

**BYLAWS**  
of the  
**Utah Interagency Coordinating Council  
for Infants and Toddlers  
with Special Needs and Their Families**  
(34 CFR Part 303, Early Intervention Program  
for Infants and Toddlers with Disabilities, Subpart G)

**Definitions**

**Individuals with Disabilities Education Act (IDEA):** A law ensuring services to children with disabilities, (birth through twenty-one).

**Part C:** Early intervention services for infants and toddlers with disabilities (an individual under 3 years of age) under the Individuals with Disabilities Education Act.

**Lead Agency:** Division of Family Health and Preparedness, Utah Department of Health, Baby Watch Early Intervention.

**Ex-officio Members:** Council members representing State agencies who serve at the discretion and assignment of their agency upon appointment by the Governor.

**Standing Committee:** Committee with a continued existence that is formed to do assigned work on an ongoing basis.

**Ad-hoc Committee:** Committee formed for a specific task or objective and dissolved after the completion of the task or achievement of the objective.

**Major Policy:** A deliberate plan of action to guide decisions, achieve rational outcomes, and support/modify/alter the services provided to eligible children in Utah.

**ARTICLE I**  
**Name**

The name of the Council shall be the Utah Interagency Coordinating Council for Infants and Toddlers with Special Needs and Their Families hereinafter referred to as the ICC or the Council.

## **ARTICLE II**

### **Purpose**

Provide meaningful direction, assistance, and support to the Lead Agency to plan, develop, and implement the policies and procedures constituting the statewide system of individualized, family-focused, culturally competent, services for infants and toddlers with developmental delays and their families as outlined in IDEA (PL 108-446, '97 final regulation 34 CFR Part 303) and advocate for their implementation.

## **ARTICLE III**

### **Functions**

- Section 1. The Council shall advise and assist the Lead Agency in performing the responsibilities set out in Part C, Subpart G, of the IDEA, including assisting the Lead Agency in achieving the full participation, coordination, and cooperation of all appropriate public agencies in the state, regarding the following areas:
- A. Promote interagency agreements and collaboration in the areas of:
    - i. Child Find: CFR 303.165; and 303.321.
    - ii. Monitoring: CFR 303.171; and 303.501
    - iii. Financial responsibility: CFR 303.143; 303.523; and 303.651
    - iv. Provision of early intervention services: CFR 303.561; and
    - v. Transition: CFR 303.653
  - B. Advise and assist the Lead Agency in the preparation of applications and amendments to those applications: CFR 303.652.
  - C. Advise and assist the Lead Agency and the State Educational Agency regarding transition of toddlers with disabilities to preschool and other appropriate services: CFR 303.653.
  - D. Prepare the annual report to the Governor and to the Secretary on the status of early intervention programs operated within the State and ensure that each annual report contains the information required by the Secretary for the year for which the report is made: CFR 303.654.

E. Assignment of financial responsibility to the appropriate agency, and identify sources of fiscal and other support for services for EI programs: CFR 303.651.

Section 2. The Council shall advise and assist the Lead Agency on major policy direction in the preparation of applications and amendments for funds under Part C of IDEA:

A. The Lead Agency will present major policies to the ICC for comment and discussion. The Lead Agency shall respond in a reasonable time to suggestions proposed by the Council.

Section 3. The ICC shall be provided an annual budget based on annual negotiations with the Lead Agency.

Section 4. The Council shall advise and assist the Lead Agency in the effective implementation of the statewide early intervention system by establishing a process that includes:

A. Seeking information from agency service providers, service coordinators, parents, and others about any Federal, State, or local policies that impede timely service delivery; and

B. Taking steps to ensure that any policy problems are resolved.

Section 5. The Council shall, to the extent appropriate, advise and assist the Lead Agency in the resolution of disputes.

Section 6. The Council shall advise appropriate agencies in the State with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the State.

#### **ARTICLE IV**

##### **Membership**

Section 1. All members and/or agency positions on the Interagency Coordinating Council shall be appointed by the Governor. In making appointments to the Council, the Governor shall ensure that the membership of the Council reasonably represents the population of the State.

Section 2. The membership of the ICC is defined by PL 108-446 Sec. 641(b) and must be composed of the following:

- A. At least 20 percent of the members must be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 years or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one parent member must be a parent of an infant or toddler with a disability or a child with a disability aged 6 years or younger. A parent member may be an employee of a public or private agency involved in providing early intervention services.
- B. At least 20 percent of the members must be public or private providers of early intervention services.
- C. At least one member must be from the State legislature.
- D. At least one member must be involved in personnel preparation.
- E. At least one person from the State educational agency responsible for pre-school services to children with disabilities; and have sufficient authority to engage in policy planning and implementation on behalf of the SEA.
- F. At least one member must be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families; and have sufficient authority to engage in policy planning and implementation on behalf of these agencies.
- G. At least one member must be from the agency responsible for the State Medicaid program.
- H. At least one member must be from an Early Head Start agency or program in the State.
- I. At least one member must be from a State agency responsible for child care.
- J. At least one member must be from the agency responsible for the State regulation of health insurance.
- K. At least one member must be a representative designated by the Office of the Coordination of Education of Homeless Children and Youth.
- L. At least one member must be a representative from the State child welfare agency responsible for foster care.

- M. At least one member must be from the Division of Mental Health.
- N. At least one member representing the Utah Parent Center.

Section 3. The following are Ex-officio Members and do not have term limits:

- A. Personnel preparation representative
- B. Pre-school services representative
- C. Bureau of Children with Special Health Care Needs, Utah Department of Health
- D. State Medicaid representative
- E. Early Head Start representative
- F. Child care representative
- G. State health insurance regulation representative
- H. Homeless children and youth representative
- I. Foster care representative
- J. Mental health representative
- K. Legislative Coalition for People with Disabilities
- L. Utah Schools for the Deaf and Blind representative
- M. Utah Family Voices representative
- N. Utah Parent Center representative

Section 4. The persons on the Interagency Coordinating Council representing State agencies should have sufficient authority to do policy planning and implementation on behalf of their agency.

Section 5. Nominees and Replacements:

- A. Nominees to fill ICC membership vacancies will be recruited and be representative of the state's diverse population.

- B. The term of appointment of non-agency Council members shall be four years. Upon recommendation of the Executive Committee, members may be recommended for one additional term and approved by the ICC.
  - i. Recommendation for an additional term will be through consensus of the Executive Committee.
    - a. If a member of the Executive Committee is being considered for an additional term, that person shall recuse themselves from the discussion and voting.
  - ii. The recommendation for the additional term shall then be sent to the ICC for approval.
- C. The Executive Committee of the ICC shall recommend to the Governor that a member of the Council be replaced upon their resignation, or if there have been two consecutive unexcused absences of that person at scheduled ICC meetings.
  - i. The ICC Lead Agency support staff or a Tri-Chair member must be notified (phone, email) by 9:00 a.m. the morning of the scheduled ICC meeting for an absence to be considered excused.
  - ii. In the case of two unexcused absences of an Ex-officio Member, the Executive Committee of the ICC shall recommend to their agency that the member be replaced.

Section 6. Other members may include the following:

- A. Current members of the Utah Developmental Disabilities Council and Disability Law Center. These persons may also qualify to serve as a parent of a disabled child birth through six.
- B. A representative from BIA, or if no BIA operated or funded school, from the Indian Health Services or the tribe/tribal council.
- C. A representative from an H.M.O. or other managed-care organization.
- D. Others as appointed by the Governor or upon recommendation from the ICC.

Section 7. At the discretion of the ICC, other interested parties may be invited to participate in Council and committee meetings. These participants will not have voting privileges.

## **ARTICLE V** **Officers and Duties**

Section 1. The Tri-Chair:

The Officers of the ICC will be a three-person Tri-Chair who will all function as co-chairpersons with primary responsibilities to be divided among the three. They will be elected for a single three-year term.

- A. The ICC member being considered for election for a Tri-Chair position must have served on the ICC for at least one year and may not be an employee of the Utah Department of Health.
- B. Whenever possible, one member of the Tri-Chair should be a Parent Representative of the ICC. If no Parent Member accepts or does not meet criteria (sec. 1A) for nomination, another ICC board member may be nominated to serve.
- C. In the event that a Tri-Chair member is unable to fulfill their three-year term, a new Tri-Chair will be voted in to fulfill their term. In this situation, the Executive Committee has the authority to approve a second term when the partial term has been completed.
- D. The Tri-Chair is responsible for the following duties:
  - i. Scheduling meetings of the ICC and Executive Committee.
  - ii. Developing meeting agendas with the Executive Committee.
  - iii. Chairing all meetings of the ICC and Executive Committee.
  - iv. Coordinating all ICC activities
  - v. Recommending to the ICC a substitute from the ICC membership for any Executive Committee member who can no longer attend Executive Committee meetings.

## **ARTICLE VI** **Committees**

Section 1. There shall be two classes of committees:

A. Standing Committees

B. Ad-hoc Committees

Section 2. Standing Committees:

A. The Executive Committee

i. The Executive Committee Membership shall be composed of the ICC Tri-Chair and representation from the ICC including:

a. Bureau of Children with Special Health Care Needs, Utah Department of Health;

b. The chairs of each Standing Committee within the ICC;

c. One (1) Parent representative, other than the Tri-Chair, as nominated and approved by the full ICC;

d. One (1) Provider representative, other than the Tri-Chair, as nominated and approved by the full ICC;

e. The Part C Coordinator shall serve as non-voting member of the ICC Executive Committee.

ii. The Executive Committee shall:

a. Meet at least fourteen days before the ICC.

b. Discuss items for inclusion on meeting agenda including but not limited to: Baby Watch items, the progress, recommendations, and needs of the Standing and Ad-hoc Committees, issues requiring a vote of the ICC, membership, dispute resolution requests, and other ICC business as identified.

c. Set agenda for ICC meetings and call for special meetings as deemed necessary.

B. The Family Advocacy and Support Committee



- i. The Family Advocacy and Support Committee suggested membership:
  - a. At least three (3) parents
  - b. Utah Family Voices representative
  - c. An early intervention provider representative
  - d. At least one (1) other provider representative
  - e. Any others who wish to participate
- ii. The Family Advocacy and Support Committee shall:
  - a. Promote and foster awareness of early intervention services throughout the state
  - b. Educate and clarify early intervention to those parents who are currently receiving services
  - c. Assist parents in finding their own voice to advocate for their child with special needs

C. The Finance Committee

- i. The Finance Committee suggested membership:
  - a. One (1) Baby Watch Early Intervention representative
  - b. One (1) State Medicaid provider representative
  - c. One (1) State Health Insurance Regulation representative
  - d. One (1) Legislative Coalition representative
  - e. At least one (1) parent representative
  - f. At least one (1) early intervention provider representative
  - g. Any others who wish to participate
- ii. The Finance Committee shall:

- a. Make recommendations to the Lead Agency related to revenue sources (foundations, other state funds, grants, etc.)
- b. Make recommendations to the Lead Agency regarding annual funding requests from the Health Department, Governor's Office, and the Utah Legislature in order to provide appropriate services for all eligible children in Utah

D. The Service Delivery Committee

- i. The Service Delivery Committee suggested membership:
  - a. At least three (3) service provider representatives, two (2) of whom shall be early intervention providers
  - b. At least one (1) parent representative
  - c. One (1) Childrens Special Health Care Needs representative
  - d. One (1) Homeless representative
  - e. One (1) Mental health representative
  - f. Child care representative
  - g. Foster care representative
  - h. Any others who wish to participate
- ii. The Service Delivery Committee shall:
  - a. Identify gaps in service provision.
  - b. Make recommendations to address needs and gaps.
  - c. Identify barriers to service provision.

E. The Comprehensive System of Personnel Development (CSPD) Committee

- i. The Comprehensive System of Personnel Development (CSPD) Committee suggested membership:

- a. Personnel preparation representative
  - b. Baby Watch CSPD Liaison
  - c. At least one (1) parent representative
  - d. At least two (2) providers one of whom must be a Baby Watch Early Intervention provider
  - e. Any others who wish to participate
- ii. The Comprehensive System of Personnel Development (CSPD) Committee shall:
    - a. Identify needs and gaps related to a State-Wide Comprehensive System of Personnel Development
    - b. Identify resources available for CSPD training

Section 3. Ad-hoc committees shall be formed as needed to address short term issues and shall be disbanded at the conclusion of their efforts.

## **ARTICLE VII**

### **Meetings**

Section 1. The ICC shall meet at least quarterly (5 times per year is recommended) and in such places as it determines necessary. The meetings shall be publicly announced sufficiently in advance of the dates to ensure attendance, and, to the extent appropriate, open and accessible to the general public.

Section 2. The time and place of regular meetings shall be determined by the Executive Committee, in cooperation with the Lead Agency. Special meetings may be called by the Tri-Chair as necessary.

Section 3. A scheduled ICC meeting shall be canceled only upon the decision of the Executive Committee.

## **ARTICLE VIII**

### **Voting**

Only members and/or agency positions appointed by the Governor shall have voting privilege.

- Section 1. A quorum of the ICC shall consist of at least 50% of currently appointed ICC voting members. Items brought for a vote shall be considered passed by a simple majority of the quorum present at the meeting.
- A. In the case of extension of a term, the ICC member will be considered a full voting member pending approval and notification of the extension.
- Section 2. Agency representatives may designate a substitute from their agency to attend and vote via proxy. If the member wishes to exercise proxy, he/she must notify the ICC Lead Agency support staff or Tri-Chair member with a written notice (letter, email) that designates the proxy's name and gives the member's permission for that person to vote by 9:00 a.m. the morning of the ICC scheduled meeting. The proxy option may be used twice per year.
- Section 3. A member so requesting shall have his/her vote recorded in the minutes; or, at the request of any member, the vote of each member shall be recorded.
- Section 4. No member of the ICC shall cast a vote on any matter which would provide direct financial benefit to that member/agency or otherwise give the appearance of a conflict of interest under State law. Members shall be required to disclose conflicts as they arise in the discussion.
- Section 5. Voting for a new Tri-Chair member shall occur at the March or May meeting with duties to begin on July 1 of the new fiscal year.
- A. Should a Tri-Chair be unable to fulfill their term, voting for a new Tri-Chair shall occur at the next ICC meeting.
- Section 6. The Tri-Chair who chairs the meeting, shall refrain from voting except in the case of a tie vote, this person shall cast a vote to break the tie.

## **ARTICLE IX**

### **Public Information**

The Tri-Chair of the ICC, or an ICC member designated by the Tri-Chair are the only members authorized to speak publicly for the ICC and then, only in accordance with the media guidelines from the Governor's office.

## **ARTICLE X**

### **Dispute Resolution**

The purpose of dispute resolution is to advise and assist and give support to finding a meaningful resolution as it may pertain to issues related to Lead Agency policy and procedures, and/or the implementation of early intervention services in Utah.

Section 1. All dispute resolution issues will be brought to the Executive Committee for review to determine if the following criterion has been met before scheduling as an ICC agenda item.

A. The following must be considered by the Executive Committee:

- i. Ensure that request does not supplant parents' rights and/or the due process procedure and/or State complaint procedures as outlined in the state plan and IDEA, Interagency agreements, MOUs, or negotiated contracts.
- ii. Assurance that extensive resolution was explored and exhausted at the lowest level, and/or
- iii. Existing procedures were followed in the case of agency to agency disputes.

Section 2. Issues vetted by the Executive Committee and found to meet the above stated criteria will be placed on the agenda to be discussed by the full ICC in a timely manner.

Section 3. The ICC shall than make recommendations for resolution of the issue.

Section 4. In the event of an un-reconciled difference in major policy direction between the ICC and the Lead Agency, the Council shall appeal disputes in accordance with Rule R 380-10, informal adjudicative proceedings, in accordance with the Governor's policy.

## **ARTICLE XI** **Amendments**

Section 1. Amendments to the Bylaws must be submitted in writing to the ICC members at least two weeks prior to the scheduled regular meeting.

Section 2. These Bylaws must be amended by a  $\frac{3}{4}$  majority vote when a quorum has been established.