



State of Nevada
Department of Education
Office of Inclusive Education
State Special Education Advisory
Committee Bylaws (SEAC)

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Introduction

The by-laws are established to outline the operating procedures for the Nevada State Special Education Advisory Committee. This document is aligned with requirements for the Special Education Advisory Committee 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 regarding children and youth eligible under Section 504 of the Rehabilitation Act should contact the Nevada State Parent Training and Information (PTI), your school district, or the Office for Civil Rights.

Article I. Purpose of the Committee (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 Advisory Committee 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 Advisory Committee is established in accordance with P.L 108.446, 34 Code of Federal Regulations (CFR) §300.167 - §300.169 under the Individuals with Disabilities Education Act (IDEA), Nevada State Special Education Regulations, and State Open Meeting Requirements.

Name of Committee

Nevada State Special Education Advisory Committee.

Advisory Committee Mission and Responsibilities

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

Advisory Committee Responsibilities

The Advisory Committee 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 on matters of unmet needs concerning special education services and related services within Nevada public schools. The Committee is responsible for advising around their duties under IDEA listed in Article II of these bylaws.

Article II. Advisory Committee Duties (34 CFR 300.169)

In accordance with the federal regulations in IDEA, the Governor, or his/her designee, is required to appoint a Special Education Advisory Committee comprised of persons representing both providers and receivers of special educational services for children with disabilities. The following are Advisory Committee functions of the Advisory Committee 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 reporting on data to the Secretary of the Advisory Committee under 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 Committee 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 Advisory Committee regarding provisions of Free Appropriate Public Education (FAPE). (CFR 300.164(c)(4))

Article III. Advisory Committee Membership (34 CFR 300.168)

Nominations and Appointments

The Nevada Office of Inclusive Education (Secretary of the Advisory Committee) provides public notices of Advisory Committee membership vacancies along with the procedures for people to make an application 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 Director of Special Education.

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

Advisory Committee Membership (34 CFR 300.168)

The membership of the Advisory Committee must be consistent with the IDEA, 34 CFR 300.168(b). All members of the Advisory Committee shall be appointed by the Nevada State Board of Education based on recommendations by the State Director of Special Education in collaboration with the Committee Chairperson. The Advisory Committee 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:

1. Parents of children with disabilities ages birth through 21.
2. Individuals with disabilities.
3. A representative of the Parent Training and Information Center.
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 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 Advisory Committee 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 Advisory Committee shall be representative of Nevada's population and geographic representation of individuals involved in or concerned with the education of children with disabilities. A majority of the Committee members must be individuals with disabilities or parents of children and youth with disabilities. Committee membership is comprised of:

- 3- Special Education Administrators (North, South, Rural)
- 3- Special Education Teachers (North, South, Rural)
- 1- Charter School Representative
- 1- Private School Representative
- 1- State Juvenile/Adult Corrections Representative
- 1- Department of Health and Human Services Representative

- 2- NSHE Representative (North, South)
- 1- OSEP Funded State Parent Training Information Center
- 1- Office of Protection and Advocacy Agency
- 1- Homeless Education Representative
- 1- Foster Care Representative
- 17- Parents of Children with Disabilities and/or Individuals with Disabilities Representative

Expectations of Advisory Committee 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 the member is assigned to.
4. Represent all IDEA eligible children and youth with disabilities in the State.
5. Be available to actively participate in each Advisory Committee 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 Advisory Committee. Public guests are not members of the Advisory Committee. Public guests can make comments during the public comment part of each Advisory Committee meeting’s agenda, or they can submit written comments to be read aloud at the meetings during the public input part of the agenda. There could be times when the Advisory Committee Chairperson will ask a public guest at the Committee meeting to comment on a particular issue. Otherwise, public guests would not interact with the Advisory Committee Members during a meeting. Public guests could provide information to subcommittees addressing priority areas, but not be permanent members of subcommittees.

Tenure of Members

Members are appointed for a three-year term. Each appointment to the Advisory Committee must be appointed by the State Director of Special Education, in collaboration with the Executive Committee.

Reappointment Procedures

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

Member Orientation and Priority Setting

The Advisory Committee Chairperson, Vice Chairperson, Committee Secretary, and/or a knowledgeable trainer, will conduct an annual orientation presentation at the September meeting for all Advisory

Committee members. The orientation will be scheduled to occur in conjunction with the first regularly scheduled Advisory Committee meeting following new member appointments. All Advisory Committee member terms are scheduled to begin in September of each year. New members of the Advisory Committee will receive materials to use as resources in carrying out the Advisory Committee's activities.

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

Article IV. Advisory Executive Committee Officers

1. By a majority vote of those members present at the final meeting of the year (June), the Committee will elect a Chairperson, and a Vice Chairperson, each to serve a one-year term. Candidates shall have been members of the Committee 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 Committee Chairperson responsibilities are:
 - a. Chair the meetings and help ensure the Advisory Committee is able to perform its duties.
 - b. Be familiar with Advisory Committee by-laws and 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 Advisory Committee members and the State Director, prepare each Advisory Committee meeting agenda.
 - e. Work in cooperation with the Committee Secretary to ensure written statements reflect Committee positions and policies and to ensure the dissemination of information to interested groups and individuals is completed.
 - f. Appoint a lead person for each Advisory Committee Subcommittee.
 - g. Have the Vice Chairperson conduct Advisory Committee meetings when the Chairperson is not available.
3. The Office of Inclusive Education's Appointed Advisory Committee 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 Advisory Committee members.
 - d. Assist with meeting arrangements and making public notices of upcoming meetings.
 - e. Review and certify each meeting's minutes prior to the Committee's approval.
 - f. Assist the Executive Committee with their Advisory Committee duties.

- g. In collaboration with the Chairperson and Vice Chairperson, develop and submit the Advisory Committee Annual Report to the Office of Inclusive Education, State Director of Special Education by August 15th each year outlining advice and recommendations from the Advisory Committee on priority issues. After final approval from the Committee, the Annual Report will be available to the State Secretary of Education, State Board of Education, and other interested parties.

Representing the Advisory Committee

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

Article V. Advisory Executive Committee and Subcommittees

The Executive Committee and Subcommittees are implemented to help accomplish the work of the Advisory Committee. 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 Advisory Committee Subcommittees might include:

1. Executive Committee – the Chairperson, Vice Chairperson, and Secretary address the business of the Advisory Committee. The Executive Committee will communicate and collaborate with the State Director regarding Advisory Committee agenda, business, and annual report. The Executive Committee will oversee all Subcommittee work.
2. Membership Subcommittee – keep the Advisory Committee memberships current and accurate.
3. By-Laws Subcommittee – review the by-laws each year.
4. Advisory Committee priorities can be addressed through subcommittee work. Each Priority Subcommittee should develop an Action Plan outlining how they will approach their work. The Committee Chairperson and Vice Chairperson must approve each Action Plan. If invited and approved by the Committee Chairperson, public guests can participate in a Priority Subcommittee to present and build the capacity of Advisory Committee 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 Advisory Committee members can volunteer for subcommittees. Each active subcommittee reports on activities at each Advisory Committee meeting.

Article VI. Advisory Committee Meeting Procedures

1. *The Committee will meet four times each year and more if needed, and each meeting shall be open to the public. As decided by the Executive Committee with input from 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, Priority Setting & Business*
- *November*
- *March*
- *June*

There might be times when a meeting could be held in a different month because of circumstances.

2. Additional Advisory Committee meetings may be called by the Committee Chairperson, or they may be scheduled by a majority vote of Advisory Committee members who are present at a meeting.
3. All Committee meetings must be publicly announced at least 48 hours in advance of their scheduled start time. The appointed Advisory Committee Secretary and associated staff shall provide public notice of the time and place of each Advisory Committee 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 prior notice to the Committee Secretary.
5. The Advisory Committee will limit their discussion and business to the topics on the approved agenda. The Secretary will be responsible for minutes of the meeting.
6. Advisory Committee meetings will be consistent with the Nevada Open Meeting requirements.
7. *A quorum shall be 51% of the Advisory Committee membership. In order to take any action or conduct business, a quorum must be present.*
8. All members of the Advisory Committee are expected to attend Advisory Committee 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 Committee. Meeting attendance is defined as the physical or virtual presence of the Advisory Committee member. Should a Committee member be unable to participate in an Advisory Committee and/or Committee meeting, it is their responsibility to notify the Office of Inclusive Education's Appointed Advisory Committee 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 Committee Secretary staff shall maintain a log of meeting visitors and, in cooperation with the Advisory Committee Chairperson, develop procedures for orderly responses or discussions between Advisory Committee members and nonmember attendees, as appropriate.

Public Comments

Each Advisory Committee 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 Advisory Committee meeting. Public comments may be received in person, through a virtual platform, or in written form. Written comments submitted to the Appointed Advisory Committee Secretary will be read aloud during the public comment section of the Advisory Committee’s meeting agenda. All public comments should be taken under advisement by the Committee.

Public Comments Procedures

1. Provide notice to the public well in advance of each Advisory Committee meeting.
2. Specify a consistent time on the agenda for public comments.
3. Set aside a minimum of 15 minutes on the agenda for public comments.
4. Limit public comments to no more than three minutes per individual or group.
5. Public comments can be verbal or sent in written form to be read aloud by the Committee Chairperson.
6. Market public comments 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. Advisory Committee 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 Advisory Committee addresses their priority issues. Advisory Committee members will listen to, but not address, public comments during the 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 Committee Members

Resignation

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

Removal and Replacement

Committee members may be removed when the following occurs:

1. The member sends a letter of resignation to the Advisory Committee Chairperson.
Or
2. The member does not attend three (3) full meetings in one (1) Committee year without a valid excuse such as illness or death of a family member. The Chairperson may recommend this member be replaced. The membership position will be placed on the Office of Inclusion Education website for others to apply for through an application.
 - a. If the Advisory Committee member in question was appointed to represent a State organization or agency on the Advisory Committee, 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 Committee 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 Advisory Committee.

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 Advisory Committee members.
4. Suggest Advisory Committee 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 Office of Special Education Programs (OSEP) Differentiated Monitoring Support.
8. Report on State and school district levels of determination.
9. Take Advisory Committee advice/suggestions to the appropriate levels.
10. Report back to the Advisory Committee on the status of past advice taken to appropriate levels.
11. Support the Advisory Committee in carrying out their functions under IDEA and State regulations.

Article IX. Advisory Committee Annual Report

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

1. Introductory letter by the Chairperson.
2. List of Advisory Committee members and officers.
3. Priorities addressed during the year.

4. Key activities, recommendations and advice provided on priority issues.
5. Accomplishments of the Committee.
6. Anticipated membership vacancies for the next year.
7. Agendas of all Advisory Committee meetings (Appendix).
8. Copies of the Committee minutes (Appendix).

The Annual Report will be discussed at the first Advisory Board 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 Advisory Committee 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 called for this purpose, with the same 15-day requirement for dissemination and examination observed.

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