



By-Laws

of the

Governor's Advisory Council for Exceptional Citizens

**Governor’s Advisory Council for Exceptional Citizens
BY-LAWS**

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ARTICLE I -- NAME

Section 1

The name of this Council shall be the Governor's Advisory Council for Exceptional Citizens, hereafter referred to as the "Council".

ARTICLE II -- AUTHORITY

Section 1

The legal authority of this Council in the state of Delaware is [14 Del. C. § 2408](#) and [14 Del. C. § 3111](#).

Section 2

The Council also shall serve in the capacity of the state Advisory Panel as required by the federal Individuals with Disabilities Education Act (IDEA) ([20 U.S.C § 1412\(a\)\(21\)](#)).

ARTICLE III -- PURPOSE AND DUTIES

Section 1

The Council shall be an advocate for the resolution of the unmet needs of residents with exceptionalities in the State of Delaware.

Section 2

The Council shall advise the Delaware Governor, General Assembly, State Board of Education, Department of Education, Department of Correction, and other agency heads, as appropriate, on the unmet needs of Delaware's residents with exceptionalities and/or on the progress of local or state agencies responsible for providing education and related services to Delaware's residents with exceptionalities.

Section 3

The Council shall review and comment publicly on any legislation, regulations, manuals, plans, or distribution of funding that affect Delaware residents with exceptionalities proposed by the Delaware Department of Education (DDOE) and other agencies. The Council shall recommend legislation that positively affects Delaware's residents with exceptionalities, as needed.

Section 4

The Council shall advise the State in developing evaluations and reporting required information to the U. S. Secretary of Education and the Office of Civil Rights under [20 U.S.C. § 1418](#) and [29 U.S.C. § 794](#). This assistance shall include evaluating education programs, services and activities in the state and publishing the results with recommendations to the state executive and legislative branches and to DDOE and other state agencies with interests in and responsibilities for Delaware's residents with exceptionalities.

Section 5

The Council shall advise the State in developing and implementing policies related to the coordination of services for children with disabilities.

Section 6

The Council shall advise the State in developing and implementing corrective action plans to address findings identified in Federal monitoring of compliance with the requirements of IDEA.

Section 7

The Council shall review all final due process officer findings and decisions that pertain to IDEA and advise DDOE as necessary.

Section 8

The Council shall submit an annual report of Council activities to the Governor, General Assembly, and DDOE. This report shall be made available to the public.

Section 9

The Council may obtain the services of such personnel as may be necessary to enable it to carry out its duties that are set forth under Article III.

ARTICLE IV -- MEMBERSHIP

Section 1

Members shall be appointed by the Governor, or any other official authorized under State law to make such appointments, and shall serve at the pleasure of the Governor.

Section 2

- (a) *General.* The membership of the Council must be representative of the State population and must comply with federal membership requirements as the State Advisory Panel ([Sec § 300.168](#)): Membership shall be composed of individuals involved in or concerned with the education of children with disabilities, including:
 1. Parents of children with disabilities (ages birth through 26)
 2. Individuals with disabilities
 3. Teachers
 4. Representatives of institutions of higher education that prepare special education and related services personnel.
 5. 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](#));
 6. Administrators of programs for children with disabilities.
 7. Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities.
 8. Representatives of private schools and public charter schools.
 9. Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities.
 10. A Representative from the State child welfare agency responsible for foster care; and

11. Representatives from the State juvenile and adult corrections agencies.

(b) *Special Rule.* A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (ages birth through 26).

(c) *Other Optional Positions.*

1. Other interested members of the public, including guardians and relatives of children and young adults with disabilities.
2. Former state and local education officials.
3. Former recipients of special education services.

Section 3

Members shall volunteer their service on the Council without pay but shall be reimbursed for all reasonable travel expenses incurred in the performance of their Council duties, to the extent allowable by State law.

Section 4

The Council may recommend removal of a member from the Council to the Governor for cause, including misfeasance, nonfeasance, malfeasance, misconduct, conduct that is detrimental to the Council, or lack of attendance or active participation as outlined in Article XI. Before recommending removal, the Council shall provide the member an opportunity to resign from the Council. Evidence of “lack of attendance or active participation” shall include, but not be limited to, failure to: read assigned materials in preparation for Council meetings, complete assigned work in preparation for Council meetings, engage in Council discussions in face-to-face or online meetings, make meaningful contributions in Council meetings, volunteer for Council initiatives, and respond to Council requests for opinions and feedback.

ARTICLE V -- OFFICERS

Section 1

The roles of Officers of the Council shall be:

- a) the Chair,
- b) the Vice-Chair, and
- c) the Immediate Past-Chair

The persons holding these roles shall be members in good standing for at least one (1) year.

Section 2

The Chairperson shall:

- a) Oversee the operation of the Council office and staff.
- b) Preside at all meetings of the Council and at all meetings of the Leadership Committee.
- c) Appoint specific Council members to officially represent and speak for the Council to specific persons or groups, such as the media, staff of state agencies, legislators, and staff of other councils or organizations. Such appointments shall be announced at the next Council meeting after the appointment is made, shall be documented in meeting minutes, and shall expire at the end of each fiscal year.

- d) Invite and appoint members to serve on Council standing committees.
- e) Create Council ad hoc committees and appoint the members of ad hoc committees; and
- f) Serve as an ex-officio non-voting member of all Council committees except the Nominating Committee.

Section 3

The Vice-Chairperson shall preside in the absence of the Chairperson and shall assist the Chairperson as requested. If the Chairperson is unable to complete the term, the Vice-Chairperson shall succeed and become the Chairperson until the expiration of the current term, with all rights, privileges, and duties of the position.

Section 4

The Vice-Chairperson shall assist the Chairperson as requested by the Chairperson.

Section 5

The Immediate Past Chairperson shall have specific responsibilities delegated by the Chairperson and shall have full voting rights.

Section 6

An Officer may be removed from their role by a two-thirds (2/3) majority vote of the Council for conduct that is detrimental to the Council.

ARTICLE VI -- LEADERSHIP COMMITTEE

Section 1

The Leadership Committee shall consist of the Chairperson, Vice Chairperson, Immediate Past Chairperson, each Standing Committee Chairperson or their designee, and no more than two (2) other members of the Council who are elected (see Article VIII) to the Leadership Committee by the Council (hereafter referred to as "At-Large" Leadership Committee members).

Section 2

At the discretion and approval of the Council, the Leadership Committee may be empowered to conduct the business of the Council between Council meetings and shall meet as needed. Such approval expires every June 30 and shall be revisited by the Council for possible renewal prior to that date.

Section 3

At any meeting of the Leadership Committee, a simple majority of the total Leadership Committee membership shall constitute a quorum to transact business. A simple majority of the Leadership Committee members who are present shall be required for action. However, the minimum number of votes for a prevailing vote for action on any issue is four (4).

Section 4

A member of the Leadership Committee shall have only one (1) vote on any action at any meeting of the Leadership Committee.

Section 5

The Leadership Committee shall interview and then nominate lay due process hearing panelists to DDOE when applicants are submitted to the Leadership Committee by the Policy and Law Committee.

Section 6

A member of the Leadership Committee may be removed from the Leadership Committee by a two-thirds (2/3) majority vote of the Council for conduct that is detrimental to the Council.

Section 7

Meetings of the Leadership Committee shall be open to the general Council membership and the public, except when meeting in “executive session”, in conformity with [29 Del. C. §10004](#). The Leadership Committee must vote in a public meeting to go into “executive session” and must state the purpose for the executive session.

ARTICLE VII -- COMMITTEES

Section 1

Standing Committees are the primary organizational structures for performing the work of the Council. With guidance by the Chairperson, members may self-select the specific committee(s) on which they serve. Under circumstances of particular need, the Chairperson may appoint a member to serve on a specific committee.

Section 2

Standing Committees are hereby established for the following areas of concern with the following responsibilities:

Administrative Committees

Membership – Monitor the Council membership, assess the member experience on Council, review membership applications, and make recommendations on membership appointments to the Governor with the aim of maintaining a Council membership that meets the requirements of the State of Delaware, IDEA, the Council By-Laws, and the Council membership criteria. Take affirmative steps to recruit new members, as needed, who reflect the diversity of persons with exceptionalities and their families. Advise the Council and Governor on membership requirements.

Personnel – Assist with writing job descriptions for Council staff positions and with screening, interviewing, and hiring job applicants. Handle personnel matters that involve Council staff.

Issues Committees

Policy & Law – Analyze federal, state, and local legislation, regulations, and policies that impact persons with exceptionalities in Delaware and submit recommendations for action to the

Council. Recommend lay due process hearing panelists to the Leadership Committee for nomination to DDOE.

Infant & Early Childhood – Monitor and review national, state, and local issues related to children from birth to 5 years with exceptionalities and submit recommendations for action to the Council.

Children & Youth – Monitor and review national, state, and local issues related to children and youth from age 5 to 26 years with exceptionalities and submit recommendations for action to the Council.

Adult & Transition Services – Monitor and review national, state, and local issues related to emerging adults and persons age 14 years to end of life with exceptionalities and submit recommendations for action to the Council. Advise the Delaware Department of Correction (DOC) on the provision of services to incarcerated persons with disabilities in the joint DDOE/DOC prison education program. Invite qualified persons with exceptionalities to submit applications for membership on the Council to the Governor.

Section 3

Any Standing Committee may remove a member serving as its Chairperson or Vice-Chairperson from their role by a two-thirds (2/3) vote of all of the members of the Committee for conduct that is detrimental to the Committee or the Council.

Section 4

Actions by a Standing Committee are not binding until approved at a meeting of the Leadership Committee or the full Council.

Section 5

When approved by its membership, a Standing Committee may make a motion to the Council to establish a subcommittee, as necessary, to assist in conducting the committee's responsibilities or special projects. If the motion is approved by the Council, the Chairperson of the Standing Committee shall appoint a Standing Committee member to chair its subcommittee. Subcommittees shall follow all of the same guidelines that the Standing Committees follow.

Section 6

The Council Chairperson may establish ad hoc committees, as needed, and their members shall serve at the pleasure of the Council Chairperson. The Chairperson shall appoint a Council member to chair an ad hoc committee. Ad hoc committees shall follow all the same guidelines that the Standing Committees follow.

ARTICLE VIII – ELECTIONS AND TERMS OF OFFICE

Section 1

A Nominating Committee for the positions of Chair, Vice-Chair, and At-Large Leadership Committee members shall be appointed by the Chairperson by December. The Nominating

Committee must secure a slate of nominees for presentation to the Council at the April monthly meeting. Each nominee must be a member in good standing for at least one (1) year and must have agreed to serve if elected. Additional nominations may be made from the floor, as long as a nominee agrees to serve if elected. Elections for these positions must be held at the April meeting.

Section 2

The term of all Officer positions shall be for two (2) years and shall begin July 1, with staggered elections for the Chair and Vice-Chair. The Chairperson and the Vice-Chairperson shall serve until their successors are elected. The Chairperson and the Vice-Chairperson may be re-elected and may serve consecutive terms.

Section 3

If the Chairperson is unable to complete the term, the Vice-Chairperson shall succeed and become the Chairperson until the expiration of the current term, with all the rights, privileges, and duties of the position. If the Vice-Chairperson is unable to complete the term, the Chairperson shall be empowered to appoint another eligible Council member to serve in that role until the expiration of the current term, with all the rights, privileges, and duties of the position.

Section 4

The terms of the At-Large Leadership Committee members who are elected by the Council shall be for two (2) years and shall begin July 1 on alternating years.

Section 5

Each Standing Committee shall elect its Chairperson and Vice Chairperson annually at the April monthly meeting. The persons elected to those Committee positions must be Council members in good standing and be members of the committee. The formal nominations and votes for those positions must be recorded. The term of office for these positions shall be one (1) year and shall start July 1. A Committee Chairperson and Vice-Chairperson may be re-elected and may serve consecutive terms.

ARTICLE IX -- MEETINGS

Section 1

The Council shall meet every month except July, August and December unless otherwise voted on by the Council. The purpose of the meetings shall be for conducting the work necessary to fulfill the Council's responsibilities specified under its Federal and state mandates and achieve the Council's mission. This work includes but is not limited to electing officers, adopting annual goals and objectives, reviewing and adopting budgets, reviewing and approving financial reports, and receiving and acting upon committee reports.

Section 2

Advance notice and a proposed agenda of each Council meeting shall be provided to members and the public.

Section 3

Meetings of the Council must be open to the public, except when meeting in “executive session”, in conformity with [29 Del. C. §10004](#). The Council must vote in a public meeting to go into “executive session” and must state the purpose for the executive session.

Section 4

At any meeting of the Council, a simple majority of the total active Council membership shall constitute a quorum to transact business. A simple majority of the members who are present shall be required for action.

Section 5

To make Council meetings more accessible to its members and the public, the Council shall use virtual meetings when appropriate and feasible to do so. When the Council meets in person, it also shall provide a virtual option for members and the public, when appropriate and feasible to do so. When the Council holds a virtual meeting, the meeting shall comply with all requirements in [29 Del. C. § 10006A](#).

ARTICLE X -- EXECUTIVE DIRECTOR

Section 1

The Executive Director shall manage the other Council staff and the day-to-day business of the Council, shall execute the decisions of the Council, and shall recommend initiatives, policies, and procedures to the Officers, the Leadership Committee, and the other members to efficiently and effectively achieve the Council’s goals. This includes but is not limited to preparing for and coordinating Council monthly meetings, Leadership Committee meetings, and the annual retreat and constructing and editing drafts of Council monthly meeting minutes, monthly Executive Director reports, official letters, annual reports, and advisement reports to DDOE and other agencies. This also includes preparation of drafts of the Council’s annual budget and monthly financial reports.

Section 2

At the discretion and approval of the Council, the Executive Director may represent the Council in meetings with legislators, representatives of the Delaware Department of Education and other agencies, and stakeholders and may have the authority to act on behalf of the Council when prompt action is necessary. Under such circumstances, the Executive Director shall submit a report of that action to the Chairperson and other members of the Leadership Committee within a reasonable time after that action is taken.

ARTICLE XI -- MEMBER AND STAFF PROTOCOLS

Section 1

Members shall attend and actively participate in regularly scheduled Council meetings, Leadership Committee meetings (if a member), and meetings of the Committees to which they

belong. Prior to any meeting, members shall complete any assigned readings and/or other work to actively participate in and make meaningful contributions to the meeting.

Section 2

If unable to attend any scheduled meeting referenced in Section 1 above, a member shall notify the Council Office as early as possible.

Section 3

A member who knows in advance that they will not be able to attend three (3) or more consecutive Council, or Leadership Committee (if a member), or other Committee meetings or a total of five (5) or more of any of those meetings in twelve (12) months, may request, in writing an official “leave of absence” for no longer than one (1) year, starting from the date of the request. The request shall be voted on by the Council and, if approved, the member shall be placed on “inactive” status for the time requested. A member may request a leave of absence for up to one (1) year no more than two (2) different times. A member on “inactive” status shall still be counted in the total number of members when determining if a quorum is present at a meeting.

Section 4

If a member misses three (3) or more consecutive Council, or Leadership Committee (if a member), or Committee meetings in one Delaware fiscal year or five (5) or more of any of those meetings in twelve (12) consecutive months without just cause in the judgment of the Membership Committee, the Membership Committee may recommend to the Chairperson to request the member’s resignation from the Council, followed by a letter from the Chairperson to the Governor recommending that the Governor terminate the person’s appointment to the Council.

Section 5

Except for the Chairperson or their designee, no member shall represent or speak for the Council or a Committee when in contact with the media, any member of local or state government, any member of any other council or organization or at any public or private meeting. In their spoken or written communications, members shall strive to avoid creating the perception that they are speaking as a “voice” of the Council. This shall include, when appropriate, stating clearly that “I am not speaking for the Council or as a member of the Council.” However, each member may represent herself or himself with the media, local or state government, or at any public or private meeting.

Section 6

When the Leadership Committee or the Council is taking action on an issue, members shall recuse themselves from voting whenever they have a personal conflict of interest or there is a reasonable perception of a conflict of interest on that issue.

Section 7

Members and staff shall act in a civil manner at all times during Council, Leadership Committee, and other Committee meetings. Members are “honorary state officials” as that term is defined at

[29 Del. C. § 5804\(6\)](#) and are bound by the Delaware Code of Conduct found at [29 Del. C. § 5806](#).

ARTICLE XII -- AMENDMENTS

Section 1

These By-Laws may be amended by a proposed amendment presented at a regular or special meeting of the Council. Proposed amendments shall be circulated to all members at least seven (7) days prior to the meeting at which they will be considered. A three-fifths (3/5) majority vote of members present shall be required for passage.

Revised: June 1978, October 24, 1978, May 25, 1982, October 15, 1987, January 19, 1988, March 29, 1994, October 25, 1994, January 31, 1995, February 27, 1996, April 25, 2000, May 18, 2004, June 20, 2006, October 2013, April 2016, January 17, 2023.