

VERMONT ADVISORY COUNCIL ON SPECIAL EDUCATION BYLAWS

Adopted: November 15, 2017

ARTICLE I: AUTHORIZING STATUTES AND NAME

- A. The Individuals with Disabilities Education Act (IDEA) requires each State to “establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children within the State.” IDEA further establishes the minimum membership requirements for each advisory panel and lists the duties of each advisory panel. 20 U.S.C. Section 1412 (a) (21). See also, 34 C.F.R. Sections 300.167-169.
- B. Vermont’s special education statute implementing the IDEA requirements includes additional State-specific requirements related to the purpose, membership, terms, compensation, duties, and meetings of the Council. It also reflects the State’s intent to meet the unique needs of Vermont’s children with disabilities through its special education system. 16 V.S.A. Section 2945.
- C. The advisory panel in Vermont shall be called the Advisory Council on Special Education (Council).

ARTICLE II: PURPOSE

The purpose of the Council shall be to advise the Vermont Agency of Education (AOE) regarding special education and related services for students age three (3) through twenty-one (21) with disabilities and their families. The Council shall promote high-quality services for students with disabilities and their families.

ARTICLE III: DUTIES AND FUNCTIONS

The Council shall carry out the duties and functions specified in the IDEA and Vermont statute cited above.

The Council shall:

- A. Advise the Vermont Agency of Education (AOE) of unmet needs within the State in the education of children with disabilities;
- B. Comment publically on any rules or regulations proposed by the State regarding the education of children with disabilities;
- C. Advise the AOE in developing evaluations and reporting on data to the U.S. Secretary of Education under the IDEA.
- D. Advise the AOE in developing corrective action plans to address findings identified in Federal monitoring reports under the IDEA;
- E. Advise the AOE in developing and implementing policies relating to the coordination of services for children with disabilities;
- F. Advise the AOE on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult correctional facilities.
- G. Review periodically the rules, regulations, standards, and guidelines pertaining to special education and recommend to the State Board any changes it finds necessary;
- H. Comment on any new or revised rules, regulations, standards, and guidelines proposed for issuance; and
- I. Advise the State Board in the development of any State plan for the provision of special education.

ARTICLE IV: MEMBERSHIP

Section 1: Council Membership

The Council shall be composed of 19 members appointed in accordance with Vermont statute. The membership shall include:

- A. Teachers;
- B. Representatives from state agencies involved in the financing or delivery of related services to children with disabilities;
- C. A representative of independent schools;
- D. At least one representative of a vocational, community, or business organization concerned about the provision of transition services to children with disabilities;
- E. A representative from the state juvenile and adult corrections agency;
- F. Individuals with disabilities;
- G. Parents of children with disabilities, provided the child shall be younger than 26 years old at the time his or her parent is appointed to the Council;
- H. State and local education officials, including officials who carry out activities under the McKinney-Vento Homeless Assistance Act;
- I. A representative of higher education who prepares special education or related services personnel;

- J. A representative from the state child welfare department responsible for foster care;
- K. Special education administrators;
- L. Two at-large members;
- M. One member of the Vermont House of Representatives; and
- N. One member of the Vermont Senate

A majority of the appointed members shall be either individuals with a disability or parents of children with disabilities ages birth through 26.

Section 2: Ex-Officio Members

The Secretary of Education, State Director of Special Education, and AOE Liaison shall be ex-officio members of the Council and shall have the duties set forth in Article V, Section 3 of these bylaws.

Section 3: Appointment

- A. The member from the Vermont House of Representatives shall be appointed by the House Speaker.
- B. The member from the Senate shall be appointed by the Senate Committee on Committees. All other members shall be appointed by the Governor with the advice of the Secretary of Education.

Section 4: Terms of Service

- A. Members of the Council shall serve for a term of three (3) years or until their successor is appointed.
- B. Terms shall begin on April 1 of the year of appointment.

ARTICLE V: OFFICERS AND DUTIES

Section 1: Election of Officers and Terms

- A. The Council shall elect from its members a Council Chair, Council Vice-Chair, and Secretary. Officers shall be elected to serve a term of two (2) years upon vote of a quorum as defined in Section 2 of Article VI of these bylaws.
- B. Officers may serve up to two (2) consecutive terms for the position to which they are elected.

Section 2: Duties of Officers

The officers of the Council shall perform the duties prescribed by these bylaws and in accordance with the parliamentary authority adopted by the Council.

- A. The Council Chair shall:

1. Establish the time and location for Council meetings;
 2. Prepare the agenda and disseminate to Council members and the AOE Liaison;
 3. Establish short-term or standing committees or task groups and name the Chair;
 4. Preside over meetings of the Council;
 5. Coordinate committee report writing and other communication;
 6. Assist with orientation of new members; and
 7. Ensure that minutes of each meeting are kept and approved by the Council.
- B. The Council Vice-Chair shall:
1. Function in the place of the Council Chair in his or her absence;
 2. Recruit and orient new members and chair any committee established related to membership;
 3. Monitor member participation and advise the Governor of vacancies; and
 4. Assist with report writing and other communication.
- C. The Council Secretary shall:
1. Record the meeting minutes, including any advice or recommendations adopted by the Council; and
 2. Disseminate unapproved meeting minutes to the Council members and the AOE Liaison for posting on the AOE website within five (5) days from the date of the meeting.

Section 3: Duties of Ex-Officio Members

- A. The AOE Liaison shall:
1. Process the expenditures of the Council;
 2. Publically post the Council agendas and meeting minutes;
 3. Prepare and provide AOE updates;
 4. Ensure adherence with 1 VSA Sections 310-314, Vermont's open meetings law;
 5. Assist with report writing and other communications, upon request;
 6. Assist the Council in procuring meeting sites;
 7. Ensure that Council concerns, advice, and recommendations are directed to the appropriate level of authority within the AOE; and
 8. Support the Council in carrying out their duties and functions as well as acting on requests from the Council to further assist them in carrying out their duties and functions.

- B. The State Director of Special Education shall:
 - 1. Provide relevant and current topical information to the Council regarding the state of special education in Vermont and additional information upon request;
 - 2. Report progress on the Annual Performance Plan and State Performance Plan
 - 3. Report on District Level of Determinations based on compliance with the IDEA;
 - 4. Ensure that Council concerns, advice and recommendations are directed to the appropriate level of authority (designee) within the AOE;
 - 5. Support the Council in carrying out their duties and functions; and
 - 6. Carry out the duties of the AOE Liaison, as necessary.

- C. The Secretary of Education shall:
 - 1. Meet with the Council annually and upon request to discuss Council concerns, goals, and recommendations.

ARTICLE VI: MEETINGS

Section 1: Procedure

The Council may follow Robert's Rules of Order as accepted by the Council members, to the extent that such procedures are not inconsistent with the Council bylaws, enabling federal statutes and regulations, or Vermont law.

Section 2: Quorum

A quorum shall consist of seven (7) or more members of the Council attending any appropriately announced meeting.

Section 3: Meetings

- A. Council meetings shall be held at such time and place as established by the Council Chair, in consultation with the AOE Liaison, as needed.
- B. The Council shall meet at least annually in September to:
 - 1. Elect Officers;
 - 2. Establish Committees;
 - 3. Establish Priorities; and
 - 4. Establish Goals for the year.
- C. The Council shall also meet at the call of the Council Chair as often as necessary to conduct its business.
- D. Meetings for the coming year shall be scheduled at the last meeting of each year.

- E. Members unable to participate in a meeting shall notify the Council Chair or AOE Liaison of their inability to participate.

Section 4: Accessibility

- A. All Council meetings are open to the general public and shall be held at an accessible site.
- B. All meetings shall include, at a minimum, a telephone conferencing line. Council members participating in a meeting over the conference line shall be considered in attendance and shall count toward a quorum for purposes of conducting Council business.
- C. Accommodations for individuals with disabilities shall be directed to the AOE Liaison.

Section 5: Meeting Cancellation

In the event that a meeting is cancelled, designated AOE staff shall notify Council members and will post the cancellation on the AOE website.

Section 6: Special Meetings

Special meetings may be called by the Council Chair, in consultation with the AOE Liaison, as needed. Members of the Council may also request special meetings through written request submitted for approval by the Council Chair.

Section 7: Notice of Open Meetings

All regular and special meetings of the Council shall be in compliance with the Vermont "Open Meeting" law found at 1 VSA Sections 310-314.

Section 8: Voting

- A. Except as otherwise stated in these bylaws, all actions shall require a majority vote of a quorum as defined in Article VI, Section 2.
- B. Members participating in a meeting of the Council by means of conference call, video conference, or other such means that allow for each participant to hear and be heard by each other participant at the same time, shall be deemed in attendance at such meeting.
- C. Voting on all matters shall be by voice vote or by roll call.
- D. The Council Chair will have a vote on any measure before the Council. The Council Chair may not make or second motions.

Section 9: Designees

- A. A member of the Council may send a designee to a Council or Committee meeting in his or her place.
- B. Said member shall notify the Council Chair or AOE Liaison of his or her designee prior to or at the meeting.
- C. Any designee shall be considered a non-voting representative of the Council member.

ARTICLE VII: COMMITTEES

- A. The Council may establish such standing, advisory, or ad hoc committees as necessary to carry out the work of the Council.
- B. The purpose of the committee shall be determined by a charge agreed upon by the Council.
- C. Each committee may establish procedures for the conduct of the committee's work.
- D. Each committee must report regularly to the Council and is accountable to the full Council.

Section 1: Committee Membership

- A. Only Council members shall serve on a committee. Any Council member may be asked to serve on a specific committee. Committee membership is voluntary. However, Council members are expected to serve on at least one committee.
- B. If the committee deems it appropriate to seek outside technical assistance from experts not on the Council, such non-Council representatives may be identified and invited to participate in an advisory capacity only.

Section 2: Activities of Committees

- A. Committees are not required to have a Chair or Facilitator but may select one if desired.
- B. Committees may seek input from state and local agencies, businesses, non-profits, and the public at large, as needed to conduct their business.
- C. The committee may use electronic communications, phone conferences, and/or face-to-face meetings as desired.
- D. Committees are expected to report regularly to the Council on their activities.

ARTICLE VIII: RECORD KEEPING

Section I: Records of Meetings

The Council shall maintain records of all meetings, including public access to meetings and records generated by the Council in accordance with 1 V.S.A. Sections 310-314.

- A. Written notices, agendas of meetings and reports shall be distributed by the AOE Liaison to all members and ex-officio members at least one week before each meeting.
- B. All Council meetings, agenda items, and procedures of public comment must be publicly announced prior to any meetings and such meetings shall be open to the public.
- C. All requests for time on the agenda of a meeting shall be directed to the Council Chair for consideration.
- D. Public comment time will be included in meeting agendas.
- E. Interpreters and other necessary accommodations needed by member participants or the general public for Council meetings must be requested in advance. These services may be paid for with federal funds as per regulation.
- F. Minutes of all meetings shall be kept by the AOE Liaison and a permanent record maintained. Copies shall be distributed to all members and ex-officio members and the Chairperson of the Vermont State Board of Education. Minutes shall also be made available to the general public upon request.
- G. By July 1 of each year, the Council shall submit an annual report of its activities and recommendations to the Vermont AOE. This report shall be made available to the general public in accordance with federal regulations.

ARTICLE IX: CONFLICTS OF INTEREST

No member of the Council shall cast a vote on any matter that is likely to provide a direct personal or financial interest to that member or otherwise give the appearance of a conflict of interest.

ARTICLE X: EXPENSES AND COMPENSATION

Section 1: Compensation for Council Members

- A. Council members shall receive compensation for actual and necessary expenses incurred to attend a regular or special meeting of the Council or any Council

committees in accordance with 16 V.S.A. Section 2945 (c) and 32 V.S.A. Section 1010, as amended.

- B. Funds for reimbursement of Council member expenses may come from federal sources according to federal regulations.

Section 2: Compensation for Members Who Are State Employees

- A. Actual and necessary expenses for Council members who are State employees shall be charged to their departments or institutions.
- B. Members who are State employees shall receive no additional compensation for their services as a Council member.

ARTICLE XI: AMENDMENT OF BYLAWS

These bylaws may be amended or repealed by favorable vote of not less than two-thirds of Council members at a regular or special meeting of the Council. Proposed amendments shall be filed with the Council Chair and sent to each member of the Council no less than 30 days prior to the meeting at which the amendment(s) shall be considered. Notice to the general public and access to the proposed amendment(s) shall also be provided 30 days prior to a vote by the Council.