

BRAIN INJURY COMMITTEE BY-LAWS

ARTICLE I. PURPOSE AND DUTIES

Consistent with 29 *Del. C.* § 8210(b)(10), the Brain Injury Committee (“BIC” or “the Committee”) of the State Council for Persons with Disabilities (“SCPD”) shall maintain a standing brain injury committee to serve as the primary Brain Injury Council for the state. In furtherance of this role, the Council shall:

- a. Fulfill the duties and responsibilities set forth in paragraphs (b)(1) through (8) of §8210 with respect to persons with brain injuries.
- b. Fulfill Council duties and responsibilities identified in the Concussion Protection in Youth Athletic Activities Act, codified in Chapter 30L of Title 16; and
- c. Maintain a standing Brain Injury Committee to facilitate prevention and centralized interdisciplinary planning, assessment, and an approved service delivery system for individuals with brain injury composed of the following members, or designees of such members (listed under Article II A).

Consistent with Article IV, Section B (3) of the SCPD by-laws, the BIC mission is to improve the lives of Delawareans with brain injury and their families by providing the following:

1. a forum for the sharing and analysis of information.
2. a network to identify and facilitate acquisition of enhanced resources.
3. a technical assistance provider to educate public and private policymakers; and
4. an advocacy agency to promote a consumer-oriented, effective injury and prevention service delivery system.

Consistent with Article IV, Section (B)(3) of the SCPD by-laws, the BIC shall have the authority to take action consistent with its charge without the approval of the full SCPD.

ARTICLE II. MEMBERSHIP

A. Consistent with 29 *Del. C.* § 8210(b)(10)(c), membership of BIC shall be composed of the following members, or designees of such members:

1. Director of the Division of Public Health,
2. Director of the Division of Developmental Disabilities Services,
3. Director of the Division of Substance Abuse and Mental Health,

4. Director of the Division of Services for Aging and Adults with Physical Disabilities,
5. Director of the Division of Prevention and Behavioral Health Services,
6. Director of the Division of Vocational Rehabilitation,
7. Exceptional Children Director of the Department of Education,
8. Chair of the Governor's Advisory Council for Exceptional Citizens,
9. Chair of the Developmental Disabilities Council,
10. Minimum of 3 survivors of brain injury or family members of such individuals,
11. Representatives of prevention, planning, veterans, and service delivery organizations appointed by the Council, including,
12. A representative of the state chapter of the Brian Injury Association of America, and
13. A representative of the state "Protection and Advocacy Agency" as established in §745 of Title 19.

B. Vacancies

1. Any vacancy of a position under Sections A(11)-A(13) of this Article shall be filled by the respective council, committee, agency, or organization within 1 month.
2. Any vacancy of a member under Section A(10) of this Article shall be filled by the BIC as soon as is practicable.
3. Any member under Sections A. 1- 9 and A.11 – 13 of this Article who misses either three (3) consecutive meetings or four (4) out of any twelve (12) consecutive meetings shall be presumed to have resigned from the committee.

ARTICLE III. OFFICERS

- A. The Committee shall elect its own Chairperson and Vice-Chairperson (collectively "officers").
- B. Officers shall be elected by a simple majority of a quorum of the Committee.
- C. Officers shall serve two-year terms. There are no term limits.
- D. Officers shall be elected at the last Committee meeting before September and shall take office at the close of the meeting at which they are elected.
- E. The Vice-Chairperson shall serve in the absence of the chairperson.

- F. If neither of the officers is present at a properly noticed and scheduled meeting of the Committee, a simple majority of a quorum of the Committee may elect a temporary chairperson to serve for the duration of the meeting.
- G. If the Chairperson resigns, the Vice-Chairperson shall assume the duties of the Chairperson for the remainder of the Chairperson's term.
- H. If the Vice-Chairperson resigns or assumes the duties of the Chairperson following the prior Chairperson's resignation, the Committee shall elect a new Vice-Chairperson to complete the term at the next Committee meeting.
- I. Any officer may be removed from office by a vote of two-thirds (2/3) of a quorum of the Committee at any properly noticed and scheduled meeting. The vacancies shall then be addressed using the procedures in paragraphs G or H of this article.

ARTICLE IV. SUB-COMMITTEES AND WORK GROUPS

Special subcommittees or working groups may be established by the Chairperson with the approval of a majority vote of a quorum of the Committee.

ARTICLE V. AMENDMENTS

These By-Laws may be adopted or amended by a majority vote of a quorum of the Committee at any meeting, provided that notice of any proposed changes was given to all members of the Committee at least thirty (30) days prior to the meeting.

ARTICLE VI. MEETINGS

- A. The BIC will determine its own meeting schedule, times, and locations, but there will not be less than six (6) meetings in each calendar year. The meetings will be open to the general public, held in an accessible place, and with reasonable accommodations as requested.
- B. A simple majority of total membership shall constitute a quorum, which will be necessary to vote on any issue or action.
- C. Members of the committee may, at their discretion, **with prior written notice** to the Chairperson, and support staff send designees to meetings. Designees shall count toward a quorum and may cast votes on their respective members' behalf.

- D. Minutes of each meeting shall be kept and posted in a manner consistent with the Delaware Freedom of Information Act, 29 *Del. C.* §10004.
- E. Consistent with the Delaware Freedom of Information Act, 29 *Del. C.* §§ 10006A.
- (a) A public body shall allow a member of the public body with a disability to attend a meeting of the public body through the use of an electronic means of communication, instead of being required to attend in-person at a physical location, as a reasonable modification under §4504 of Title 6 or a reasonable accommodation under §723 of Title 19, unless it imposes an undue burden. A member attending a meeting through the use of an electronic means of communication as a reasonable modification or reasonable accommodation is considered present for all purposes as if the member is physically attending, including for quorum and voting.
- (b) At the discretion of the chair or presiding officer, a public body may allow the public to monitor or provide public comment through the use of an electronic means of communication at any meeting.
- (c) A public body may hold a virtual meeting if all of the following occur:
- (1) The meeting notice under §1004 of Title 29, Chapter 100 includes information regarding how the public can monitor or participate in the meeting under paragraph (c)(6) of this section.
 - (2) The meeting has an anchor location.
 - (3) The identity of a member or witness is verified, and the actions of a member are authenticated, in a manner satisfactory to the presiding officer or chair.
 - (4) All participating members and witnesses can simultaneously do 1 of the following regarding each member or witness who is recognized by the presiding officer or chair:
 - a. Hear the comments of each member or witness.
 - b. Hear the comments of and view each member or witness.
 - (5) A document used during the meeting by a member or witness, and that is accepted by the presiding officer or chair, is immediately provided to each member or witness participating in the meeting and made available to the public under §10003 of Title 29, Chapter 100.

- (6) Except during an executive session under §10004 of Title 29, Chapter 100, the public is able to do all of the following through an electronic means of communication:
- a. Monitor the meeting.
 - b. Provide public comment, if the public body is required to accept, or provides an opportunity for, public comment.
- (7) Minutes of the virtual meeting are maintained under §10004 of Title 29, Chapter 100.

ARTICLE VII. AGENDAS

- A. The Chairperson will determine the agenda for each meeting.
- B. The agenda shall include but is not limited to a general statement of the major issues expected to be discussed at a public meeting, as well as a statement of intent to hold an executive session and the specific ground or grounds therefor under §10004(b) of Title 29, Chapter 100.
- C. Any Committee member may make a recommendation to the Chairperson for items to be placed on the agenda for an upcoming meeting.
- D. All requests for agenda items must be received by the Chairperson ten (10) days prior to the next meeting.

ARTICLE XIII. PROHIBITED ACTIVITIES

- A. No member of the Committee shall purport to represent the Committee to any person or organization (collectively “the public”) without a vote of a quorum of the Committee prior to any such representation. “Any person or organization” shall be construed broadly and specifically includes the Delaware General Assembly, State agencies, non-profit agencies, the press, and the general public.
- B. Paragraph A of this Article shall not limit members of the Committee from communicating with the public in their individual capacities. When necessary to prevent confusion, members of the Committee communicating with the public on subjects associated with the Committee shall affirmatively indicate that they are communicating as individuals and are not communicating on behalf of the Committee or as members of the Committee.

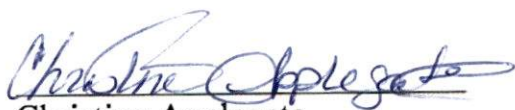
ARTICLE X. EFFECTIVE DATE

These By-Laws, and any amendments to these By-Laws, will become effective once accepted by a vote as outlined in Article V.

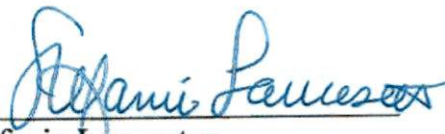
Approved and Adopted:

05/01/23

Date



Christine Applegate
Chairperson



Stefanie Lancaster
Vice Chairperson

Created: 02/22/19;

Revised: 02/26/19, 03/05/19, 05/01/23