**Proposed SEAC By-laws Amendments**

**Key:** Yellow =Language Removed Green = Language Added Blue = Note

**I. Name**

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

**II. Purpose**

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

**III. Vision**

SEAC 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 SEAC 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 SEAC**

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.

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

8. To review Hawaii special education due process hearing decisions and findings. (added 5/2015)

9. To review and comment with regards to the Department’s federal and state budgets for special education. (added 5/2015)

**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*

*15. Representative of military students and families*

The Director of Special Education shall also serve as a non-voting member and liaison to the Superintendent.

SEAC 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 SEAC.

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.

The Membership Committee will recommend to the Superintendent names of persons to fill vacancies as they occur.  Applications for membership shall be available on the SEAC website and be kept on file for consideration for one year.

A quorum to conduct business shall consist of one-half of the current membership.  Members unable to attend a SEAC meeting may appoint a designee to [represent them] attend in their place and represent their stakeholder category. *Note: The Bylaws Committee would like to have a discussion at the October 16th meeting regarding how parent representatives might appoint a designee.*

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] participation 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 SEAC shall submit a written notice to the Chairperson who shall forward the resignation to the Membership Committee for action.

**VII. Officers**

The Officers of SEAC shall be a Chairperson and [three] a Vice-Chairperson[s] who shall serve a one-year term.

The election of officers shall occur in May. 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, [one of] the Vice-Chairperson[s] shall complete the unexpired term.  SEAC may fill the vacant position of [that] the 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 SEAC, 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 SEAC Leadership Team, 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[s] to serve on the SEAC Leadership Team, chair a [standing] committee as needed, assist the Chairperson when called upon and perform the Chairperson’s duties in his or her absence.

**IX. Committees**

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

The chairperson of each committee shall be a duly appointed member of SEAC [and also serve as a Vice Chairperson of SEAC].  Non-members of SEAC may serve on the committees as non-voting members.

**X. Meeting Procedures**

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

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

By July 1 of each year, SEAC shall submit an annual report of SEAC 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 SEAC to include minute taking, posting of meeting notices, staffing of committees, and other duties as determined by SEAC. Official minutes shall be kept on all SEAC meetings and shall be made available to the public on request.

All SEAC 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 SEAC meetings for SEAC members or participants.

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

Notice of the agenda for each meeting [and minutes of the previous meeting] will be provided to the membership no later than [ten] six calendar 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. Minutes of the previous meeting will be provided to the membership, posted and available upon request to the public within 30 days.

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 SEAC 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 SEAC 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 SEAC.*

**XI. Voting Procedures**

While most of the decisions of SEAC are made by consensus, action may be taken through a simple majority (51%) vote of the members or their designees present at the meeting.  [Designees do not have the privilege of voting.]

No member of SEAC shall cast a vote on any matter that would provide direct financial benefit to that member, their family, representative organization or otherwise give the appearance of a conflict of interest.

**XII. 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 SEAC at least ten days prior to the regular meeting.

Last amended on 5/8/15 (Previous revision on 5/9/08)