

The Bylaws of the Special Education Advisory Committee (SEAC)

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Michigan Department of Education
Special Education Advisory Committee

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The Bylaws of the Special Education Advisory Committee (SEAC)

I. **Functions of the Michigan Special Education Advisory Committee**

A. Functions Based on Statutes and Regulations

(20 USC 1412(a)(21)) of the *Individuals with Disabilities Education Act* unless otherwise noted.

The Special Education Advisory Committee (SEAC hereafter) 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 State Educational Agency in developing evaluations and reporting on data to the secretary (20 USC 1418);
4. Advise the State Educational Agency in developing corrective action plans to address findings identified in federal monitoring reports under this part; and
5. Advise the State Education Agency in developing and implementing policies relating to the coordination of services for children with disabilities.
6. Receive findings and decisions of all hearings related to special education (34 CFR § 300.513(d)(1)).
7. By July 1 of each year, submit an annual report of its activities and suggestions to the State Educational Agency (20 USC 1412(a)(21)(D)).

B. Permissive Functions

1. The SEAC may submit specific advice to the State Board of Education or upon the Board's request.
2. The SEAC may concern itself with such matters as:
 - a. Administrative organization; local, intermediate school district, state;
 - b. Methods and sources of funding; and
 - c. Legislation needed.

C. Understandings

1. In order for the SEAC to fulfill its responsibilities as set forth herein, the Michigan Department of Education shall provide support and resources to assist it to do so.
2. The SEAC is one source of direct advice to the State Board of Education with respect to the education of students with disabilities in Michigan.
3. The term "special education" includes all matters pertaining to educational programs and services designed to serve students with disabilities from birth through the age of 25 years.
4. The phrase "publicly comment" means an official communication to the State Board of Education from the SEAC via letter, resolution, official meeting summaries, or direct oral presentation to the Board.
5. A recording secretary shall be assigned to the SEAC by the Director of the Office of Special Education.
6. At the June meeting each year, the SEAC shall solicit annual priorities for the following year (See SEAC Procedures: Setting Annual Priorities).

II. Officers and Members

A. Membership

1. Member Responsibilities

- a. The SEAC is a strategic organization advising the State Board of Education and the Michigan Department of Education with regard to special education issues. To be effective on the SEAC, members are expected to:
 - i. Respond by the deadline with regard to their attendance at upcoming SEAC meetings.
 - ii. Prepare for each meeting in advance.
 - iii. Regularly attend Committee of the Whole meetings.
 - iv. Participate in and regularly attend subcommittee meetings.
 - v. Be sensitive to other members of the SEAC and the diversity of the issues and other perspectives around the table.
 - vi. For members representing organizations, represent organization viewpoint versus personal perspective.
 - vii. Keep alternate (if assigned) updated on SEAC activities/issues.
 - viii. In case of absence,
 - (1) Notify alternate (if assigned) to attend the meeting so that there is a voting member present.
 - (2) For extended absences, contact SEAC recording secretary.
 - (3) For last minute changes in attendance, contact the recording secretary as soon as possible.

2. Term

- a. Appointment to the Michigan Special Education Advisory Committee shall be for a term of three years.
 - i. Act 287 of 1964 §388.1009a Special education advisory committee; creation; appointment and terms of members; ex officio members; chairperson; expenses; duty.
 - (1) The special education advisory committee is created in the department of education and shall consist of not less than 9 and not more than 33 members appointed by the state board of education for terms of 3 years. The person within the department directly responsible for special education programs and other persons as appointed by the committee to represent other departments, agencies, and 4-year colleges and universities, upon consultation with those departments, agencies, and colleges and universities, shall be ex officio members of the committee. Each year the committee shall elect a chairperson and other officers as it considers necessary. Members of the committee may be reimbursed, to the extent provided by the state board, for expenses incurred in performing their functions. The committee shall act as an adviser to the state board of education in the field of special education.
- b. All terms of service on the SEAC are for three years.
- c. To assure diversity of ideas and experiences, no individual may be appointed to the SEAC for more than one

consecutive term. Non-consecutive terms of appointment are permitted.

- d. Should the member be unable to fulfill his/her three year appointment,
 - i. The SEAC Executive Committee will notify the State Board of Education and the Michigan Department of Education and request that the State Board of Education seek nominations to replace that appointment.
 - ii. Replacement delegates to the SEAC will complete the original delegate's three year term. Upon completion of that term, the replacement member-at-large may apply for one complete three year term.

3. Composition of the SEAC

- a. The SEAC consists of members-at-large and members representing organizations
- b. Defined Members: IDEA requires that a majority (51%) of the members be individuals with disabilities or parents of children with disabilities under the age of 26 years who currently receive special education services under the *Individuals with Disabilities Education Act* (See SEAC Functions and Roles: Organizational Rotation of Defined Membership to ensure majority representation).
 - i. Members who meet this requirement are referred to as 'defined' members.
 - ii. Organizations nominating individuals for appointment to the SEAC will be asked to submit nominees who are 'defined' or individuals with disabilities or parents of children with disabilities currently receiving special education services on a rotating basis per the SEAC

Procedures Manual. This will assure that the SEAC meets the IDEA 51% consumer requirement.

- iii. At least six (6) of the eight (8) nominees for members-at-large shall be individuals with disabilities or parents of children with disabilities currently receiving special education programs and services.

4. Alternate Members

- a. The State Board approved alternate member shall fully participate in the proceedings of the Committee when the organization's delegate member is absent, including the right to vote (See SEAC Procedures: Guidelines for Alternates).

5. Dual Representation

- a. A member can only serve in one capacity on the SEAC, such as an at-large, organization, or ex-officio member.

6. Annual Review of Organizational Representation

- a. The SEAC may annually review its organizational composition, including, but not limited to requests it receives, and make recommendations to the State Board of Education regarding the same. The SEAC may only have 33 members.

B. Appointment of Members

1. State Board of Education Responsibility

- a. The State Board shall appoint members to the SEAC.

2. Nominations

- a. Each organization set forth in section II-A-5 above shall submit to the State Board of Education the nomination for a member and an alternate to represent the respective organization for the three year term. Communications to organizations concerning appointment of individuals to serve on the SEAC should include the State Board's intent for diversity that is representative of the population of Michigan. The proposed appointee may need to meet the defined member criteria (a person with a disability or parent of a child with disability under age 26 who is currently receiving special education services).

3. Ex-Officio Members

- a. The Director of the Office of Special Education shall be an ex-officio member of the Michigan SEAC.
- b. The immediate past chair of SEAC may serve as an ex-officio member for one year for the purpose of providing leadership continuity and counsel.
- c. In accordance with IDEA, the SEAC may appoint additional ex-officio members representing various agencies, including, but not limited to Educator Preparation Institutions; Department of Health and Human Services–Juvenile Justice, Community Health, and Michigan Rehabilitation Services; Michigan Department of Education – McKinney-Vento Act, Office of Special Education; Department of Corrections; and any other state agencies as appropriate to the requirements of the IDEA.
- d. Ex-officio members may participate in the deliberations but shall have no vote. Their primary responsibilities shall be to:

- i. Inform the SEAC of issues arising in their agencies which impact special education;
- ii. Provide information from their agency's perspective on issues before the SEAC and its committees; and
- iii. Advise their agencies of the activities of the SEAC.

4. Members-At-Large

- a. Members-At-Large are individuals who are nominated and appointed to the SEAC by the State Board of Education, not representing a specific organization.

5. Vacancy

- a. Resignation
 - i. In the event that an organizational delegate resigns from the SEAC or the position is otherwise vacated, the organization (or organizational groups) represented by the member shall submit a new nominee to the State Board of Education. If the delegate was filling a defined member seat, the organization shall recommend another defined member. If SEAC's membership still meets the federally required 51%, a non-defined member can be recommended to fulfill the vacancy for the remainder of the original delegate's term. Upon completion of that term, the replacement delegate may apply for one complete three year term. In the event an at-large member resigns or the position is otherwise vacated, the SEAC shall notify the State Board of Education and request that the vacancy be filled for the remainder of the original at-large member's term. Upon completion of that term, the replacement member-at-large may apply for one complete three year term.

- ii. The State Board of Education will make annual appointments each spring. When resignations/replacements occur prior to the next spring appointment meeting, the State Board of Education will be asked to appoint replacement delegates on no more than two occasions. In the interim, until the official appointment is approved, the proposed new delegate may participate in all SEAC work except for voting.
- b. Cessation of an identified organization
 - i. If an organization represented on the SEAC ceases to exist or chooses to discontinue its affiliation with the SEAC, the Executive Committee follows established procedures to fill the vacancy (See SEAC Procedures: Filling Organizational Vacancies). Following the identification of an organization, the Bylaws process to appoint members will be followed (II.B).

C. Executive Committee and Officers of the SEAC

- 1. Selection of Executive Committee and Officers
 - a. By April of each year, the SEAC shall elect from its membership the Executive Committee and officers following established procedures (See SEAC Procedures: Executive Committee Nomination Process).
- 2. Duties
 - a. The Chairperson shall:
 - i. Preside regularly at meetings of the SEAC;
 - ii. Appoint committees and ad hoc committee chairpersons with the concurrence of the SEAC;

- iii. Gather information for the Annual Report;
 - iv. Facilitate the generation of annual priorities;
 - v. Assign issues and activities to committees;
 - vi. Serve as official spokesperson or delegate such responsibility; and
 - vii. Establish the preliminary agenda with the advice of the Director of Special Education.
- b . The Vice Chairperson shall:
- i. Chair the meeting in the absence of the Chairperson; and
 - ii. Serve as parliamentary resource (See SEAC Procedures: Parliamentary resource).
 - iii. Serve as Chairperson of the Bylaws committee, making sure the annual revision is complete.
 - iv. Monitor the SEAC Action Calendar to assure deadlines are met.
 - v. Perform other duties as assigned by the Chairperson.
- c . In the event that both the Chairperson and Vice-Chairperson are absent, an executive committee member will be chosen to chair the meeting.

3. Vacancies

- a. In case of a vacancy on the SEAC Executive Committee, the Chairperson shall appoint a person from the SEAC membership to fill the vacancy for the balance of the term.
- b. In the event the Chairperson cannot preside regularly at meetings, the Executive Committee has the power to evaluate and determine necessary action.
- c. In case of a vacancy in the office of Chairperson, an election will be held at the meeting following the meeting at which the official notice of the vacancy is made.

III. Committees and Representation

A. Executive Committee

1. Composition: Chairperson and Vice Chairperson and five members elected by the SEAC.
2. Function: To assist the Chairperson in conducting the business of the SEAC.

B. Standing Committees (if any)

1. The SEAC may have three standing committees (if any) in support of the *Individuals with Disabilities Education Act* (IDEA) mandated functions.
2. The Chairperson of the SEAC shall appoint members to committees (if any) and designate a member of the Executive Committee to chair each committee.
3. A co-chairperson for each committee (if any) shall be selected from among the SEAC membership serving on the Committee.
4. Duties of the standing committees (if any) will be determined on a year to year basis by the SEAC.
5. The Executive Committee may determine on a year to year basis that due to the nature of the issues that need to be addressed by the SEAC, standing committees will not be formed, and the issues will instead be addressed by forming ad hoc committees as needed.

C. Ad Hoc Committees

The SEAC Chairperson shall appoint an ad hoc committee as needed.
The ad hoc committee reports directly to the Chairperson of the SEAC.

D. Representatives to Other State Board of Education Councils

The SEAC shall appoint, from its members, representatives to State Board of Education councils and committees, as needed.

Reimbursement of expenses for attendance at such meetings by SEAC members will be in keeping with the policies of the State Board of Education.

E. Other Representation

If it is necessary for the SEAC to be represented before the State Board, the SEAC Chairperson shall appoint such representation.

F. Committee Resource Persons

Resource persons may be asked to participate on standing or ad hoc committees at the invitation of the SEAC Chairperson and may participate in deliberations of the committee but shall have no voting rights.

IV. Meetings

A. Quorum

1. A majority of the SEAC membership shall constitute a quorum (17). Members who attend the meeting at a remote location through audiovisual means shall be counted as part of the quorum.
2. If a quorum is lacking, a meeting shall be conducted as a meeting of the whole, without voting action. If, during the meeting, a quorum is achieved, action items can be considered.

B. Parliamentary Procedure

(See SEAC Procedures: Parliamentary Resource)

1. Parliamentary procedures shall be observed by the SEAC and its committees in the conduct of its business.
2. The Vice Chairperson of the SEAC serves as the parliamentary resource.

C. Types of Meetings

1. Regular Meetings
 - a. The SEAC shall meet as often as necessary to conduct its business.
2. Special Meetings
 - a. Upon the request of the Director of the Office of Special Education and with the concurrence of the SEAC Chairperson or three voting members of the SEAC, special meetings may be called.
 - b. Upon the request of three or more members of the SEAC, the SEAC Chairperson may call a special meeting.

D. Public Participation

1. Meetings of the SEAC shall be open to the public.
2. Public Participation — State Special Education Advisory Committee Meetings
 - a. At a regular or special SEAC meeting, the segment following the approval of the meeting summary of the SEAC will be reserved for comments from the public.

- b . All persons wishing to address the SEAC must declare their intent on appropriate forms prior to the beginning of the portion of the meeting devoted to public participation (See SEAC Procedures: Page 10).
- c . Persons wishing to address the SEAC will be asked to identify themselves as to name and address, and indicate the organization to which they belong, if any. In those instances in which a person is representing an organization, the presenter should indicate whether the presentation represents the official views of the organization.
- d . The public participation segment of the meeting will have a limitation of one hour. Each presentation will be limited to five minutes. The Chairperson has discretionary powers to adjust the time as the situation warrants.
- e . Persons who may wish to address the committee on topics for which a hearing has been planned or may be scheduled in the near future, should be so informed of the fact by the Chairperson, and it should be indicated that such a hearing may be the appropriate forum for the expression of views.
- f . In those instances in which more than three persons wish to present their views to the SEAC and represent a single organizational unit or a consortium-type organizational unit, such presentation shall be limited to one spokesperson with ten minutes of opportunity or up to three presenters of three minutes each.
- g . All written statements should be given to the SEAC recording secretary in order that they may be made available to the members of the committee. Lengthy written statements which may not have been completely presented within the time limitation will be made available to the recording secretary who will reproduce them for the information of the SEAC.

- h . Items identified during the public participation will be reviewed at the end of the meeting when the committee discusses future agenda considerations (See SEAC Procedures: Public Comment).

A Note to Participants

- All documents distributed during the meetings are part of the public meeting and, therefore, shall be considered public documents.
- The presentations made by the participants during the public participation should take into consideration the rules of common courtesy. The presenters should keep in mind that all statements made at a public meeting become a matter of public record. It is the responsibility of the presenter that all statements made are accurate and based on facts.
- Confidentiality should be observed regarding discussion of people's names and employment.

E. Frequency of Meetings

1. The Committee of the Whole shall meet monthly or as often as necessary to conduct its business.
2. The Executive Committee shall meet prior to the monthly Committee of the Whole meetings or as necessary.

F. Location of Meetings

Regular meetings of the SEAC shall be held in accessible facilities in the Lansing area or at such other accessible places as may be determined in advance by the SEAC.

G. Interpreters at Meetings

Interpreters and other necessary services to accommodate people with disabilities shall be provided at meetings for the SEAC members or participants if requested in advance.

V. Agenda, Meeting Minutes, and Voting Procedures

A. Agenda

1. Public Announcement

Agenda items shall be publicly announced on the Special Education Advisory Committee website prior to the scheduled date of the meeting.

2. Proposed Agendas, Additions/Modifications

- a. The SEAC Chairperson shall present to the SEAC a proposed agenda for its approval and request additions/modifications.
- b. Any committee member may request an addition/modification to the agenda. The request must be presented to the SEAC Chairperson prior to the adoption of the proposed agenda.

B. Meeting Minutes and Proceedings

1. Meeting Minutes

Meeting minutes shall be kept of all SEAC meetings.

2. Public Availability

- a. Meeting minutes shall be made available to the public on request at no charge. Requests for copies of the meeting

minutes should be directed to the Office of Special Education of the Michigan Department of Education, P.O. Box 30008, Lansing, Michigan 48909.

- b . Meeting minutes will be posted on the MDE/SEAC website.
3. Copy to State Board of Education
- a . A copy of the approved meeting minutes of each SEAC meeting shall be posted to the website available for State Board of Education review subsequent to SEAC approval.

C. Voting Procedures

1. Voting will follow appropriate parliamentary procedures.

(See: SEAC Procedures: Parliamentary Resource).

2. Conflict of Interest

- a . Delegate

If a delegate determines, or a majority of the SEAC determines that his or her vote on a matter before the SEAC is a conflict of interest, the delegate may be prohibited from voting on the matter being considered.

- b . Chairperson

At the recommendation of the Chairperson and with a majority vote of the SEAC, the Chairperson may request that his/her organization's alternate representative be seated at the table and vote on behalf of the organization. In such instances, the Chairperson will not be allowed to cast a vote.

VI. Reimbursement

A. Compensation

The SEAC shall serve without compensation (Sec 388.1009a).

B. Reimbursement of Expenses

1. The state shall reimburse SEAC at-large members for reasonable and necessary expenses for attending meetings and performing duties and functions. Organizational members and alternates shall not be reimbursed for any such expenses unless the organization can establish to the satisfaction of the Director of the Office of Special Education that it will no longer be able to participate due to the organization's severe economic situation.
2. Reimbursement for expenses incurred, other than normal expenses related to the expense of attending SEAC meetings, require prior approval of the Director of the Office of Special Education.
3. The State Board will reimburse each SEAC member eligible under Paragraph 1 above for reasonable travel and meal expenses which result from attendance at scheduled SEAC meetings. This does not apply to those At-Large members who receive reimbursement for their travel from their employer, institution, or organization. In those circumstances in which the distance traveled is of extreme length and requires overnight accommodations, lodging may be reimbursed if funds are available. Unless otherwise approved by the State Superintendent or his/her designee, all reimbursement must be limited to one meeting per month.
4. This policy is to be submitted to each member of the SEAC at the initial meeting following appointment and also to all existing SEAC members.

VII. Amendment of Bylaws

A. Procedure

These Bylaws may be amended in the following manner:

1. Proposed amendment(s) shall be presented to all members as an information item by the Bylaws Committee.
2. The proposed amendments shall be voted on as an action item at the next scheduled SEAC meeting.
3. To amend SEAC procedures requires a majority vote of the Executive Committee Members.

B. Automatic Amendment

Any subsequent state or federal legislation and/or regulations, or any subsequent policies of the State Board of Education regarding advisory committees shall automatically modify appropriate matters contained herein.

C. Annual Review

- a. The Executive Committee will ensure that an annual review of the SEAC Bylaws is conducted.
- b. The Vice-Chair shall chair the By-law annual review in collaboration with the Executive Committee.

VIII. Annual Reports

All SEAC committees (if any) shall submit a brief report to the SEAC Chairperson summarizing annual activities to be included in the SEAC Annual Report submitted annually to the State Board of Education.