

## **Special Education Advisory Council By-Laws**

### **I. Name**

The name of the Organization shall be the Special Education Advisory Council (the Council).

### **II. Purpose**

The Council shall provide policy guidance with respect to special education and related services for children with disabilities in the State. CFR 300.167

### **III. Vision**

The Council believes in optimizing the educational achievement of every child through a strong public education system that is proactive and supportive of students, families and educators. To that end the Council will use its strength as a broad based constituency group to play an active and influential role in decisions affecting policies, programs and services.

### **IV. Mission**

The mission of the Council is to guide and advise the Hawaii Department of Education in fulfilling its responsibility to meet the individual needs of children with disabilities.

### **V. Functions of the Council**

1. To advise the Department of Education of unmet needs and any other issues or concerns within the state in the education of students with disabilities. CFR 300.169(a)
2. To comment publicly on the rules or regulations proposed by the State regarding the education of children with disabilities. CFR.300.169(b)
3. To advise the Department of Education in developing evaluations and reporting on data to the Secretary of Education, U.S. Department of Education, under Section 618 of the Individuals with Disabilities Education Act. 300.169(c)
4. To advise the Department of Education in developing corrective action plans to address findings identified in the Federal monitoring reports. CFR 300.169(d)
5. To advise the Department of Education in developing and implementing policies relating to the coordination of services for children with disabilities. CFR 300.169(e)
6. To monitor the implementation of activities and timetable pursuant to consent decrees or court orders regarding the education of children with disabilities.

## V. Functions of the Council (cont.)

7. To advise on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons.

## VI. Membership

Membership shall be by appointment of the Superintendent. The membership shall be broadly representative of the State population and composed of individuals involved in or concerned with the education of children with disabilities. The majority of members shall be individuals with disabilities or parents of children with disabilities (ages birth through 26).

The membership must include persons representing each of the following stakeholder groups, and each administrative school district shall be represented among the membership:

1. Parents of children with disabilities (ages birth through 26)
2. Individuals with disabilities
3. Teachers (general and special education) of children with disabilities
4. University of Hawaii and other representatives of other institutions of higher education that prepare special education and related services personnel
5. State, district and school education officials
6. Administrators of programs for children with disabilities
7. Representatives of other state agencies involved in the financing or delivery of related services to children with disabilities
8. Representatives of private schools and public charter schools
9. Representative of a vocational, community or business organization concerned with provision of transition services to children with disabilities
10. Representatives of the State juvenile and adult corrections agencies
11. Representative of the Parent Training and Information Center
12. Representatives of the community
13. Representative of the education office responsible for the coordination of the Education for Homeless Children and Youth Program
14. Representative of the state child welfare agency responsible for foster care of children.

Council members shall serve without compensation, but the State shall reimburse members for reasonable and necessary expenses for attending meetings and performing duties.

Members will be appointed for a three-year term commencing in July of each year, and terms will be staggered. Members wishing to extend their term shall be subject to reappointment. One third of the membership shall be appointed each year. New members will be given an orientation to the Council.

In order to be considered as a parent representative, parents of children with disabilities must have a child in the range of birth through 26 years.

## VI. Membership (cont.)

The Membership Committee will recommend to the Superintendent names of persons to fill vacancies as they occur.

A quorum to conduct business shall consist of one-half of the current membership.

Members who are absent without prior notice two times during the school year may be contacted by the Vice-Chairperson to determine their continuing interest in membership. Three absences without prior notification may result in a recommendation to the Superintendent that the person's membership be terminated and a replacement appointed.

Members who wish to resign from the Council shall submit a written notice to the Chairperson who shall forward the resignation to the Membership Committee for action.

## VII. Officers

The Officers of the Council shall be a Chairperson and Vice-Chairperson who shall serve a one-year term.

The election of officers shall occur in June. Nominations for officers shall be accepted from the floor and shall be elected by a majority vote of members present. Newly elected officers will begin their term in July.

In the event of a vacancy in the position of the Chairperson, the Vice-Chairperson shall complete the unexpired term. The Council may fill the vacant position of Vice-Chairperson by taking nominations from the floor and upon a majority vote by members present at a regular meeting.

## VIII. Duties of Officers

It shall be the duty of the Chairperson to preside at all meetings of the Council, to enforce the by-laws, to appoint committees, to assure appointment of committee chairpersons, to assure completion of various assignments, to work closely with the State Special Education Director and SEA staff, and to keep current on issues around the State Performance Plan (SPP), Annual Performance Report (APR), and Levels of Determination.

It shall be the duty of the Vice-Chairperson to assist the Chairperson when called upon and perform the Chairperson's duties in the absence of the Chairperson.

## IX. Committees

Standing committees shall be established by the Council. Ad hoc committees shall be appointed by the Council Chairperson.

The chairperson of each committee shall be a duly appointed member of the Council. Non-members of the Council may serve on the committees as non-voting members.

## X. Meeting Procedures

The Council shall meet monthly, at least six times per year, to conduct its business.

The Department shall provide an annual update for all Council members to include Department priorities for the year. The Council shall decide on appropriate priorities for each year. The Council will use State Performance Plan data, Annual Performance Report, and Levels of Determination to help decide priorities.

By July 1 of each year, the Council shall submit an annual report of Council activities and suggestions to the Superintendent of the Department of Education and State Special Education Director. This report must be made available to the public in a manner consistent with other public reporting requirements of Part B of IDEA.

The Special Parent Information Network shall provide administrative and logistical support to the Council to include minute taking, posting of meeting notices, staffing of committees, and other duties as determined by the Council. Official minutes shall be kept on all Council meetings and shall be made available to the public on request.

All Council meetings and agenda items must be publicly announced six calendar days prior to the meeting, and meetings must be open to the public, in accordance with Chapter 92 of the Hawaii Revised Statutes. Interpreters and other necessary services must be provided at Council meetings for Council members or participants.

Special meetings may be called upon the request of the majority of the Council or upon the request of the Chairperson of the Council or the Department of Education.

Notice of and the agenda for each meeting and minutes of the previous meeting will be provided to the membership no later than ten days prior to the scheduled meeting. The agenda shall have a standing agenda item for public comment of no more than 30 minutes each meeting. The following ground rules for public comment will be followed:

- Notice to the public will be provided in accordance with Hawaii's Sunshine law.
- A consistent time on the agenda will be specified for public comment.
- Public comment will be limited to no more than five minutes per individual.
- Public comment can be verbal or sent in written form to be read by the Council chairperson.
- Individuals giving public comment will be instructed to be factual and objective and avoid using names of students or school staff.
- Confidentiality and privacy standards will be maintained.
- Input from the public will be taken under advisement as the Council addresses their priority issues.
- Questions for individuals providing public comment will be held until after the comment is provided.
- Individuals who cannot be physically present will be provided an opportunity to call in, write or email their comments to the Council.

## X. Parliamentary Rules

The rules in Robert's Rules of Order, Revised, shall guide the Council, as long as they do not conflict with the by-laws.

## XI. Amendments

The by-laws may be amended at any regular meeting by a two-thirds vote of the membership and forwarded to the Superintendent. Notice of proposed amendments to the by-laws shall be provided to the Council at least ten days prior to the regular meeting.