

BYLAWS
OF
WEST VIRGINIA
EARLY CHILDHOOD ADVISORY COUNCIL (COUNCIL)

ARTICLE I: MISSION, SCOPE OF AUTHORITY, FUNCTION AND VISION

Section 1: The mission of the West Virginia Early Childhood Advisory Council here and after referred to as the “Council” is:

To create a high quality, coordinated system of services to support early childhood development.

Young children need multiple supports to grow into sharing, healthy, productive adults. They need stable families, access to good health and mental health care, positive early learning experiences, and early intervention services for those with special needs. In West Virginia, the programs that provide these supports are spread across government agencies, funded through different sources, and delivered through multiple public and private providers. Our goal is to ensure all children ages birth to eight have access to high quality early childhood development programs that provide a foundation for academic success, health and lifelong learning, while supporting parents’ ability to work.

Section 2: The scope of authority of the Council is described in the following statements:

- (1) Improving Head Start for School Readiness Act of 2007, 42 U.S.C. § 9837b (2007 through Pub. L. No. 110-134).
- (2) Executive Order No. 9-10, issued on July 13, 2010, by Governor Joe Manchin, appointing the West Virginia Early Childhood Advisory Council to serve as the State Advisory Council on Early Childhood Education and Care for children from birth to eight for purposes of the Improving Head Start School Readiness Act of 2007 (the “Act”). (Executive Order No. 9-10 is attached hereto as Attachment 1.)

Section 3: The Council members are appointed by the Governor to fulfill the following functions:

- (1) Conduct periodic needs assessment of the quality and availability of early childhood education and development programs, including an assessment of the availability of high-quality pre-k services for low-income children in the state;
- (2) Identify opportunities for, and barriers to, collaboration and

coordination among federally-funded and state-funded programs and agencies responsible for child development, child care, and early childhood education and health programs and services;

- (3) Develop recommendations for increasing participation of children in existing federal, state, and local child care and early education programs, including outreach to underrepresented and special populations;
- (4) Develop recommendations regarding the establishment of a unified data collection system for public early childhood education and development programs and services throughout the state;
- (5) Develop recommendations regarding statewide professional development and career advancement plans for early childhood professionals in the state;
- (6) Assess the capacity and effectiveness of two- and four-year public and private institutions of higher education in the state toward supporting the development of early childhood educators, including the extent to which such institutions have in place articulation agreements, professional development and career advancement plans, and practice or internships for students to spend time in an early childhood development program;
- (7) Make recommendations for improvements in state early learning standards and, where appropriate, develop high-quality comprehensive early learning standards;
- (8) To the extent appropriate, assist in the resolution of issues that arise in the area of early childhood development;
- (9) Hold public hearings and provide an opportunity for public comment on the activities described herein;
- (10) Submit a statewide strategic report addressing the activities described herein to the Governor, the West Virginia Legislature, and the State Director of Head Start Collaboration; as well as members of the Council Executive Committee.
- (11) Any additional responsibilities designated by the Governor.

Section 4: Therefore, in order to optimize the health and development of young children, the Council believes that the early care and education community should respect a comprehensive system approach to providing services to children birth to eight and hold a high regard for prenatal care to support a healthy start.

Further, early care and education should:

- (1) Value that all children in West Virginia are healthy and ready to learn; have safe and nurturing environments; and have positive early learning experiences.
- (2) Value that all families in West Virginia are respected as their child's first and foremost teacher and have access to information and resources to meet the individual needs of their children.
- (3) Value that all communities in West Virginia share responsibility for the well-being of all children and have a comprehensive system of services to support children and families.

ARTICLE II: MEMBERSHIP/ORGANIZATION

Section 1: The total number of Governor-appointed members of the Council shall be no less than fifteen (15) and no more than twenty (20). State agency representatives are designated by the administrative head of that agency and appointed by the Governor.

Section 2: Membership of the Council shall conform with the requirements of the Act and the federal regulations pertaining thereto. The Council shall be composed as follows:

- (1) Director of the Division of Early Care and Education, Bureau for Children and Families, Department of Health and Human Resources;
- (2) A representative of the Department of Education;
- (3) A representative of local educational agencies;
- (4) A representative of institutions of higher education in the State;
- (5) A representative of local child care providers of early childhood education and development services;
- (6) A representative from Head Start agencies located in the State;
- (7) The State Director of Head Start Collaboration;
- (8) A representative of Early Head Start Programming;
- (9) A representative of the Department of Education Office of Special Programs, as established under Section 619 of the IDEA ;
- (10) The Director of West Virginia Birth to Three; Office of Maternal Child and Family Health, Bureau for Public Health and Human Resources, as established under Part C of the Individuals with Disabilities Education Act of IDEA;

- (11) A representative of in-home family education;
- (12) A representative of the early childhood advocate community;
- (13) A representative of the business community;
- (14) A representative of the Office of Maternal Child and Family Health, Bureau for Public Health, Department of Health and Human Resources;
- (15) A representative of the Governor's office;
- (16) A representative of labor;
- (17) The Secretary of the Department of Education and the Arts, who shall be the chairperson;
- (18) Any additional representatives determined necessary by the Governor.

Section 3: Membership of the Council shall take into consideration the broad diversity of the state by considering race, gender, age, and geographic location.

Section 4: Members shall be appointed by the Governor. The term of a member is three years beginning on the date stated in Executive Order No. 9-10, and thereafter on July 1. Members may be reappointed. Terms shall be staggered rotations in order to maintain continuity of organization purpose.

Section 5: When a vacancy occurs, the replacement shall be from the same category as the member being replaced. The Executive Committee shall conduct a search and provide recommendations to the Council for review. The Council shall recommend a replacement for the vacancy to the Governor within 90 days from the notice of the vacancy. The recommended individual(s) may serve as acting member(s) pending approval.

Section 6: During instances of extenuating circumstance, a member may be represented by a non-voting designee. If/when an agency foresees that said member's absence(s) will be long term, they shall immediately engage in a process to replace their representative to complete the initial member's current term.

ARTICLE III: MEMBERSHIP REVIEW, REMOVAL OR RESIGNATION OF A MEMBER

Section 1: The Executive Committee of the Council shall meet on at least a semi-annual basis to review the Council membership compliance with the provisions of these Bylaws, and make recommendation regarding composition of the Council that would improve the ability to effectively perform required duties. The Committee shall report findings and recommendations regarding composition of the Council semi-annually. Upon approval by the Council, recommendations will be forwarded to the Governor.

Section 2: Procedure for Removal. Attendance by all the Council members is critical to the function of the Council. Accordingly, a member may be removed under

the following terms and conditions:

- a. Missing three (3) consecutive officially scheduled meetings is a condition warranting consideration for removal of a member. The Executive Committee shall be vested with the authority and responsibility to establish and initiate procedures for the removal of a member.
- b. The criterion of the Council shall be that removal would best serve the interests of the Council.
- c. A two-thirds majority vote of the full Council membership is required to ratify a recommendation to the Governor that a member be removed.

Section 3: A Council member's resignation must be in writing and shall be submitted to the Governor. Copies of the written resignation shall also be submitted to the Chairperson and Executive Manager.

ARTICLE IV: EXECUTIVE COMMITTEE

Section 1: The Council Executive Committee shall consist of the Chairperson and one representative from each of the following: DHHR, DOE and Head Start.

Section 2: Duties of the Executive Committee shall be as follows:

- (1) To work closely with the Council Executive Manager in planning efforts relating to the operation of the Council and the development of a high quality comprehensive system of early child development and care.
- (2) To set the yearly meeting schedule.
- (3) To exercise the authority of the Council, provided however, that the Executive Committee may not:
 - (i) amend the Council Bylaws;
 - (ii) remove a Council member; or
 - (iii) obligate funding without prior review and approval by the Council in accordance of procedures within the Bylaws.

ARTICLE V: CHAIRPERSON

Section 1: The Governor shall appoint the Chairperson, the Secretary of the Department of Education and the Arts who shall serve a two-year term.

Section 2: Any member of the Council who is a representative of any group delineated in Article IV, Section 1 may not serve as Chairperson.

ARTICLE VI: COMMITTEES

- Section 1: The Chairperson working with the Executive Committee and the Council Executive Manager shall establish such other committees or task forces as is deemed necessary to carry out the Council's responsibilities. The Executive Committee will be the sole standing committee of the Council.
- Section 2: The chairperson of each committee shall be a Council member. The committee chairpersons may seek committee members from outside the Council who are believed to have relevant expertise.
- Section 3: Each member of the Council shall participate on a committee.
- Section 4: Committee chairpersons are responsible for submitting minutes of committee meetings to the Council Executive Manager immediately following committee meetings. The Council Executive Manager shall distribute committee minutes to committee members, as well as, the Council Chairperson.
- Section 5: Committees shall meet as needed for their appointed purpose(s).

ARTICLE VII: MEETINGS

- Section 1: The Council shall meet at least quarterly and in such places as it deems necessary. Meetings shall be publicly announced and open and accessible to the general public.
- Section 2: Notification of Council members of regular Council meetings shall be sent 30 days prior to the meeting date. In addition, public and news media notification of regular Council meetings shall begin 15 days prior to the meeting and continue through that period. Notification of need to cancel Council meetings shall be issued electronically no less than 5 business days prior to the originally scheduled meeting date, unless weather-related extenuating circumstances intervene, at which immediate notice shall be issued.
- Section 3: A quorum of the Council shall consist of 45% of the voting members. A quorum shall be required for the affirmative transaction of any business of the Council.
- Section 4: Each Council member, with the exception of the Council Chairperson, is entitled to one vote on each matter submitted to a vote. A vote of the majority of a quorum is necessary to approve any action taken by the Council. Voting by proxy is not permitted. In the event of a tie vote, the Council Chairperson shall cast the deciding vote.
- Section 5: Emergency action may be taken during a special meeting of the Council called without public notification. Immediately after, and not less than 5 business days, notification of said action shall be disseminated electronically to the Council membership.

Section 6: Robert's Rules of Order shall be used for all meetings of the Council.

ARTICLE VIII: PROCEDURES

Section 1: Formal actions of the Council will comply with the following:

- (1) The Council shall limit discussion to items on the proposed agenda. However, additional items may be submitted by a majority vote of the Council during the acceptance of the agenda at the beginning of each meeting.
- (2) The agenda items shall be transmitted by the Council members to the Council Executive Manager or designated staff person and/or the Council Chairperson at least fifteen (15) days prior to any scheduled meeting. The Council Executive Manager or designated staff person and the Council Chairperson shall then determine a tentative agenda.
- (3) Persons or organizations desiring to address the Council may be placed on the agenda by making such request in writing to the Council Chairperson and/or the Council Executive Manager or designated staff person 5 business days prior to the established statute timeline prior to the Council meeting. A specified allotment of time may be assigned for the requested presentation.
- (4) Persons not scheduled as part of the proposed agenda may be heard by the Council during the portion of the agenda designated as "Public Comment."

Section 2: Draft minutes will be compiled and distributed electronically within 5 business days to the Council members and individuals on the distribution list.

Section 3: Approved minutes of the Council meetings shall be distributed electronically within 5 business days to Council members and individuals on the distribution list, and made available for public inspection. Minutes will be made available in alternative formats upon request.

ARTICLE IX: CONFLICT OF INTEREST

Section 1: No member of the Council shall cast a vote on any matter which would provide direct financial benefit to that member or their agency or otherwise give the appearance of a conflict of interest under State Law.

ARTICLE X: SUPPORT AND MANAGEMENT

Section 1: The Department of Education and the Arts, as appointed by the Governor, will function as the fiscal agent.

ARTICLE XI: AMENDMENTS

Section 1: These Bylaws may be amended or repealed and new Bylaws may be adopted by formal action of the Council at any regular or special meeting of the Council. Proposed changes shall be submitted in writing to the Council

Chairperson and/or the Council Executive Manager or designated staff person. After fulfillment of the required 30- day comment period, proposed changes will be circulated to the Council members and posted on the Council website, at least fifteen (15) days prior to the scheduled meeting at which action is to be taken. Bylaws will be reviewed annually.

Section 2: The Bylaws will be printed and posted on the Council website after adoption. A copy will be delivered to each current member and to individuals who are later appointed/designated as members of the Council.

DEFINITIONS:

“Executive Manager” refers to the person hired by the Secretary of the Department of Education and the Arts pursuant to the authority granted by Executive Order No. 9-10 by the Governor to provide support and assistance to the Council in fulfilling its responsibilities.