

## North Carolina State Advisory Panel

### COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN

#### BYLAWS

- A. The Council on Educational Services for Exceptional Children is established as the State Advisory Panel to the State Board of Education (hereafter referred to as Council). Its establishment is set forth in §§300.167-300.169 of the federal regulations to the Individuals with Disabilities Education Act (IDEA 2004) and North Carolina law (Article 9 of Chapter 115C-112.1).
- B. Functions of the Council shall be to:
1. Advise the State Education Agency (SEA) of unmet needs within the State in the education of children with disabilities;
  2. Comment publicly via written formal statement on any rules or regulations proposed by the State regarding the education of children with disabilities. The Chairperson or designee of the Council will present publicly to the State Board of Education their findings and recommendations.
  3. Review current information and advise the SEA in developing evaluations and reporting on data to the Secretary of Education (US DOE) under section 618 of the Act, i.e. Program Information;
  4. Review current information and advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act;
  5. Review current information and advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities;
  6. Carry out any other responsibility as designated by federal law or the State Board.
- C. Membership
1. Council Members
    - a. The Council shall consist of a minimum of 24 members as follows:
      - (1) Two (2) members appointed by the Governor
        - (a) one individual with a disability
        - (b) one representative of a private school
      - (2) Two (2) members appointed by the President Pro Tempore of the Senate
        - (a) one member of the Senate
        - (b) one parent of a child with a disability
      - (3) Two (2) members appointed by the Speaker of the House
        - (a) one member of the House of Representatives
        - (b) one parent of a child with a disability
      - (4) Fourteen (14) members appointed by the State Board of Education. The State Board shall appoint members who represent:
        - (a) Parents of children with disabilities;
        - (b) Individuals with disabilities;

- (c) Teachers;
- (d) Representatives of institutions of higher education that prepare special education and related services personnel;
- (e) State and local education officials, including officials who carry out activities under subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act;
- (f) Administrators of programs for children with disabilities;
- (g) Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
- (h) Representatives of private schools and public charter schools;
- (i) Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
- (j) A general education administrator; and
- (k) Representative from the state's Parent Training and Information Center.

(5) Four (4) State agency representatives

- (a) A representative from the State Department of Health and Human Services, including one responsible for foster care;
- (b) A representative from the State Juvenile Justice and Delinquency Prevention;
- (c) A representative from the State Department of Public Safety; and
- (d) The Superintendent of Public Instruction or the Superintendent's designee.

b. A simple majority of the members of the Council must be individuals with disabilities or parents of children with disabilities.

- 2. The Council shall represent the various interests of the groups concerned with the education of children with disabilities.

#### D. Terms of Office

- 1. The term of appointment for all members except those appointed by the State Board of Education is two years. No member shall serve more than eight (8) years, except for State agency representatives.
- 2. The term for members appointed by the State Board is four years. No person shall serve more than two consecutive four-year terms.

#### E. Procedures

- 1. The Council shall meet four times per year or as often as necessary to conduct its business.
- 2. By September 1 of each year, the Council shall submit an annual report of Council activities and suggestions to the SEA. This report must be made available to the public in a manner consistent with other public reporting requirements of Part B of the IDEA 2004.
- 3. Official minutes must be kept on all Council meetings and must be made available to the public on request. At each meeting, the Council must vote on the approval of the minutes taken during the previous meeting. In addition to minutes, all meetings of the Council will be recorded by electronic audio device when available. A transcribed copy of the meeting will be presented to each council member prior to the vote to approve minutes. All approved minutes will be posted to the Council's webpage ten (10) business days of approval.

4. All Council meetings and agenda items must be announced enough in advance of the meeting to afford interested parties a reasonable opportunity to attend. This information shall be posted to the Council's webpage at least one week prior to the meeting. Meetings must be open to the public.
5. Interpreters and other necessary services must be provided at Council meetings for members or participants. The State may pay for these services from IDEA funds.
6. The Council shall serve without compensation but the State may reimburse the Council for reasonable and necessary expenses for attending meetings and performing duties. The state may use IDEA funds. Each Council member shall receive travel allowances in accordance with State budget policies.
7. The Council shall meet in a location provided by the State Department of Public Instruction on a date to be agreed upon by the members of the Council from meeting to meeting.
8. The Department of Public Instruction shall provide the necessary secretarial and clerical staff and supplies to accomplish the objectives of the Council. Said staff will oversee the recording by electronic audio device and the transcribing of minutes.
9. The Council shall designate a chairperson and vice chairperson from among its members.

#### F. Meeting Attendance

1. Regular attendance and participation of all Council members is expected. When a member appointed by the State Board of Education misses two consecutive regular meetings, the Council Chairperson or the Exceptional Children Liaison will contact that member to inquire about his interest in remaining on the Council.
2. When a member appointed by the State Board of Education misses three regular meetings in a year, the Council shall inform the State Board of Education and request that the board appoint another person to fill out the unexpired term of the member who does not attend.
3. When a member who serves by legislative or executive appointment misses a like number of regular meetings without notice, the Council shall request that consideration be given to appointing someone else to fill out the unexpired term of the legislative or executive appointment.
4. When a member from a State agency misses a like number of regular meetings without notice, the Council shall request that a new representative be named by the designated agency.
5. All new Council members shall participate in orientation.
6. Attendance at meetings may be reflected in person or via telephone or other electronic device. Council members not in attendance at a meeting, shall abstain from voting on the minutes from that particular meeting.

#### G. Internal Organization

1. A quorum at a Council meeting shall consist of at least thirteen (13) members, including the

Chairperson.

2. Absentee voting may be used to conduct Council business under conditions agreed upon by the Council and/or Executive Committee.
3. A change in Bylaws will be announced at least one month before the voting will be held.
4. Bylaws may be amended by a 2/3 vote of those present at a Council meeting.

#### H. Officers

1. Chairperson
  - a. Mode and Term of Appointment
    - (1) Elected by the Council from among its appointed members.
    - (2) Serves for one two-year term.
  - b. Duties and Function
    - (1) Preside at Council meetings;
    - (2) Appoint chairpersons of the Committees and any task forces; develop a proposed agenda, establish a set of proposed meetings, develop a calendar of activities and establish proposed goals for the Council in conjunction with the assigned staff from the Department of Public Instruction;
    - (3) Serve as a representative of the Council; and
    - (4) Perform other duties as may be directed by the Council.
2. Vice-Chairperson
  - a. Mode and Term of Appointment
    - (1) Elected by the Council from among its members; and
    - (2) Serves for one two-year term.
  - b. Duties and Function
    - (1) Preside at meetings in the absence of the Chairperson, and
    - (2) Perform other duties as may be directed by the Chairperson or Council.
3. Vacancies and Absences
  - a. In the event a vacancy occurs prior to the end of the term for the Chairperson or the Vice-Chairperson, the Council shall elect one of its members to fill the office for the unexpired portion of the term.
  - b. In the absence of both the Chairperson and the Vice-Chairperson at a meeting, the Council shall name one of its members as Chairperson Pro Tempore.
4. Committees
  - a. The Council shall consist of four standing committees as follows:
    - (1) Reports and Data;
    - (2) Unmet Needs;
    - (3) Policies and Procedures; and
    - (4) Executive
  - b. The Chairperson may create ad-hoc committees to complete special projects and tasks as necessary.