



**New Jersey
State Special Education Advisory
Council (NJ-SSEAC)
By-Laws**

New Jersey Department of Education
Office of Special Education

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These by-laws are meant to outline the operating procedures and requirements for the New Jersey State Special Education Advisory Council (NJ-SSEAC). This document is aligned with requirements for the Special Education Advisory Council under the Individuals with Disabilities Education Act (IDEA), New Jersey State regulations, and the New Jersey Open Public Meetings Act (Sunshine Law). Note: Parents and other individuals who are seeking information regarding children and youth eligible under Section 504 of the Rehabilitation Act should contact the New Jersey Department of Education, the State Parent Advisory Network, their school district, or the Office for Civil Rights.

Article I. Purpose and Authority (34 CFR 300.167)

The IDEA (34 CFR 300.167) states, “the State must establish and maintain an Advisory Council 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 New Jersey State Advisory Council membership is comprised of individuals in, or concerned with, the education of children and youth with disabilities ages 3 through 21 years.*

Authorizing Legislation

The NJ-SSEAC is established in accordance with P.L 108.446, 34 Code of Federal Regulations (CFR) §300.167 - §300.169 under the IDEA and New Jersey State Law (NJS 18A:46-2).

Name of Council

The New Jersey State Special Education Advisory Council (NJ-SSEAC).

Advisory Council Responsibility

The NJ-SSEAC supports an educational system that achieves excellence, equity, and lifelong learning for all eligible children and youth with disabilities under IDEA in New Jersey. The NJ-SSEAC is committed to representing children and youth 3 years old through 21 years old with diverse and changing educational needs.

The NJ-SSEAC responsibilities include offering advice, consultation, and recommendations to the New Jersey State Board of Education and State Commissioner through the State Department of Education, Office of Special Education on matters of unmet needs concerning special education services and related services with New Jersey public schools. The NJ-SSEAC is responsible for advising around their functions under IDEA listed in Article II of these by-laws.

The NJ-SSEAC provides a broad base of stakeholder input for the New Jersey State Board of Education and Commissioner of Education in the New Jersey Department of Education (NJDOE), through the Office of Special Education, on policies, practices, and issues related to the education of children and youth with disabilities who are IDEA eligible. In addition to the federal requirements for Advisory Council members, the NJ-SSEAC will seek out and identify best practices and anticipate future needs for special education in New Jersey.

Article II. Advisory Council Functions (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 Council comprised of persons representing both providers and receivers of educational services for children with disabilities. The following are Advisory Council functions of the NJ-SSEAC according to the IDEA:

1. Advise the 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 SEA in developing evaluations and reporting on data to the Secretary of the Advisory Council under 618. (CFR 300.169(c))
4. Advise the SEA in developing Corrective Action Plans (CAPs) to address findings identified in federal monitoring reports. (CFR 300.169(d))
5. Advise the SEA in developing and implementing policies on the coordination of services for children and youth with disabilities. (CFR 300.169(e))
6. The SEA, after deleting personally identifiable information, must:
 - a. Provide the NJ-SSEAC 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 Council regarding provisions of Free Appropriate Public Education (FAPE). (CFR 300.164(c)(4))

Article III. Council Membership (34 CFR 300.168)

Nominations and Appointments

The New Jersey Office of Special Education (Secretary of the Advisory Council) provides public notices of Advisory Council 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 Commissioner.

New Jersey State Law (NJSA 18A:46-2) outlines the Commissioner of Education shall appoint and work with a Special Education Advisory Council of no more than fifteen (15) appointed members and five State Resource members. The members of the Advisory Council work in collaboration with the Director of the Office of Special Education. Appointments to the Advisory Council are made in accordance with the IDEA and New Jersey State Law. Each appointment to the Advisory Council must be confirmed by the State Board of Education.

Council Membership (34 CFR 300.168)

The membership of the Advisory Council must be consistent with the IDEA, 34 CFR 300.168(b). The Advisory Council 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 26.
2. Individuals with disabilities.
3. A representative of the State Parent Advisory Network (SPAN) 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 Council membership shall be individuals with disabilities and parents of children with disabilities (ages 3 through 26 years) (34 CFR 300.168(b)).*

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

Proxy Alternates

A Proxy is a person who is designated by an Advisory Council member to represent them at an Advisory Council meeting in their absence. Proxy individuals are not officially Advisory Council members, but they are authorized to act for another Advisory Council member when that member cannot attend. Proxy individuals must meet the following requirements:

1. Appointed by the New Jersey Office of Special Education.
2. Received orientation regarding the Advisory Council's purpose and functions under the Individuals with Disabilities Education Act (IDEA), State special education regulations, Advisory Council by-laws, and the New Jersey Open Meeting Requirements.
3. Fall under the requirements of the Article VII section of the by-laws regarding Resignation, Removal, and Replacement.

Stakeholders

A stakeholder is an individual or organization with an interest in decisions and activities of the Advisory Council. Stakeholders are not members of the Advisory Council. Stakeholders can make comments during the public comment part of each Advisory Council meeting's agenda, or they can submit written comments to be read aloud at the meetings. There could be times when the Advisory Council Chairperson will ask a stakeholder at the Council meeting to comment on a particular issue. Otherwise, stakeholders would not interact with the Advisory Council Members during a meeting. Stakeholders could provide information to subcommittees addressing priority areas, but not be permanent members of subcommittees.

Tenure of Members

Members are appointed for a two-year term. Each appointment to the Advisory Council must be confirmed by the State Board of Education.

Reappointment Procedures

Upon the end of a two-year term, if the Council Member is interested in another term, they will complete a reapplication form and send it to the appointed Council Secretary. The Advisory Council's Executive Committee, including the Council Secretary, will resubmit the application for consideration for an additional two-year term.

Expectations of NJ-SSEAC 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. Have the capability to gather concerns and best practices from, and to report back to, organizations or constituencies involved in the various aspects of providing special education services.
5. Represent all IDEA eligible children with disabilities in the State.
6. Be available to actively participate in each NJ-SSEAC meeting.
7. Approach the work as advisory in nature.
8. Have no personal conflicts of interest with the business of the Advisory Council.
9. Keep the main thing the main thing – children and youth with disabilities.

Member Orientation and Priority Setting

The Advisory Council Chairperson, Vice Chairperson, Appointed Council Secretary, and/or a knowledgeable trainer, will conduct an annual orientation presentation for all new Advisory Council members and Proxy Alternates. All Advisory Council members should attend the annual orientation. The orientation will be scheduled to occur in conjunction with the first regularly scheduled Advisory Council meeting following new member appointments. All Advisory Council Member terms are scheduled to

begin in September of each year. New members of the Advisory Council will receive materials to use as resources in carrying out the Advisory Council's activities.

The NJ-SSEAC will conduct an annual priority-setting meeting as their first meeting each year to determine 3-4 priority areas to address during the year and to provide advice about to the New Jersey Office of Special Education. This priority-setting meeting can be conducted in conjunction with the annual Advisory Council orientation. Depending on circumstances, the Advisory Council's established priorities could change during the year. If priorities change during the year, time will be included at an Advisory Council meeting to consider other priorities. Each priority should have an Action Plan (see Article 5).

Article IV. Advisory Council Officers

1. By a majority vote of those members present at the final meeting of the year, the NJ-SSEAC will elect a Chairperson, and a Vice Chairperson, each to serve a two-year term. Candidates shall have been members of the NJ-SSEAC 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 NJ-SSEAC Chairperson and Vice Chairperson responsibilities are:
 - a. Chair the meetings and help ensure the NJ-SSEAC is able to perform its functions.
 - b. Be familiar with Advisory Council by-laws and the New Jersey Sunshine Law.
 - c. Have a basic understanding of Robert's Rules of Order.
 - d. With input from Advisory Council members and the State Director, prepare each Advisory Council meeting agenda.
 - e. Work in cooperation with the NJ-SSEAC Secretary to ensure written statements reflect NJ-SSEAC 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 Council Subcommittee.
 - g. Have the Vice Chairperson conduct Advisory Council meetings when the Chairperson is not available.
3. The Office of Special Education's Appointed Advisory Council Secretary responsibilities are:
 - a. Be appointed by the New Jersey Office of Special Education.
 - b. Serve as an ad hoc, non-voting member.
 - c. Assist with recruiting new Advisory Council members.
 - d. Assist with providing orientation for Advisory Council members.
 - e. Assist with meeting arrangements and making public notices of upcoming meetings.
 - f. Review and certify each meeting's minutes prior to the NJ-SSEAC's approval.
 - g. Assist the Executive Committee with their Advisory Council duties.
 - h. In collaboration with the Chairperson and Vice Chairperson, develop and submit the NJ-SSEAC Annual Report to the Office of Special Education, State Director of Special Education by July 15th each year outlining advice and recommendations from the

Advisory Council on priority issues. After final approval from the NJ-SSEAC, the Annual Report will be available to the State Commissioner, State Board of Education, and other interested parties.

Article V. NJ-SSEAC Committee Work

Committees and subcommittees are involved in much of the work of the Advisory Council. These 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 Council Subcommittees might include:

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

Article VI. NJ-SSEAC Meetings

1. *The NJ-SSEAC will meet each month (except July, August, and December), and each meeting shall be open to the public. Meetings shall be held in buildings that meet all applicable federal and State accessibility standards.*
2. All NJ-SSEAC meetings must be publicly announced at least 48 hours in advance of their scheduled start time.
3. 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 Council Secretary.
4. The Advisory Council will limit their discussion and business to the topics on the approved agenda.
5. Advisory Council meetings will be consistent with the New Jersey Sunshine Law.
6. *A quorum shall be one half of the Advisory Council membership. In order to take any action, a quorum must be present.*

7. All members of the NJ-SSEAC are expected to attend Advisory Council and Committee meetings for the entire length of their term in order to represent their constituency, organization, or agency and to enhance the effectiveness of the NJ-SSEAC. Meeting attendance is defined as the physical or virtual presence of the Advisory Council member. Should an NJ-SSEAC member be unable to participate in an Advisory Council and/or Committee meeting, it is their responsibility to notify the Office of Special Education's Appointed Advisory Council Secretary of their anticipated absence. Notification of an absence is requested within 24 hours of each meeting date.
8. Additional Advisory Council meetings and Committee meetings may be called by the NJ-SSEAC Chairperson, or they may be scheduled by a majority vote of Advisory Council members who are present at a meeting.
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 New Jersey Sunshine Law.
10. The administrative support staff shall maintain a log of meeting visitors and, in cooperation with the Advisory Council Chairperson, develop procedures for orderly responses or discussions between Advisory Council members and nonmember attendees, as appropriate.
11. The Appointed Advisory Council Secretary and associated staff shall provide public notice of the time and place of each Advisory Council meeting prior to the actual meeting.
12. All NJ-SSEAC meeting minutes must be "reasonably comprehensible". At a minimum, the minutes must reflect the time and place of each meeting, members present, subjects considered, actions taken, and votes of each member.

Public Comments

Each NJ-SSEAC meeting will include a "public comment" section on the agenda. A standing agenda item for public comment will always be included at each Advisory Council meeting. Public comments may be received in person, through a virtual platform, or in written form. Written comments submitted to the Appointed Advisory Council Secretary will be read aloud during the public comment section of the Advisory Council's meeting agenda.

Public Comments Procedures

1. Provide notice to the public well in advance of each Advisory Council 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 Council Chairperson.
6. 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 Council meetings and procedures must adhere to the requirements of the Family Educational Rights and Privacy Act (FERPA).

7. Mention to those providing comments their input will be taken under advisement as the Advisory Council addresses their priority issues. Advisory Council members will listen to, but not address, public comments during the comment section.
8. 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 Council Members and Proxy Alternates

Resignation

An Advisory Council member may resign upon written notice to the NJ-SSEAC Chairperson. A notice of resignation will be forwarded to the New Jersey State Director of Special Education.

Removal and Replacement

NJ-SSEAC members may be removed when the following occurs:

1. The member sends a letter of resignation to the NJ-SSEAC Chairperson.
Or
2. The member does not attend three (3) full meetings in one (1) Council year without a valid excuse such as illness or death of a family member. The NJ-SSEAC Chairperson may recommend this member be replaced. Another option would be to assign a Proxy to replace the NJ-SSEAC member who has a valid excuse for not attending the meetings. The membership position will then be placed on the Office of Special Education Website for others to apply for through an application.
 - a. If the Advisory Council member in question was appointed to represent a State organization or agency on the Advisory Council, the NJ-SSEAC 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 NJ-SSEAC 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 in relation to the Advisory Council.

1. Attend Advisory Council meetings or appoint a designee to attend.
2. Serve in an ad hoc capacity—nonvoting member.
3. Provide relevant and current information to Advisory Council members.

4. Suggest Advisory Council 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 State Systemic Improvement Plan (SSIP).
8. Report on State and school district levels of determination.
9. Take Advisory Council advice/suggestions to the appropriate levels.
10. Report back to the Advisory Council on the status of past advice taken to appropriate levels.
11. Support the Advisory Council in carrying out their functions under IDEA and State regulations.

Article IX. Advisory Council Annual Report

The NJ-SSEAC will complete an Annual Report each year by July 15th. The Annual Report will contain at least the following:

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

Article X. Amendments to By-Laws

Amendments to these by-laws may be made by a majority vote at a regularly scheduled Advisory Council 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.