

# **Special Education Advisory Council**

# **Operating Procedures**



**Nebraska Department of Education**

**Revised August 2011**

# **SPECIAL EDUCATION ADVISORY COUNCIL OPERATING PROCEDURES**

**August 2011**

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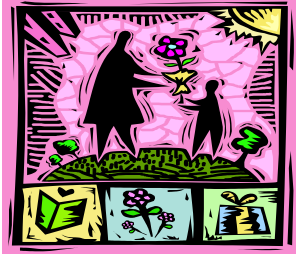
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This document was prepared to assist Special Education Advisory Council members and to provide Special Education Advisory Council information to interested persons. Questions

concerning the Special Education Advisory Council and the Council's operation should be directed to the Council Facilitator at the address listed above.



## *Nebraska Special Education Advisory Council Operating Procedures*

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### **ARTICLE I. Name and Purpose**

**SECTION A.** The name of the organization shall be the NEBRASKA SPECIAL EDUCATION ADVISORY COUNCIL.

**SECTION B.** It shall be the purpose of the Council to make recommendations and to advise the State Board concerning the administration of, preparation of general regulations for, and evaluation of special education programs in the state. This shall include but not be limited to:

1. Advise of unmet needs;
2. Comment on rules and regulations;
3. Assist in reporting data to Federal Government;
4. Review due process appeals;
5. Early identification of issues;
6. Development of the State Performance Plan and the Annual Performance Report; and
7. Development and implementation of policies relating to coordination of services.

**SECTION C.** Definitions.

1. The State Board shall refer to the Nebraska State Board of Education.
2. Commissioner shall refer to the Nebraska Commissioner of Education.
3. Council shall refer to the Nebraska Special Education Advisory Council.
4. State shall refer to the State of Nebraska.
5. Year shall refer to the Department of Education fiscal year.
6. Department shall refer to the Department of Education.

### **ARTICLE II. Organization**

**SECTION A.** A majority of the members shall be individuals with disabilities or parents of children with disabilities. The Council shall include persons representing:

1. Individuals with disabilities, or parents of children with disabilities (ages birth through 26);
2. Teachers ;

3. Representatives of institutions of higher education that prepare special education and related services personnel;
4. State and local education officials, including officials who carry out activities under the Homeless Assistance Act;
5. Administrators of programs for children with disabilities;
6. Representatives of other state agencies involved in the financing or delivery of related service to children with disabilities;
7. Representatives of private schools;
8. Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
9. A representative from the state child welfare agency responsible for foster care; and;
10. Representatives from the state juvenile and adult corrections agency.

**Special Rule:** A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities (ages birth through 26).

**SECTION B.** The members shall be selected so as to represent all eight of the State Board of Education election districts. The Council voting membership shall not be fewer than 15 members nor more than 30 members.

**SECTION C.** Appointment of the NDE Facilitator and Recorder for the Council.

1. A Council Facilitator from the Special Education Office will be assigned by the State Director of Special Education, and will also chair the Executive Committee. The Council Facilitator is a nonvoting member of the Council.
2. A Recorder from the Special Education Office will be assigned by the State Director of Special Education, and will also serve as the recorder for the Executive Committee. The Recorder is a nonvoting member of the Council.

**SECTION D.** Executive Committee.

1. A four member Executive Committee will be elected from the Council membership to include one member from each Council term. Each elected member of the Executive Committee shall serve a term of office from the date of their election until their Council membership expires. Elections for Executive Committee vacancies shall be held during the first meeting of each school year. The Executive Committee shall consist of:
  - a. At least one parent of a child with a disability;
  - b. Three additional members, including the Chair;
  - c. The Facilitator for the Council; and
  - d. The Recorder for the Council.
2. The senior elected Executive Committee Members will serve as Chair for the Council. That person will represent the Council in

any necessary correspondence from the Council or the Executive Committee and will report publicly on behalf of the Council.

3. The Executive Committee responsibilities include:
  - a. Meeting at least one time prior to each scheduled meeting;
  - b. Preparing an Executive Committee Report (written or verbal) for each Council meeting;
  - c. Handling emergency matters requiring immediate Council attention prior to the next scheduled meeting;
  - d. Previewing proposed agenda items and drafting appropriate motions for Council consideration;
  - e. Calling additional Council meetings deemed necessary to transact the business of the Council; and
  - f. Assisting in the preparation of the SEAC Annual Report for the State Board

**SECTION E.** SEAC Committees.

1. When necessary, the Council shall be aided in its operation by SEAC committees. Membership of these committees shall include appropriate persons recommended by the Executive Committee, SEAC, and NDE.
2. SEAC committees will review issues as recommended by the Executive Committee, the Council, or NDE, and will report results to the Council.

**SECTION F.** Membership Perpetuation.

1. The membership of the Council shall consist of members appointed by the State Board. Appointments to the Council shall be for four years beginning in September of the first year and ending August 31<sup>st</sup> of the fourth year. If any member or his or her designee misses three meetings in a given year, the Executive Committee may forward a recommendation to the State Board that the member be replaced.
2. Members shall serve one full consecutive four-year term. Upon recommendation by the Executive Committee, members may request to apply for a second term.
3. Upon recommendation of the Executive Committee, an appointee to the Council may be removed by the State Board if, for some reason, he or she no longer qualifies as an appointee in the category for which he or she was selected.
4. Voting membership of the Council may not include members of the State Board or employees of the Department of Education.
5. Resignation by any member must be in writing and submitted to the Council Facilitator. Copies of the written resignation will also be sent to the Executive Committee and the Commissioner.
6. Any member appointed by the State Board to replace a resigning member will complete the resigning member's remaining term on the Council. At the end of that remaining term, on the recommendation of the Executive Committee, the State Board

may elect to reappoint that member for an additional full four-year term.

**SECTION G.** Member Responsibilities and Expectations.

1. Council members will survey their respective constituencies in preparation for Council development of recommendations concerning:
  - a. Testimony for the State Board regarding special education rule revisions;
  - b. Testimony for the State Board regarding any Department rule or issue impacting special education programs;
  - c. The identification and study of issues vital to special education in the state;
  - d. Issues regarding Parts B and C of the IDEA and federal regulations and applications;
  - e. The development and implementation of policies relating to the coordination of services for children with disabilities;
  - f. The Nebraska State Performance Plan and the Annual Performance Report; and
  - g. All issues relating to the current SEAC Priorities.

**ARTICLE III. Functions and Responsibilities**

**SECTION A.** SEAC recommendations to the State Board shall be made by the Chair of the Council or designee either in person or via the Commissioner.

**SECTION B.** The Council shall report at least annually to the State Board. This report should include:

1. A description of the Council's activities;
2. Comments on the NDE Special Education Rules, or other special education activities requiring a public hearing before the State Board;
3. Recommendations formulated through identification and study of issues vital to special education in the state.

**SECTION C.** Communication with the State Board.

1. All recommendations that require State Board action should be the responsibility of the Commissioner. Such recommendations should be submitted to the Commissioner's office prior to the deadline dates for placing items on the Board agenda and for submitting written support materials.

**ARTICLE IV. Meetings**

**SECTION A.** Meeting Rules.

1. A quorum shall be constituted by a simple majority of the Council membership, and will be required for all matters of official business.
2. The Council Chair will preside at all meetings.

3. In the absence of the Chair for the Council, the succeeding senior Executive Committee member will preside at the meeting.
4. Written notice stating the place, day, and hour of any meeting shall be delivered personally, by mail, or by e-mail to the last known address of each member not less than ten calendar days before the date of such meeting by the NDE Facilitator of the Council. The ten day notice provision is waived if the Executive Committee determines that the Council will meet within less than ten days of the last meeting.
5. Any member unable to be in attendance for a regular meeting is encouraged to send a substitute who may be recognized by the Chair in representing the absentee member. A substitute will not be permitted voting privileges. Substitutes shall meet the same criteria for selection and represent the same constituency as the Council members being replaced for that meeting.
6. A letter contract will be written to cover the expenses of a substitute.
7. Nebraska statute regarding open meeting requirements will be followed at all Council meetings.
8. A written public notice of the meeting date, time and location will be printed in a newspaper of statewide distribution two weeks prior to each meeting.

**SECTION B.** Meeting Schedule.

1. The Council shall meet at least four (4) times during each school year.
2. The meeting dates shall be established as a matter of Council business at the first meeting each year with the exception of the first meeting date which shall be established as a matter of Council business at the last meeting of the previous year.
3. Additional meetings necessary to transact the business of the Council may be called by the Special Education Office upon the recommendation of the Council Executive Committee.
4. The Facilitator for the Council shall provide means for Council members to indicate their ability to attend each scheduled meeting. In the event a quorum would not be present, the Facilitator shall cancel the meeting, and notify the Executive Committee to discuss rescheduling.
5. In the event of forecasted inclement weather, the Facilitator shall decide the day before the meeting if the Council will meet. The Facilitator will notify the Council members of this decision, and will notify the Executive Committee to discuss rescheduling.
6. Council meetings shall begin at 9:00 A.M. and end at 4:00 P.M. unless a Council consensus decision or majority vote of the Council or Executive Committee changes this time frame for a particular meeting.

**SECTION C.** Meeting Procedures.

1. The Council shall conduct business in accordance with the Nebraska Open Meetings Act (NRS 84-1407 through 1414).

2. Formal voting of the Council shall be conducted by Robert's Rules of Order, revised edition. Informal action will be conducted by a voice vote or a show of hands.
3. 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.
4. Agenda items shall be transmitted by Council members to the Council Facilitator thirty (30) calendar days prior to the scheduled meetings. The Executive Committee shall then determine a tentative agenda.
5. Persons or organizations desiring to address the Council may be placed on the agenda by making a request in writing to the Council Facilitator. The Executive Committee will allot a specified time period for the requested presentation. Such requests should be made to the Facilitator thirty (30) calendar days prior to the Council meeting.
6. Support materials and reports for the agenda items should be in written form and mailed to the membership along with the agenda prior to the meeting.
7. Non-council members not scheduled as part of the proposed agenda may be heard by the Council during the portion of the agenda designated as "Public Comment." The Council shall establish a specific length of time for such presentations.
8. All meeting sites must be barrier free and accessible for persons with disabilities including the provision of an interpreter when appropriate.

**SECTION D.** Member Expenses.

1. The Department will reimburse Council members for expenses incurred to attend all Council meetings.
2. Expenses may include the cost of hotel accommodations when traveling over 60 miles one way (receipt required); mileage, based on current approved state rate; parking; airfare (prior authorization required); meals not provided as part of the meeting (if eligible, not to exceed approved state rate); child care, where appropriate (receipt required); and the cost of a substitute teacher, where appropriate.



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