

Division of Special Education/Early Intervention Services
Maryland Special Education State Advisory Committee (SESAC)
BYLAWS

Article I Name

The name of this Committee is the Maryland Special Education State Advisory Committee (SESAC). The committee shall be established in accordance with the provisions of the Individuals with Disabilities Education Act, as amended. (20 U.S.C. §1412(A)(21)(A) – (D); 34 CFR 300.167 – 300.169; COMAR 13A.05.02.05)

Article II Mission Statement

The mission of the Special Education State Advisory Committee (SESAC) is to advise the Maryland State Department of Education (Department), Division of Special Education/Early Intervention Services in administering, promoting, planning, coordinating and improving the delivery of special education and related services to assure that all children with disabilities, kindergarten through 21 years of age, and their families have access to appropriate educational and related services.

Article III Functions of the SESAC

The Committee shall:

- Advise the Department of unmet needs within the State in the education of students with disabilities;
- Comment publicly on any rules or regulations proposed by the Department regarding the education of students with disabilities;
- Advise the Department in developing evaluations and reporting data to the Secretary of the U.S. Department of Education under 20 U.S.C. §1418, including the State's Annual Performance Report (APR);
- Advise the Department in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the Act; and
- Advise the Department in developing and implementing policies relating to the coordination of services for students with disabilities.

Article IV Administrative Functions of the SESAC

Composition – Voting Members

Membership of the SESAC shall conform to the requirements of federal and State regulations. The majority of the members shall be individuals with disabilities or parents of students, ages birth through 26 years old, with disabilities. Membership shall include:

- (1) Parents of students, ages birth through 26 years old, with disabilities;
- (2) Individuals with disabilities;
- (3) Special education and general education teachers
- (4) Representatives from institutions of higher education that prepare special education and related services personnel;
- (5) State and local school system officials, including general education administrators and officials responsible for the implementation of COMAR 13A.05.09; (McKinney-Vento Homeless Assistance Act)
- (6) Administrators of programs for students with disabilities;

- (7) Representatives from other State agencies involved in financing delivering related services to students with disabilities;
- (8) Representatives from nonpublic schools and public charter schools;
- (9) A representative from the State's Parent Training and Information Center (PTI);
- (10) Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to students with disabilities;
- (11) Not less than one representative of a public or private agency, community or business organization concerned with the provision of special education or related services to students with disabilities;
- (12) Not less than one representative of a public or private agency, community or business organization concerned with the provision of training and family supports for parents of children with disabilities;
- (13) Representatives from the State juvenile and adult corrections agencies; and
- (14) A representative of the Maryland Department of Human Resources (DHR).

The total number of voting members shall be at least fifteen (15) but not more than twenty-seven (27).

Composition Ex-Officio Members

Ex-officio members of the SESAC are selected by virtue of their office or special expertise. Ex-officio members will have their term expire when they are no longer occupying that office, and the position will be assumed by the new office-holder. Ex-officio members will have the same responsibilities as SESAC members to attend regularly scheduled SESAC meetings. Ex-officio members are non-voting members of the SESAC and do not have a proxy. Should a vacancy become available for an Ex-officio member, the Executive Committee will identify a new Ex-officio member and forward that individual and/or organization's name to the full Committee for approval.

Appointment and responsibilities of Voting Members

Members shall be appointed by the State Superintendent of Schools. The term of a member is three (3) years beginning July 1. Members may be recommended for reappointment.

Each of the appointed members of the SESAC shall have one (1) vote each. The designated proxy of an appointed member may act in the member's absence with the member's written authorization. The proxy shall be considered a voting member in the absence of the appointed member if there is written authorization. A quorum of the SESAC shall consist of 51% of the appointed voting members including proxies. A quorum shall be required for the affirmative transaction of any business of the SESAC.

Proxies

When individuals who are appointed members of the SESAC cannot attend scheduled meetings or other SESAC activities, they can designate a proxy to act in their stead. When a member of the SESAC is absent, the proxy will sit on the Committee, participate in the discussion, and may vote in place of the SESAC member they are representing, with written authorization. When the SESAC member

is present, proxies may participate as members of the general public. Proxies have no rights or responsibilities of membership on the SESAC, except to represent an absent SESAC member on a specific occasion basis. Proxies may represent the member at no more than 50% of SESAC general meetings annually.

Termination of Membership other than by Resignation or Expiration of Term

A member of the SESAC appointed by the State Superintendent who fails to attend at least 50% of the general meetings of the Committee during any consecutive 12-month period shall be considered to have resigned. Not later than January 15 of the year following the end of the 12-month period the Chairpersons of the SESAC shall forward to the State Superintendent:

- (1) the name of the individual considered to have resigned; and
- (2) a statement describing the individual's history of attendance during the period

After receiving the Chairperson's statement the State Superintendent shall appoint a successor for the remainder of the term of the individual. If the individual has been unable to attend meetings for reasons satisfactory to the State Superintendent, the State Superintendent may waive the resignation if the reasons are made public.

Since SESAC members are appointed to represent specific function categories, SESAC members shall inform the Chairpersons when any change in status may affect a member's purpose for serving on the Committee.

Article V Conflict of Interest

No member of the SESAC shall cast a vote on any matter, which would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.

In the instances where an SESAC member is employed by an organization which is a recipient of financial support from the Maryland State Department of Education, that member shall disclose such potential conflict of interest and shall not participate in any deliberations (including proposal criteria), decisions, or vote which may determine the outcome of a potential funding award to that organization.

In any instance where the appearance of conflict of interest is uncertain, a SESAC member can request clarification and determination of conflict of interest status from the SESAC.

Article VI Meetings

The SESAC shall meet as often as necessary. The SESAC shall meet at least quarterly and in such places, as it deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

Minutes will be kept of all SESAC meetings and will be reviewed and approved by the full Committee at a subsequent meeting. Minutes will be made available to the public.

The Chairperson in consultation with the Executive Committee will determine the agenda for all general meetings.

Article VII Officers

The officers of the SESAC shall be the Chairperson and Vice-Chairperson. Each shall be elected by the SESAC membership, annually. It is recommended that at least one of the officers be a parent member of the SESAC. The duties of the officers shall be to:

- Conduct the meetings of the SESAC;
- Work closely with the Division Facilitator in planning efforts;
- Oversee public hearings;
- Represent the opinions of the SESAC to the Division of Special Education/Early Intervention Services and to the public, as appropriate;
- Prepare an annual report outlining activities undertaken to meet the requirements prescribed under Article III of these Bylaws;
- Convene Executive Committee Meetings; and
- Appoint Chairpersons for Standing Committees, Subcommittees, and Task Forces.

Article VIII Committees

The Chairperson shall establish such committees or task forces as are deemed necessary to carry out the SESAC responsibilities. Non-members of the SESAC may serve as members of such committees or task forces at the request of the Committee chairpersons. The committees will meet, as needed, for their purpose. Members of the SESAC are expected to participate on any Committee established under this Section. The standing committees of the SESAC shall be as follows:

(1) Executive Committee

The Executive Committee shall consist of the chairperson, vice-chairperson, Division Facilitator, and chairperson of any established subcommittee. The past chairperson of the SESAC shall remain on the Executive Committee for a period of one year, if available.

The functions and responsibilities of the Executive Committee are to:

- Development of agenda for SESAC general meetings, in consultation with the Assistant State Superintendent, Division of Special Education/Early Intervention Services, or his/her designee;
- Coordinate activities of the SESAC committees and subcommittees;

- Accept nominations for membership on the SESAC and make recommendations to the SESAC to be voted upon by members. The vote shall take place at a general meeting, at least one month after announcing recommendations. These names will then be forwarded to the State Superintendent for consideration and appointment;
- Accept nominations for Chairperson and Vice-Chairperson, and make recommendations to the SESAC to be voted upon by members. The vote shall take place at a general meeting at least one month after announcing recommendations;
- Review budgetary expenditures for the SESAC and participate in budget planning; and
- Assist in the preparation of the SESAC annual report.

In general, SESAC business will be reviewed and discussed during general membership meetings. Any matter brought to the attention of the SESAC and not occurring during a general meeting may be reviewed by the Executive Committee between meetings.

If necessary, the Executive Committee may convene special meetings or conference calls, as needed, to discuss items requiring immediate action. If time allows, all SESAC members will be notified of the special meeting or conference call to allow for appropriate input and/or participation. In extreme circumstances where time does not allow for full Committee participation, the Executive Committee is authorized to convene such meetings or conference calls without full SESAC participation.

If the Executive Committee determines a vote or immediate action is necessary in order to expedite the matter in question, a communication (to include electronic communication) shall be forwarded to the full membership, for appropriate action. The Executive Committee may call for an emergency vote on a matter and capture the vote via electronic communication. After such action, the Chairperson will immediately notify the full Committee membership. All matters of this nature and electronic vote must be included in future minutes.

Article IX Amendments

The Bylaws may be amended by recommendations of the Executive Committee and a minimum of ten (10) voting members of the SESAC, provided that copies of the proposed amendment and notice of its consideration have been communicated to every member at least two (2) weeks before the date of the general meeting during which adoption of the amendment would be considered.

Article X Procedures

With respect to all procedures not specifically addressed within these Bylaws and applicable federal and State regulations as to the conduct of business, Robert's Rules of Order will apply.

One of the officers shall function as the Parliamentarian for official SESAC conduct of business.