

Department of Health
New Mexico Family Infant Toddler
Interagency Coordinating Council (ICC)



ICC BYLAWS

STATE OF NEW MEXICO
FAMILY INFANT TODDLER PROGRAM
INTERAGENCY COORDINATING COUNCIL (ICC)
BY-LAWS

Article I

Purpose

Section 1: Name

The name of the organization shall be the New Mexico Family Infant Toddler Interagency Coordinating Council hereafter in these articles called the ICC.

Section 2: Authority

The ICC is established pursuant to Part C of the Individuals with Disabilities Education Act (IDEA) 34 CFR Ch. III Part 303 (7-1-99 Edition) and derives its authority from the Governor of the State of New Mexico.

Section 3: Purpose

The purpose of the ICC is to address the needs of families with infants and toddlers with or at risk for developmental delays and/or disabilities. The ICC will plan and promote the implementation of statewide, family-centered, coordinated services.

Section 4: Duties/Functions

The ICC shall advise and assist the Family Infant Toddler (FIT) Program, within the Department of Health (Lead Agency) and other agencies involved in the early childhood service system in the following functions:

- I.4.1 Developing policy for the implementation of Part C of IDEA;
- I.4.2 Achieving the full participation, coordination, and cooperation of all appropriate agencies in the State;
- I.4.3 Seeking information from service providers, service coordinators, parents, and others about any Federal, State, or local policies that impede timely services delivery; and taking steps to ensure that any policy problems identified are resolved;
- I.4.4 Working in collaboration with the FIT Program to prepare and submit to the Governor and the Secretary of the U.S. Department of Education, an annual performance report on the status of early intervention programs and

- services in New Mexico for eligible children and their families. Each annual report shall be submitted by the date established by the Secretary and shall contain the information required by the Secretary for the year for which the report is made;
- I.4.5 Assisting in the resolution of disputes, to the extent appropriate;
 - I.4.6 Advising appropriate agencies in the State with respect to the integration of services for infants and toddlers with or at risk for developmental delays and/or disabilities and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services;
 - I.4.7 Advise and assist the Lead Agency and the Public Education Department regarding the provision of appropriate services for children with disabilities from birth through age five;
 - I.4.8 Identifying sources of fiscal and other support for early intervention services;
 - I.4.9 Assigning financial responsibility to the appropriate agency;
 - I.4.10 Promoting methods (including intra-agency and interagency agreements) for intra-agency collaboration regarding child find under SS 303.115, and 303,301, monitoring under SS 303.120, and SS 303.700 through 303.708, financial responsibility and provision of early intervention services under SS 303.202 and 303.511, and transition under SS 303.209;
 - I.4.11 Preparing application and amendments to those applications;
 - I.4.12 Recommending priorities for the development and expansion of services;
 - I.4.13 Recommending legislation to address statewide needs as appropriate to ensure an effective system of services;
 - I.4.14 Identifying, understanding and defining strategic direction for system priorities;
 - I.4.15 Providing information to other associations, councils, governmental entities and other organizations to address the needs of infants, toddlers and their families; and
 - I.4.16 Advising and assisting the Public Education Department and the Lead Agency regarding the transition of eligible children and their families from services provided under Part C to services provided under Part B and to other appropriate services.

Section 5: Role of Staff

The Department of Health, as Lead Agency, shall make available: staff, meeting space, and other resources needed to support the work of the ICC. Examples of this support may include, but are not limited to: preparation and dissemination of meeting records and other written materials required for ICC functions, notification of all scheduled and called meetings, and other duties as may be necessary.

Article II

Membership

Section 1: Membership

The membership of the ICC shall consist of representatives of the public and private sectors who by their position, interest, and training can contribute to the quality of services provided to families of infants and toddlers with or at risk for developmental delays and/or disabilities. The ICC shall be reasonably representative of the state in ethnic and geographic composition. The ICC shall be non-partisan and consist of at least fifteen members. Additional members as deemed necessary will be allowed with sufficient justification. The ICC shall be composed of:

- II.1.1 At least 20% parents, including parents, of infants or toddlers with or at risk for developmental delays and/or disabilities or children with developmental delays or disabilities ages twelve or younger; with knowledge of programs for infants and toddlers with delays or disabilities. At least one shall be the parent of an infant or toddler with or at risk for developmental delays and/or disabilities or a child with a developmental delay or a disability age six or younger; a parent member may not be an employee of a public or private agency involved in providing early intervention services;
- II.1.2 At least 20% public or private providers of early intervention services as defined in IDEA 303.601(a) (2);
- II.1.3 At least one representative from the State Legislature;
- II.1.4 At least one person involved in university based personnel preparation;
- II.1.5 At least one person from the U.S. Bureau of Indian Affairs or tribe/tribal Council ICCs;

- II.1.6 One person from the Insurance Division of the New Mexico Public Regulations Commission;
- II.1.7 At least one person representing the Public Education Department, as the agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency;
- II.1.8 At least one person representing the Department of Health as Lead Agency;
- II.1.9 At least one person from a State Agency responsible for child care;
- II.1.10 At least one person from a Head Start or Early Head Start agency or program in the State;
- II.1.11 At least one person from the agency responsible for the State Medicaid program;
- II.1.12 At least one person must be a representative designated by the Office of the Coordination of Education of Homeless Children and Youth;
- II.1.13 At least one person from the State child welfare agency responsible for foster care;
- II.I.13 At least one person from the State agency responsible for children’s mental health;
- II.1.15 Other members representing appropriate entities involved in the provision of, or payment for, services to infants and toddlers and their families and having sufficient authority to engage in policy planning and implementation on behalf of such agencies
- II.1.16 The Governor may appoint one member to represent more than one program or agency listed in II.1.9, II.1.13, II.I.14.
- II.1.17 At least one member from a federal funded parent center and one member from an early intervention provider association.
- II.1.18 The FIT Program Manager (Part C Coordinator) is not an ICC member but is present at ICC meetings to provide Lead Agency Reports and information about the early intervention service system.

Section 2: Appointment

In accordance with Part C of IDEA, members of the ICC shall be appointed by the Governor based on recommendations from the ICC. ICC recommendations to the Governor regarding parent and provider representatives shall be based on a vote of ICC members. In the case of state agency representatives, these recommendations shall be based on consultation with the respective state agencies. Until new appointments take effect, current state agency members shall continue to conduct the business of the ICC. Until new appointments take effect,

individuals nominated by the ICC shall participate in ICC meetings as voting members.

Section 3: Orientation/Mentoring

An orientation to the mission and role of the ICC is required for all new appointees. Orientation will be available in a web-based learning format or in a face-to-face presentation. Each new appointee may be assigned an ICC mentor to help orient them to the work of the ICC.

Section 4: Term

Except for state agency members and ICC Co-Chairs, the term for all other members shall be up to four years' duration and no more than two consecutive terms (eight years' total). State agency representatives shall continue to serve if they remain in an appropriate agency position. Co-Chairs shall continue to serve until they complete their term as Co-Chairs (four years' total).

Early intervention provider members must continue working in the FIT early intervention system during their term. Early intervention provider members can continue the ICC if they move from one early intervention program to another, or if they go from employee status to contractor status. An early intervention provider member would have to vacate their term if they are not working in the FIT early intervention system for a period longer than three months.

Section 5: Proxies

- II.5.1 Members unable to attend an ICC meeting shall appoint a proxy to represent them. The proxy shall be authorized to act on behalf of the ICC member they are representing and shall exercise all rights and privileges of the member represented. Members shall select proxies who best represent their constituencies.
- II.5.2 An ICC member shall not serve as proxy for more than one member.
- II.5.3 Notice of the appointment of a proxy shall be made in writing, or electronically, to the ICC Coordinator, prior to the meeting. Without prior written notification, a proxy cannot vote on behalf of a member.
- II.5.4 Members who send proxies shall be responsible for forwarding meeting documents to the proxies, discussing the agenda and informing the proxies of how they are to vote.

Section 6: Attendance

- II.6.1 Attendance and participation in ICC meeting by all members is critical to the success of the ICC. Each member is expected to attend and actively participate in all ICC meetings and retreats.
- II.6.2 ICC members shall notify the ICC Coordinator in the event they are unable to attend any meeting.
- II.6.3 Any member who misses two public meetings in a calendar year will be mailed a certified letter requesting re-commitment to the ICC. If the member cannot commit to attending ICC meetings, the member must resign from the ICC. The member's resignation would be sent to the Governor's Office. For State agency members who miss two meetings in a calendar year, a letter will be sent to the office of their respective department secretary.

Section 7: Termination/Resignation

- II.7.1 In the case of a vacancy resulting from the resignation/termination of a State agency representative, the Executive Committee shall contact and solicit a designee from the Secretary of the State agency to attend meetings in the interim until a gubernatorial appointment is made in accordance with Article II, Section 2 of these By-Laws.
- II.7.2 Vacancies that result from the termination/resignation of a non-agency ICC member shall be filled with a designee selected by a vote of the ICC until a gubernatorial appointment is made in accordance with Article II, Section 2 of these By-Laws.
- II.7.3 In the event a Co-Chair must resign or be removed from his/her duties of office, the remaining Co-Chair shall assume all duties until the next ICC meeting when an election will be held to replace the exited Co-Chair for the remainder of the term of office.

Section 8: Co-Chairs

- II.8.1 There shall be two Co-Chairs of the ICC, who shall be elected by the membership of the ICC. The Co-Chairs shall not be representatives of the lead agency. The Co-Chairs shall be a parent and a provider of early intervention services. In the absence of one Co-Chair the other Co-Chair will assume the duties.
- II.8.2 Neither Co-Chair shall serve in the same position for more than two consecutive terms.
- II.8.3 The term of the Co-Chairs shall be a two-year period.
- II.8.4 The ICC will vote to elect the next set of Co-Chairs in November of the first year of the current Co-Chairs' term. Following the November election, the ICC Executive Committee will mentor these Co-Chairs for one (1) year. At the end of their mentorship year, these Co-Chairs will take over the leadership.
- II.8.5 If the current ICC Co-Chairs wish to serve a second term, they must apply for and be elected by the ICC.
- II.8.6 Removal of a Co-Chair requires a 2/3 majority vote of members present and voting, provided they constitute a quorum.

Article III

Meetings

Section 1: Frequency

- III.1.1 The ICC shall hold at least four public meetings per calendar year and these meetings shall be scheduled in advance.
- III.1.2 One public meeting will be held each calendar year in either the northwest, northeast, southwest, or southeast area of the state, on a rotation schedule, to support participation of stakeholders and FIT families from different regions of the state.
- III.1.3 An ICC Strategic Planning Retreat will take place every three years to develop the ICC Strategic Plan. The ICC will hold a strategic planning retreat yearly for the next two years to review and update the Strategic Plan.
- III.1.4 The Executive Committee may call additional public meetings of the ICC.

Section 2: Meeting Notice

- III.2.1 Written notice of regular ICC meetings shall be distributed at least two weeks prior to

the meeting.

III.2.2 The notice shall include the tentative agenda for the meeting, and the record of the preceding meeting.

III.2.3 Meetings will be announced in accordance with the New Mexico Open Meetings Act.

Section 3: Relationship to the Public

III.3.1 All regular meetings shall be open and accessible to the public.

III.3.2 The Executive Committee shall be the chief spokespersons for the ICC, and therefore, will review all press releases and official statements. The ICC may vote to assign an ICC member to be a designated ICC representative at meetings of other task forces, councils, etc. The ICC will provide this designee with information and support as to how the designee is authorized to represent the ICC.

III.3.3 The annual performance report shall be available for public review on the Family Infant Toddler (FIT) Program website.

III.3.4 The ICC, upon written request received one (1) week prior to an ICC meeting, shall provide for interpreters for persons who are deaf and other reasonable accommodations for Council member and participants.

Section 4: Conduct of Meetings

III.4.1 Meetings shall be conducted in accordance with the New Mexico Open Meetings Act.

III.4.2 A quorum shall consist of a simple majority of duly appointed members present and voting.

III.4.3 To hold a vote at an ICC meeting, a quorum must be in attendance.

III.4.4 Questions put to a vote shall be decided by a simple majority vote of members present and voting, provided they constitute a quorum.

III.4.5 Matters may be introduced for consideration by any members of the ICC.

III.4.6 Motions shall require seconding.

III.4.7 In lieu of a member's attendance, a vote on ICC business is permitted by written proxy if the member has provided his/her proxy with the meeting documents and prepared the proxy as to how the member wants the proxy to vote on the member's behalf.

III.4.8 Suspension of one or more procedural by-laws requires a 2/3 majority vote of members present and voting, provided they constitute a quorum.

III.4.9 No member of the ICC shall cast a vote on any matter which would provide direct

financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.

III.4.10 Records shall be kept of the proceedings of each ICC meeting.

Section 5: Bylaws

Bylaws will be reviewed by the ICC every two years at a minimum. Amendment to the Bylaws shall be made by a 2/3 majority vote of members present and voting, provided they constitute a quorum taken at any regular or special meeting, if written notice of the substance of the proposed change has been provided to the members of the ICC at least two weeks prior to such meeting. Amendments to the Bylaws will take effect at the following regularly scheduled ICC meeting.

Article IV

Use of Funds

Section 1: Use of Funds

The ICC shall use its funds to conduct business per the laws of the State of New Mexico and the United States of America as follows:

- IV.1.1 Conduct hearings and forums;
- IV.1.2 Reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties including travel for attending ICC meetings, ICC committee meetings and other authorized ICC events.
- IV.1.3 Pay compensation to a member of the Council if the member is not employed or must forfeit wages from other employment when performing official business;
- IV.1.4 Hire staff;
- IV.1.5 Obtain the services of professional, technical, and clerical personnel, as may be necessary to carry out the performance of its functions under Part C of the Act;
- IV.1.6 Pay for interpreters for persons who are deaf and other reasonable accommodations for Council members and participants;
- IV.1.7 Except as provided in this section, Council members must serve without compensation from funds available under Part C of the Act;

- IV.1.8 Expenditures shall be made with the approval of the FIT Program Manager or designee.
- IV.1.9 For expenditures other than numbers IV.1.1 through IV.1.7, the Executive Committee shall be provided with written notification.

Article V
Committees

Section 1: Formation of Committees

- V.1.1. The ICC, by resolution adopted by a majority of the ICC, will designate and appoint one or more committees. All recommendations by a committee will be reported to the ICC in accordance with the timelines established by the ICC and will be subject to revision by the ICC.

Section 2: Membership of Committees

- V.2.1. The Chairperson of each committee shall be an ICC member appointed by the ICC.
- V.2.2. Non-ICC members shall be appointed by the ICC to serve on committees.
- V.2.3. It is recommended that all members of the ICC also serve on at least one ICC committee.
- V.2.4. The ICC Co-Chairs shall serve as ex officio members of all ICC Committees.

Section 3: Executive Committee

The ICC Executive Committee shall:

- V.3.1 Consist of the Co-Chairs, immediate past Co-Chairs until the new Co-Chairs are elected, and at least one other member elected by the ICC for a two-year term. These members will be voting members regarding Executive Committee actions;
- V.3.2 Include the FIT Program Manager (Part C Coordinator) and the ICC Coordinator, who shall be non-voting ex officio members;
- V.3.3 Meet at least once prior to ICC meetings to set the agenda;
- V.3.4 Meet at other times as deemed necessary by the Co-Chairs to address matters at hand;
- V.3.5 Prepare slate of nominations for ICC membership;
- V.3.6 Plan Strategic Planning Retreats;
- V.3.7 Perform tasks assigned by the ICC;
- V.3.8 Give direction to the ICC Coordinator;
- V.3.9 Act on the behalf of the ICC when asked;
- V.3.10 Speak publicly on behalf of the ICC; and
- V.3.11 Report to the ICC any official actions taken by the Executive Committee.

Dates of Bylaw Amendments

These Bylaws have been amended by a 2/3 majority vote of members present and voting, provided they constituted a quorum, on the following dates:

September 2013

November 2016