

STATE ADVISORY COUNCIL FOR EXCEPTIONAL CHILDREN BY-LAWS

Introduction

The purpose of this manual is to provide information and resources that clarify the role of the Kentucky State Advisory Council for Exceptional Children (SACEC) in the education of Kentucky youth. Its membership is composed of individuals in, or concerned with, the education of children with exceptionalities ages birth through 26.

The Advisory Council shall have and perform such powers, functions, and duties as specified by law. Responsibilities include offering advice, consultation, and recommendations to the Kentucky State Board of Education regarding matters concerning special education services.

The Kentucky State Advisory Council for Exceptional Children (SACEC) advocates for an educational system that achieves excellence, equity, and lifelong learning for all individuals in Kentucky.

Kentucky SACEC is committed to representing individuals with diverse and changing educational needs.

ARTICLE I – NAME

The name of this council shall be the State Advisory Council for Exceptional Children.

ARTICLE II – PURPOSE

The State Advisory Council for Exceptional Children is organized as mandated in the Individuals with Disabilities Education Act Amendments of 2004 for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in Kentucky.

In June 2017, the Governor of Kentucky issued an Executive Order abolishing the State Advisory Panel for Exceptional Children and creating the new State Advisory Council for Exceptional Children. (Executive Order 2017-364)

On July 13, 2018, the Governor of Kentucky issued an Executive Order prompting additional guidance to the State Advisory Council for Exceptional Children (Executive Order 2018-581)

ARTICLE III – DUTIES

The duties of the council are to:

1. Advise the General Assembly, Department of Education, Board of Education, Education Professional Standards Board, and School Curriculum, Assessment and Accountability Council of unmet needs and desired program changes related to the education of children with disabilities, including proposed corrective action plans and personnel development needs;
2. Review and comment on rules or regulations proposed by the Commonwealth relating to the education of children with disabilities and the procedures for distribution of funds under Part B of Public Law 101-476;
3. Review and comment on written findings of fact and decisions from due process hearings, including other reports issued by federal and state authorities relating to exceptional children;
4. Advise the General Assembly, Kentucky Department of Education, the Justice and Safety Cabinet and other public agencies on eligible students with disabilities in state and local prisons;
5. Provide opportunities for public input through regularly scheduled public hearings or during general meetings.

The State Advisory Council for Exceptional Children shall be administratively attached to the Department of Education and provided with suitable staff and resources to conduct its work. Upon request, the Commissioner of Education shall designate or appoint an executive secretary to act as ombudsman for the members.

ARTICLE IV – COUNCIL MEMBERSHIP

Section 1. Composition:

Executive Order 2017-364

The Governor shall appoint new members by Executive Order to initial terms as follows: Up to Seven (7) members shall serve two (2) year terms, up to seven (7) members shall serve three (3) year terms, and up to seven (7) members shall serve four (4) year terms, beginning June 1, 2017. Further, the Governor shall designate the Chairperson and the Vice Chairperson to serve until the first regular meeting of the Fiscal Year 2018-2019.

Executive Order 2017-364 and Executive Order 2018-581

The State Advisory Council for Exceptional Children is comprised of up to twenty-one (21) voting members appointed by the Governor, the majority of whom shall be persons with disabilities or parents of children with disabilities ages birth through 26, including:

- Two individuals with disabilities or exceptional needs;
- One parent of an exceptional child ages birth through 12 years;
- One parent of an exceptional child ages 13 through 26 years;
- One elementary special education teacher;
- One middle or secondary special education teacher;
- One higher education member who trains and prepares special education teachers;
- One private sector administrator of programs for exceptional children;
- One local education administrator of programs for exceptional children, who shall also be

experienced with the McKinney-Vento Act;

- One child welfare agency member responsible for foster care;
- At least one representative of state juvenile or adult correction agencies involved in the delivery of services to disabled children;
- One state education official who carries out activities associated with the McKinney-Vento Homeless Assistance Act;
- At least one state agency member involved in the financing or delivery of services to children with disabilities;
- One member of vocational, community or business organizations concerned with the provision of services to disabled children;
- At least one representative of private schools or public charter schools; and
- Up to six additional members meeting the requirements of the Individuals with Disabilities Act (IDEA) as articulated in 20 USC 1412.

Section 2. Selection:

Original membership of the Council shall be established by Executive Order 2017-625.

Future membership of this Council shall be selected through the nomination procedures set forth in these by-laws, and members shall be officially notified of their selection, in writing, by the Governor.

Section 3. Length of Term:

Except for the Kentucky Board of Education and the Council of Postsecondary Education successive members whose member and terms are not affected, or otherwise provided in this Order, successive members of the Boards and Councils hereto shall serve for a term of three (3) years, subject to not more than two consecutive terms, and if required by statute, be submitted for senate confirmation in accordance with KRS 11.160

Section 4. Membership and Vacancy Process:

Nominations for Council membership may be submitted by interested parties in the Commonwealth of Kentucky. Information about a membership nomination form shall be made available from Division of Learning Services/Kentucky Department of Education and distributed through Council members, and through other appropriate sources. The Chairperson and/or Executive Committee shall be available to provide input to the Division of Learning Services/Kentucky Department of Education or the office of the Governor, in reviewing nominations, upon request.

This process does not in any way circumvent the process of appointments coming directly from the Governor's office.

A vacancy on the council shall be filled in the same manner as the original appointment within ninety (90) days of official written notification to the Governor. Members whose terms have expired may continue to serve until reappointed or successors are named. Any member who, through change of employment status or residence, or for other reason, shall no longer be eligible to serve in that position and shall be deemed removed without notice.

Any member appointed to a vacancy of an unexpired term, shall be afforded the right to continue to serve a full term, and no more than two consecutive terms, if reappointed by the Governor. Any member appointed to fill a vacancy shall also resume the responsibility of the vacated membership on any standing committee.

Any member appointed by Executive Order 2017-625 shall be afforded the right to continue to serve no more than one additional consecutive term, if reappointed by the Governor.

Section 5. Orientation:

The Council Chairperson and representatives from the Division of Learning Services will conduct an orientation program for all new Council members. It is preferred that such a meeting be scheduled to occur in conjunction with the first regularly scheduled Council meeting following member appointment. All Council member terms are scheduled to begin in July of each year and the orientations shall take place at the Fall meeting, provided that the appointments have taken place. New members of the Council will be provided a notebook containing documents which are to serve as a resource to the Council in carrying out its activities.

Section 6. Council Member Attendance at Meetings:

Council members are to notify the Division of Learning Services by phone, electronic transmittal, or United States mail as to whether or not they will be attending each meeting.

Except for the Ex-Officio member, any member who misses two (2) consecutive meetings may be removed from office and the Governor shall replace such member according to law.

Council members should bring to meetings any materials sent by the Division of Learning Services that will be necessary to carry out Council or committee activities. The chairperson may request a review by the Executive Committee of a Council member's continued absence from Council meetings and will contact any member absent from two (2) consecutive meetings to inquire as to whether or not the member's current commitments make it possible for the member to continue active membership on the Council. If the inquiry finds the council member cannot meet the necessary member requirements and quarterly meetings, the Council will inform the Governor's office of a vacancy on the Council to be filled at the Governor's discretion.

Section 7. Ex-Officio Member:

The Immediate Past Chairperson shall serve as an ex-officio member of the Council in the event that his/her term on the Council has expired and/or he/she has not been replaced by the Governor. The Ex-Officio member may only represent the Council in an advisory role and shall be a non-voting member if the Ex-Officio member term has expired. Ex-Officio members shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

ARTICLE V – MEETINGS

Section 1. Regular Meetings:

The Council shall schedule a minimum of four (4) regular meetings each year, in various locations throughout the Commonwealth. One regular meeting will be scheduled in conjunction with a statewide Conference. All meetings shall be open to the public and accommodations for persons with disabilities shall be provided upon request. Notice of meetings and agenda items shall be publicly announced.

All members and non-voting advisors and ex-officio member shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. Furthermore, public employee shall serve without remuneration, but may attend meetings and perform other board or council business without loss of income for benefits. Any state agency, school district, public university or political subdivision of the Commonwealth which is required to hire a substitute for a member who is absent from his or her place of employment while performing board or council business shall be reimburse for the actual amount of any cost incurred if a written request for reimbursement is made to the board or council with thirty (30) days.

All meetings of the council shall adhere to Kentucky Opens Meeting Act and shall be a public meeting, open to the public at all times.

Section 2. Special Meetings:

A special meeting of the Council may be called by the Chairperson with the approval of the Executive Committee. The Council Chairperson shall ensure that notice shall be provided by mail, email or phone to the membership and Division of Learning Services liaison at least one week prior to special meetings.

Section 3. Voting Regulations:

Voting shall be done by secret ballot upon request of any member of the Council.

Each member of the Council shall possess one vote excepting ex-officio and ad hoc members, who shall be non-voting. If a member is absent, that member may provide a written proxy to the Chairperson. However, a member may not transfer his/her voting privilege to another person. The presiding officer shall have a vote only in order to break a tie.

Section 4. Quorum:

A simple majority of Council membership at a regular or special meeting of the Council shall constitute a quorum. A quorum must be present for regular or specially called meetings for the transaction of business.

Section 5. Notice of Meetings:

The Council Chairperson shall ensure that written notices are mailed or emailed to each member of the Council at least twenty-one (21) days prior to the date of each regular meeting. A copy of the agenda for the meeting will be sent to all Council members at least seven (7) days prior to the scheduled meeting. The Council Chairperson shall ensure that written notices of special meetings are mailed or emailed to each Council member at least seven (7) days prior to the date of the meeting. An agenda for calling the special meeting will also be enclosed.

ARTICLE VI – OFFICERS

Section 1. Chairperson:

The elected Chairperson shall preside at and participate in agenda development for all meetings of the Council and the Executive Committee. The Chairperson shall appoint all standing and special committees, subject to the approval of the Executive Committee, and shall be ex-officio member of all committees, with the exception of the nominating committee. The Chairperson shall be responsible for insuring that the immediate past chairperson submits the Council's Annual Report to the council for a first reading at the first meeting of the fiscal year and finalized for a second reading

at the annual November meeting, the year following his/her term. It shall be the responsibility of the current Chairperson to distribute the annual report to all stakeholders per Executive Order 2018-581.

The Chairperson, or such alternate as he/she may designate, shall represent the Council at meetings or functions where Council representation is desired or required. The Chairperson shall serve as liaison between the Council and the Division of Learning Services, Kentucky Department of Education.

Section 2. Vice Chairperson:

The elected Vice Chairperson shall assist the Chairperson in his/her duties and activities of the Council and shall serve as a member of the Executive Committee. The Vice Chairperson shall serve in the absence of the Chairperson. The Vice Chair shall chair the Communication Committee, which is charged with the responsibility of publicizing public forums, both statewide and in the local communities via social media and other communication outlets with support from the Division of Learning Services, Kentucky Department of Education.

Section 3. Secretary:

The elected Secretary shall confer with the support staff from the Division of Learning Services when necessary to assure that accurate minutes of all meetings are recorded. The secretary shall serve as Chairperson in the absence of the Chairperson and Vice Chairperson and shall serve as a member of the Executive Committee. The secretary shall provide assistance to the staff assistant from the Division of Learning Services in the preparation of minutes or other correspondence in regard to matters as delegated by the Chairperson. The Secretary shall send acknowledgement communication within 30 days to all persons who address the Council during the public forum.

Section 4. Immediate Past Chairperson:

The Immediate Past Chairperson shall serve on the Executive Committee. His/Her duties will be primarily advisory in nature.

The Immediate Past Chairperson shall serve as an ex-officio member of the Council in the event that his/her term on the Council has expired and/or he/she has not been replaced by the Governor.

Section 5. Term of Office:

The term of office for all Council officers shall be from July 1 to June 30 of that calendar year and shall not exceed two consecutive years.

A slate of officers shall be presented to the Council by the Election Committee prior to the conclusion of the third Council meeting of each year (see Article VII, Section 3). Council members shall elect officers prior to the conclusion of the fourth meeting of each year; officers will assume their duties beginning July 1 of the following calendar year. Elected officers whose appointment terms expire before the completion of their term of office shall complete their term of office.

Section 6. Special Elections:

A special election may be called to replace an officer who has resigned in the middle of his/her term of office. The office shall be filled upon recommendation by the Executive Committee and confirmation by the Council membership in session or by United States mail and/or electronic transmittal vote.

ARTICLE VII – COMMITTEES

Section 1. Executive Committee:

The Executive Committee shall be composed of the officers of the Council, two at-large members elected by the Council, the immediate past Chairperson, and the Chairpersons of Council Standing committees. Executive Committee membership shall be balanced representation from the different perspectives and disciplines represented in the Council to the extent possible.

The Executive Committee shall meet prior to all business meetings of the Council and at other times as deemed necessary. It shall act as an advisor to the Chairperson and approve appointment of standing committees and special committees. It shall have general supervision and conduct the affairs of the Council between meetings of the Council. The Executive Committee shall report at each meeting of the Council on the actions it has taken between meetings.

In the event there is a need to transact specific Executive Committee planning for which a physical meeting is impractical, the Executive Committee may plan via email, video/web conferencing or telephone.

Section 2. Standing Committees:

Assignments to Standing Committees shall be determined annually and, to the greatest extent feasible, will be based on member preference and committee needs as recommended by the Executive Committee. The standing committee(s) shall be, (1) Communication which is charged with the responsibility of publicizing public forums, both statewide and in the local communities via social media and other communication outlets with support from the Division of Learning Services, Kentucky Department of Education.

Section 3. Election Committee:

The Election Committee, consisting of three (3) members, shall be appointed by the Chairperson with the approval of the Executive Committee. It shall be the duty of this committee to nominate candidates for officer and Executive Committee member-at-large positions.

Prior to the completion of the third Council meeting of each year, the Election Committee will submit to the Council membership a slate of officers and Executive Committee members-at-large. Individual Council members may submit to the Council Chairperson by United States mail, email or facsimile additional nominees for consideration at the fourth Council meeting at least thirty (30) days prior to the fourth Council meeting of each year. The Council Chairperson shall inform the Election Committee of any additional nominees. The Election Committee members shall verify that all nominees are available and able to serve. The names of any additional nominees shall be circulated to the Council membership in the agenda/meeting notification packet. The Election Committee shall insure that Council officers and Executive Committee members-at-large are elected at the fourth Council meeting of each year.

In the event there is a need to transact specific Election Committee planning for which a physical meeting is impractical, the Election Committee may plan via email, video/web conferencing or telephone.

Section 4. Other Committees:

The Council Chairperson may appoint ad hoc committees to conduct the business of the Council as needed.

ARTICLE VIII – MISCELLANEOUS PROVISIONS

Section 1. Amendments and Operative Date of by-laws:

These by-laws may be amended at a regular meeting of the Council by a majority vote of the Council membership. The Council membership shall be notified in writing of the proposed revision(s) at least thirty (30) days prior to the regular or specially called meeting of the Council.

These by-laws shall become operative immediately after their adoption by the Council.

Section 2. Parliamentary Procedure:

The latest unabridged edition of *Robert's Rules of Order* shall be the parliamentary guide for the Council.

Section 3. Annual Report:

The Immediate Past Council Chairperson shall prepare and submit an Annual Report to the council for a first reading at the first meeting of the fiscal year and finalized for a second reading at the annual November meeting, the year following his/her term. It shall be the responsibility of the current Chairperson to distribute the annual report to all stakeholders per Executive Order 2018-581. Upon approval of the council, The Division of Learning Services shall distribute the report to at least the following recipients: the Governor, the Commissioner of Education, Kentucky School Board Members, the Director of the Division of Learning Services, Education Professional Standards Board, School Curriculum, Assessment and Accountability Council and Council members. This report shall describe activities of the Council and suggestions to the Department of Education resulting from these activities. This report shall be posted on the Kentucky Special Advisory Council for Exceptional Children's website.

The Annual Report of the State Advisory Council for Exceptional Children and other such document/products shall be made public as follows: The Division of Learning Services will provide notice regarding the availability of such reports through established dissemination processes. In addition, the Council may request that copies of this report be sent to other persons or agencies as appropriate.

Section 4. Responding to Public Forum/Committee Comments

The Division of Learning Services/Kentucky Department of Education will provide an update(s) to the Council during each meeting in regards to issues presented at the previous public forum and/or from standing or ad hoc committees.

(NOTE: The following section is not a portion of the by-laws, but is commonly used to provide a historical reference for revisions. It will be amended appropriately upon the passage of any changes)

The by-laws amended and adopted as the by-laws of the Kentucky State Advisory Panel for Exceptional Children during the October 16-18, 2002 meeting, were amended and adopted on June 24, 2004 as the by-laws of the Kentucky State Advisory Panel for Exceptional Children. The by-laws amended and adopted as the by-laws of the Kentucky State Advisory Panel for Exceptional Children on June 24, 2004, were amended and adopted on June 25, 2004 as the by-laws of the Kentucky State Advisory Panel for Exceptional Children. These by-laws were further amended and adopted during the January 14-16, 2009 meeting of the Kentucky State Advisory Panel for Exceptional Children. These by-laws were further amended and adopted during the November 23, 2015 meeting of the Kentucky State Advisory Panel for Exceptional Children. The by-laws were adopted during the March 1-2, 2018 Kentucky State Advisory Council for Exceptional Children. The by-laws were further amended during the September 6-7, 2018 meeting of the Kentucky State Advisory Council for Exceptional Children.