

BY-LAWS

Of the Governor's Council on Disabilities and Special Education

As REVISED/AMENDED September 30th, 2021

Table of Contents

Governor's Council on Disabilities and Special Education

By-Laws

Contents

ARTICLE 1 PURPOSE..... 1

ARTICLE 2 DUTIES AND RESPONSIBILITIES..... 1

ARTICLE 3 MEMBERSHIP 4

 1. COMPOSITION 4

 2. TERM OF OFFICE 5

 3. COMPENSATION, PER DIEM, AND EXPENSES 5

ARTICLE 4 OFFICERS AND DUTIES..... 5

 1. OFFICERS 5

 2. TERMS OF OFFICE 6

 3. DUTIES 6

 4. EXECUTIVE DIRECTOR AND STAFF 8

ARTICLE 5 MEETINGS 10

ARTICLE 6 EXECUTIVE COMMITTEE 11

ARTICLE 7 COMMITTEES AND WORK GROUPS..... 13

ARTICLE 8 RECORDS AND PROCEDURES 15

ARTICLE 9 PARLIAMENTARY AUTHORITY 15

ARTICLE 10 ETHICS AND CONFLICT OF INTEREST..... 15

ARTICLE 11 AMENDMENT OF BY-LAWS 16

BY-LAWS of the
GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL EDUCATION
as REVISED/AMENDED on October 8, 2015

ARTICLE 1
PURPOSE

The purpose of the Governor's Council on Disabilities and Special Education (Council) is to create change that improves the independence, productivity, and inclusion of people with disabilities in their communities. The Council conducts advocacy, capacity building, and systems change activities to create change for Alaskans with disabilities, particularly those having developmental disabilities, students in special education, and children receiving early intervention services.

The Council's purpose, authority, duties, and responsibilities are established in federal and state law (hereafter referred to as applicable laws). The federal laws that govern the Council's duties and responsibilities are found in the Developmental Disabilities Act and the Individuals with Disabilities Education Act. Under federal law, the Council acts as the State Council on Developmental Disabilities, the Special Education Advisory Panel, and the Interagency Coordinating Council for Infants and Toddlers with Disabilities.

The state laws that govern the Council are Programs for People with Disabilities (AS 47.80), Education for Exceptional Children (AS 14.30.231), Special Education Service Agency (AS 14.30.600), Services for Developmentally Delayed or Disabled Children (AS 47.20.060), and the Mental Health Trust (AS 47.30.031). Under state laws, the Council serves as a partner board for the Alaska Mental Health Trust Authority representing the needs of individuals with developmental disabilities and the Governing Board for the Special Education Service Agency.

ARTICLE 2
DUTIES AND RESPONSIBILITIES

1. The Council shall serve as the State Council on Developmental Disabilities. Duties and responsibilities are to:
 - A. undertake advocacy, capacity building, and systems change activities that contribute to the coordination of consumer and family centered as well as consumer- and family-directed comprehensive systems of community services, individualized supports, and other forms of assistance that contribute to the achievement of its mission;
 - B. annually examine the extent to which each goal of the Council was achieved, including the Council's self-advocacy goal; determine the factors that impeded achievement, if any; determine changes that require amendment of the five-year strategic plan; determine customer satisfaction with Council supported or conducted activities; and prepare an annual report;
 - C. develop the Council's five-year strategic plan in accordance with federal requirements after consultation with the designated State agency under the State plan; such consultation shall be solely for the purposes of obtaining State assurances and ensuring consistency of the plan with

State law;

- D. implement the five-year strategic plan through (1) outreach, (2) training, (3) technical assistance, (4) supporting and educating communities, (5) interagency collaboration and coordination, (6) coordination with related councils, committees, and programs, (7) barrier elimination, systems design, and redesign, (8) coalition development and citizen participation, (9) informing policymakers, (10) demonstration of new approaches to services and supports, and/or (10) other advocacy, capacity building, and systemic change activities;
- E. periodically review the designated State agency and activities carried out by the designated State agency and make any recommendations for change to the Governor;
- F. serve as a forum by which issues and benefits regarding current and potential services to people with disabilities or students in special education may be discussed by consumer, public, private, professional, and lay interests;
- G. advocate the needs of people with disabilities, students in special education, and children receiving early intervention services before the executive and legislative branches of state government and before the public;
- H. advise the executive and legislative branches of state government and the private sector on programs and policies pertaining to current and potential services to people with disabilities, including individuals with developmental disabilities, children receiving early intervention services, and students in special education and their families;
- I. submit periodic reports to the Commissioner of Health and Social Services, the Commissioner of Education, and to other appropriate departments, on the effects of current federal and state programs regarding services to people with disabilities, students in special education, or children receiving early intervention services, including program performance reports to the Governor, the federal government, and to state agencies, as required by applicable laws;
- J. review and comment to commissioners of state departments on all state plans and proposed regulation relating to the adoption of a plan or regulations for people with disabilities, students in special education, and children receiving early intervention services;
- K. recommend the priorities and specifications for the use of funds received by the state from applicable federal laws;
- L. submit annually to the Commissioner of Health and Social Services, the Commissioner of Education, and the Commissioner of Commerce and Economic Development and any other applicable agency, a proposed interdepartmental program budget for services to people with disabilities, students in special education, or children receiving early intervention services which includes, insofar as possible, projected revenues and expenditures for programs implemented by state agencies, local governmental agencies, and private organizations. The interdepartmental program budget is an informational supplement to the regular annual budgetary submissions of the departments to the Office of the Governor;

- M. provide information and guidance for the development of appropriate special education programs and services for exceptional children as defined in AS 14.30.350 and AS 47.20.060; and
 - N. monitor and evaluate budgets or other implementation plans and programs for people with disabilities, students in special education, or children receiving early intervention services to assure non-duplication of services and encourage efficient and coordinated use of federal, state, and private resources in the provision of services; members of the Council, with the approval of the Council, have access to information on the possession of state agencies subject to disclosure restrictions imposed by state or federal confidentiality or privacy.
2. Serve as the Special Education Advisory Panel for purposes of the Individuals with Disabilities Education Act. Duties and responsibilities include:
- A. advise the Department of Education & Early Development (DEED) of unmet needs within the State in the education of children with disabilities;
 - B. comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;
 - C. advise DEED in developing evaluations and reporting on data to the U.S. Secretary of Education as required;
 - D. advise DEED in developing corrective action plans to address findings identified in Federal monitoring reports under part B of the Act;
 - E. advise DEED in developing and implementing policies related to the coordination of services for children with disabilities; and
 - F. aid in recruiting, preparing, and retaining qualified personnel.
3. The Council shall govern the Special Education Service Agency:
- A. assure SESA provides assistance to school districts and early intervention programs serving individuals with low incidence disabilities, who live primarily in rural and remote areas of the state;
 - B. assure SESA supports education that is student, family, and community-centered and meets the individual needs of students;
 - C. assist SESA in addressing other state education needs of individuals with low incidence disabilities, as external funding is obtained; and
 - D. monitor SESA policies and procedures.
4. Serve as the Interagency Coordinating Council for Infants and Toddlers with Disabilities for purposes of Individuals with Disabilities Education Act. Duties and responsibilities include:

- A. advise and assist the Department of Health and Social Services (DHSS) in the development and implementation of the policies that constitute the statewide system;
 - B. assist DHSS in achieving the full participation, coordination and cooperation of all appropriate public agencies in the state;
 - C. assist DHSS in the effective implementation of the statewide system by establishing a process that includes seeking information from service providers, service coordinators, parents, and others about any federal, state, or local policies that impede timely service delivery and steps to ensure that any policy problems identified are resolved;
 - D. to the extent appropriate, assist DHSS in the resolution of disputes;
 - E. offer advice and assist DHSS and DEED regarding the provision of appropriate services for children aged birth to five, inclusive; and
 - F. perform other duties in accordance with the orders and resolutions of the Council.
5. The Council shall provide to the Alaska Mental Health Trust Authority for its review and consideration recommendations concerning the integrated comprehensive mental health program for the people of the state who are described in AS 47.30.0569(b)(2) and the use of the money in the mental health trust income account in a manner consistent with regulations adopted under AS 47.30.031.
6. The Council shall perform other duties required under applicable federal and state laws.

ARTICLE 3
MEMBERSHIP

1. COMPOSITION

- A. The Council is to be composed of those persons who are appointed by the Governor to meet the areas of representation required by law;
- B. at least 60 percent of the members shall be persons who experience developmental disabilities, parents, or guardians of children with developmental disabilities or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves, who are not officers or directors of an entity, or employees of a state agency, which receives funds or provides services under Developmental Disabilities Act or Individuals with Disabilities Education Act. Of the 60 percent, one-third must be individuals who experience developmental disabilities; one-third must be parents or guardians of children with developmental disabilities or immediate relatives or guardians of adults with developmental disabilities who cannot advocate for themselves; and one-third shall be any combination of the two groups;

- C. the balance of the members shall represent the principal state agencies, local agencies, non-governmental agencies, groups, and professions concerned with services to people with disabilities or students in special education and others as necessary to meet the requirements of law;
- D. membership of the Council shall at all times comply with the requirements of law; and
- E. in the appointment of all members other than state agency members, due regard shall be given to reflect the geographic regions and diversity of the state with respect to age, race, culture, and a variety of different mental and physical disabilities.

2. TERM OF OFFICE

- A. Council members serve staggered terms of three years or until replaced by the Governor;
- B. upon proper application, Council Members may be reappointed to serve consecutive terms, without limit;
- C. a vacancy occurring in the membership of the Council shall be filled by appointment of the Governor for the current portion of the vacated term;
- D. council members serve at the pleasure of the Governor, notwithstanding their terms of office; and
- E. the Governor may replace any member who, by poor attendance or lack of contribution to the Council's work, demonstrates ineffectiveness as a Council member. Ineffectiveness is defined as absence from two consecutive Council meetings or being habitually absent from committee meetings without good cause. After notification of the member, the Executive Committee may, by simple majority, vote to recommend that the Governor replace the person.

3. COMPENSATION, PER DIEM, AND EXPENSES

Members of the Council are volunteers who receive no salary but are entitled to per diem and reimbursement for travel and other expenses as authorized by law.

ARTICLE 4 OFFICERS AND DUTIES

1. OFFICERS

- A. Any person appointed to the Council is eligible to hold office. Only Council members may serve as officers of the Council;
- B. officers shall include the Chair, Vice Chair, and Legislative Committee Chair;

- C. in the event of the resignation, death, or removal from the Council of the Chair, the Vice Chair shall succeed to the office of the Chair. In the event of the resignation, death, or removal from the Council of the Chair and Vice Chair, the Legislative Committee Chair shall succeed to the office of the Chair; and
- D. any vacancy occurring in the office of the Vice Chair or Legislative Committee Chair shall be filled by a majority vote of the Executive Committee and shall serve the remainder of the current term.

2. TERMS OF OFFICE

- A. The Chair shall be elected and/or confirmed for a two-year term by a majority vote at the Spring Meeting in the years ending with odd numbers. The Chair's term of office shall start on July 1st and run consecutively for two years ending June 30th;
- B. the Vice Chair shall be elected for one-year terms by a majority vote at the Spring Meeting and their term shall start on July 1st and end June 30th;
 - the Vice Chair elected to serve during the even-year of the Chair's two-year term shall succeed to the office of Chair the following year; and
- C. the Legislative Committee Chair shall be elected for a two-year term by a majority vote at the Spring Meeting in the years ending with odd numbers. The term of office shall start on July 1st and run consecutively for two years ending June 30th.

3. DUTIES

The officers shall perform the following duties:

- A. Council Chair:
 - 1. Call all Executive Committee meetings and set agenda;
 - 2. preside at all Council meetings, special meetings, and meetings of the Executive Committee;
 - 3. provide encouragement and guidance to standing committees, ad-hoc committees, and work groups as appropriate to meet the goals and objectives of the state plan;
 - 4. appoint one Member-at-Large to serve on the Executive Committee;
 - 5. after receiving input from the members of each individual committee, appoint a Council member to the Chair of the Developmental Disabilities Committee, Education Committee, Early Intervention Committee, and any existing ad hoc committees or work groups;
 - 6. after receiving input from the members of each individual committee, approve public

members to each committee and ad hoc;

7. serve as a voting member on committees of his/her choice and as an ex-officio (non-voting) member of any or all other committees;
 8. serve as the Council's official representative during his/her term;
 9. operate and conduct the business and affairs of the Council according to the orders and resolutions of the Council; and
 10. perform other duties described in these by-laws or assigned by resolution of the Council.
- B. Vice Chair:
1. Assist the Chair in the discharge of their duties and preside at Council, Executive Committee, or special meetings in the absence of the Chair;
 2. monitor the record of actions taken by motion at each meeting and items requiring follow-up on the agenda for the next meeting;
 3. act as the parliamentarian for the Council; and
 4. perform other duties in accordance with the orders and resolutions of the Council.
- C. Legislative Committee Chair:
1. The Legislative Committee Chair is an officer of the Executive Committee (along with the Council Chair and the Council Vice Chair);
 2. the Legislative Committee Chair presides over Legislative Committee meetings;
 3. with consent of Executive Committee, represent the Council's legislative priorities before the Alaska Legislature, Administration, and Governor's office;
 4. work with the Executive Committee to furnish a legislative priorities agenda for the Council;
 5. request and review legislation to determine the effect of the proposed legislation on people with disabilities or students in special education;
 6. monitor the progress of legislation and notify the Council chair of hearings and deadlines for comment on regulations and proposed legislation that would affect people with disabilities or students in special education;
 7. as directed by the Executive Committee or Council, prepare proposals to change present laws; and

8. assist the Executive Committee in the preparations and submittal of reports to the Legislature.

4. EXECUTIVE DIRECTOR AND STAFF

The Council shall hire staff as is provided by AS 47.80.070(b) to ensure the Council has the capacity to fulfill its regulations. An Executive Director of the Council shall be selected by a majority vote of the Council. In accordance with the Council policies and procedures manual, the Executive Director appointed by the Council shall:

- A. work in close partnership with the Council Chair;
- B. oversee the general management and business functions of the Council in accordance with State and federal requirements, including interactions with State administrative personnel and federal grant officers, development and management of the Council's budget and work plan, and human resources;
- C. adhere to the scope and purpose of duties assigned by the Council and Executive Committee;
- D. assure there is qualified and supervised staff sufficient to support and provide technical assistance to the Council, its committees, work groups, and other ad hoc committees it establishes;
- E. provide the necessary accommodations to give Council members the opportunity to participate to their full potential in Council and related activities;
- F. operate within the plan activity budget approved by the Council;
- G. make specified reports to the Council on:
 1. staff activities;
 2. council budget;
 3. legislative and public policy matters;
 4. progress in the State Plan implementation;
 5. emerging issues; and/or
 6. other items as determined by the Council.
- H. ensure that the necessary support is available for Council members to develop policies, adopt, and implement the five-year strategic plans and annual work plans, conduct systems monitoring and advocate for people with disabilities, including orientation and training, responding to inquiries and requests for information from members,

and providing staff support for the Council in preparing agendas and minutes using The Democratic Rules of Order;

- I. provide information and/or technical assistance to Council officers, Committee Chairs, ad hoc committees, and work group representatives as may be required or requested;
- J. provide research and analysis of issues under consideration by the Council;
- K. inform Council members about pending deadlines and potential impacts of the decisions they are considering;
- L. monitor relevant state agencies' funding and programs for people with disabilities as they impact the issues or activities identified in the state plan;
- M. oversee the Council's public policymaking agenda, including maintaining positive relationships with agencies and advocates, forming collaborations and networks, implementing public awareness activities, responding to requests for information, researching and drafting policymaking documents, tracking and reporting legislation for Council action, and when requested by Council, represent the Council and speak out on the Council's position on issues;
- N. oversee the Council's strategic planning process, including securing community input and ensuring methods are in place to track and analyze data, identify issues, and diagnose trends useful in planning and advocacy;
- O. represent the Council in working with, forming partnerships, and assuming leadership when appropriate, with other federal, state, and/or local agencies, organizations, coalitions, associations, and other such groups to further the agenda of the Council's state plan and pass on involvement in those which do not;
- P. authorize staff or Council members to represent or speak on behalf of the Council;
- Q. monitor and provide information to public policy makers on issues which impact people with disabilities and their families;
- R. supervise staff activities and/or partnering with outside agencies to accomplish work plan activities;
- S. assure that annual program performance report (PPR) accurately reflects the activities of the Council;
- T. report to Council work groups on state plan implementation progress;
- U. the Executive Director's employment classification and authority to hire staff is governed by AS 47.80.070(b); and
- V. the Executive Director is responsible to the Council for performance of his or her duties and subsequently responsible for the actions of the staff.

ARTICLE 5
MEETINGS

1. The Council will hold at least three or more regularly scheduled meetings during the state's fiscal year. The committees or work groups of the Council will conduct meetings as necessary;
2. special meetings of the Council may be held at such time and place as the Executive Committee may order;
3. all meetings of the Council are public and there shall be public notice prior to Council meetings. An executive session may be called by majority vote of the Council members present. All records of executive sessions shall be maintained consistent with the Open Meetings Act (AS 44.62.310 - .319) and The Democratic Rules of Order;
4. a quorum at all Council meetings shall consist of a simple majority of currently appointed Council members. However, in no event will a quorum consist of less than nine members;
5. no member may vote for, on behalf of, or in any way exercise the vote of another;
6. interpreters and other necessary translating services must be provided at Council meetings, standing committee meetings, or meetings of the Council's committees or work groups, for Council members or participants, if requested;
7. the date, time, and place for the succeeding Council meeting will be established at each Council meeting. The Council will reconvene at that time and place unless proper notice is given to all members that the meeting will be rescheduled;
8. all Council, committee and work group meetings will be held in physically accessible and barrier-free buildings;
9. the Executive Committee may poll the Council and reschedule any Council meeting if a majority of the members indicate that they cannot attend a meeting;
10. the standing committees, ad hoc committees, and work groups of the Council will use teleconference facilities, or other appropriate technology, to conduct their meetings as necessary under paragraph 12 of this section. If a meeting is conducted through teleconference or other appropriate technology, the Chair of the meeting shall ensure that:
 - A. the equipment used allows all persons attending or observing the meeting to hear and participate in all of the proceedings;
 - B. any displays or papers used at the meeting are available to all participating members;
 - C. the time, date, and subjects for Executive Committee or full Council meetings are made public prior to the meeting; and
 - D. participants via teleconference are given an opportunity to comment upon and participate

in the business of the meeting to the same extent as all other participants.

11. A member of the Council, committee, or work group is present at a meeting if the member is physically present at a publicly advertised site or via teleconference or other approved technology for a meeting, or under the condition described in (10) of this section.
12. A member may appear at a regularly scheduled Council meeting by telephone or other approved technology if:
 - A. the member has in his or her possession all materials that the agenda shows will be presented at the meeting; and
 - B. the member is unable to appear at the advertised site because of:
 1. serious personal illness or injury;
 2. a serious illness, injury, or death in the immediate family;
 3. failure of transportation systems; or
 4. other reasons pre-approved by the Chair;
13. the presiding officer at standing committee, ad hoc committee, or work group meetings may arrange for the use of a conference telephone system or other appropriate technology that allows the member to participate fully in the meeting;
14. a majority of those members that are physically present at the meeting can agree that all of the conditions of this subsection are met and that the absent member has been sufficiently identified; and
15. a member may be excused, only in advance, from attendance at a Council meeting for any legitimate reason accepted by agreement of the Executive Committee.

ARTICLE 6 EXECUTIVE COMMITTEE

1. The Council's Executive Committee shall consist of seven members comprised of the three officers, the one Member-at-Large, and the Chairs of the Committees for Self-Advocacy & Leadership (SAL), Employment (EMP), and Community Inclusion, Supports, and Services (CISS). At least four members of the Executive Committee shall be consumers or parent representatives;
2. the Member-at-Large of the Executive Committee:
 - A. Is appointed by the chair and serves a two-year term that coincides with the Chair's term, as described in Article IV, paragraph 2A;
 - B. Assists the Chair in the discharge of his/her duties and presides at meetings in the absence of the Chair, Vice Chair, and Legislative Chair;
 - C. Chairs committees, ad hocs, or work groups as appointed by the Chair; and
 - D. Performs other duties in accordance with the orders and resolutions of the Council.
3. the Executive Committee shall have full authority, within the limits of established Council priorities,

policies, and procedures, to act on behalf of the Council between regularly scheduled Council meetings;

4. the Executive Committee shall prepare the Council meeting calendar, fix the time and place of meetings, and assist the Chair and the Executive Director in the preparation of Council agendas;
5. the Executive Committee shall supervise and conduct a 360-degree evaluation of the Executive Director, supervise implementation of the Council work plan, and assure that the Council fulfills its duties and responsibilities as described in the policies and procedures manual;
6. the Executive Committee shall approve the Council's operating budget including the annual Out of State Travel Plan. The Executive Committee shall monitor expenditure of Council funds, and the Executive Director shall prepare regular reports for the Council (see duties of the Executive Director);
7. none of the actions of the Executive Committee shall conflict with action previously taken by the Council;
8. a quorum is four Executive Committee members;
9. the Executive Committee shall meet at least monthly unless otherwise agreed by a majority of the Executive Committee members;
10. the Executive Committee may call and schedule special meetings of the Council;
11. the Executive Committee may refer matters to other committees or work groups for reports to the Council or the Executive Committee. In assigning tasks to committees or work groups the Executive Committee shall at their discretion delegate authority to the committee or work group. Using the following format, authority may be given for:
 - A. Consultation: This is a request for the committee or work group usually called on short notice, to give the Executive Committee input on a problem. After receiving the group's input, the Executive Committee is responsible for action;
 - B. Recommendation: This is a request for the committee or work group that is more formal, lasts longer, and features independent deliberations. The Executive Committee asks a group to produce recommendations for action by the Executive Committee. The Executive Committee may agree to adopt a course of action based upon the group's recommendation; or
 - C. Delegation: The Executive Committee delegates a specific decision-making responsibility to a committee or work group. The Executive Committee agrees to allow the group to conduct its own process, work out a solution, and take action on behalf of the Council;
12. the Executive Committee may assemble and review reports of other committees for inclusion on the agenda of Council meetings and request expansion or clarification of reports that are inadequate;

13. the Executive Committee shall oversee the preparation of periodic or annual reports described in law or submitted to the Governor, Commissioners, Congress, or the state legislature; and
14. as the representative of the Council, the Executive Committee shall prepare and submit comment to commissioners of state departments and agencies including the Alaska Mental Health Trust Authority or legislation that affects people with disabilities or students in special education.

ARTICLE 7 COMMITTEES AND WORK GROUPS

The Council shall establish the Committee for Self-Advocacy & Leadership (SAL), Committee for Employment (EMP), Committee for Community Inclusion, Supports, and Services (CISS), and the Legislative Committee (LEG) as standing committees that function under the policy direction of the Council. Additional ad hoc committees may be created, at the discretion of the Council to meet the goals and objectives of the Council's state plan. As a result, the committee structure may change from year to year in order to reflect the objectives and activities. Each standing committee develops an annual work plan that identifies key issues and priorities including to implement the goals and objectives of the 5-Year State Plan approved by the Council. Plans and action items are forwarded for approval and/or adoption to the full Council or the Executive Committee between regularly scheduled Council meetings.

The Chair of each committee shall be a Council member appointed by the Governor. It is the intention of the Council that at least one half of the members of each committee be Consumer or Parent Representatives.

Unless specified elsewhere in these by-laws all Council committees and work groups shall consist of not less than three Council members and may include participants who are not Council members called public members.

Public members are recommended by the committee or work group chair to the Council Chair who appoints them to that committee or ad hoc. Public members serve at the pleasure of the Council for terms that end in June or at the completion of a task whichever occurs first. Public members may, at the discretion of the Council Chair, be appointed in succeeding years to the Council's committees or work groups.

Public members have a vote in committee and work group meetings but are not voting members of the Council.

1. Committee for Inclusion, Supports, and Services (CISS)

Council members may select to be on the Committee for Community Inclusion, Supports, & Services (CISS) or they may be appointed by the Council Chair. The Chair of the CISS shall be appointed by the Council Chair as established in Article IV, 3, A, 5. The CISS Chair will serve a two-

year term that coincides with the term of the Council Chair. The CISS shall consist of no less than five and no more than eleven Council members.

2. Committee for Self-Advocacy & Leadership (SAL)

Council members may select to be on the SAL, or they may be appointed by the Council Chair. The Chair of the SAL shall be appointed by the Council Chair as established in Article IV, 3, A, 5. The SAL Committee Chair will serve a two-year term that coincides with the term of the Council Chair. The SAL shall consist of no less than five and no more than eleven Council members, the majority of whom shall self-identify as people who experience developmental disabilities

3. Committee for Employment (EMP)

Council members may select to be on the Committee for Employment (EMP), or they may be appointed by the Council Chair. The Chair of the EMP shall be appointed by the Council Chair as established in Article IV, 3, A, 5. The EMP Chair will serve a two-year term that coincides with the term of the Council Chair. The EMP shall consist of no less than five and no more than eleven Council members.

4. Legislative Committee (LEG)

Council members may select to be on the LEG, or they may be appointed by the Council Chair. The Legislative Chair will serve a two-year term that coincides with the term of the Council Chair. The LEG shall consist of no less than five and no more than eleven Council members. The LEG is delegated the day-to-day responsibilities for preparing and advocating Council positions before the legislature and federal delegation.

5. Ad hoc Committees

An ad hoc committee is a formal group that is created by the Council or Executive Committee to address a particular topic area or purpose. Council members may select to be on Ad hoc Committees, or they may be appointed by the Council Chair. The Chair of any Ad hoc Committee shall be appointed by the Council Chair as established in Article IV, 3, A, 5. The Ad hoc Committee Chair(s) will serve a two-year term that coincides with the term of the Council Chair, or until the Committee work is complete. Ad hoc Committees shall consist of no less than five and no more than eleven Council members. An Ad hoc is delegated the day-to-day responsibilities for the particular purpose in which it was formed. When the Executive Committee determines that the work of the ad hoc Committee is completed, it is automatically disbanded.

6. Work Groups

A work group is an informal group established by a standing committee or ad hoc committee to accomplish a specific task. Work groups shall consist of no more than seven Council members. A work group may be established when a committee decides there exists a need to perform a specific task, explore an issue, or study a subject area, or state or federal program or policy. A work group may gather information, survey stakeholders, and take actions authorized by the standing committee

or ad hoc. Work groups report to their standing committee or ad hoc committee. The standing committee determines when the work of the work group is completed, at which time the work group is automatically disbanded.

ARTICLE 8
RECORDS AND PROCEDURES

1. Resolutions and actions of the Council shall be forwarded to the Commissioners of Health and Social Services and Education, to other appropriate state agencies, and to the Office of the Governor;
2. the Council shall keep correct and complete financial reports and minutes of the proceedings of the Council and of the Executive Committee and any other committees or work groups (see the duties of the Executive Director);
3. the financial reports and other records of the Council shall be kept by the Council's designated state agency, the Department of Health and Social Services; and
4. all records of the Council shall be available to the public unless otherwise prohibited by law or parliamentary authority.

ARTICLE 9
PARLIAMENTARY AUTHORITY

The Democratic Rules of Order shall govern Council meetings when not inconsistent with these by-laws, or with special rules of order adopted by the Council. Suspension of the Rules is permissible by vote of the Council members.

ARTICLE 10
ETHICS AND CONFLICT OF INTEREST

1. ETHICS

The provisions of the Alaska Executive Boards Ethics Act (AS 39.52) apply to all Council members, the Executive Director and staff. The pamphlet prepared by the Alaska Department of Law entitled "Code of Ethics" is designed as a guide for members in understanding the Alaska Executive Branch Ethics Act.

2. CONFLICTS OF INTEREST

The Rule against Self-Dealing

Council members or staff must not place themselves in a position in which their personal or professional interests conflict, or may potentially conflict, with their council duties. Council members must not derive any personal or financial advantage from service on the Council. Similarly, Council members must not use non-public information which was obtained through Council business for personal or financial benefit, including benefit to immediate family. A member of the Council may not solicit or accept gifts if it could be reasonably inferred from the circumstances that the gift is intended to influence the Council member's action or

judgment.

- A. A member of the Council shall not be eligible to vote on any action in which he or she has a conflict of interest;
- B. A member of the Council shall not be eligible to participate in a discussion of a matter in which he or she has a conflict of interest. However, a member who has a conflict may speak on the matter as a member of the public would do, once the member declares that a conflict exists;
- C. A person who believes that he or she has a conflict of interest shall:
 - 1. Disclose the matter on the public record before the agenda is approved at each meeting or in writing to the appropriate Chair; and/or
 - 2. Any person who believes that a member of the Council, a committee, or work group has a conflict of interest may so advise the appropriate Chair. The matter shall be decided by a vote of a majority of the members present excluding that person and any other members who may have already been disqualified for conflict of interest.

3. Confidentiality

Most Council meetings are public, and most information is part of the public record. However, closed executive sessions are periodically held. Personnel information and any other matters appropriate for closed executive sessions may be confidential. Council members are prohibited from disclosing confidential information, unless authorized by law to do so.

4. Other Boards and Commissions

Service on the Council is a public trust which assumes that Council members will be loyal to the Council mission. A member of the Council may serve on other boards and commissions if the work of those boards does not violate the state Ethics Act. A Council member shall not communicate that they are representing the Council in activities or on outside Boards, Committees and/or Task Forces unless the Council as a whole has expressly provided the Council member authority to make such representations. Staff serving on other boards or councils within the scope of their Council employment may not exercise a personal vote. With the exception of the Executive Director, or a designee authorized under a formal delegation of authority, staff on such boards may not participate as officers or as voting members. Council staff may report the decisions of the Council only and may not present their personal opinions as positions taken by the Council.

ARTICLE 11 AMENDMENT OF BY-LAWS

These by-laws may be amended at any scheduled meeting of the Council by a two-thirds vote of Council members provided that written notice and copies of the proposed amendment have been submitted to the members thirty (30) days prior to the Council meetings and the proposed amendment is read at two (2) meetings before it is voted on.

IN WITNESS THEREOF, the foregoing by-laws are hereby adopted as the by-laws of the Governor's Council on Disabilities and Special Education Anchorage, Alaska, to be effective as of October 1st, 2021.

END