III.5 Keep the Council informed about acceptance or rejection of its recommendations and give explanations for rejections.

III.6 Make arrangements for Council meetings, including overnight accommodations, meals, meeting rooms, materials and supplies.

III.7 Reimburse members for expenses incurred including compensation for lost wages in conjunction with attendance at Council meetings and other Council business.

III.8 Prepare, in conjunction with the Council, a plan for the provision of resources, including staff support, needed to carry out Council functions.

III.9 Assure that RSB staff who assist the Council in carrying out its duties are not assigned other duties that would result in a conflict of interest.

III.10 In regard to the State Plan:

- a. In general, the State Plan must identify the goals and priorities of the State in carrying out the program.

Missouri State Rehabilitation Council for the Blind

By Laws

b. The goals and priorities must be jointly developed, agreed to, reviewed annually, and, as necessary, revised by the Council and RSB per 361.29(c)(1)(2)

Article IV: Responsibilities of the Council and Its Members

IV.1 To review, analyze, and advise RSB regarding RSB's performance of responsibilities under Title I of the Act, relating especially to eligibility for Vocational Rehabilitation (VR) services; the extent, scope and effectiveness of VR services that RSB provides; and functions performed by State agencies that potentially affect the ability of blind individuals to achieve rehabilitation goals and objectives;

IV.2 In partnership with RSB develop, agree to, and review State goals and priorities in accordance with 361.29(c). Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Secretary in accordance with 361.29(e). Advise DFS and RSB regarding activities carried out under this part and assist in the preparation of the State plan and amendments to the plan, applications, reports, needs assessments, and evaluations required by this part.

IV.3 To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with, VR services and other functions performed by State agencies and other public and private entities responsible for performing functions for blind individuals;

IV.4 To prepare and submit an annual report to the Governor, to the Commissioner of the Rehabilitation Services Administration of the U. S. Department of Education, and to the Director of FSD;

IV.5 To coordinate with other councils within the State, including the Statewide Independent Living Council, the Advisory Panel established under the Individuals with Disabilities Education Act, the State Planning Council established in accordance with the Developmental Disabilities Assistance and Bill of Rights Act and the State mental health planning council established under the Public Health Service Act;

IV.6 To advise the FSD and/or RSB and provide for coordination and the establishment of working relationships between the FSD and/or RSB and the Statewide Independent Living Council and Centers for Independent Living in Missouri;

IV.7 To select a pool of individuals to serve as impartial hearing officers for VR applicants and recipients who wish to appeal a decision of RSB. Council members listed in Article V, S1. a-d are excluded from this selection process.

IV.8 To perform such other functions, consistent with the purpose of Title I of the Act, as the Council determines to be appropriate, as long as they are comparable to the other functions performed by the Council;

IV.9 In order to carry out the above responsibilities mandated by the Act, the Council will:

a. Become informed about RSB services, programs and fiscal policies and procedures.

Missouri State Rehabilitation Council for the Blind

By Laws

- b. Recognize that Council members represent the State's blind and visually impaired consumers. Recognize that the Council is not a forum for personal grievances.
- c. Set meeting dates and establish the agenda for the meetings.
- d. Elect an Executive Board.
- e. Act as advocate(s) for RSB as well as for consumers in the maintenance of services, programs, and facilities.
- f. Hold confidential and not disclose, directly or indirectly, any information pertaining to individual clients obtained in the course of Council activities.

Article V: Membership

V.1 The membership of the Council shall be composed of no more than twenty-one (21) individuals, appointed by the Governor, with the following representation mandated by the Act:

- a. At least one representative of the Statewide Independent Living Council established in compliance with Title VII of the Act;
- 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;
- d. At least one vocational rehabilitation counselor with knowledge of and experience with VR programs and who, if an RSB employee, shall serve as an ex-officio, nonvoting Council member;
- e. At least one representative of community rehabilitation program service providers;
- f. Four representatives of business, industry and labor;
- g. Representatives of advocacy groups for blind individuals and parents, family members or other authorized representatives of blind individuals who are unable to represent, or have difficulty in representing, themselves; and
- h. Current or former applicants for, or recipients of, VR services.
- i. 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 this part and part B of the Individuals with Disabilities Education Act.
- j. At least one representative of the State workforce investment board.
- k. The Deputy Director, FSD/RSB shall be an ex officio member of the Council. The Deputy Director shall not be a voting member of the Council.

Missouri State Rehabilitation Council for the Blind

By Laws

V.2 The Governor shall select Council members from recommendations of individuals and organizations interested in the rehabilitation of individuals who are blind.

- a. A majority of the Council members shall be persons who meet RSB visual requirements for VR and who are not employed by RSB.
- b. The membership of the Council shall include members of the major organizations of blind persons in Missouri.
- c. All Council members shall be residents of the State of Missouri.

V.3 The terms of all Council members shall begin on September 1.

V.4 Council members shall serve terms of three (3) years provided, however, that of the members first appointed, seven (7) shall serve a term of three (3) years, seven (7) shall serve a term of two years and seven (7) shall serve a term of one (1) year. The allocation of such terms shall be on a random basis.

V.5 No Council member may serve more than two (2) consecutive full terms.

V.6 Any vacancy occurring in the Council membership shall be filled in the same manner as the original appointment. Recommendations for membership should be submitted to the Deputy Director, DFS/RSB no later than March 1 of the year in which the Governor is to make the appointment.

V.7 A vacancy on the Council shall be deemed to have occurred when a member is physically or mentally incapacitated, is absent from two (2) consecutive meetings without good cause, or gives notice of resignation in writing to the Chairperson giving this information. The Chairperson shall convey this by letter to the Governor recommending that a vacancy be declared and requesting that a new appointment be made.

V.8 A member shall be deemed to have demonstrated good cause for his or her absence from a meeting when he or she submits an acceptable explanation for such absence to the chairperson. The Council by affirmative vote shall be the arbiter should controversy arise.

Article VI: Officers

VI.1 The officers of the Council shall consist of a Chairperson, a Vice-Chairperson, and a Secretary-Treasurer.

VI.2 The Chairperson. The duties of the Chairperson shall be to call all special meetings, send a notice of all regular or special meetings, preside at all Council meetings and sit as ex-officio member of all sub-committees appointed by him or her. The Chairperson shall have the power to create any and all sub-committees deemed necessary or appropriate by the Council.

VI.3 The Vice-Chairperson shall have all the duties and powers of the Chairperson in the event of his/her absence or incapacity and other duties as assigned by the Chairperson.

Missouri State Rehabilitation Council for the Blind

By Laws

VI.4 The Secretary-Treasurer. The Secretary-Treasurer shall keep the books and records of the Council. He or she shall be responsible for the minutes of each Council meeting and the distribution of such minutes to the membership, shall be empowered to certify to all actions taken by the Council and shall monitor the handling of budgetary matters and financial action taken by the Council.

VI.5 Except for the initial officers of the Council, who shall serve until August 31, 1994, each officer shall serve for a term of one (1) year.

VI.6 Succession. An officer may be permitted to succeed himself or herself for more than one term.

VI.7 Vacancies. If a vacancy occurs, for any reason, in any office provided for herein, such vacancy shall be filled by electing a replacement at the next regular meeting of the Council.

Article VII: Executive Board

VII.1 The Council shall have an Executive Board composed of the Chairperson, Vice-Chairperson, Secretary-Treasurer, and two persons elected to the Executive Board from the membership of the Council.

VII.2 The Executive Board shall have all the powers and responsibilities of the Council as a whole, except that the Executive Board may not hold elections, and that no actions taken by it shall be effective beyond the date of the next meeting of the Council as a whole after such action unless such an action is ratified by the affirmative vote of a majority of the members eligible to vote at such a Council meeting.

VII.3 The two (2) members of the Executive Board who are not also officers as defined in Article VI hereof shall be elected on the same day as the officers, serve for a term co-extensive with such officers, and be replaced in the event of a vacancy in the same manner. A person, however, may serve for an unlimited number of years on the Executive Board, provided that he or she may not serve in the same capacity on the Board for more than two (2) terms.

Article VIII: Elections

VIII.1 Except for the initial officers and members of the Executive Board, an election for the officers and members of the Executive Board shall be held at the May meeting of the Council, these persons assuming their duties on September 1 following.

VIII.2 The elections shall be held in the following order: Chairperson, Vice-Chairperson, Secretary-Treasurer, first Executive Board Member, and second Executive Board Member. All nominations shall be done from the floor. After the nominations for a particular office have been completed, each nominee shall give a brief statement concerning his or her qualifications. Voting for each office may be by secret ballot, if requested by any council member. The nominee who receives a plurality of the votes cast shall be deemed to have been elected. If no one receives a plurality, there shall be another ballot between the two (2)

Missouri State Rehabilitation Council for the Blind

By Laws

candidates receiving the most votes. If, in the second balloting, there is a tie, the winner shall be determined by the flip of a coin. If there is only one (1) nominee for any particular office such member shall be elected by acclamation.

VIII.3 The new officers and Executive Board members shall assist and consult with the retiring officers during the months of June, July and August to ensure a smooth transition of Council leadership. All decisions and official Executive Board actions, however, shall be those of the current year's leaders until their terms end on August 31.

Article IX: Meetings

IX.1 The Council must convene at least four meetings a year in locations determined by the Council to be necessary to conduct Council business. The Council must conduct forums or hearings, as appropriate.

IX.2 Special meetings may be called by the Chairperson upon written request of any seven members of the Council, or after consulting with the Deputy Director of FSD/RSB.

IX.3 Notice of all regular and special meetings shall be mailed by the Chairperson not less than twenty-one (21) days before the date of the noted meeting. Notice of special meetings shall be provided at the earliest date possible. The notice shall state the time, date and place of the meeting as well as an agenda of items to be considered at such meeting.

IX.4 No business of the Council shall take place without a quorum present. A quorum shall be constituted by the presence of a majority of the currently occupied seats on the Council.

IX.5 All meetings shall be called to order by the Chairperson, or, in his or her absence, by the Vice-Chairperson, who shall then preside. Except when inconsistent with the provisions hereof and controlling legislation, regulations and policies governing FSD/RSB, all meetings shall be governed in accordance with the rules set forth in "Robert's Rules of order, newly revised".

IX.6 Except when explicitly provided to the contrary herein, all voting shall be by voice vote.

IX.7 Those eligible to vote shall be the duly appointed members of the Council present. No proxies shall be permitted.

IX.8 All meetings of the Council shall be open unless matters of a confidential nature relating to staff or clients are discussed, as defined by the Sunshine Law. When matters regarding clients or staff are discussed a written release must first be obtained from the affected individual.

Missouri State Rehabilitation Council for the Blind

By Laws

Article X: Committees

X.1 The Council shall appoint standing committees to review, analyze and recommend to the full membership of the Council those matters within their area of concentration. The Council Chairperson will appoint a chairperson, vice-chairperson and members for each of the committees listed below. The committees appointed will serve in the following areas:

- a. Planning Committee: Responsible for reviewing, analyzing and recommending to the Council on RSB State and Strategic Plans, as well as any planning process undertaken by the Council either separately or in conjunction with RSB or other State agencies.
- b. Evaluation Committee: Responsible for reviewing, analyzing and recommending to the Council those matters pertaining to:
 1. Efforts to determine the extent, scope and effectiveness of services
 2. Consumer satisfaction with services
 3. Ongoing statewide studies of rehabilitation needs
 4. Satisfaction with/effectiveness of functions that other agencies provide for RSB consumers
 5. The Council Annual Report
- c. Program/Policy Committee: Responsible for reviewing, analyzing and recommending to the Council those matters pertaining to:
 1. RSB staffing needs
 2. Eligibility for RSB services
 3. Applications for service
 4. Changes to RSB policy, rule or process
- d. Governmental Affairs Committee: Responsible for reviewing, analyzing and recommending to the Council those matters pertaining to:
 1. Legislation proposed/pending in the Missouri Legislature
 2. Legislation proposed/pending in the U.S. Congress
 3. Development of legislative materials/positions

X.2 The Council Chairperson shall select ad-hoc committee members so as to form a well-balanced group of persons with differing philosophies. The ad-hoc committee chairperson shall seek assistance, as needed, from non-voting consultants with expertise in areas under ad-hoc committee consideration. These consultants may be both blind consumers/professionals and knowledgeable persons from the community-at-large. The final draft of the ad-hoc committee's

Missouri State Rehabilitation Council for the Blind

By Laws

work must be presented to each member at least two (2) weeks before its presentation to the Council. The ad-hoc committee's work is finished upon Council acceptance of final report.

Article XI: Adoption

XI.1 These Bylaws shall be adopted as the rules governing the business and affairs of the Council when, after an appropriate motion has been made and seconded, such motion receives the affirmative votes of two-thirds (2/3) of the members of the Council eligible to vote at a meeting duly called and held.

Article XII: Amendment

XII.1 These Bylaws may be amended at any time. However, any proposed amendment shall be provided to the Committee subject to Article IX, S3, said notice including the proposed amendment, its rationale and need. An amendment shall be deemed to have been made when it receives the affirmative votes of two-thirds (2/3) of the members of the Council present and voting at a meeting duly called and held.

Article XIII: Conflict of Interest

XIII.1 No member of the Council shall 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 State law.