

By-laws of the Iowa Council for Early ACCESS

ARTICLE I

Section 1. Name

The name of the organization shall be the Iowa Council for Early ACCESS.

Section 2. Authority

The Iowa Council for Early ACCESS (ICEA) is defined in Iowa Administrative Code (IAC) 281 Chapter 120.8(34CFR303). The ICEA was established as the State Interagency Coordinating Council by Governor Terry E. Branstad of the State of Iowa on June 24, 1987. The ICEA meets the requirements as defined in IAC § 281.600-605 and the Individuals with Disabilities Education Act (IDEA), Part C, The Infant and Toddler Program as stated in Title 34 Code of Federal Regulations, Part 303, Subpart G – State Interagency Coordinating Council (2011). The ICEA will abide by IAC and IDEA regulations.

The Early ACCESS Integrated System of Early Intervention Services is the name for Iowa’s implementation of the IDEA Part C. It is a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with a condition known to have a high probability of later delays or a developmental delay, and for their families. The Governor of Iowa appointed the Iowa Department of Education as the state “lead agency” and the Iowa Department of Health and Human Services and Child Health Specialty Clinics as the signatory agencies. The Iowa Department of Education is responsible for the supervision, monitoring, funding and interagency coordination to ensure compliance with IDEA Part C. The signatory agencies shall enter into an Iowa Interagency Memorandum of Agreement with the Department of Education to formalize their joint commitments to the establishment and ongoing implementation and evaluation of a comprehensive, integrated, interagency Early ACCESS system.

ARTICLE II

Section 1. Purpose

The purpose of the Iowa Council for Early ACCESS (ICEA) is to advise and assist the Iowa Department of Education and signatory agencies in the performance of the responsibilities established in IDEA Part C. The ICEA supports the implementation of a statewide, comprehensive, coordinated, multidisciplinary and interagency system of early intervention services for infants and toddlers and their families. The ICEA contributes to statewide awareness of Early ACCESS services and collaborates to identify, provide and coordinate resources and support for infants, toddlers and their families.

Section 2. Functions

Functions of the Iowa Council for Early ACCESS are required by IAC §281-120.604, §120.605 and Code of Federal Regulations 34CFR303.

The Iowa Council for Early ACCESS **shall** advise and assist the Lead Agency and signatory agencies in the performance of its responsibilities including:

1. Identification of sources of fiscal and other support for services for early intervention service programs under Part C of the Individuals with Disabilities Education Act;
2. Assignment of financial responsibility to the appropriate agency;
3. Promotion of methods (including use of intra-agency and interagency agreements) for intra-agency and interagency collaboration regarding:
 - Child find;
 - Monitoring and enforcement of compliance with IDEA Part C;
 - Financial responsibility and provision of early intervention services; and
 - Transition to preschool and other programs.
4. Preparation of applications for IDEA Part C funds and amendments.
5. Transition of toddlers with disabilities to preschool services under IDEA Part B and other appropriate community services.
6. Prepare and submit an annual report to the Governor of Iowa and to the U.S. Department of Education Secretary on the status of Iowa's Early ACCESS system of early intervention services (IDEA Part C); submit the report to the Secretary by a date that the Secretary establishes; and contain the information required by the Secretary for the year for which the report is made.
7. Development and implementation of new and revised policies that constitute an Early ACCESS Integrated System of Early Intervention Services.
8. Achieve participation, coordination and cooperation with other major efforts to locate and identify children by other state agencies responsible for administering various education, health and social service programs relevant to Early ACCESS.
9. Ensure the use of resources available through public agencies and Early ACCESS providers to implement the child find system in an effective manner.

The Iowa Council for Early ACCESS **may** carry out the following activities:

1. Advise and assist the Iowa Department of Education regarding the provision of appropriate services for children with disabilities from birth through age five.
2. 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.
3. Coordinate and collaborate with the state advisory council on early childhood education and care for children, if applicable, and other state interagency early learning initiatives, as appropriate.

ARTICLE III

Section 1. Membership

The membership of the Iowa Council for Early ACCESS shall consist of representatives of the public and private sector who by virtue of their position, interest and training can contribute to the system of

early intervention services provided to infants and toddlers and their families. There shall be no more than 25 members. Composition of the ICEA is required by the Code of Federal Regulations (34 C.F.R. §303-601) and IAC §120.601(1).

Representation	Composition
Parent	<p>At least 20 percent of the members must be:</p> <p>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.</p> <p>At least one parent member must be: Parent of an infant or toddler with a disability or a child with a disability aged 6 years or younger.</p>
Public or Private Providers of Early Intervention Services	<p>At least 20 percent of the members must be public or private providers of early intervention services.</p> <p>At least one member is a representative of an Early ACCESS grantee (Area Education Agency).</p>
State Legislature	At least one member must be from the state legislature.
Personnel Preparation	<p>At least one member must be involved in personnel preparation.</p> <p>Representative of a state university, private college or community college that prepares future early intervention providers.</p>
State Agencies	<p>At least one member must be from:</p> <p>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,</p> <p>Have sufficient authority to engage in policy planning and implementation on behalf of these agencies.</p> <p>Representative must be from:</p> <p>Lead Agency: Iowa Department of Education;</p> <p>Signatory Agencies: Child Health Specialty Clinics; Iowa Department of Health and Human Services</p>
Department responsible for preschool services	<p>At least one member must be from the:</p> <p>Unit of the department responsible for preschool services to children with disabilities (IDEA Part B 619); and,</p> <p>Have sufficient authority to engage in policy planning and implementation on behalf of the Iowa Department of Education.</p> <p>Iowa Department of Education</p>

Representation	Composition
State Medicaid and CHIP program	At least one member must be from the agency responsible for the state Medicaid and CHIP program. [Healthy and Well Kids in Iowa (Hawk-i)] Iowa Department of Health and Human Services
Head Start; Early Head Start	At least one member must be from a Head Start or Early Head Start agency or program in the state.
Child Care	At least one member must be from a state agency responsible for child care. Iowa Department of Health and Human Services
Private Health Insurance	At least one member must be from the agency responsible for the state regulation of private health insurance. Iowa Insurance Division
Coordination of Education of Homeless Children and Youth.	At least one member must be a representative designated by the Office of the Coordination of Education of Homeless Children and Youth. Iowa Department of Education
State Child Welfare Agency for Foster Care	At least one member must be a representative from the state child welfare agency responsible for foster care. Iowa Department of Health and Human Services
Children's Mental Health	At least one member must be from the state agency responsible for children's mental health. Iowa Department of Health and Human Services
Others	The ICEA may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs (BIA) or, where there is no school operated or funded by the BIA, from the Indian Health Service or the tribe or tribal council.

Section 2. Appointment

Members of the Iowa Council for Early ACCESS shall be appointed by the Governor. The Governor shall ensure the membership of the ICEA reasonably represents the population of the state and the composition required by IAC §120.601. A member may represent more than one program from the responsible state agency.

According to IAC §4A.12, the ICEA is to be bipartisan in the composition and, to the extent practicable, have minority representation. A vacancy exists if the member of the general assembly serving on the ICEA ceases to be a member of the general assembly. A vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.

Any member may resign the ICEA at any time by giving a written notice addressed to the Governor of Iowa. A resignation shall take effect on the date of the receipt of the notice. Unless otherwise specified in the notice, the acceptance of the resignation shall not be necessary to make it effective.

Section 3. Term of Membership

The members of the Iowa Council for Early ACCESS will serve a 3-year term, except those appointments made to fill an unexpired term. The three-year term begins July 1 of the first year and ends June 30 of the third year after the Governor makes the appointment. Appointments shall be staggered terms to assure that the number of appointments approximate one third of the membership. It is recommended members serve no more than two consecutive terms, unless allowed by the Governor. Representatives from the Lead Agency and signatory agencies serve unlimited consecutive terms.

When a vacancy occurs prior to the end of a term, any person appointed to fill such vacancy shall hold the office for the remainder of the unexpired term. After having served the unexpired term, the appointee may hold the office for a recommended two consecutive full terms.

Section 4. Attendance

Regular attendance is expected. Consistent with IAC §4A.11, if a member misses three or more consecutive regular meetings of the ICEA in a year or attends less than one half of the regular meetings in the year appointed, the member shall be deemed to have submitted a resignation. After missing two consecutive meetings, the Early ACCESS staff will inform the ICEA chairperson of the absences. If a member resigns based on nonattendance, the Governor's Office will appoint a new member. The appointment shall be made in the same manner and for the same term as in the case of other vacancies caused by resignation from the ICEA.

Section 5. Non-discrimination

It is the policy of the Early ACCESS system not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, gender, disability, religion, age, political party affiliation, or actual or potential parental, family or marital status in its programs, activities, or employment practices as required by the IAC § 216.9 and 256.10(2), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title IX (Educational Amendments, 20 U.S.C.§§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.).

If you have questions or grievances related to compliance with this policy by the Iowa Department of Education, please contact the legal counsel for the Iowa Department of Education, Grimes State Office Building, 400 E 14th St, Des Moines, IA 50319-0146, telephone number 515-281-5295, or the Director of the Office for Civil Rights, U.S. Department of Education, 111 N. Canal Street, Suite 1053, Chicago, IL 60606-7204.

ARTICLE IV

Section 1. Meetings of Iowa Council for Early ACCESS

The Iowa Council for Early ACCESS will conduct meetings in person or by electronic means to perform its responsibilities established in IDEA Part C. The ICEA shall provide for hybrid meetings,

teleconference participation, virtual meetings, remote participation and other hybrid options for the members to participate in ICEA meetings as defined in IAC § 21.8.

A majority of ICEA members shall constitute a quorum.

The time and place of regular meetings shall be determined annually by the Executive Committee in conjunction with the Early ACCESS staff. Meetings shall be held in accordance with the IAC Chapter 21, Iowa's open meetings statute.

The Governor may delegate the ICEA to designate a member to serve as the chairperson for the ICEA. Any member representing the Lead Agency (Iowa Department of Education) or signatory agencies (Iowa Department of Health and Human Services and Child Health Specialty Clinics) may not serve as the chairperson.

Section 2. Number of Meetings

The Iowa Council for Early ACCESS shall meet at the call of the Chair, and there shall be a minimum of four meetings (quarterly) each year between July 1 and June 30. The meeting shall be open and accessible to the general public in accordance with IAC § 21 governing open meetings to the public.

Section 3. Notification of Meeting and Agenda

The State Coordinator for Early ACCESS shall ensure a public notice which includes the time, date, place of the meeting and tentative agenda is posted in a manner to ensure all interested parties have an opportunity to attend the meeting. The public notice shall be given at least twenty-four hours prior to the commencement of the ICEA meeting.

Members of the ICEA shall be notified by electronic mail (or first class mail upon written request) of the agenda, time and place of regular meetings at least ten (10) business days prior to the date of the meeting.

The minutes of each ICEA meeting will record the date, time and place, members present and action taken at each meeting. Minutes of each meeting shall be sent to the ICEA by electronic mail (or first class mail upon written request) within ten (10) business days of the subsequent meeting. All documents distributed at each meeting are available upon request. Meeting agendas and minutes shall be made available to the public on the Iowa Department of Education's Early ACCESS webpage.

Any item which requires action by the ICEA must be submitted to the Chairperson at least ten (10) business days prior to the scheduled meeting.

The ICEA meetings must:

- To the extent appropriate, be open and accessible to the general public;
- As needed, provide for interpreters for persons who are deaf or hard of hearing and other necessary services for ICEA members and participants;
- Provide reasonable accommodations for ICEA members and the public who give advance notice of their needs to ICEA staff at least ten business days in advance of the scheduled meeting date; and,

- If reasonably possible, provide accommodations requested after the required time frame at the discretion of the Iowa Department of Education. The ICEA may use funds under this chapter to pay for such services.

ARTICLE V

Section 1. Executive Committee Members

The Governor of Iowa must designate a member of the ICEA to serve as the chairperson or delegate the responsibility to the members of the ICEA.

The ICEA shall form an Executive Committee, which will be composed of the following individuals:

1. Chairperson
2. Vice-Chairperson
3. Parent
4. ICEA Member, at large
5. Iowa Department of Education, Lead Agency
6. Child Health Specialty Clinics, Signatory Agency
7. Iowa Department of Health and Human Services, Signatory Agency

The Early ACCESS State Coordinator is an ex-officio member of the Executive Committee. The Early ACCESS staff serve as support to the ICEA, Executive Committee and other designated committees.

All ICEA Executive Committee members shall be in good standing of the ICEA.

Section 2. Elections

During the last meeting prior to June 30, the ICEA shall elect officers by a majority of the members present, those present constituting not less than a quorum. Elections shall not occur unless there is a quorum present.

The elected members of ICEA will serve on the Executive Committee for one year commencing on July 1. The elected ICEA members will hold office until a successor is elected, unless the member resigns.

Nominations for officers come from the ICEA membership and may be made in person at an ICEA meeting or any time prior to the election by contacting the Chairperson in writing or via email. A slate of officers for the Executive Committee to the ICEA members will be provided to the ICEA at least ten business days prior to the ICEA meeting when the election will occur.

Special elections shall be held to fill vacant positions on the Executive Committee at the discretion of the Chairperson.

Section 3. Duties of the Chairperson

The ICEA Chairperson shall preside at all meetings and shall exercise general governance of the ICEA and Executive Committee of the ICEA.

Duties of the ICEA Chairperson:

- a. Communicate with the State Coordinator of IDEA Part C (Early ACCESS).
- b. Serve as the presiding officer of the Iowa Council for Early ACCESS.
- c. Collaborate with the Executive Committee to develop meeting agendas.
- d. Conduct meetings.
- e. Advise and assist in preparation of the IDEA Part C Annual Performance Report (APR).
- f. Appoint sub-committees and chairpersons within the ICEA, as needed.
- g. Represent the ICEA with the public.
- h. Organize nominating efforts to assist in filling officer positions and vacancies on the ICEA.

Section 4. Duties of the Vice-Chairperson

In the absence of the ICEA Chairperson, the ICEA Vice-Chairperson shall assume the duties of the Chairperson. Should a vacancy of the Chairperson occur, the Vice-Chairperson shall assume the role of Chairperson. A new Vice-Chairperson shall be elected by a majority of members present to complete the remaining term of office.

Section 5. Duties of the Executive Committee

The ICEA Executive Committee is responsible for:

- a. Initially reviewing and discussing information and issues that will be addressed by the ICEA;
- b. Establishing the framework for overall ICEA business, including the calendar of meetings and the agenda for ICEA meetings;
- c. Facilitating the implementation of the interagency agreement among the signatory agencies;
- d. Receiving and filtering information regarding the Iowa IDEA Part C system of early intervention services and prepare it for ICEA response;
- e. Identifying and making recommendations for the appropriate utilization of federal and state resources as well as resources outside the purview of the state;
- f. Considering action on the recommendations of the ICEA;
- g. Setting priorities for development of the Early ACCESS system;
- h. Reviewing bylaws annually and revise as needed.

ARTICLE VI

Section 1. Establishing Committees

The ICEA may establish or dissolve standing or ad hoc committees from time to time and in the furtherance of its work. The Executive Committee may establish committees or task teams deemed necessary to carry out tasks designated by the Iowa Council for Early ACCESS. Each committee must consist of at least two ICEA members and must be chaired by an ICEA member.

Section 2. Membership Committee

Purpose: A membership committee may be established, as needed, to review ICEA composition, recruit potential members and make recommendations to fill vacancies as specified in Article III in order to assure compliance with IDEA and the ICEA's ability to effectively perform its duties.

Section 3. Resources for Committees

The fiscal agency for Early ACCESS (Iowa Department of Education) will provide resources to the committees as stipulated in the Annual State IDEA Part C Application and Budget.

ARTICLE VII

Section 1. Parliamentary Procedures

1. A majority of the appointed members constitutes a quorum.
2. A person may be designated to attend a meeting of the ICEA in the absence of the appointed member, but only duly appointed ICEA members have voting privileges.
3. Rules of precedence of motions and other parliamentary procedures not specified herein shall be governed by Robert's Rules of Order.

Section 2. Amendments

By-laws may be amended by two-thirds (2/3) of the appointed ICEA members present. Proposed changes to the by-laws must be submitted in writing to all ICEA members a minimum of thirty (30) days prior to the vote.

Section 3. Use of Funds by Iowa Council for Early ACCESS

The ICEA may use funds appropriated to the ICEA as stipulated in the Iowa Department of Education's Annual State IDEA Part C Application and Budget to:

1. Conduct hearings and forums;
2. Reimburse members of the ICEA for reasonable and necessary expenses for attending ICEA meetings and performing ICEA duties (including child care for parent representatives);
3. Pay compensation to a member of the ICEA if the member is not employed or must forfeit wages from other employment when performing official ICEA business;
4. Hire staff or obtain the services of professional, technical, and clerical personnel as may be necessary to carry out the performance of its functions under IDEA, Part C.
5. Pay for accommodations needed for members and participants (e.g. interpreters, Braille, etc.)

Except as provided in 1-5 above, ICEA members shall serve without compensation from funds available under IDEA, Part C.

Section 4. Conflict of Interest

No member of the ICEA shall cast a vote on any matter that is likely to provide a direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.