



**Board Membership Representation
Requirements
for Local ECI Area Boards
Tool LL**

Legislative Language

Iowa Code, Chapter 256I.7

1a: The early childhood Iowa functions for an area shall be performed under the authority of an area board. The members of an area board shall be elected officials or members of the public who are not employed by a provider of services to or for the area board. In addition, the membership of an area board shall include representation from early care, education, health, human services, business, and faith interests, and at least one parent, grandparent, or guardian of a child from zero through age five. However, not more than one member shall represent the same entity or interest.

1b: Terms of office of community board members shall be not more than three years and the terms shall be staggered.

Iowa Code, Chapter 69.16A

All appointive boards, commissions, committees, and councils of the state established by the Code, if not otherwise provided by law, shall be gender balanced.

Status of ECI Area Boards

A legal opinion received on March 30, 2010, verifies that ECI area boards are boards “of a political subdivision” and are subject to Iowa Code Chapter 69.16A. ECI Area Boards are: clearly defined in Code; subject to open meetings and open records law; covered under the municipal tort claims law; and serve a governmental function for the benefit of the public.

Definitions

“chairperson” – the officer who presides at the meetings of the local board. The position of chair can be held by any member of the board as determined by the bylaws.

“citizen representative” – a member of the early childhood Iowa area board, who is not an elected official or a member of the public employed by a provider of services to or for the area board.

“elected official” - a member of a board or governing body elected through the means of a public election.

“immediate family” – spouse or dependent children

“in-kind service or good” – is a service or good that is provided without charge, or at a charge that is less than the normal or usual charge. It has value to the receiving entity, even though no money changes hands, so is considered in the same way that paid services or goods are considered.

“members of the public” – an individual that meets the definition of a citizen representative.

Interest group perspectives -

- ***“education, health, human services”*** – individuals that have knowledge in these areas. These individuals are not required to be an employee of a State of Iowa department, e.g., Department of Human Services.
- ***“parent, guardian, grandparent”*** – a parent or primary caregiver of a child, including grandparents or other relatives of the child, and foster parents, who are serving as the child’s primary caregiver from birth to kindergarten entry, and including a noncustodial parent who has an ongoing relationship with, and at times provides physical care for, the child.
- ***“business”*** – “an individual representing the required perspective of business on the Early Childhood Iowa area board.”
- ***“faith”*** – An individual representing the required perspective of faith on the Early Childhood Iowa area board. This individual is not required to be a member of the clergy.

Rationale

Iowa law requires that one member of an ECI area board is designated from each of the following required interest group perspectives: education; health; human services; business; faith; and a parent, grandparent or guardian of a child ages 0-5 years. A person cannot fill more than one required perspective.

The law also requires that members of an Early Childhood Iowa area board be members of the public or elected officials. Additional members that represent the interest group perspectives may serve as citizen members.

These requirements ensure that ECI area boards are citizen-led boards and the general interests of children and families are primary in all decision making. The intent of Iowa law is to ensure that the area board be representative of a wide array of interests, viewpoints and geographic representation.

Determining Board Member Representation

Ask the following questions to determine whether the individual meets the requirements of a board member representative:

1. Is the individual elected to a public office through a public election?
If you answered **“yes”**, the individual *may* serve as a member of the board regardless of the office to which they were elected.
2. Is the individual a staff member of an organization that receives funding, directly or indirectly, from the local ECI board?
If you answered **“yes”**, the individual *cannot* serve as a member of the board.

3. Is the individual a staff member of an organization that provides a service to or for the local ECI board, either funded or in-kind?

If you answered “**yes**”, the individual *cannot* serve as a member of the board.

4. Does the individual seeking to be a board member have anyone in their immediate family that works for an organization that receives funds from, or provides a service to, the ECI Area?

If you answered “**yes**”, the individual must publicly disclose the conflict and refrain from taking official action as a board member on matters involving that organization, in accordance with the locally-developed policies and procedures.

If a Board Member's Status Changes

If the ECI area board enters into an agreement with an entity to provide a program, service or activity, either funded or in-kind, and a board member is employed by that agency and is not an elected official, the member no longer meets the citizen definition. The person must resign as a board member in order for the board to comply with Iowa law.

Designee/Alternate Members

Legal guidance clarified that Iowa Code 256I.7(1)(a) does not allow a board member to designate another individual to participate in the board member’s place.

Gender Balance Requirement

Beginning January 1, 2012 ECI area boards will seek to have membership that is gender balanced. This requirement is in addition to the membership representation requirements.

ECI area boards are subject to *Iowa Code Chapter 69.16A* and are boards “of a political subdivision”.

Iowa Code Chapter 69.16A: No person shall be appointed or reappointed to any board, commission, committee, or council established by the Code if that appointment or reappointment would cause the number of members of the board, commission, committee, or council of one gender to be greater than one-half the membership of the board, commission, committee, or council plus one if the board, commission, committee, or council is composed of an odd number of members. If the board, commission, committee, or council is composed of an even number of members, not more than one-half of the membership shall be of one gender. If there are multiple appointing authorities for a board, commission, committee, or council, they shall consult each other to avoid a violation of this section.

All appointive boards, commissions, committees, and councils of a political subdivision of the state that are established by the Code, shall be gender balanced unless the political subdivision has made a good faith effort to appoint a qualified person to fill a vacancy on a board, commission, committee, or council in compliance with subsection 1 for a period of three months but has been unable to make a compliant appointment. In complying with the requirements of this subsection, political subdivisions shall utilize a fair and unbiased method of selecting the best qualified applicants. This subsection shall not prohibit an individual whose term expires prior to January 1, 2012, from being reappointed even though the reappointment continues an inequity in gender balance.

Documentation of the board’s process to fill vacancies is kept with the ECI area board’s records.

Other Important Considerations

Because there is required representation on the ECI area board, it is the intent that members take information from the board back to the community the person represents.

ECI area boards must be conscientious of having too many members representing an organization or a specific field of expertise. When this happens, a local board may be out of balance with regards to perspectives representing the entire community. When board membership is diverse, the board may be more comprehensive in thinking about the needs of children ages 0-5 and their families and making funding decisions.

A strong conflict of interest policy is critical to the high functioning of the ECI area board to assure the general interest of children and families is primary. Refer to Tool V, Conflict of Interest Information at <https://earlychildhood.iowa.gov/document/conflict-interestduality>

An ECI area board may have stricter membership requirements in their by-laws and still be in compliance with Iowa law.

Technical Assistance Contact

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