

**BY-LAWS OF
THE OREGON DEPARTMENT OF EDUCATION
Office of Learning/Student Services
STATE ADVISORY COUNCIL FOR SPECIAL EDUCATION**

ARTICLE I

Name

The name of this organization is the State Advisory Council for Special Education (hereinafter referred to as the Council) created under authority of ORS 343.287 and P.L. 105-17 by the Deputy Superintendent of Public Instruction (hereinafter referred to as the Superintendent) on February 1, 1977.

ARTICLE II

Purpose

The State Advisory Council for Special Education shall review aspects of the statewide program of special education, provide policy guidance with respect to special education and related services for children with disabilities, as defined by the Individuals with Disabilities Education Act, who are or may be eligible for special education and related services in the State and advise the Superintendent and the State Board of Education on such programs in writing at least annually.

The Council shall

- 1) Advise the State educational agency of unmet needs within the State in the education of children with disabilities;
- 2) Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;
- 3) Advise the Oregon Department of Education in developing evaluations and reporting on data to the Secretary of the United States Department of Education as required by federal and state statute and rule;
- 4) Advise the Oregon Department of Education in developing corrective action plans to address findings identified in Federal monitoring reports;
- 5) Advise the Oregon Department of Education in developing and implementing policies relating to the coordination of services for children with disabilities.

ARTICLE III

Membership

Section 1. The members of the Council shall be appointed by the Superintendent for a term of three years. Membership prioritizes individuals who experience a disability and parents of children who experience a disability. The Council strives to represent the diversity of the state and maintain two parent representative from each region. Each member is limited to appointment for two complete terms of service with the exception of:

- a) Individual Agency appointments are not subject to term limits. It is recommended Agency appointments be reviewed by representing Agency.
- b) Chairperson may continue on committee to serve as the immediate past chair on the Executive Committee and may serve out the obligation of executive term limit.

When vacancies occur, persons filling the vacancies shall be eligible for appointment to two complete terms of service.

Section 2. Members shall include:

- a) Parents of children with disabilities (ages birth through 26).
- 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 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) Representative from the State child welfare agency responsible for foster care
- k) Representatives from the State juvenile and adult corrections agencies.
- l) Other persons associated with or interested in the education of children with disabilities.

Members shall be representative of the State population and involved in, or concerned with, the education of children with disabilities. A majority (51% minimum) of the members must be individuals with disabilities or parents of children with disabilities (ages birth through 26).

The Superintendent shall consider recommendations from local councils, state and local agencies serving children and youth with disabilities and the Council, among others, in making appointments. Before making appointments, the Superintendent shall determine that prospective members can fulfill all duties and responsibilities stated in these by-laws.

Section 3. Any member may resign membership by so notifying the Superintendent and the Council Chair in writing.

Section 4. Council attendance will be monitored by the Membership Committee as set forth in the Membership Committee Operating Procedures. If the Membership Committee determines the need to replace a council member due to attendance requirements, the Council shall make a recommendation to the Superintendent that said person be replaced along with a recommendation for a new appointment (if available).

Section 5. Council members shall be reimbursed at the current state rates for travel, meals, and lodging expenses while attending approved Council functions. Other necessary expenses related to their Council responsibilities may be reimbursed if previously requested in writing and approved by the Department of Education.

Section 6. No council member will use their official position on the council for financial benefit personally or for any for profit or nonprofit business with which the member is associated. Council members will disclose potential and actual conflicts of interest and abstain from voting on actions that may lead to financial or professional benefit either personally or for their associated businesses.

ARTICLE IV **Officers and Their Duties/Elections**

Section 1. The officers of this Council shall be:

- Chairperson
- Vice-Chairperson
- Immediate Past Chairperson
- Member at Large

Section 2. The Duties of the Chair shall be to: preside at all meetings, appoint all subcommittees in consultation with the Council, appoint a Council representative to the Executive Committee, supervise the function of the Council, be an ex-officio member of all subcommittees, and have such further duties as ordinarily pertain to the office of Chair.

Section 3. The duties of the Vice-Chair shall be to: perform the duties of the Chair in his/her absence or in his/her inability to act, assist in supervising functions of the Council, and perform such other functions as the Council may from time to time assign.

Section 4. The duties of the Immediate Past Chairperson are to participate on the Executive Committee, to assist and advise the Chairperson, and perform such other functions as the Council may from time to time assign.

Section 5. The officers shall serve a two-year term beginning September 1. The officers of the Council shall be elected every two years at the last meeting of the year. Candidates shall be nominated by Council members. The officers shall have been Council members for at least one year before assuming office. An officer may serve no more than two consecutive terms in the same position. In the event that an officer resigns, the Executive Committee will nominate a member to fill the remainder of the vacant term, and will bring the nomination to the Council for action.

Section 6. The Assistant Superintendent, Student Learning & Partnerships, shall serve as an ex-officio member of the Council. A Department of Education staff member shall be appointed by the Assistant Superintendent to serve as staff to the Council. The staff person shall be responsible for arrangements and timely notification of meetings, distribution of records and minutes of each meeting to Council members and the Superintendent, securing additional staff support as necessary to conduct Council business, preparing necessary reports, keeping a file of Council records and minutes, and carrying out other duties as requested by the Council and assigned by the Assistant Superintendent.

ARTICLE V

Meetings

Section 1. The Council shall meet at least 4 times a year according to a Council meeting calendar which shall be established no later than the September meeting of each school year. Meetings may be held in various geographical areas of the state. The date for a given meeting may be changed by agreement of a simple majority of the Council members at a regularly scheduled meeting. Members shall have information available in a timely manner (at least 2 days in advance) for public comment and necessary action on issues.

Section 2. Contingent upon available funding and need, special meetings may be called by the Superintendent, by the Chair, or by a simple majority of the Council. Notices of all special meetings shall be given in writing to each member not less than five days before the date set for any such meeting. All notices of any special meeting shall state the purpose of the meeting.

Section 3. A quorum shall consist of a simple majority (more than half) of the Council membership. A simple majority of the quorum shall be required to adopt any resolution or motion.

Section 4. Anyone attending a meeting may speak to any issue in accordance with established Council procedure. Only Council members may initiate or amend proposals and motions, and only Council members may vote. The Chair is a voting member of the Council.

Section 5. Public Comment Policy

- The purpose of providing public comment to SACSE is to inform, advise, or request action from SACSE on matters relating to special education in Oregon.
- 30 minutes will be set aside for public comment at each SACSE meeting.
- Public comments can be verbal or sent in written form to be read by the Council Chair.
- Each person providing public comment will be limited to five minutes. At the Council Chair's discretion, this time limit may be extended.

- Members of the Council will not interrupt the speaker during the five minutes and will hold questions until the individual is finished.
- Statements in public comments should be factual and objective.
- Individuals should maintain confidentiality and privacy standards: public comment provided at this meeting is part of public record.
- Public comments will be taken under advisement as the Council addresses priority issues. No statements will be issued on public comments received by SACSE.
- The Executive Committee will review public comments and decide on appropriate action, if any, according to the Council's charge.
- Public commenters' names and topics will be posted in the meeting minutes.

Section 6. The Executive Committee and the Assistant Superintendent shall set the agenda for each meeting and shall provide members with any information necessary to act on agenda items. Members may request additional items to the agenda provided this request reaches the Chair or the Assistant Superintendent at least one week prior to the meeting. New items not covered under the above may be proposed by members and others for the floor and may be considered at the conclusion of the regular agenda.

Section 7. All Council meetings must be publicly announced at least 2 weeks prior to the meetings by the Department of Education. Each meeting shall be open to the public in a barrier-free location.

Section 8. The State will provide interpreters and other necessary services at Council meetings, providing notice of such need is submitted to the Department one week before the scheduled meeting.

ARTICLE VI **Committees**

Section 1. The Council may establish committees as needed to carry out the responsibilities of the Council and to accomplish its purpose as stated in these bylaws.

Section 2. The operating procedures of each committee shall be adopted by the Council. The committee operating procedures shall be reviewed each year with the review of the Bylaws.

Section 3. Persons other than members of the Council may serve on its committees. Each such committee shall be chaired by a member of the Council or have a member of the Council serve as liaison. Membership on committees shall include parents of individuals with disabilities or individuals with disabilities.

Section 4. Committees

- a) Executive Committee: The purpose of the Executive Committee is to review the bylaws and operating procedures annually, review and set the agenda for each meeting of the Council, and any other administrative functions. Executive Committee members are the Council's Officers (Chairperson, Vice-Chairperson, Member at Large and Past Chairperson).
- b) Membership Committee: The purpose of the Membership Committee is to ensure sufficient council membership in accordance with federal and state requirements.
- c) Public Policy Committee: The purpose of this committee is to follow legislative activity on bills that may affect special education and report to SACSE on the effects of the bill and its progress. This is not a committee that will do lobby work but can advise SACSE on the outcomes of the bill.

ARTICLE VII **Annual Goals**

Section 1. At the first meeting of the school year, the Council shall review the previous year's outcomes and establish its annual goals for the current year tied to Council duties as defined in state and federal regulations. These annual goals shall be widely distributed throughout educational organizations and agencies in Oregon.

Section 2. At the end of each year, the Council shall prepare an annual summary of work completed by the Council that was tied to state and federal regulations. This report will be made available to the public in a manner consistent with the public reporting requirements of IDEA, Part B; and shall be posted on the ODE website.

ARTICLE VIII **Amendments**

Section 1. These bylaws shall be reviewed by the Council as needed, but at least at the beginning of every formal Oregon Legislative Session.

Section 2. The bylaws of this Council may be amended or revised by the affirmative vote of at least two-thirds of the membership. Any revisions made to the bylaws shall be tied to: 1) ways to improve Council operations, or 2) changes in state or federal law tied to the duties of a state advisory panel. (See Article II: Purpose of the SACSE)

Section 3. The text of proposed amendment(s) shall be mailed to all members at least two weeks prior to the meeting where the bylaws and amendments will be discussed and voted on.

ARTICLE IX

Effective Date

These bylaws and any amendments to the bylaws shall take effect at the next regularly scheduled meeting following their approval by the Council.

History:

Adopted by the Council, October 1998

Amended and adopted by the Council on January 28, 1999

Amended and adopted by the Council, June 1999

Amendments proposed June 2001 – approved first reading

Amended and adopted by the Council on September 21, 2001

Amendments proposed April 26, 2002 for first reading

Amended and adopted by the Council on June 18, 2002

Amendments proposed June 18, 2002 for first reading

Amended and adopted by the Council September 27, 2002

Amendments proposed June 17, 2003 for first reading

Amendments proposed September 25, 2003

Amendments proposed November 21, 2003

Amendments proposed January 23, 2004, approved

Amended and adopted by the Council April 23, 2004

Amended and adopted by the Council September 24, 2004

Amended and adopted by the Council November 8, 2006

Amended and adopted by the Council November 8, 2007

Amended and adopted by the Council January 22, 2009

Amended and adopted by the Council May 21, 2010

Amended and adopted by the Council May 2, 2013

Amended and adopted by the Council September 24, 2015

Amended and adopted by the Council September 14, 2017

Amended and proposed by the council September 19, 2019 for first reading