

New Mexico Family Infant Toddler
Interagency Coordinating Council (ICC)
Bylaws

STATE OF NEW MEXICO
FAMILY INFANT TODDLER PROGRAM
INTERAGENCY COORDINATING COUNCIL (ICC) BYLAWS

Article I

Purpose

Section 1: Name

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

Section 2: Authority

The ICC is established pursuant to Part C of the Individuals with Disabilities Education Act (IDEA) 34 CFR CH. III Part 303.600 and derives its authority from the Governor of the State of New Mexico.

Section 3: Purpose

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

Section 4: Duties/Functions

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

- I.4.1 Developing policy for the implementation of Part C of IDEA;
- I.4.2 Achieving the full participation, coordination, and cooperation of all appropriate agencies in the State;
- I.4.3 Seeking information from service providers, service coordinators, parents, and others about any Federal, State, or local policies that impede timely service delivery; and taking steps to ensure that any identified policy problems are resolved;

- I.4.4 Working in collaboration with the FIT Program to prepare and submit to the Governor and the Secretary of the U.S. Department of Education, an annual performance report on the status of early intervention programs and services in New Mexico for eligible children and their families. Each annual report shall be submitted by the date established by the Secretary and shall contain the information required by the Secretary for the year in which the report is made;
- I.4.5 Assisting in the resolution of disputes, to the extent appropriate;
- I.4.6 Advising appropriate agencies in the State with respect to the integration of services for infants and toddlers with or at risk for developmental delays and/or disabilities and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services;
- I.4.7 Advise and assist the Lead Agency and the Public Education Department regarding the provision of appropriate services for children with disabilities from birth through age five;
- I.4.8 Identifying sources of fiscal and other support for early intervention services;
- I.4.9 Assigning financial responsibility to the appropriate agency;
- I.4.10 Promoting methods (including intra-agency and interagency agreements) for intra-agency collaboration regarding child find under SS 303.115, and 303.302, monitoring under SS 303.120, and SS 303.700 through 303.708, financial responsibility and provision of early intervention services under SS 303.202 and 303.511, and transition under SS 303.209;
- I.4.11 Preparing application and amendments to those applications;
- I.4.12 Recommending priorities for the development and expansion of services;
- I.4.13 Recommending legislation to address statewide needs as appropriate to ensure an effective system of services;
- I.4.14 Identifying, understanding and defining strategic direction for system priorities;
- I.4.15 Providing information to other associations, councils, governmental entities and other organizations to address the needs of infants, toddlers and their families;
- I.4.16 Advising and assisting the Public Education Department and the Lead Agency regarding the transition of eligible children and their families from services provided under Part C to services provided under Part B and to other appropriate services.

Section 5: Role of Staff

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

Article II Membership

Section 1: Membership

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

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

- II.1.6 At least one person from the Insurance Division of the New Mexico Office of the Superintendent of Insurance;
- II.1.7 At least one person representing the Public Education Department (SEA) as the agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency;
- II.1.8 At least one person representing the Early Childhood Education and Care Department (ECECD) as Lead Agency;
- II.1.9 At least one person representing the Department of Health, DDSD;
- II.1.10 At least one person from a state agency responsible for child care;
- II.1.11 At least one person from a Head Start or Early Head Start agency or program in the State;
- II.1.12 At least one person from the agency responsible for the State Medicaid program;
- II.1.13 At least one person must be a representative designated by the Office of the Coordination of Education of Homeless Children and Youth;
- II.1.14 At least one person from the State child welfare agency responsible for foster care;
- II.1.15 At least one person from the State agency responsible for children's mental health;
- II.1.16 At least one person from the New Mexico Pediatric Society;
- II.1.17 Other members representing appropriate entities involved in the provision of, or payment for, services to infants and toddlers and their families and having sufficient authority to engage in policy planning and implementation on behalf of such agencies;
- II.1.18 The Governor may appoint one member to represent more than one program or agency;
- II.1.19 At least one member from a federal funded parent center and one member from an early intervention provider association;
- II.1.20 The FIT Program Manager (Part C Coordinator) is not an ICC member but is present at ICC meetings to provide Lead Agency Reports and information about the early intervention service system.

Section 2: Appointment

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

Section 3: Orientation/Mentoring

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

Section 4: Term

The term for each Early Intervention Provider member shall be up to four years' duration and no more than two consecutive terms. In the event of a vacancy during a member's term, a member will be appointed to serve for the unexpired term of his/her predecessor, and this time spent completing the predecessor's term shall not count toward term limits. Early Intervention Provider members must continue working in the FIT early intervention system during their term. They would have to vacate their term if they are not working in the FIT early intervention system for a period longer than three months. They can continue serving on the ICC if they move from one early intervention program to another, or if they go from employee status to contractor status.

State Agency Representatives, Other Representatives, the Legislative Representative, the Tribal Representative and the Higher Education Representative shall continue to serve if they remain in their positions. Parent Members may continue to serve until their child is 12 years of age.

Section 5: Proxies

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

Section 6: Attendance

- II.6.1 Attendance and participation in ICC meetings by all members is critical to the success of the ICC. Each member is expected to attend and actively participate in all ICC meetings and retreats.
- II.6.2 ICC members shall notify the ICC Coordinator in the event they are unable to attend any meeting.
- II.6.3 Any member who misses two consecutive meetings in a calendar year with no arrangements made for a proxy will be mailed a certified letter requesting recommitment to the ICC. If the member cannot commit to attending ICC meetings, the member shall receive a recommendation for dismissal from membership on the ICC that will be sent to the Governor's Office. For State agency members who miss two consecutive meetings in a calendar year, a letter will be sent to the office of their respective department secretary.

Section 7: ICC Parent Panels

The ICC Executive Committee will determine ICC meetings that will include an ICC Parent Panel. The ICC Coordinator will work with the assigned PRO representative to select parents to serve on the panel. The ICC Coordinator will send the parent panel

letter packet to the PRO representative at least two weeks prior to the meeting so the PRO representative can review the information with the parents and support them in communicating the information they wish to share with the ICC.

Section 8: Termination/Resignation

- II.8.1 In the case of a vacancy resulting from the resignation/termination of a State agency representative, the Executive Committee shall contact and solicit a designee from the Secretary of the State agency to attend meetings in the interim until a gubernatorial appointment is made in accordance with Article II, Section 2 of these Bylaws.
- II.8.2 Vacancies that result from the termination/resignation of a non-agency ICC member shall be filled with a designee selected by a vote of the ICC until a gubernatorial appointment is made in accordance with Article II, Section 2 of these Bylaws.
- II.8.3 In the event a Co-Chair must resign or be removed from his/her duties of office, the remaining Co-Chair shall assume all duties until the next ICC meeting when an election will be held to replace the exited Co-Chair for the remainder of the term of office.

Section 9: ICC Co-Chairs

- II.9.1 There shall be two Co-Chairs of the ICC, who shall be elected by the membership of the ICC. The Co-Chairs shall not be representatives of the lead agency. The Co-Chairs shall be a parent and a provider of early intervention services. In the absence of one Co-Chair, the other Co-Chair will assume the duties.
- II.9.2 Neither Co-Chair shall serve in the same position for more than two consecutive terms.
- II.9.3 The term of the Co-Chairs shall be a two-year period.
- II.9.4 The ICC will vote to elect the next set of Co-Chairs in November of the first year of the current Co-Chairs' term. Following the November election, the ICC Executive Committee will mentor these Co-Chairs for one year. At the end of their mentorship, these Co-Chairs will take over the leadership.
- II.9.5 If the current ICC Co-Chairs wish to serve a second term, they must apply and be elected by the ICC.

- II.9.6 Removal of a Co-Chair requires a 2/3 majority vote of members present and voting, providing they constitute a quorum.

Article III

Meetings

Section 1: Frequency

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

Section 2: Meeting Notice

- III.2.1 Written notice of regular ICC meetings shall be distributed at least two weeks prior to the meeting.
- III.2.2 The notice shall include the tentative agenda for the meeting, and the record of the preceding meeting.
- III.2.3 Meetings will be announced in accordance with the New Mexico Open Meetings Act.

Section 3: Relationship to the Public

- III.3.1 All regular meetings shall be open and accessible to the general public.
- III.3.2 The Executive Committee shall be the chief spokespersons for the ICC, and therefore will review all press releases and official statements. The ICC may vote to assign an ICC member to be a designated ICC representative at meetings and other task forces, councils, etc. The ICC will provide this designee with information and support as to how the designee is authorized to represent the ICC.
- III.3.3 The annual performance report shall be available for public review on the

Family Infant Toddler (FIT) Program website.

- III.3.4 The ICC, upon written request received two weeks prior to an ICC meeting, shall provide for interpreters for persons who are deaf and other reasonable accommodations for Council members and participants.

Section 4: Conduct of Meetings

- III.4.1 Meetings shall be conducted in accordance with the New Mexico Open Meetings Act and Robert's Rules of Order.
- III.4.2 A quorum shall consist of a simple majority of duly appointed members present and voting.
- III.4.3 To hold a vote at an ICC meeting, a quorum must be in attendance.
- III.4.4 Questions put to a vote shall be decided by a simple majority vote of members present and voting, provided they constitute a quorum.
- III.4.5 Matters may be introduced for consideration by any member of the ICC.
- III.4.6 Motions shall require seconding.
- III.4.7 Suspension of one or more procedural bylaws requires a 2/3 majority vote of members present and voting, provided they constitute a quorum.
- III.4.8 No member of the ICC shall cast a vote on any matter which would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.
- III.4.9 Records shall be kept of the proceeding of each ICC meeting.

Section 5: Bylaws

Bylaws will be reviewed by the ICC every two years at a minimum. Initial review and proposed updates to the Bylaws may be made by the Executive Committee or by an Ad Hoc Work Group if requested by the ICC. Proposed amendments to the Bylaws shall be presented to the ICC for discussion and voting. Approval of changes to the Bylaws must be made by a 2/3 majority vote of members present and voting, provided they constitute a quorum taken at any regular or special meeting. The ICC must receive written notice of the proposed changes to the Bylaws at least two weeks prior to such meeting. Amendments to the Bylaws will take effect as soon as they are approved by the ICC.

Article IV

ICC Funds

Section 1: Use of Funds

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

- IV.1.1 Conduct hearings and forums;
- IV.1.2 Reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties including travel for attending ICC meetings, ICC committee meetings and other authorized ICC events;
- IV.1.3 Pay compensation to a member of the Council if the member is a parent representative, or an early intervention provider representative who must forfeit wages from employment when performing official business;
- IV.1.4 Hire staff;
- IV.1.5 Obtain the services of professional, technical and clerical personnel as may be necessary to carry out the performance of ICC functions under Part C of the Act;
- IV.1.6 Pay for interpreters for persons who are deaf and provide other reasonable accommodations for Council members and participants;
- IV.1.7 Except as provided in this section, Council members must serve without compensation from funds available under Part C of the Act;
- IV. 1.8 For expenditures other than numbers IV.1.1 through IV.1.7, the Executive Committee may request expenditures within the budget and shall be provided with written notification of approval.
- IV.1.9 Expenditures shall be paid with the approval of the FIT Program Manager or designee.

Article V
ICC Committees

Section 1: Formation of Committees

V.1.1 The ICC, by resolution adopted by a majority of the ICC, will designate and appoint one or more committees.

Section 2: Membership of Committees

V.2.1 The Chairperson(s) of each committee shall be an ICC member appointed by the ICC;

V.2.2 Committee members shall be approved by the ICC in order to serve on an ICC committee;

V.2.3 Non-ICC members shall meet ICC requirements for ICC committee membership;

V.2.4 Membership of committees shall reflect the geographic representation of New Mexico and shall not exceed two participants from an early intervention provider agency unless approved by the ICC Executive Committee;

V.2.5 All members of the ICC shall serve on at least one ICC committee;

V.2.6 The ICC Co-Chairs shall serve as ex officio members of all ICC committees.

Section 3: Role and Responsibilities of ICC Committees

V.3.1 The role of each ICC committee is to address ICC priorities and accomplish ICC work as specified in ICC approved Committee Action Plans;

V.3.2 Based on their ICC approved work, ICC committees make proposals to the ICC (not to the Lead Agency/FIT Program);

V.3.3 Based on their ICC approved work, ICC committees provide input to the Lead Agency/FIT Program as authorized by the ICC. All input given by a committee to the Lead Agency/FIT Program will be reported to the ICC in both written and verbal formats in accordance with the procedures and timelines established by the ICC and will be subject to revision by the ICC;

V.3.4 When immediate input from an ICC committee is needed by the ECECD/FIT Program, and the input does not pertain to the ICC committee's approved Action Plan, the ECECD/FIT Program will contact the ICC Executive Committee and request Executive Committee approval for direct feedback from the ICC committee. The ICC committee will document the input provided in the next committee written report to the ICC for approval;

- V.3.5 Committee Action Plans must be approved by the ICC included any changes;
- V.3.6 Written committee reports shall include progress, proposals to the ICC, requests for ICC action/guidance, new member requests, and requested changes to Committee Action Plans;
- V.3.7 Oral and written committee reports must be approved by the ICC;
- V.3.8 Committee proposals to the ICC may include a request that the ICC ask the ECECD/FIT Program for information on fiscal impact.

Section 4: Executive Committee

The ICC Executive Committee shall:

- V.4.1 Consist of the Co-Chairs and immediate past Co-Chairs until the new Co-Chairs are elected, and at least one other member elected by the ICC for a two-year term. These members will be voting members regarding Executive Committee actions;
- V.4.2 Include the FIT Program Manager (Part C Coordinator) and the ICC Coordinator as non-voting ex officio members;
- V.4.3 Meet at least once prior to ICC meetings to set the ICC agenda, and as needed, to review ICC Committee procedures, etc.;
- V.4.4 Meet at other times as deemed necessary by the Co-Chairs to address matters at hand;
- V.4.5 Prepare slate of nominations for ICC membership to ensure appropriate statewide representation in accordance with Section V.2.4 and documented in ICC Executive Committee meeting minutes;
- V.4.6 Plan Strategic Planning Retreats;
- V.4.7 Perform tasks assigned by the ICC;
- V.4.8 Give direction to the ICC Coordinator;
- V.4.9 Act on behalf of the ICC when asked;
- V.4.10 Speak publicly on behalf of the ICC; and
- V.4.11 Report to the ICC any official actions taken by the Executive Committee.

Bylaw Amendments

These Bylaws have been amended by a 2/3 majority vote of members present and voting, provided they constituted a quorum on the following dates: September 2013; November 2016; November 2018; November 2020; January 2021; November 2022; April 2023.