

**BY-LAWS**  
**IDEA ADVISORY COMMITTEE**  
**Revised – March 2024**

**Article I**

*Name*

Section 1. The name of the organization shall be the North Dakota Individuals with Disabilities Education Act (IDEA) Advisory Committee hereinafter called the Advisory Committee.

**Article II**

*Purpose*

Section 1. It is the purpose of the Advisory Committee to make recommendations and to advise the Department of Public Instruction concerning the administration of, preparation of general regulations for, and evaluation of Special Education programs in the state. This shall include but not be limited to:

- A. Advise the Department of Public Instruction of unmet needs within the state in the education of children with disabilities.
- B. Comment publicly on:
  - a. Eligibility Requirements document submitted under IDEA.
  - b. Rules and regulations proposed for issuance by the state regarding the education of children with disabilities and the procedures for distribution of IDEA funds.
  - c. Assisting the state in developing and reporting information and evaluations to determine the effectiveness of the Eligibility Requirements document.
- C. Review the results of due process appeals and complaints.
- D. Appoint, review, and act upon reports from subcommittees.
- E. Help in early identification of issues.
- F. Submit an annual report of Advisory Committee activities and suggestions to the Department of Public Instruction.
- G. Advise the Department of Public Instruction on development of corrective action plans.
- H. Advise the Department of Public Instruction on development/implementation of policies relating to coordination of services.
- I. Advise on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons.
- J. Advise the Department of Public Instruction in developing evaluations and reporting on data to the Secretary under section 618 of the Act.
- K. Appoint an Executive Committee consisting of five total members (to include the chairperson, the vice-chairperson, and three additional members chosen by the chairperson) for the purpose of advising the department on time sensitive issues.

Section 2. The Advisory Committee provides for representation and statewide participation in decision-making related to the education of children with disabilities by receiving input and making recommendations to the Department of Public Instruction. Through this activity, the Advisory Committee serves as liaison between the statewide populace and the Department of Public Instruction.

### **Article III**

#### ***Membership***

Section 1. All members of the Advisory committee shall be appointed by the Superintendent of Public Instruction. Appointments shall be for three year terms commencing on July 1 with staggered terms as determined by the Advisory Committee List. Members may serve up to two consecutive term unless the agency does not have another representative. Members may serve multiple terms but must take a three year break (one term).

Section 2. Unexpired term vacancies shall be filled by appointment of the State Superintendent.

Section 3. The voting membership of the Advisory Committee shall include persons representing:

- A. Individuals with disabilities (minimum of 2 members appointed)
- B. Parents of individuals with disabilities, ages birth through 26  
(Note: The combined membership in Items A & B must be a majority of the total members.)
- C. State and local education officials, community or business (3 members appointed; one representing vocational, community or business organization concerned with transition services and one who carries out activities under the McKinney – Vento Homeless Act.)
- D. Special Education administrative representatives (2 members appointed)
- E. Teachers (3 members appointed)
- F. State agency representatives (2 members appointed; one state agency must be involved in financing or delivery of related services and one representative from a child welfare agency responsible for foster care.)
- G. Higher Education representatives (1 member appointed)
- H. Member at large (consumer/advocate groups) (1 member appointed)
- I. Representative of private and charter schools (1 member appointed)
- J. Representative of juvenile and adult corrections agency (1 member appointed)

Section 4. Non-voting membership of the Advisory Committee shall include individuals from the Department of Public Instruction who serve in an advisory capacity to the committee.

### **Article IV**

#### ***Meetings***

Section 1. The time and place of regular meetings shall be determined by the Chairperson and the Department of Public Instruction. At least two regular meetings shall be held per year.

Section 2. Special meetings may be called as deemed necessary. A minimum of four voting

members of the Advisory Committee may petition the chairperson for a special meeting.

- Section 3. Members of the Advisory Committee shall be reminded by mail of the time and place of meetings at least thirty (30) days prior to the time of the meeting.
- Section 4. A quorum of the Advisory Committee shall be the voting members present with at least five (5) of the membership categories represented.
- Section 5. Members must attend at least one-half of the regularly scheduled meetings during the three year term to remain eligible for reappointment, unless excused. A member not able to attend a meeting should contact the Department of Public Instruction to be excused. A member may send a substitute in his/her place with a written proxy for the meeting and the substitute will have voting privileges on official business. Upon the discretion of the special education director and the chair that if you have more than one unexcused absence the member will be notified and another individual may be appointed to serve that role on the committee.
- Section 6. Expenses to attend regular and special meetings of the Advisory Committee will be paid by the Department of Public Instruction for voting members at the same rate as state employees.

## **Article V**

### ***Officers, Terms and Duties***

- Section 1. Formal action of the Advisory Committee shall be conducted by Roberts Rules of Order (Revised).
- Section 2. Elected officers of the Advisory Committee shall be a chairperson and vice chairperson. These officers shall be elected by the Advisory Committee for one year terms commencing July 1 each year.
- Section 3. The Department of Public Instruction will provide secretary service for the Advisory Committee.
- Section 4. The chairperson in coordination with the Department of Public Instruction shall call and preside at all meetings and shall appoint all standing committees and study committees as determined to be necessary.
- Section 5. The vice chairperson shall serve in the absence of the chairperson and in the absence of both chairperson and vice chairperson, the members of the Advisory Committee present at that meeting will designate someone from the committee to run the meeting if the Chair and Vice Chair were absent.
- Section 6. Officers of the Advisory Committee may not serve more than two consecutive years in the same position.

## **Article VI**

## *Amendments*

Section 1. These By-Laws may be amended by two-thirds (2/3) majority vote of the members.

Section 2. Amendments must be submitted in writing to the members at least thirty (30) days prior to the vote.