



State of Nevada
Department of Education
Office of Inclusive Education
State Special Education Advisory
Committee (SEAC) By-laws

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Introduction

The by-laws are established to outline the operating procedures for the Nevada State Special Education Advisory Committee (SEAC). This document is aligned with requirements for the SEAC under the Individuals with Disabilities Education Act (IDEA), Nevada State regulations, and the Nevada Open Public Meetings Act.

Note: Parents and other individuals who are seeking information on children and youth eligible under Section 504 of the Rehabilitation Act should contact the Nevada State Parent Training and Information Center (PTI), your school district, or the Office for Civil Rights (OCR).

Article I. Purpose of the SEAC (34 CFR 300.167)

The IDEA (34 CFR 300.167) states, “the State must establish and maintain a Special Education Advisory Committee for the purpose of providing policy guidance with respect to special education and related services for children and youth with disabilities in the State.” *The Nevada State SEAC membership is comprised of individuals in, or concerned with, the education of children and youth with disabilities ages 3 to 21 years.*

Authorizing Legislation

The SEAC is established in accordance with P.L. 108.446, 34 Code of Federal Regulations (CFR) §300.167 - §300.169 under the IDEA, Nevada State Special Education Regulations, and Nevada Open Public Meeting Requirements.

Name of Committee

Nevada State Special Education Advisory Committee (SEAC).

SEAC Mission and Responsibilities

The SEAC supports an educational system that achieves excellence, equity, and lifelong learning for all eligible children and youth with disabilities under IDEA in Nevada. The SEAC is committed to represent children and youth 3 years to 21 years old with diverse and changing educational needs, and it’s committed to make recommendations relating to their duties under IDEA.

SEAC Responsibilities

The SEAC responsibilities include offering advice, consultation, and recommendations to the Nevada State Board of Education and State Superintendent through the State Director of Special Education, Office of Inclusive Education. These advice offerings, consultations, and recommendations are on matters of unmet needs concerning special education services and related services within Nevada public schools. The SEAC is responsible for advising within their duties under IDEA listed in Article II of these by-laws.

Article II. SEAC Duties (34 CFR 300.169)

In accordance with the federal regulations in IDEA, the Governor, or his/her designee, is required to appoint a SEAC comprised of persons representing both providers and receivers of special education services for children with disabilities. The following seven items are functions of the SEAC according to the IDEA.

1. Advise the Nevada State Education Agency (SEA) of unmet needs within the State in the education of children and youth with disabilities. (CFR 300.169(a))
2. Comment publicly on any rules or regulations proposed by the State regarding the education of children and youth with disabilities. (CFR 300.169(b))
3. Advise the Nevada SEA in developing evaluations and on reporting data to the Secretary of the SEAC under section 618 of the Act. (CFR 300.169(c))
4. Advise the Nevada SEA in developing Corrective Action Plans (CAPs) to address findings identified in federal monitoring reports under Part B of the Act. (CFR 300.169(d))
5. Advise the Nevada SEA in developing and implementing policies on the coordination of services for children and youth with disabilities. (CFR 300.169(e))
6. The Nevada SEA, after deleting personally identifiable information, must:
 - a. Provide the SEAC with Due Process Hearing (DPH) findings and decisions.
And
 - b. Make those DPH findings and decisions available to the public. (CFR 300.513(d) and CFR 300.514(c))
7. Waiver of nonsupplant requirement. The State must consult with the SEAC regarding provisions of Free Appropriate Public Education (FAPE). (CFR 300.164(c)(4))

Article III. SEAC Membership (34 CFR 300.168)

Nominations and Appointments

The Nevada Office of Inclusive Education (with the Secretary of the SEAC) provides public notices of SEAC membership vacancies along with the procedures for people to apply for membership consideration. Prospective members must complete an application and meet qualifications to become a member; then a list of qualified potential members is sent to the Nevada State Special Education Director.

The Nevada State Special Education Director shall appoint and work with a SEAC of no more than thirty-three (33) appointed members. Seventeen members will be parents of children and youth with disabilities and/or individuals with disabilities. The SEAC's Executive Committee, and members of the SEAC, will work in collaboration with the Director of the Office of Inclusive Education. Appointments to the SEAC are made in accordance with the IDEA and Nevada State Law.

SEAC Membership (34 CFR 300.168)

The membership of the SEAC must be consistent with the IDEA, 34 CFR 300.168(b). All members of the SEAC shall be appointed by the Nevada State Board of Education based on recommendations by the State Special Education Director in collaboration with the SEAC Chairperson. The SEAC should, to the maximum extent possible, be representative of the State population, and it must be comprised of individuals involved in, or concerned with, the education of children with disabilities, including but not limited to the following people.

1. Parents of children with disabilities ages birth through 21.
2. Individuals with disabilities.
3. A representative of the Parent Training and Information Center (PTI).
4. Teachers.
5. Representatives of institutions of higher education that prepare special education and related services personnel.
6. State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11431 et. seq.).
7. Administrators of programs for children with disabilities.
8. Representatives of other State agencies in Nevada involved in the financing or delivery of related services to children with disabilities.
9. Representatives of private schools and public charter schools.
10. No less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities.
11. Representatives from the State juvenile and adult corrections agencies.
12. A representative from the State child welfare agency responsible for foster care.

Note: *A majority of the SEAC membership shall be individuals with disabilities and parents of children with disabilities (ages 3 to 21 years) (34 CFR 300.168(b)).*

Note: Members may serve a dual membership role as long as no conflicts of interest are evident.

The membership of the SEAC shall be representative of Nevada's population and a geographic representation of individuals involved in, or concerned with, the education of children with disabilities. A majority of the SEAC members must be individuals with disabilities or parents of children and youth with disabilities. SEAC membership is comprised of the following amounts.

- 3 - Special education administrators (North, South, and Rural)
- 3 - Special education teachers (North, South, and Rural)
- 1 - Charter school representative
- 1 - Private school representative
- 1 - State juvenile/adult corrections representative
- 1 - Department of Health and Human Services representative
- 2 - Nevada System of Higher Education (NSHE) representative (North and South)
- 1 - OSEP-funded State PTI
- 1 - Nevada Disability Advocacy and Law Center (NDALC) representative

- 1 - Homeless education representative
- 1 - Foster care representative
- 17 - Parents of children with disabilities and/or individuals with disabilities representative

Expectations of SEAC Members

1. Be committed to quality education for children eligible for special education services.
2. Have experience with special education programs.
3. Represent the stakeholder group assigned to them.
4. Represent all IDEA-eligible children and youth with disabilities in the State.
5. Be available to actively participate in each SEAC meeting.
6. Approach the work as advisory in nature.
7. Have no personal conflicts of interest with the business of the Advisory Committee.
8. Keep the main thing the main thing – children and youth with disabilities.

Public Guests

A public guest is an individual or organization with an interest in decisions and activities of the SEAC. Public guests are not members of the SEAC. But public guests can make comments during the public comment part of each SEAC meeting's agenda, or they can submit written comments to be read aloud at a meeting during the public input part of the agenda. Sometimes the SEAC Chairperson will ask a public guest at a SEAC meeting to comment on a particular issue. Otherwise, public guests would not interact with the SEAC members during a meeting. Public guests could provide information to subcommittees addressing priority areas, but they cannot be permanent members of subcommittees.

Tenure of Members

Members are appointed for three-year terms. Each appointment to the SEAC must be assigned by the State Special Education Director in collaboration with the Executive Committee.

Reappointment Procedures

Upon the end of a three-year term, if the SEAC member is interested in another term, they will need to complete a reapplication form and send it to the SEAC Secretary. The SEAC's Executive Committee, including the SEAC Secretary, will submit the application for consideration for an additional three-year term. A member can serve for two terms, but additional terms can be considered on a case by case basis.

Member Orientation and Priority Setting

The SEAC Chairperson, Vice Chairperson, Secretary, and/or a knowledgeable trainer will conduct an annual orientation presentation at the September meeting for all SEAC members. The orientation will be scheduled to occur in conjunction with the first regularly scheduled SEAC meeting following new member appointments. All SEAC membership terms are scheduled to begin in September of each year. New members of the SEAC will receive materials to use as resources in carrying out the SEAC's activities.

The SEAC will conduct an annual priority-setting meeting as their first meeting (September) each year. This priority-setting meeting is meant to determine 3-4 priority areas to address during the upcoming year and to provide advice to the Nevada Office of Inclusive Education. This priority-setting meeting can be conducted in conjunction with the annual SEAC orientation. Depending on circumstances, the SEAC's established priorities could change during the year. If priorities change during the year, time will be included at a SEAC meeting to consider other priorities. Each priority should have an action plan outlining how the SEAC will address the priority.

Article IV. SEAC Executive Committee Officers

- 1.** By a majority vote of those members present at the final meeting of the year (June), the SEAC will elect a Chairperson, and a Vice Chairperson, each to serve a one-year term. Candidates should be members of the SEAC for at least one year before assuming these leadership positions. Either the Chairperson or Vice Chairperson needs to be a parent of a child with a disability and/or a person with a disability themselves.
- 2.** The SEAC Chairperson's responsibilities are:
 - a.** Chair the meetings and help ensure the SEAC is able to perform its duties.
 - b.** Be familiar with SEAC by-laws, the Nevada Open Meeting Requirements, and Special Education General Supervision.
 - c.** Have a basic understanding of Robert's Rules of Order.
 - d.** With input from SEAC members and the State Director, prepare each SEAC meeting agenda.
 - e.** Work in cooperation with the SEAC Secretary to ensure written statements reflect SEAC positions and policies and to ensure the dissemination of information to interested groups and individuals is completed.
 - f.** Appoint a lead person for each SEAC subcommittee.
 - g.** Have the Vice Chairperson conduct SEAC meetings when the Chairperson is not available.
- 3.** The Office of Inclusive Education's Appointed SEAC Secretary responsibilities are:
 - a.** Be appointed by the Nevada Office of Inclusive Education.
 - b.** Serve as an ad hoc non-voting member.
 - c.** Assist with recruiting new SEAC members.
 - d.** Assist with arrangements for meetings and making public notices of upcoming meetings.
 - e.** Review and certify each meeting's minutes prior to the SEAC's approval.
 - f.** Assist the Executive Committee with their SEAC duties.
 - g.** In collaboration with the Chairperson and Vice Chairperson, develop and submit the SEAC Annual Report to the Office of Inclusive Education and State Special Education Director by August 15th each year. The Annual Report outlines advice and recommendations from the SEAC on priority issues. After final approval from the SEAC, the Annual Report will be available to the State Secretary of Education, State Board of Education, and other interested parties.

Representing the SEAC

1. The Chair of the SEAC; or in his/her absence the Vice Chair, Chair-Elect, or the Chair's designee; with the knowledge & approval of the State Special Education Director, is the only member of the SEAC authorized to speak publicly for the SEAC, and then only in accordance with SEAC recommendations of position statements.
2. Individual SEAC members may not represent themselves as spokespersons for the SEAC, the Nevada Department of Education, or the State Board of Education.

Article V. SEAC Executive Committee and Subcommittees

The Executive Committee and subcommittees are implemented to help accomplish the work of the SEAC. The subcommittees may be standing committees, with goals or ad hoc committees, which address a particular short-term issue during the course of a particular year. Examples of SEAC subcommittees might include:

1. Executive Committee – the Chairperson, Vice Chairperson, and Secretary address the business of the SEAC. The Executive Committee will communicate and collaborate with the State Director on SEAC's agenda, business, and Annual Report. The Executive Committee will oversee all subcommittee work.
2. Membership Subcommittee – keeps the SEAC memberships current and accurate.
3. By-Laws Subcommittee – reviews the by-laws each year.
4. SEAC priorities can be addressed through subcommittee work. Each Priority Subcommittee should develop an action plan outlining how they will approach their work. The SEAC Chairperson and Vice Chairperson must approve each action plan. If invited and approved by the SEAC Chairperson, public guests can participate in a Priority Subcommittee to present and build the capacity of SEAC members on the priority topic being addressed. Public guests would not be permanent members of a subcommittee.

Each subcommittee should have a leader and a recorder to officially document their discussions and recommendations. Other SEAC members can volunteer for subcommittees. Each active subcommittee reports on their activities at each SEAC meeting.

Article VI. SEAC Meeting Procedures

1. *The SEAC will meet four times each year and may meet more if needed. Each meeting shall be open to the public. As decided by the Executive Committee with input from SEAC members, meetings could be virtual, in-person, or hybrid.*

The meetings will occur during the following months:

- *September: 1.5 days - orientation of all members, setting priorities, and business*
- *November*
- *March*
- *June*

Sometimes a meeting could be held in a different month because of scheduling conflicts or overlapping circumstances.

2. Additional SEAC meetings may be called by the SEAC Chairperson, or they may be scheduled by a majority vote of SEAC members who are present at a meeting.
3. All SEAC meetings must be publicly announced at least 48 hours in advance of their scheduled start time. The appointed SEAC Secretary and associated staff shall provide public notice of the time and place of each SEAC meeting prior to the actual meeting.
4. All meeting sites will be barrier free and accessible for all persons with disabilities, including the provision of a sign language interpreter when needed. Accommodations should be made for individuals who are non-English speaking. These individuals should provide notice of their attendance to the SEAC Secretary prior to the meeting.
5. The SEAC will limit their discussion and business to the topics on the approved agenda. The Secretary will be responsible for writing minutes of the meeting.
6. SEAC meetings will be consistent with the Nevada Open Meeting requirements.
7. *A quorum shall be 51% of the SEAC membership. In order to take any action or conduct business, a quorum must be present.*
8. All members of the SEAC are expected to attend SEAC meetings for the entire length of their term in order to represent their stakeholder group, organization, or agency and to enhance the effectiveness of the SEAC. Meeting attendance is defined as the physical or virtual presence of the SEAC member. Should a SEAC member be unable to participate in a SEAC meeting, it is their responsibility to notify the Office of Inclusive Education's Appointed SEAC Secretary of their anticipated absence. Notification of an absence is requested within 12 hours of each meeting date.
9. All meetings will be conducted in accordance with the Parliamentary Procedures set forth in the corresponding version of Robert's Rules of Order and the Nevada Open Meeting requirements.
10. The SEAC Secretary shall maintain a log of meeting visitors and, in cooperation with the SEAC Chairperson, develop procedures for orderly responses or discussions between SEAC members and nonmember attendees, as appropriate.

Public Comments

Each SEAC meeting will include a "public guest comment" section on the agenda. A standing agenda item for public guest comments will always be included at each SEAC meeting. Public comments may be received in person, through a virtual platform, or in written form. Written comments submitted to the appointed SEAC Secretary will be read aloud during the "public guest comment" section of the SEAC's meeting agenda. All public comments should be taken under advisement by the SEAC.

Public Guest Comment Procedures

1. Provide notice to the public well in advance of each SEAC meeting.
2. Specify a consistent time on the agenda for public guest comments.
3. Set aside a minimum of 15 minutes on the agenda for public guest comments.

4. Limit public guest comments to no more than three minutes per individual or group.
5. Public guest comments can be verbal or sent in written form to be read aloud by the SEAC Chairperson.
6. Market the public guest comment section as a time to address challenges and positive things that are happening in the State.
7. Alert individuals giving public comments to be factual and objective. Avoid using names of students or school staff to maintain confidentiality and privacy standards. SEAC meetings and procedures must adhere to the requirements of the Family Educational Rights and Privacy Act (FERPA).
8. Mention to those providing comments their input will be taken under advisement as the SEAC addresses their priority issues. SEAC members will listen to, but not address, comments during the public guest comment section.
9. Provide a verbal or visual cue to each public commenter signifying one minute before their time is up.

Article VII. Resignation, Removal, and Replacement of SEAC Members

Resignation

An SEAC member may resign with written notice to the SEAC Chairperson. A notice of resignation will be forwarded to the Nevada State Special Education Director.

Removal and Replacement

SEAC members may be removed when the following occurs.

1. The member sends a letter of resignation to the SEAC Chairperson.
Or
2. The member does not attend three (3) full meetings in one (1) Committee year without a valid excuse such as an illness or the death of a family member. The Chairperson may recommend this member be replaced. The membership position will be placed on the Office of Inclusive Education's website for others to apply for.
 - a. If the SEAC member in question was appointed to represent a State organization or agency on the SEAC, the Chairperson will contact the State Special Education Director who will then contact the appointing authority of the corresponding State organization or agency to determine if a new representative to the SEAC should be considered to fill the remainder of the member's appointed term.

Article VIII. Roles of the State Special Education Director or Designee

The following are responsibilities of the State Special Education Director, or delegated State Education Agency (SEA) staff, in relation to the SEAC.

1. Attend Advisory Committee meetings or appoint a designee to attend.
2. Serve in an ad hoc capacity—nonvoting member.
3. Provide relevant and current information to SEAC members.
4. Suggest SEAC agenda items to the Executive Committee.
5. Report on areas of special education general supervision.
6. Report on topical issues.
7. Report on progress with the Annual Performance Report (APR) and involvement in the Office of Special Education Programs (OSEP) Differentiated Monitoring Support (DMS).
8. Report on State and school district levels of determination.
9. Take SEAC advice/suggestions to the appropriate levels.
10. Report back to the SEAC on the status of past advice taken to appropriate levels.
11. Support the SEAC in carrying out their functions under IDEA and State regulations.

Article IX. SEAC Annual Report

The Executive Committee and members of the SEAC will complete an Annual Report each year by August 15th. The Annual Report will contain at least the following sections.

1. Introductory letter by the Chairperson.
2. List of SEAC members and officers.
3. Priorities addressed during the year.
4. Key activities, recommendations, and advice provided on priority issues.
5. Accomplishments of the SEAC.
6. Anticipated membership vacancies for the next year.
7. Agendas of all SEAC meetings (Appendix).
8. Copies of the SEAC meeting minutes (Appendix).

The Annual Report will be discussed at the first SEAC meeting of each year (September).

Article X. Amendments to By-Laws

Amendments to these by-laws may be made by a majority vote at a regularly scheduled SEAC meeting, providing copies of the proposed amendments have been disseminated for review and comment at least fifteen (15) days prior to such a meeting. A special meeting may also be scheduled and held for this purpose, with the same 15 day requirement for dissemination and examination observed.