



GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS BY-LAWS

ARTICLE I NAME

Section 1

The name of this Council shall be the Governor's Advisory Council for Exceptional Citizens, hereafter referred to as the Council.

ARTICLE II AUTHORITY

Section 1

The legal authority of this Council shall be Title 14, Chapter 31, Exceptional Persons, Sub. Sec. 3111: "The Governor shall appoint an advisory council to act in an advisory capacity to the State Board of Education and other State agencies on the needs of exceptional citizens." The General Assembly shall provide for the maintenance of the Council. The Council shall also serve in the capacity of the Advisory Panel as required by the Individuals with Disabilities Education Act (IDEA).

ARTICLE III PURPOSE AND DUTIES

Section 1

The Council shall be an advocate for the needs of exceptional citizens in the State of Delaware.

Section 2

The Council shall advise the Governor, General Assembly, the State Board of Education, the Department of Education and other agency heads, as appropriate, on the unmet needs and/or progress of local or state agencies responsible for providing education and related services to Delaware's exceptional citizens.

Section 3

The Council shall review and comment publicly upon any recommendations for legislation proposed by the Department of Education and other agencies. The Council will review and comment upon any proposed regulations, manuals, plans, or distribution of funding affecting Delaware citizens with exceptionalities.

Section 4

The Council shall assist the State in developing and reporting such information and evaluations to the U. S. Commissioner of Education and Office of Civil Rights under Section 618 of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act. This assistance shall include evaluating education programs, services and activities in the state and publishing the results thereof with recommendations to the executive, legislative, educational and other public agencies in the state with interests and responsibilities thereto.

Section 5

The Council shall study and recommend legislation relative to exceptional citizens in Delaware.

Section 6

The Council may seek to obtain the services of such personnel as may be necessary to enable it to carry out its functions as set forth under Article III.

ARTICLE IV MEMBERSHIP AND APPOINTMENT

Section 1

Members shall be appointed by the Governor and serve at the pleasure of the Governor.

Section 2

(a) *General.* The membership of the State advisory panel must consist of members appointed by the Governor. The executive director of the GACEC will be available for consultation regarding any appointment. The membership of the Council must be representative of the State population and composed of individuals involved in, or concerned with the education of children with disabilities including:

1. Parents of children with disabilities (ages birth through 26);
2. Individuals with disabilities;
3. Teachers;
4. Representatives of institutions of higher education that prepare special education and related services personnel;
5. 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.);
6. Administrators of programs for children with disabilities;
7. Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
8. Representatives of private schools and public charter schools;
9. Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
10. A Representative from the State child welfare agency responsible for foster care; and
11. Representatives from the State juvenile and adult corrections agencies.

(b) *Special Rule.* A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (ages birth through 26).

(c) Other Optional Positions

- 1. Other interested members of the public, including guardians and relatives of children and young adults with disabilities.**
- 2. Former state and local education officials.**
- 3. Former recipients of special education services/self advocates.**

Section 3

Members shall serve without pay, but shall be reimbursed for all reasonable travel expenses incurred in the performance of their duties, to the extent allowable by State law.

Section 4

Members will be classified as either active or inactive as determined by the member's attendance and outlined in Article X.

Section 5

The Council may recommend removal of a member to the Governor for cause, including misfeasance, nonfeasance, malfeasance, misconduct or lack of attendance as described in Article X.

Section 6

The Membership Committee of the Council shall take affirmative steps to recruit new members as needed who reflect the diversity of individuals with exceptionalities. Potential members will be brought to the attention of the Membership Committee which will review applications and confirm whether the applicant meets the requirements of the Individuals with Disabilities Education Act (IDEA) and the Council Bylaws. Applicants will be encouraged to attend two Council meetings to ensure familiarity with the role of members prior to further pursuit of appointment by the Governor. The Council will make recommendations to the Governor for future or current vacancies.

Section 7

For purposes of the Freedom of Information Act, applications for membership may be considered a personnel record within the scope of 29 Del.C. §10002(l)(1).

ARTICLE V OFFICERS

Section 1

The elected officers of the Council shall be members in good standing for at least one year, and shall be:

- Chairperson**
- Vice-Chairperson**
- Secretary/Treasurer**

Section 2

The Council Chairperson shall:

- a) Preside at all meetings of the Council and at all meetings of the Board of Directors;**
- b) Create ad hoc committees and appoint the members of all such committees;**
- c) Be an ex-officio non-voting member of all committees except the nominating committee.**

Section 3

The Vice-Chairperson shall preside in the absence of the Chairperson and shall assist the Chairperson as requested. Should the Chairperson be unable to complete the term, the Vice-Chairperson shall succeed and become the Chairperson until the expiration of the current term, with all rights, privileges and duties of the position.

Section 4

The Vice-Chairperson shall assist the Chairperson as requested.

Section 5

The Secretary/Treasurer shall be responsible for the preparation of the annual budget of the Council and oversee monthly financial and secretarial reports.

Section 6

All officers shall serve until their successors are elected.

Section 7

The Immediate Past Chairperson shall serve on the Board with full voting rights and specific responsibilities delegated by the Chairperson.

Section 8

The term of each office shall be for one year and shall begin July 1.

Section 9

All officers may be re-elected and may serve consecutive terms.

Section 10

All officers must be appointed members of the Council.

Section 11

Any officer may be removed by a 2/3 majority vote of the Council for conduct which is detrimental to the Council.

ARTICLE VI NOMINATIONS AND ELECTIONS

Section 1

A Nominating Committee shall be appointed by the Council Chairperson by November. The Committee shall secure a slate of officers for presentation by the January meeting. Each nominee must be a member in good standing for at least one year. Each nominee must have agreed to serve if elected. Further nominations may be made from the floor providing the nominee agrees to serve if elected.

ARTICLE VII BOARD OF DIRECTORS

Section 1

The Board of Directors shall consist of the Council Chairperson, Immediate Past Council Chairperson, Vice Chairperson, Secretary/Treasurer, and Standing Committee Chairpersons or their designee.

Section 2

The Board of Directors shall submit an annual report of panel activities and suggestions to the state educational agency. This report must be made available to the public.

Section 3

The Board of Directors will meet as needed, but at least once a year. The Board shall be empowered to conduct the general business of the Council between Council meetings. The Board of Directors will interview and nominate lay due process hearing panelists when applicants are put forward by the Policy and Law committee.

Section 4

At any meeting of the Board of Directors, one-third of the total Board membership shall constitute a quorum to transact business. A majority of the Board members present and voting shall be required for action. However, the minimum number of votes for a prevailing vote for action is four (4).

Section 5

No Director may have more than one (1) vote at any meeting of the Board of Directors.

Section 6

Meetings of the Board of Directors shall be open to the general membership and public, except when meeting in executive session in conformity with *29 Del.C. §10004*. The Board must vote in a public meeting to go into executive session stating the purpose for the executive session.

Section 7

In the event that any elected officer, except the Chairperson is unable to complete the term of office, the Board of Directors shall be empowered to fill the remainder of that term with an appointee.

ARTICLE VIII COMMITTEES

Section 1

Standing committees are hereby established for the following areas of concern:

Administrative Committees

Membership - Ensure that membership on the Council meets the requirements of the Individuals with Disabilities Education Act (IDEA) and the Council By-Laws; advise the Council and Governor on membership requirements; work toward maintaining a balanced representation of advocates within Kent, New Castle and Sussex Counties.

Personnel - Assist with writing job descriptions as necessary; assist with screening, interviewing and hiring job applicants; handle personnel matters.

Issues Committees

Policy & Law - Review and make recommendations regarding policies/procedures and programs/services mandated by the Individuals with Disabilities Education Act (IDEA). Review and submit recommendations for action to Council regarding pertinent legislation. Address Least Restrictive Environment (LRE) issues. Identify areas of emphasis as defined by the Council. Policy and Law committee will recommend lay due process hearing panelists to the Board of Directors for nomination to the Department of Education.

Infant/Early Childhood - Study and make recommendations regarding issues related to the young child from birth to age 5 with special needs. Address Least Restrictive Environment (LRE) issues. Identify areas of emphasis as defined by the Council.

Children/Youth - Study and make recommendations regarding issues related to children/youth age 3 to 26 with special needs. Address Least Restrictive Environment (LRE) issues. Identify areas of emphasis as defined by the Council.

Adult/Transition Services - Study and make recommendations regarding issues related to emerging adults and individuals age 14 to end of life with special needs. Address Least Restrictive Environment (LRE) issues. Identify areas of emphasis as defined by the Council.

Section 2

Each committee will elect its Chairperson annually. Vice-chairpersons may be chosen from within each committee.

Section 2a

Each committee may remove its chair or vice-chair by a 2/3 vote of the committee members.

Section 3

Ad hoc committees may be established and serve at the pleasure of the Council Chairperson.

Section 4

Whenever possible, recommendations from a committee shall be submitted, in writing, to the office of the Advisory Council ten days prior to a scheduled meeting of the Board of Directors or full Council, whichever meeting occurs first.

Section 5

Actions by a committee are not binding until approved at a meeting of the Board of Directors or full Council, whichever meeting occurs first.

ARTICLE IX MEETINGS

Section 1

The Council will meet every month except July, August and December unless otherwise voted on by the Council. The purpose of the meetings will be for adopting annual goals and objectives, adopting a budget, receiving and acting upon committee reports, electing officers, and conducting the general business of the Council.

Section 2

Advance notice and proposed agenda of all Council meetings shall be given to members and the public in general.

Section 3

A special meeting may be called when necessary with at least seven days notice being given to the members and the public in general.

Section 4

At any meeting of the Council, one-third of the total active Council membership shall constitute a quorum to transact business. A majority of the members present and voting shall be required for action. However, the minimum number of votes for prevailing vote or action shall be 25% of the active council membership.

Section 5

All meetings of the Council shall be open to the public except for executive sessions convened in conformity with Title 29 *Del.C.* §10004. The Council must vote in a public meeting to go into executive session stating the purpose for the executive session.

ARTICLE X MEMBERSHIP PROTOCOL

Section 1

Members are expected to attend regularly scheduled meetings.

Section 2

If unable to attend a scheduled meeting, members should notify the GACEC office.

Section 3

Any member who knows that for job related or personal reasons, he/she will not be able to attend three or more consecutive meetings or four meetings in twelve months, may request, in writing, a leave of absence for a maximum of one year from the date of request. Request will be voted on by Council and if approved, member will be placed on inactive status for time requested. Members may request a leave of absence for one year no more than two times.

Section 4

Any Council member who misses either three consecutive Council meetings or four meetings in twelve consecutive months without just cause in the judgment of the Membership Committee may be presumed to have significantly diminished commitment. This condition could result in a request for member's resignation, followed by a letter to the Governor requesting removal.

ARTICLE XI PARLIAMENTARY AUTHORITY

Section 1

***Robert's Rules of Order, Revised*, shall be the parliamentary rules for the Council in all matters not covered by these By-Laws.**

ARTICLE XII AMENDMENTS

Section 1

These By-Laws may be amended by a proposed amendment being presented at a regular or duly-called meeting of the Council. Proposed amendments shall be circulated to all members at least ten (10) days prior to the first meeting at which they will be read. A two-thirds majority vote of members present shall be required for passage.

Revised: June 1978, October 24, 1978, May 25, 1982, October 15, 1987, January 19, 1988, March 29, 1994, October 25, 1994, January 31, 1995, February 27, 1996, April 25, 2000, May 18, 2004, June 20, 2006, October 2013, April 2016.