

THE COLORADO SPECIAL EDUCATION ADVISORY COMMITTEE
TO THE STATE BOARD OF EDUCATION
AMENDED AND RESTATED BYLAWS

ARTICLE I

Name

Section 1 The name of the Committee shall be the Colorado Special Education Advisory Committee, hereinafter called the CSEAC.

ARTICLE II

Purpose and Duties

Section 1 The establishment of the CSEAC is required by the Individuals with Disabilities Educational Act (IDEA) as a condition for the State's eligibility for funding under the IDEA. IDEA regulations provide that the purpose of the CSEAC is to provide policy guidance with respect to special education and related services for children with disabilities in the state. (34 CFR 300.167). The CSEAC is established by Colorado's Exceptional Children's Educational Act (ECEA). Under the ECEA, the CSEAC's explicit function is to assist the state board in the performance of its responsibilities for the implementation of certain provisions of the ECEA as set out in Article 2 §IV below. (20 U.S.C. 1412 (21); Colo. Rev. Stat. 22- 20-104(2)).

Section 2 The CSEAC provides for statewide participation in decision making related to the education of children with disabilities by receiving input and making recommendations to the State Board of Education. Through this activity, the CSEAC serves as a liaison between the statewide populace and both the Colorado State Board of Education (SBE) and the Colorado Department of Education (CDE). The role of the CSEAC is advisory.

Section 3 The CSEAC has certain specified duties set out under the IDEA. The CSEAC shall

- (a) advise the CDE of unmet needs within the State in the education of children with disabilities;
- (b) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;
- (c) advise the CDE in developing evaluations and reporting on data to the U.S. Department of Education;
- (d) advise the CDE in developing corrective action plans to address the findings identified in Federal monitoring reports under Part B of the IDEA; and

- (e) advise the CDE in developing and implementing policies relating to the coordination of services for children with disabilities. *See* 20 U.S.C. 1412 (a)(21)(D).
- (f) be provided by the CDE with findings and decisions on hearings after personally identifiable information has been deleted. *See* 34 CFR 300.513(d) and 514(c).
- (g) consult with the state regarding the availability of a free appropriate public education to all eligible children in the state in the event the state wishes to request a waiver of the non-supplant requirement. *See* 34 CFR 300.164(c)(4).

Section 4

The CSEAC has certain specified duties set out under the ECEA. The CSEAC shall review areas of oversight and shall, at its discretion, advise the SBE and the CDE on issues, concerns and proposed resolutions relating to:

- (a) minimum standards for administrative units, state-operated programs, approved facility schools, and personnel insofar as such matters relate to children with disabilities;
- (b) criteria for determining disability and eligibility for special education services;
- (c) procedures regarding the identification of children with disabilities, including but not limited to Part C Child Find and Part B Child Find Activities;
- (d) requirements for parental consent, including but not limited to parental consent for the evaluation of children with disabilities and the initial provision of special education services;
- (e) required Individualized Education Plan (IEP) content and procedures for IEP development, review, and revision;
- (f) application of school discipline procedures to children with disabilities;
- (g) required procedural safeguards;
- (h) procedures for special education dispute resolution;
- (i) extended school year services; and
- (j) requirements pursuant to the IDEA regarding children with disabilities who are enrolled in private schools.

Section 5

The CSEAC shall prepare annually a report for presentation to and consideration by the SBE. This report shall be of a structure and content to be decided by the CSEAC.

ARTICLE III

Membership

Section 1

The membership of the CSEAC shall comply with federal and state special education laws and their implementing rules and regulations. (20 U.S.C. 1412 (a) (21) (B) and (C); Colo. Rev. Stat. 22-20-104 (2) (a),

respectively). The majority of members shall be individuals with disabilities or parents of children with disabilities. The use of the terms —“disability” and —“parent” shall be consistent with the definitions contained in federal and state special education regulations. (34 C.F.R. §§ 300.7 and 300.20; 1 CCR 301-8, 2220-R-2.02 and 2.07, Rules for the Administration of the Exceptional Children’s Education Act, respectively). The CSEAC is committed to seeking and retaining diversity in its membership.

Section 2

Appointments to the CSEAC must be representative of the State population and include individuals involved in, or concerned with the education of children/youth with disabilities including:

- parents of children/youth with disabilities (ages birth through 26);
- individuals with disabilities;
- teachers;
- 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.*);
- administrators of programs for children with disabilities; and
- representatives from:
 - institutions of higher education that prepare special education and related services personnel;
 - other state agencies involved in the financing or delivery of related services;
 - private schools and public charter schools;
 - not less than 1 (one) representative of a vocational, community or business organization concerned with the provision of transition services to children with disabilities;
 - the Division of Youth Corrections and the Department of Corrections;
 - the Colorado Department of Human Services, Child Welfare Division; and
 - the Colorado Parent Training and Information Center.

Section 3

All members of the CSEAC shall be appointed by the SBE following the recommendation of the CSEAC as proposed by the Membership Subcommittee. Each new member must attend an orientation prior to becoming an active member.

- Section 4 Members may be appointed for successive terms, not to exceed three (3) terms nor more than six (6) years or until a replacement is appointed, but not longer than one additional year for a total of seven.
- Section 5 The term of appointment shall be for approximately two (2) years, commencing at the first official meeting following their appointment by the SBE and terminating on the last day of the month in which new/renewal appointments are made, approximately two (2) years later.
- Section 6 Unexpired vacancies shall be filled by appointments of the CSEAC Co-Chairs with the confirmation of the Executive Director of the Exceptional Student Services Unit of the CDE.
- Section 7 Members shall, when appointed, meet one or more of the eligibility criteria identified in Section 2, above. For the purposes of assessing the CSEAC's compliance with the membership obligations identified in federal and state laws, members shall be deemed to retain the same eligibility criteria through their term on the CSEAC. If a member's status changes during an initial term on the CSEAC, that member's candidacy shall be reviewed anew prior to serving a subsequent term.
- Section 8 If a current member is at the end of their third term, but that member qualifies in another vacancy category, that person can apply under the following conditions:
- the application would be submitted among other candidates in that new category;
 - unlike a new member approval, if the member whose term expires is selected for another category, it would be considered an extension, not a new member;
 - the extension would be for one two-year term.
- Section 9 Advice and guidance of the CSEAC to other organizations and individuals should be communicated by the Executive Committee or the State Director of Special Education. No individual member shall speak on behalf of the CSEAC without authorization of the CSEAC. When a member is authorized to speak on behalf of the CSEAC, that member must identify themselves to the audience as representing the CSEAC.

ARTICLE IV

Meetings

- Section 1 The time and place of regular meetings shall be determined annually by the Executive Committee (as defined below) in conjunction with the CDE. The annual schedule of regular meetings shall be at least five meetings

each year, with the summer meeting serving as the Annual Planning meeting.

- Section 2 Members of the CSEAC shall be notified by first class mail or electronic mail of the time and place of regular meetings at least ten (10) days prior to the time of the meeting.
- Section 3 Minutes of each meeting shall be sent by first class mail or electronic mail within two weeks of the meeting. All documents distributed at each meeting will be sent to each absent member by mail or electronic mail within two weeks of the meeting.
- Section 4 Members must attend and remain for the duration of at least three of the five regularly scheduled meetings during one 12-month period and may not be absent for more than two (2) consecutive meetings without just cause. Such absences may result in termination as a member of the CSEAC.
- Section 5 A quorum for regular meetings shall consist of thirty percent (30%) of the CSEAC. Formal decision-making shall require a majority vote of the quorum.
- Section 6 Either of the Co-Chairs may invoke Robert's Rules of Order as necessary to the conduct of meetings.
- Section 7 During times when travel to meetings may not be feasible because of natural disasters, weather or health concerns or other factors, the CSEAC can conduct business meetings virtually through videoconferencing or teleconferencing, as determined by the Executive Committee. Notice will be given as early as possible, recognizing that in such cases, advance notice may not be possible. The meeting will remain open to the public and subject to Colorado Open Meeting requirements in the same manner as if the meeting were held in person.

ARTICLE V

Officer, Terms and Duties

- Section 1 Elected Officers of the CSEAC shall be two Co-Chairs and one Co-Chair-elect. One of the two Co-Chairs each year must be a member who is a parent representative, as defined in Article III, Section 1 of these Bylaws.
- Section 2 A Co-Chair-elect shall be elected by a majority of members present at the Annual Planning meeting.

- Section 3 Each Co-Chair shall serve for a two-year term commencing at the beginning of the Annual Planning meeting the year following their election as Co-Chair-elect.
- Section 4 The Co-Chairs shall call and preside at all meetings and shall appoint all *ad hoc* subcommittees and task forces as may be determined.
- Section 5 The Co-Chair-elect shall serve in the absence of a Co-Chair.
- Section 6 The Co-Chair-elect shall become the Co-Chair of the CSEAC at the Annual Planning meeting the year following election as Co-Chair-elect.
- Section 7 The Executive Committee of the CSEAC shall consist of the Co-Chairs, the Co-Chair-elect, the Chairs of the standing subcommittees and the immediate Past Chair/Co-Chairs of the CSEAC.
- Section 8 The standing subcommittees shall be (1) Membership, (2) Meaningful Parent Involvement and Engagement/Communications, and (3) Student Outcomes. Ad Hoc committees may be formed pursuant to Article V, Section 4. All members of the CSEAC shall be members of at least one subcommittee. For the avoidance of doubt, membership on the Executive Committee shall be deemed to comply with the obligation to be a member of a subcommittee.
- Section 9 Secretarial services shall be provided by the CDE and a secretary shall be present at all regular meetings.
- Section 10 Additional non-voting representatives from the CDE, Exceptional Student Services Unit may be present at all regular meetings.

ARTICLE VI

Amendments

- Section 1 Proposed amendments must be submitted in writing to the members at least fifteen (15) days prior to the scheduled regular meeting.
- Section 2 These Bylaws may be amended by majority vote of the members present at that regular meeting.

This edition of the Bylaws was compiled from the versions published March 7, 1982; the amendments published in the minutes of the meeting of March 23, 1983; the amendments adopted at the meeting of August 15, 1984; the amendments adopted at the meeting of February 19, 1986; the amendments adopted at the meeting of February 8, 1995; the amendments adopted at the meeting of May 8, 1996; the amendments adopted at the

meeting of January 22, 1998; the amendments adopted at the meeting of January 21, 1999; the amendments adopted at the meeting of January 13, 2000; the amendments adopted at the meeting of September 23, 2004; the amendments adopted at the meeting of April 21, 2005; the amendments adopted at the meeting of November 18, 2010; the amendments adopted at the meeting of February 19, 2015; the amendments adopted at the meeting of April 20, 2017 and the amendments adopted at the meeting of September 17, 2020.