

**BYLAWS OF THE
BOARD OF VOCATIONAL REHABILITATION
SOUTH DAKOTA**

ARTICLE I: NAME

The name of this body shall be the Board of Vocational Rehabilitation, hereinafter referred to as "BVR".

ARTICLE II: PURPOSE

Section 1. Authority

The legal authority for establishment and administration of the BVR rests in South Dakota Codified Law 1-36A-5; and the Rehabilitation Act of 1973, as amended, Title I, Vocational Rehabilitation Services, Section 105 State Rehabilitation Council.;

Section 2. Purpose

The purpose of the BVR shall be to serve as an advocate for all persons with disabilities seeking to reach their employment goals and aspirations through vocational rehabilitation services.

Section 3. Functions

The BVR shall, after consulting with the State workforce ~~development investment~~ board--

(1) review, analyze, and advise the designated State unit (Division of Rehabilitation Services/DRS) regarding the performance of the responsibilities of the Unit under Title I (title) of the Rehabilitation Act of 1973 as amended (Act), particularly responsibilities related to--

(A) eligibility (including order of selection);

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

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(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;

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(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

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(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);

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(3) advise the designated State agency (Department of Human Services/DHS) 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;

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(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

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(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;

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(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)(~~24~~) of the Individuals with Disabilities Education Act, ~~(as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-47)~~, the State Council on Developmental Disabilities Council established under section 125 of the described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, (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-~~34~~(a)), and the State workforce ~~development investment~~ board, and with the activities of entities carrying out programs under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.);

(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 (Board of Vocational Rehabilitation) determines to be appropriate, that are comparable to the other functions performed by the Council (Board).

ARTICLE III: MEMBERS

Section 1. Appointment

Members of the BVR 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 Board.

Section 2. Qualifications

A majority of BVR members shall be persons who are —(i) individuals with disabilities described in section 7(20)(~~B~~A) of the Rehabilitation Act; and (ii) not employed by the designated State unit.

Section 3. Composition and Terms

Membership of the BVR shall be in accordance with the requirements as specified in the Rehabilitation Act of 1973 as amended.

Each member of the BVR shall serve for a term of not more than three 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 initially appointed members 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. No member of the BVR may serve more than two consecutive full terms.

South Dakota Codified Law Chapter 3-4 Vacancies in Office section 3-4-10, Replacement of vacancy on appointed board or commission—Time Limitation—Person deemed reappointed.

If any position on a board or commission whose members are appointed by the Governor without the consent of the Senate becomes vacant pursuant to § 3-4-1, the Governor must appoint a person to fill the vacancy within one hundred twenty days of the occurrence of the vacancy. If the vacancy is the result of a resignation, the person who has resigned remains on the board or commission until the Governor appoints a person to fill the vacancy or until a date set in writing by the person who resigned, whichever is sooner.

Except as provided below, if a person's term on the board or commission has expired, the person remains on the board or commission until the Governor appoints a person to the new term, and if the Governor has not appointed a person to the new term within one hundred twenty days after the term expired, the person is deemed to be reappointed for another term. If a person is unable to serve an additional term due to a term limit, the person may not remain on the board or commission after the person's term has expired and may not be deemed reappointed under this section.

This section applies to any board or commission whose members are appointed by the Governor without the consent of the Senate unless the board or commission is specifically exempted from this section by law.

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~~If an appointment or reappointment has not been made, a member shall continue to serve at the pleasure of the Governor until such appointment or reappointment is made, as stipulated by South Dakota Codified Law (Section 3-14-1).~~

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Section 4. Attendance

BVR members may not designate persons other than themselves to attend meetings. BVR members shall notify BVR staff when they are unable to attend a meeting.

BVR members missing two consecutive meetings without an excused absence shall be considered a member not in good standing. The BVR Chair shall contact the member concerning the member's ability and/or interest in continuing to serve on the BVR.

Section 5. Resignation

Any member desiring to resign from the BVR shall submit her/his resignation to the Governor's Office and send a copy of the letter to the BVR Chairperson.

Section 6. Compensation & Expenses

The BVR may use funds appropriated under this title to reimburse BVR members for reasonable and necessary expenses of attending BVR duties (including child care and personal assistance services), and to pay compensation to a member of the BVR, 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 BVR. Members serving on the BVR shall be reimbursed for travel expenses as set forth in Title 5 of the Administrative Rules of South Dakota and within the limits set by the annual appropriation approved by the Legislature. Reimbursement for expenses such as attendant services, interpreter services and drivers, necessary to allow participation shall be provided after prior notification to the BVR administrative staff.

ARTICLE IV: OFFICERS

Section 1. Positions

The officers of the BVR shall include a Chairperson, Vice-Chair and Member-at-Large. These officers shall comprise the BVR's Executive Committee. The director of the designated State unit shall serve on the Executive Committee as ex-officio, non-voting member. The BVR may elect additional officers as are deemed necessary.

The Chairperson, Vice-Chair and Member-at-Large of the BVR shall be selected from among BVR members. At least one of the officers shall be a past or present recipient of VR services, or a parent or family member of an individual who is or has been a recipient of vocational rehabilitation services.

Section 2. Duties

a. Chairperson. The Chairperson shall preside at all BVR meetings. The Chairperson, in cooperation with BVR Staff and Designated State Agency, shall schedule all meetings of the BVR and perform all such duties relative to the office. The Chairperson shall represent the BVR in dealing with other organizations and at public meetings and conferences or designate an alternate to do so.

b. Vice-Chairperson. The Vice-Chair shall act as Chairperson in the absence of the Chairperson. In the event of the resignation, incapacity or death of the Chairperson, the Vice-Chair shall serve as Chairperson until the BVR elects a new Chairperson. The Vice-Chair shall perform other duties as assigned by the Chairperson.

c. Member-at-Large. The Member-at-Large shall serve as a member of the Executive Committee.

d. Executive Committee. The Executive Committee is chaired by the BVR Chairperson. The Executive Committee (1) may act on behalf of the BVR to perform necessary business matters between regular meetings provided their actions receive concurrence of a majority of the BVR members at the next full BVR meeting; (2) acts on behalf of the BVR on actions as directed by the full BVR; and (3) reports regularly its work and actions to the BVR. The minutes of the Executive Committee meetings shall be sent to all BVR members.

Section 3. Nomination

Nominations for all offices shall be made from the floor.

Section 4. Election

The Chairperson, Vice-Chair and Member-at-Large shall be elected by a majority vote of the full BVR membership. Elections shall be held during the final quarter of the State fiscal year (April, May, or June). The Vice-Chair may assume the Chairperson's position upon the completion of his/her term(s).

Section 5. Eligibility to Hold Office

Officers deemed necessary shall be elected from the full BVR membership.

Section 6. Terms

The term of offices for the Chairperson, Vice-Chair and Member-at-Large shall be one year.

Section 7. Vacancies

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

ARTICLE V: MEETINGS

Section 1. Schedule

The BVR shall meet as often as necessary, as determined by the Chairperson and in cooperation with the Designated State Agency and BVR staff, but at least quarterly. The BVR activities shall function on a state fiscal year basis.

Special meetings of the BVR may be called by the Chairperson, the Designated State Agency or upon the written request of five or more BVR members.

Notice of special meetings shall be made to all BVR members, not less than 10 days prior to the meeting, stating the purpose(s) of the meeting. No other business shall be transacted at a special meeting.

Section 2. Quorum

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

Section 3. Agenda and Supporting Materials

An agenda and supporting materials shall be distributed 10 days in advance. Requests for items to be included on the agenda shall be submitted to the BVR Staff 14 days prior to the meeting.

Section 4. Open Meetings Law

All meetings shall be open to the public in accordance with the State open meetings law, SDCL 1-25-1.

Section 5. Voting

Voting by proxy shall not be permitted.

Section 6. Minutes

The minutes of all regular and special meetings shall be filed and available for inspection by the public at all times at the principal place of business of the Board, as set forth in SDCL 1-25-3. Minutes will be available in draft form after reviewed and approved by the BVR Chairperson.

Section 7. Public Notice

Public notice of all meetings shall be given by posting the agenda outside the principal place of business at least 24 hours prior to any meeting as set forth in SDCL 1-25-1.1.

ARTICLE VI: COMMITTEES

The Chairperson may appoint such standing or ad hoc committees as he/she deems necessary and shall determine the membership of those committees.

ARTICLE VII: PARLIAMENTARY AUTHORITY

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

ARTICLE VIII: AMENDMENT OF BYLAWS

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

ARTICLE IX: CONFLICT OF INTEREST

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

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

ARTICLE X. DESIGNATED STATE AGENCY

Rehabilitation Act, Title I – Vocational Rehabilitation Services, Part A General Provisions, Section 101. State Plans, (2) Designated State Agency; Designated State Unit, P.L.99-506 (A) Designated State Agency. The State plan for vocational rehabilitation services shall requires designation of a State agency as the sole State agency to ~~which shall~~ administer the plan, or to

| ~~or~~ supervise the administration of the State Plan by a local agency. Consistent with that provision, the Governor has designated the Department of Human Services or it's designee to serve as that agency for the BVR.

ARTICLE XI. BOARD STAFF

Technical assistance and staff support shall be provided to the BVR by the Division of Rehabilitation Services under the management authority of the Department of Human Services.