

ILLINOIS STATE ADVISORY COUNCIL ON THE EDUCATION OF CHILDREN WITH DISABILITIES

Council By-Laws

(Approved: November 2001) Revised June 6, 2006

PREAMBLE

ISAC is charged with the responsibility of representing the educational interests of Illinois school children with disabilities. In fulfilling the responsibility, Council members must not permit the special interests of the constituencies whom they were appointed to represent, to take precedence over other considerations voiced at Council Meetings.

Article I: Background

A. Governing Laws -

These by-laws constitute the code of rules adopted by the Illinois State Advisory Council ("Council") on the Education of Children with Disabilities for the regulation and management of its affairs.

B. Purposes and Powers

The Council will have the purposes specified and the powers granted to it by the General Assembly of the State of Illinois as the same are presently set forth in 105 ILCS 5/14-3.01 of the Illinois Compiled Statutes, and as the same may be amended hereafter from time to time, which purposes and powers are as follows:

1. The Council shall provide advice and policy guidance to the Governor, General Assembly, and the State Board of Education with the respect to special education and related services for children with disabilities.
2. The Council shall advise the State Board of Education regarding all rules and regulations relating to the education of children with disabilities to be promulgated by the State Board of Education when such advice is sought.
3. The Council shall advise the State Board of Education on modifications or additions to county or regional comprehensive plans submitted under 105 ILCS 5/14-4.01 when such advice is sought.
4. The Council shall consider any rule or regulation or plan submitted to it by the State Board of Education within 60 days after its receipt by the chairperson of the Council.
5. The Council shall advise the General Assembly, the Governor and the State Board of Education on the unmet needs in the education of children with disabilities.

6. The Council shall assist the State Board of Education in developing evaluations and reporting on data to the United States Secretary of Education.
7. The Council shall advise the State Board of Education relative to qualifications for hearing officers and the rules and procedures for hearings conducted under 105 ILCS 5/14-8.02 or 105 ILCS 5/14-8.02a.
8. The Council shall comment publicly on any rules or regulations proposed by the State regarding:
 - a. the education of children with disabilities and
 - b. the procedures for distribution of funds under 105 ILCS 5/14-3.01.
9. The Council shall advise the State Board of Education in developing corrective action plans to address findings identified in federal monitoring reports pursuant to the Individuals with Disabilities Education Act.
10. The Council shall advise State and local education agencies regarding educational programs and materials that may be provided to children with disabilities to enable them to fully exercise their constitutional and legal rights and entitlements as citizens, including those afforded under the Federal Rehabilitation Act of 1973, as amended, and the Illinois Human Rights Act.
11. The Council shall advise the State Board of Education in developing and implementing policies relating to the coordination of services for children with disabilities.
12. The Council shall advise the Illinois State Board of Education and the Illinois Department of Corrections on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons.

Article II: Membership

A. Composition

The Council shall be composed of twenty-seven (27) members, including twenty-three (23) voting members appointed by the Governor and four (4) ex-officio voting members. Members shall be broadly representative of the State's population in regard to developmental, physical, and mental disabilities, race, ethnic background, gender, and geographic location. Nine (9) members shall be parents of children with disabilities between the ages of 3 and 21 years currently receiving special education services at public expense. Five (5) members shall be individuals with disabilities, including one (1) student or former student who is at least 18 years of age and no older than 21 years of age at the time of his or her appointment to the Council and who is receiving special education services at public expense or received those services at the time his or her high school program terminated.

In addition, the Governor shall appoint one regional superintendent of schools, one representative of an institute of higher education that prepares special education and related service personnel, one teacher of students with disabilities, one superintendent of a public school district, one director of a special education cooperative or special education administrator from a school district of less than 500,000 population, one representative of a public charter school; one representative of a private school serving children with disabilities; one representative of a vocational, community, or business organization that provides transition services to children with disabilities, and one at-large member from the general public. In addition, Secretary of Human Services or his or her designee, the Director of Children and Family Services or his or her designee, the Director of Corrections or his or her designee, and the Director of Special Education for the City of Chicago School District #299 or his or her designee shall serve as ex-officio voting members of the Council.

A representative from the Interagency Coordinating Council (ICC) shall serve as a liaison between the two councils and shall be a nonvoting member of ISAC, with the same notification, meeting attendance and participation requirements as full members, except that the ICC liaison shall not make motions or cast votes.

All Council members shall be legal residents of the State of Illinois and shall be selected, as far as practicable, on the basis of their knowledge of, or experience in, the education of children with disabilities.

Vacancies may be filled or new offices filled at any meeting of the Council. Each such officer shall hold office until his/her successor shall be been duly appointed or designated. In case of resignation, the vacancy shall be filled or designated as soon as possible.

A majority of the Council members must be individuals with disabilities or parents of children with disabilities.

B. Official Notice of Designee

The appointment by a Director of a designee shall be in writing and such designee shall become a member when such writing has been received by the Executive Secretary.

C. Compensation

Council members shall serve without compensation, but the State must reimburse Council members for reasonable and necessary expenses for attending meetings and performing duties in accordance with the State Board of Education's Travel Control Policy.

D. Recognition

Members will be recognized with a plaque in appreciation of service on the Council. The member must have served four years on the Council and must be in good standing on the Council in regards to attendance at Council meetings.

Article III: Meetings

The Council shall meet at the call of the chairperson upon 10 days written notice but not less than four (4) times per year.

A. Regular Meetings

Regular meetings shall be held in accordance with a schedule agreed upon at the annual June meeting of the Council; or at the next regularly scheduled meeting, if a meeting is not held in June of that year.

B. Special Meetings

Special meetings of the members may be called by the Chairperson or by three or more members of the Council.

C. Place of Meetings

The chairperson may designate any place, either within or out of the state of Illinois, as the place of any regular or special meeting. The meeting place must be accessible. Reasonable accommodations must be made upon advance request to the Illinois State Board of Education. If no designation is made by the Chairperson, the place of the meeting shall be at the office of the State Board of Education, Springfield, Illinois. In the event the Council or one of its committees meets via teleconference or video conference, a location shall be identified (and posted on the ISBE web site), at which place the public may have an opportunity to watch and/or listen to the proceedings.

D. Notice of Meetings

Notice of any meeting shall be given at least ten (10) days prior to the meeting date by written notice delivered personally, or by private overnight delivery service (e.g. Federal Express, UPS, DHL), or mailed to each member at his/her business or home address. It is the responsibility of each member to inform and update the Executive Secretary of the Council of his/her current mailing address. Facsimile and e-mail notification shall both be equivalent to formal written notice, unless a member of the Council advises the ISBE that he or she does not have reasonable access to one or both.

If mailed, such notice shall be deemed to be delivered when deposited in the United States mail with prepaid postage. If notice is given by private overnight delivery service, such notice shall be deemed to be delivered when the notice is delivered to the private overnight delivery company.

Any member may waive notice of any meeting. The attendance of a member at any meeting shall constitute a waiver of notice for such meeting, except when a member attends the meeting for the express purpose of objecting to the transaction of any business because the meeting was unlawfully called or convened.

Neither the business to be transacted at, nor the purpose of, any regularly scheduled meeting or special meeting needs to be specified in the notice or waiver of such meeting.

E. Voting

Each member shall be entitled to one vote on each matter submitted to a vote of members. A member, who is a designee of a Director of a department, shall be entitled to vote only after a written designation of such member as the Director's designee is given to or received by the Executive Secretary. A member's vote may not be cast by proxy. Voting on any question or in any election shall be by voice vote, unless the presiding chair or any member demands that voting be completed by ballot.

F. Quorum

Fourteen (14) of the twenty-seven (27) voting members of the Council shall constitute a quorum for transaction of business at any meeting. A majority of the members present at a stated meeting may adjourn the meeting from time to time without further notice. If the membership of the Council should happen to fall below twenty-seven (27), a majority of the eligible members shall constitute a quorum.

G. Action

The act of the majority of the members present at a meeting, at which a quorum is present, shall be the act of the Council. The chairperson may vote only for the purpose of making or breaking a tie. All Council proceedings shall follow parliamentary procedure set forth in the current edition of Robert's Rules of Order.

H. Informal Action

Given the periodic schedule of Council meetings, it may be necessary for the Council to delegate responsibility for a specific task to an ad hoc committee to take informal action on behalf of the Council as a whole. Unless specifically prohibited by law, any action required to be taken at a meeting of the Council, or in a committee of the Council, may be taken if prior agreement or approval of the action to be taken has been given by the Council at a regularly scheduled or special meeting. If this action taken is not at a regularly scheduled or special meeting, the Council shall confirm the action at its next regularly scheduled meeting.

Article IV: Officers

A. Composition

The officers of the Council shall consist of a Chairperson, a Vice-Chairperson and an Executive Secretary. The Chairperson and Vice-Chairperson shall be members of the Council. The Executive Secretary shall be an employee of the State Board of Education and shall be designated by the State Board of Education. No two offices shall be held by the same person.

B. Selection of Officers

The Chairperson and the Vice-Chairperson shall be elected annually by the Council at the regular meeting of the Council held in the month of May. If the election of such officers shall not be held at such meeting, the election shall take place as soon as possible. Elected officers shall assume office at the first meeting of each fiscal year (July) or the first meeting convened thereafter.

C. Removal

Any officer elected by the Council may be removed by the Council whenever in its judgment the best interests of the Council would be served.

D. Duties of the Chair

The chairperson shall be the principal executive officer of the Council and shall, subject to the will of the Council, supervise and preside over all of the meetings and the business and affairs of the Council. The chairperson may sign, with any other authorized officer, any document which the Council has the authority to execute, and shall perform and assume all powers and all duties assigned by the Council.

E. Duties of the Vice-chair

The vice-chair of the Council shall perform all of the duties and exercise all powers of the Chair in the absence of the Chair. The vice-chair shall perform all duties as may be assigned by the Chair of the Council. The vice-chair shall prepare the annual report of the Council and submit this report to the State Board of Education, General Assembly, the Governor and other such individuals or groups as designated by the Council.

F. Duties of the Executive-Secretary

The Executive-Secretary shall keep the minutes of the meetings of the Council; see that all notices are duly given in accordance with the provisions of these by-laws or as required by law; be the custodian of the records of the Council; keep an up-to-date listing of the post office addresses and other contact information of each member, which are to be furnished by each member; with the Chair and Vice-chair, execute any documents issued by the Council which require the signature of the Executive-Secretary; in general,

perform all duties assigned by the Chair or the Council; and, furnish all professional and clerical assistance necessary for the performance by the Council of its powers and duties.

Article V: Committees

A. Standing Committees

The Council shall have the following standing committees, each of which shall consist of two or more members appointed by the Chair and which shall perform the duties prescribed by the Chair:

Comprehensive/State Plan:

Illinois statute requires the Illinois State Board of Education to seek the advice of the Illinois State Advisory Council in regard to modification or additions to Comprehensive Plans. Districts in the process of withdrawing from a joint agreement must request time on the agenda of the next regularly scheduled meeting of the whole Council to provide the following information: rationale for withdrawal, timeline for revising the comprehensive plan, the impact on the remaining districts, and involvement of parents in the process. Once plans are reviewed by ISBE staff to ensure all required components are in place, the committee reviews the plans and gives a recommendation to the whole Council.

Legislation and Interagency Communications:

The purpose of this committee is to 1) Identify issues for the Illinois State Board of Education to address through legislative initiatives; 2) Monitor and review legislation relating to special education and other matters affecting children with disabilities; 3) Recommend to full Council position the Illinois State Board of Education should take on pending legislation; 4) Exchange information with Council members, parents, organizations and other associations that are pertinent to the education of children with disabilities

Rules and Regulations:

Rules and Regulations Committee: The committee's mission is: 1) To advise the Council as a whole on the process of promulgating rules and regulations by any State Agency or code department of a State agency; and 2) To recommend to the Council as a whole, specific action pursuant to any rule or regulation specific to special education students and/or services which the Illinois State Board of Education or any other State agency is in the process of promulgating, but before such rule/regulation is submitted to JCAR for final comment and adoption

General Supervision/Due Process:

It is the responsibility of the Due Process Committee to: 1) Provide recommendations on proposed rules and regulations regarding due process issues; 2) Develop objective criteria regarding hearing officer selection; 3) Recommend to the full Council the need for additional hearing officers; 4) Receive, review and provide input as necessary to the annual impartial due process hearing system report; 5) Review and make recommendations, as appropriate, to the full Council regarding: a. the impartial due process system, b. monitoring system, c. complaint investigation system, d. mediation system and e. other general supervisory concerns as assigned by the Chair.

Finance:

The purpose of the Finance Committee is to analyze and make recommendations to the full Council with respect to all state special education bills, laws, rules and regulations and to evaluate whether or not sufficient resources have been allocated to defray mandated costs. From this analysis and determination, the Finance Committee will report on: 1) Costs supported by the State; 2) Costs supported by the federal government; 3) Costs supported locally; 4) The impact of existing and potential funding structure given the limitations placed on public school districts; 5) All un-reimbursed costs that will impact local expenditures to school districts

Executive Committee:

There shall be an Executive Committee. It shall consist of the Chair, Vice-Chair, as well as the Chairs of all standing committees. If one person fills more than one of these designations, they will serve in both capacities.

The Executive Secretary of the Council (or a qualified designee) shall participate in the meeting and shall be responsible for preparing minutes for distribution to the Executive Committee and, once approved, to the full council.

- i) Meetings: Meetings of the Executive committee shall be held monthly in conjunction with the business meeting of the council and in the interim between regularly scheduled ISAC meetings. Meetings shall be called by the Chair or upon petition by three (3) members of the committee. Meetings may take place in person, via teleconference or other alternate means.
- ii) Responsibilities: The executive Committee is responsible to ISAC. The Executive Committee is responsible for receiving and preparing recommendations on items that may come before it at times that require action in between regularly scheduled ISAC meetings. Any Action Taken is subject to ratification by ISAC.

The Executive Committee shall act as advisor to the general assembly, governor and the Illinois State Board of Education on behalf of ISAC, with the purpose of keeping these groups informed about issues of importance to the Illinois State Advisory Council on the Education of Children with Disabilities.

- iii) Quorum: A simple majority of the Executive Committee shall constitute a quorum.

Family Communication:

The Family Communication Committee was developed to provide a forum for Council members to discuss issues and disseminate information to parents and families of children with disabilities. The committee will hold meetings throughout the state in conjunction with regularly scheduled Council meetings. Meetings will be held in collaboration with local family support and advocacy organizations. Parents will be encouraged to attend.

Personnel Development:

Personnel Development Committee: The mission of this committee is to: 1) Stay informed of issues and policy changes that affect the educators and staff of children with disabilities; 2) Discuss the needs and concerns of all personnel in the educational systems which deal with children with disabilities; 3) Develop a position about current personnel issues that affect the education of children with disabilities; and 4) advocate to the full Council and other appropriate groups the agreed position concerning the personnel issues to constantly improve the education of children with disabilities.

Bilingual Special Education.

Representatives, known as the Bilingual Special Education Committee, from the Illinois Advisory Council on the Education of Children with Disabilities (ISACECD) and representatives from the Illinois Advisory Council for Bilingual Education (IACBE) comprise the Joint Bilingual Special Education Subcommittee. This joint committee is legislated to advise IACBE and ISACECD on matters relating to culturally and linguistically diverse children with disabilities. The Committee addresses all issues related to student in special education who are culturally and linguistically diverse.

Access Committee:

In order to fully participate in the educational experience a student must have physical and programmatic access to classrooms, educational materials, libraries,

gymnasiums, study halls, school playgrounds, extracurricular events and other school venues. The purpose of the access committee is to review systemic issues of physical and programmatic access for students with disabilities. Through research of materials and articles on accessibility, technology and best practices the access committee will:

- 1) Identify access issues for the Illinois State Board of Education to address;
- 2) Report on the impact of systemic inaccessibility on the education of students with disabilities;
- 3) Recommend to the full Council possible solutions to systemic accessibility issues.

Transition Committee:

The Transition Committee will assist ISAC in making recommendations to ISBE's leadership, the Governor, and the Legislature, for improving post-secondary results through determining the transition issues that impact students with disabilities throughout their educational careers and make recommendations for effective transition processes.

B. Other Committees

In addition, the Council may by resolution establish other committees to perform assigned duties. The Chair shall appoint two or more members to any such committee and such committee shall terminate when its assigned duties have been completed.

Article VI: Conduct of Meetings

A. Open Meetings Act

The Council will conduct its meetings in accordance with the Open Meetings Act, 5 ILCS 120/1 et. seq.

B. Public Comment

At each meeting of the Council, persons who are not members of the Council shall be given the opportunity to address the Council on matters relating to the purposes and powers of the Council. The time designated and the Chair with the approval of the Council shall determine the amount of time set aside for this comment. Persons shall be authorized to address the Council on first come, first serve basis for no longer than five minutes, unless waived by the Council.

C. Agenda

The agenda of the Council shall be sent by the Executive Secretary to the members of the Council by the United States mail no later than fifteen days prior to the meeting. Such agenda shall contain the items which have been specified by the officers or the Council or consideration at the meeting. Prior to the conclusion of each regular meeting, the members may suggest items for inclusion in the agenda for the next meeting. Additional items may be included in the agenda by the Chair prior to the mailing. Further items may be added after the mailing of the agenda by a majority vote of a quorum of the Council.

Article VII: Miscellaneous

A. Amendments

Except as otherwise provided by law, these By-Laws may be altered, amended or repealed and new By-Laws may be adopted at any meeting of the Council by a majority vote of the members present at the meeting.

B. Attendance

Poor attendance at meetings shall be defined as when a member's attendance at Council meetings is less than half of a majority of the established meetings scheduled by act of the Council or called by the Chair within one school year. On direction of the Council, the Chair shall comment to the Governor or, in the case of members designated by a Director, the Director and request that the Council members not be reappointed or assigned.

Article VIII: Procedures for Reviewing Comprehensive Plans

A. Authority

The School Code requires the Illinois State Board of Education to seek the advice of the Advisory Council on Education of Children with Disabilities on modifications or additions to comprehensive plans for the provision of special education services (105ILCS 5/14-3.01). All special education joint agreements and independent school districts must have approved comprehensive plans (105 ILCS 5/14-4.01). Whenever there is a change in the provision of special education services, the comprehensive plan must be modified and submitted for approval. The types of changes requiring modification of the comprehensive plan primarily are those associated with the withdrawal or addition of a district or districts from/to a special education joint agreement formed pursuant to 105 ILCS 5/10-22.31.

B. Process

The Advisory Council shall be notified of a district's desire to modify its comprehensive plan in accordance with the timeline established by the joint agreement, or a [sic] least six months prior to the effective date. This timeline is necessary in order to ensure the

opportunity for review by the Council members and to allow for public input. Exceptions to this requirement must be approved in accordance with the Council's standard procedures for suspending By-Laws.

The district or joint agreement seeking to modify its comprehensive plan shall present an overview of the proposed changes and the expected impact of the changes to the Advisory Council at a regularly scheduled meeting. Action will be taken at a subsequent meeting.

The State Board of Education must first evaluate the proposed changes to the comprehensive plans. The State Board of Education has sole authority to determine whether the proposed plan satisfied all state and federal regulatory requirements and to require changes in the plan as needed to fulfill these requirements. The Advisory Council will review the plan to determine the perspective of its adequacy as a comprehensive delivery system as required by 23 Illinois Administrative Code Part 226.

The State Board of Education will present its recommendations to the Advisory Council upon the completion of the regulatory review process. The Advisory Council will notify the district(s) or joint agreements(s) at least two weeks prior to the meeting at which they will take action on the proposed plan. The Advisory Council may, at its discretion, seek additional public comment on the plan.

Upon completion of the above activities, the Advisory Council shall follow its standard procedures for providing advice and counsel to the Illinois State Board of Education.

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