

# Gifted Advisory Council Bylaws and Operating Procedures

## Article I. Statement of Purpose and Authority

The Gifted Advisory Council (the “Council”) was established by the Director of the Department of Education and Workforce pursuant to Ohio Administrative Code [3301-51-15](#). The purpose of the Council is to explore the development and implementation of state policies that affect identification, instruction, professional supports, and leadership for gifted education. The Gifted Advisory Council has the following duties and responsibilities under Ohio Administrative Code 3301-51-15:

- Represent a variety of stakeholders from diverse regions of the state, including parents, general and gifted educators, administrators, and others as determined by the Director of the Department of Education and Workforce;
- Assist in the development and updating of a department-approved plan for gifted education in Ohio;
- Advise on policy recommendations;
- Consult on a performance indicator pursuant to section 3302.02 of the Revised Code; and
- Establish criteria for identifying and recognizing schools, districts, and other educational providers that demonstrate an exemplary ability to serve students who are gifted.

Members of the Council have authority only when acting as a Council legally in session pursuant to Ohio Revised Code [121.22](#) or [121.221](#). The Council cannot be bound by any statements or actions of individual members.

## Article II. Members

### SECTION 1. ROLE OF THE OHIO GIFTED ADVISORY COUNCIL MEMBERS

The members of the Council do not receive compensation for their services. Recognizing that membership on the Council is an additional responsibility, members of the Council are expected to do the following:

- Promote the vision and mission of the Council;
- Maintain high standards of personal and professional conduct in executing the Council’s business;
- Represent the views of their assigned role and constituency;
- Express views, opinions, and concerns openly and honestly;
- Act as responsible and fair liaisons to their constituency;

- Attend all meetings of the Council;
- Be as fully prepared as possible for meetings by reading, reviewing, and reflecting on materials distributed;
- Work collaboratively with all other members of the Council;
- Take on additional responsibilities of the Council, such as participating in ad hoc committees, representing the Council at meetings/conferences, attending additional meetings, developing intermediate work projects, or other tasks; and
- Engage in decision making processes that are: participatory and where all voices are given credence, based on solid evidence and reason, arrived at through vigorous inquiry and deliberation, and provide opportunities for all relevant and valid information to be considered.

## **SECTION 2. TERMS OF MEMBERSHIP**

The terms of membership shall be as follows:

- Each member shall serve a term for three years that will expire on June 30 of the third year, except if extended due to election as an Officer of the Council, as established in Article III, Section 5.
- Eligible members in good standing may reapply for membership through the Department’s application process, as established in Article II, Section 3. There are no term limits.
- Council members are expected to attend all meetings for the length of their tenure in order to represent their constituency and assigned role and to enhance the effectiveness of the Council. The number of meetings may vary each year. Therefore, Council members are expected to attend a majority of all scheduled meetings (e.g. two of three meetings or three of four meetings, etc.). The Department staff liaison will notify members who reach the maximum number of missed meetings and will also verify interest and ability to serve as a Council member. One additional absence in a school year may result in dismissal from the Council.
- Should Council members be unable to participate in a meeting, it is their responsibility to notify the Department staff liaison of their anticipated absence. Notification is requested as early as possible. Council members may not send substitutes or designees to meetings that they are unable to attend.

## **SECTION 3. MEMBERSHIP**

Council members are selected through an application process established by business rules set forth by the Department of Education and Workforce. The Department will open an application window for Council membership annually and solicit applicants that represent a variety of stakeholders from diverse regions of the state, including parents, general and gifted educators, administrators, and others as determined by the Director of the Department. Eligible applicants must reside within the state of Ohio, and either be the parent of a current K-12 Ohio student who is gifted or currently employed by an Ohio school district or education

institute or organization (e.g. Educational Service Center, State Support Team, Institute of Higher Education, etc.). This process will be reviewed by the Chair, as defined in Article III, Section 2, below.

If at any time during their term a member of the Council no longer satisfies the criteria above, then they will either resign or be terminated pursuant to Article II, Section 4, below.

## **SECTION 4. RESIGNATION AND TERMINATION**

Council membership may end prior to the end of a term of service when the following occurs:

- The member sends a letter of resignation to the Council Chair and Department staff liaison;
- The member does not attend a majority of meetings in one fiscal year; or
- The member is removed from the Council for any other permissible basis.

A resignation shall take effect on the date of receipt of the notice. Unless otherwise specified in the notice, the acceptance of the resignation shall not be necessary to make it effective. When a Council member resigns or is removed, the position will remain vacant until the next membership application cycle. Any member whose membership was terminated will not be eligible to reapply to the Council.

## **SECTION 5. STANDING MEMBERS**

Membership shall also include a representative of the Ohio Association for Gifted Children and may include other similar state-wide advocacy organizations for gifted education upon approval of the Department. Standing members cannot run for office but may vote on Council matters. Each state-wide advocacy organization must appoint a representative for each fiscal year. If an appointed representative cannot attend a meeting, a substitute or designee may attend the meeting in their place. Standing members are only on the Council during the pendency of their employment and/or affiliation with the state-wide advocacy organization they are appointed to represent.

# **Article III: Officers**

## **SECTION 1. GENERAL PROVISIONS**

The Officers of the Council shall be a Chair, a Chair-Elect, and a Past Chair. The Chair, Chair-Elect, and Past Chair must be members of the Council, but may not be standing members pursuant to Article II, Section 5.

## **SECTION 2. CHAIR**

The Chair has the following responsibilities:

- Call to order all meetings of the Gifted Advisory Council;
- Preside at all meetings at which he or she is present;
- Assist the Department of Education and Workforce with developing and setting the agenda for Council meetings;
- Appoint ad hoc committees of the Gifted Advisory Council in consultation with the Department of Education and Workforce;
- Represent the Council as a co-presenter with the Department of Education and Workforce staff on webinars, conferences, or meetings on topics related to the Council or in any other situation agreed upon and in consultation with the Department of Education and Workforce; and
- Assume the role of Past Chair upon the expiration of the Chair's term if still a member in good standing.

### **SECTION 3. CHAIR ELECT**

The Chair Elect has the following responsibilities:

- Call the roll at all meetings of the Gifted Advisory Council;
- Assume the duties of the Chair at meetings of the Gifted Advisory Council in the absence of the Chair;
- Assist the Department of Education and Workforce with developing and setting the agenda for Council meetings;
- Represent the Council as a co-presenter with Department staff on webinars, conferences, or meetings on topics related to the Council and in any other situation agreed upon and in consultation with the Department of Education and Workforce; and
- Assume the role of Chair upon either the expiration of the Chair's term or the resignation of the Chair if still a member in good standing.

### **SECTION 4. PAST CHAIR**

The Past Chair has the following responsibilities:

- Serve as a resource person to Council members and provide assistance to new members;
- Provide transition to the new Chair;
- Assume the duties of the Chair at meetings of the Gifted Advisory Council in the absence of both the Chair and Chair Elect;
- Assume the duties of the Chair Elect at meetings of the Gifted Advisory Council in the absence of the Chair Elect;
- Assist the Department of Education and Workforce with developing and setting the agenda for Council meetings; and
- Represent the Council as a co-presenter with Department staff on webinars, conferences, or meetings on topics related to the Council and in any other situation agreed upon and in consultation with the Department of Education and Workforce.

## SECTION 5. TERMS OF OFFICE

### *A. Terms of Office for the Chair*

The Chair of the Council shall hold office at the pleasure of the Council for a one (1) year term beginning July 1 and ending June 30 of the fiscal year for which the member was elected, pursuant to Section 8 below. The Chair shall assume the duties of the Past Chair immediately following the end of their term as Chair. The Chair is a member of the Council through their term as Chair. If the Chair's term of membership is set to expire at the end of their term as Chair, their term of membership will be extended for one (1) year through their term of office as Past Chair and can reapply at the end of that term of office.

### *B. Terms of Office for the Chair Elect*

The Chair-Elect of the Council shall hold office at the pleasure of the Council for a one (1) year term beginning July 1 and ending June 30 of the fiscal year for which the member was elected, pursuant to Section 8 below. The Chair Elect shall assume the duties of the Chair in the year immediately following the end of their term as Chair Elect or upon the resignation of the Chair. The Chair Elect is a member of the Council through their term as Chair Elect. If the Chair Elect's term of membership is set to expire at the end of their term as Chair Elect, their term of membership will be extended for two (2) years through their term of office as Chair and Past Chair and can reapply at the end of that term of office.

### *C. Terms of Office for the Past Chair*

The Past Chair of the Council shall hold office at the pleasure of the Council for a one (1) year term beginning July 1 and ending June 30 of the fiscal year immediately following the end of their term as Chair. The Past Chair is a member of the Council through their term as Past Chair. If the Past Chair's term of membership is set to expire prior to their term as Past Chair, their term of membership will be extended pursuant to the sections above and can reapply at the end of the term of office as Past Chair.

## SECTION 6. VACANCIES

### *A. Vacancy in the Office of the Chair*

A vacancy occurs in the office of Chair if any of the following occurs:

- The Chair resigns from office by submitting a letter of resignation to the Department of Education and Workforce and the Chair Elect;
- The Chair resigns as a Council member; or
- The Chair is terminated as a Council member.

When a vacancy occurs in the office of Chair, the Chair Elect will immediately assume the office of Chair, thereby creating a vacancy in the office of Chair Elect. In the event there is no Chair Elect, an election pursuant to Section 8 below will be held as soon as practicable.

Any officer who is appointed or elected to fill a vacancy in the office of Chair shall serve the remainder of the original term. If the remainder of the original term is less than half of the

fiscal year, the appointed or elected Chair will be offered the option to continue to serve as Chair for the next term, pursuant to Section 5(A) above. If the remainder of the term is half or more of the fiscal year, the appointed or elected Chair will move to Past Chair for the next term pursuant to Section 5(C) above.

#### *B. Vacancy in the Office of the Chair Elect*

A vacancy occurs in the office of Chair Elect if any of the following occurs:

- The Chair Elect resigns from office by submitting a letter of resignation to the Department of Education and Workforce and the Chair;
- The Chair Elect resigns as a Council member;
- The Chair Elect is terminated as a Council member; or
- A vacancy occurs in the office of the Chair and the Chair Elect assumes the office of the Chair.

When a vacancy occurs in the office of Chair Elect, an election pursuant to Section 8 below will be held as soon as practicable. Any officer who is elected to fill a vacancy in the office of Chair Elect shall serve the remainder of the original term. The elected Chair Elect will move to Chair for the next term pursuant to Section 5(B) above.

#### *C. Vacancy in the Office of the Past Chair*

A vacancy occurs in the office of Past Chair if any of the following occurs:

- The Past Chair resigns from office by submitting a letter of resignation to the Department of Education and Workforce and the Chair;
- The Past Chair resigns as a Council member; or
- The Past Chair is terminated as a Council member.

When a vacancy occurs in the office of Past Chair, the vacancy remains until the transition of the Chair to Past Chair.

## **SECTION 7. POWERS, DUTIES, AND EXPENSES**

The Chair, Chair Elect, and Past Chair of the Council shall have the authority to perform such duties as are customarily incident of their office, and such additional authority and duties as may be specified by the Department of Education and Workforce from time to time, irrespective of whether such additional authority and duties are customarily incident to such offices.

## **SECTION 8. ELECTION OF OFFICERS**

All elections of officers will take place pursuant to the following procedures. The current Chair, or presiding Chair in the absence of the Chair, shall preside over the election of Council officers by the following procedures:

- Open the floor for nominations for Chair Elect (a second is not required, and any nominee may withdraw);

- Invite a motion to close nominations;
- Invite nominees to address the Council;
- Vote by roll-call, with each member voting by declaring the name of his/her choice for Chair Elect;
- A majority of those present and voting shall be required for election; and
- If a majority is not met, the name or names of the person(s) receiving the lowest number of votes shall be dropped from the list and the roll called again, with members voting from among the remaining nominees, until a Chair Elect is elected by a majority vote.

The election of officers will take place at the final Council meeting of the fiscal year, if a quorum of Council members is present. If a quorum is not present, the election will take place at the first Council meeting of the following fiscal year.

If occurring in the final meeting of the fiscal year, the newly elected Council member shall assume the Chair Elect position July 1. If the election occurs during the first meeting of a fiscal year, the newly elected Council member shall assume the office of Chair Elect upon election.

## **Article IV: Meetings**

### **SECTION 1. MEETINGS**

The Council will hold meetings on prescheduled dates and times. The Council shall meet at least two (2) times in each fiscal year. The Council may, at such meetings, perform all such duties and functions and take all such actions as permitted under Ohio Revised Code 121.22.

The Council may hold meetings at any location within the State of Ohio so long as the location is open to the public, as required by Ohio Revised Code 121.22. The Council may choose to permit virtual meetings subject to Ohio Revised Code 121.221.

The agenda for meetings, which may also serve as notice, shall be promptly prepared, filed, and maintained and shall be open to public inspection.

### **SECTION 2. NOTICE OF MEETINGS**

All meetings of the Council, including ad hoc committee meetings, are open to the public and notice will be given to the appropriate parties in accordance with Ohio law. All meetings and agenda items must be announced enough in advance of the meeting to afford interested parties a reasonable opportunity to attend. Any person may ascertain the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings and any ad hoc committee meetings of the Council, and may request notification of upcoming special or emergency meetings by either of the following:

- Writing to: Department of Education and Workforce, Gifted Advisory Council Liaison – Office of Academic Success, 25 S. Front St. Mail Stop 409, Columbus, OH 43215; or
- Emailing the Gifted Advisory Council Liaison at [GiftedAdvisoryCouncil@education.ohio.gov](mailto:GiftedAdvisoryCouncil@education.ohio.gov).

The Department of Education and Workforce is committed to providing access and reasonable accommodation in its services, activities, programs, and employment opportunities in accordance with the Americans with Disabilities Act (ADA) and other applicable laws. To request accommodations due to a disability, please contact the Americans with Disabilities Act (ADA) Coordinator at [ADAaccommodation@education.ohio.gov](mailto:ADAaccommodation@education.ohio.gov) or (614) 387-2200 (voice) no later than two business days before the event.

### **SECTION 3. GOVERNING STYLE**

The parliamentary proceedings of the Council are governed by a modified version of *Robert's Rules of Order*. Agendas may include action, information, and discussion items.

### **SECTION 4. QUORUM AND VOTING**

At any meeting of the Council, a simple majority shall constitute a quorum. Action of the Council on any proposal, question, or matter which comes before the Council at a meeting in which a quorum is present shall require the affirmative vote of a simple majority of voting members present.

### **SECTION 5. CONFLICTS OF INTEREST**

Members of the Council shall not participate in any decision-making capacity if they have a close, active association with an organization, company, or issue that is being considered for official action. Council members shall recuse themselves when such motions are under consideration.

A “close, active association” includes, but is not limited to, the following:

- Having been a member of the faculty or staff or a student at the organization within the prior ten years (“student” includes persons having been enrolled in a significant course of study or degree program or being a graduate of the organization);
- Having been a consultant at the organization or company within the prior ten years;
- Participating (on an individual basis) in a specific consortium or special research relationship;
- Having an immediate family member attending or in the employ of the organization or company; and
- Having a financial stake in the issue being considered.

## **SECTION 6. DISCUSSION TOPICS PROPOSED BY COUNCIL MEMBERS**

A Council member may make a “request to consider” a topic for discussion of the Council through the Chair and the Department staff liaison. The Chair, in consultation with the Department of Education and Workforce, will determine if it is appropriate to be considered and if so, assign it a place on the agenda.

## **SECTION 7. PUBLIC COMMENT**

Council meetings will provide time on the agenda for public comment on any matter before the Council. Members of the public may reserve time on the agenda by submitting a public comment request form to the Department of Education and Workforce prior to the Council meeting.

All persons wishing to be heard at a Council meeting on any matter before the Council must first be recognized by the Chair. Public comment at a meeting of the Council shall be limited to three (3) minutes per person. The total amount of public participation during any meeting shall be limited to thirty (30) minutes. This time limitation may be waived and/or extended by a simple majority vote of the voting members of the Council present at the meeting. In the interests of furthering the business of the Council, public comment shall be permitted only upon agenda items or additional items discussed in the meeting. A disruptive person waives the right to remain, observe, and/or participate in meetings.

## **SECTION 8. AD HOC COMMITTEES**

Ad hoc committees may be formed as appropriate and at the discretion of the Chair in consultation with the Department of Education and Workforce, to conduct the business of the Council as needed.

Individuals may be assigned to serve on ad hoc committees. Assignments to ad hoc committees shall be determined annually and, to the greatest extent feasible, be based on member preference and committee needs.

Ad hoc committees may meet during or outside of Council meetings. When ad hoc committee meetings occur outside of Council meetings, these meetings shall be open to the public in accordance with Ohio public meeting laws and Article IV Sections 1 and 2 of these bylaws.

Ad hoc committee meetings that occur outside of Council meetings may be held virtually and conducted pursuant to Ohio Revised Code 121.221. Members attending the virtual ad hoc committee meeting must be clearly visible and able to be heard at all times, except during breaks.

Members of the public may attend virtually held ad hoc committee meetings, but participation is limited to observation only. A disruptive person waives the right to remain,

observe, or participate in virtually held ad hoc committee meetings.

Ad hoc committees will report out at meetings of the Council at regular intervals or as needed. Any proposal, question, or matter that requires an action that comes before an ad hoc committee will be presented at a meeting of the Council in which a quorum is present and shall require the affirmative vote of a simple majority of voting members present.

## **ARTICLE VI: MISCELLANEOUS**

### **SECTION 1. DEPARTMENT OF EDUCATION AND WORKFORCE SUPPORT**

The Department of Education and Workforce shall facilitate the work of the Council and honor all reasonable requests to assist the Council in performing its functions. The Department of Education and Workforce's role is to do the following:

- Develop and set the Council's agenda with assistance from Council officers;
- Facilitate meetings of the Council and ad hoc committees of the Council;
- Serve as a spokesperson for the Council and represent the Council at conferences, on webinars, or at meetings on topics related to the Council and in any other situation;
- Keep Council members informed of current research, developments, and initiatives concerning the education of students who are gifted and other applicable areas;
- Ensure collaboration with and input from stakeholder groups;
- Work collaboratively with Department staff to aid the work of the Council;
- Serve as a liaison from the Council to educational organizations; and
- Staff Council meetings.
- Manage these bylaws.

In addition, the Department will assign a staff member as a staff liaison to the Council. The staff liaison will be assigned to perform administrative functions for the Council, including but not limited to the following:

- Maintain records of the Council;
- Prepare and distribute, after certification of accuracy, full and accurate minutes of Council meetings;
- Prepare and distribute the final agenda;
- Disseminate pertinent meeting materials and information about Council meetings to all Council members;
- Notify members who reach the maximum number of missed meetings and also verify interest and ability to serve as a Council member;
- Communicate to the Department and respective Council officers any resignations of Council members; and
- Other duties as assigned.

## **SECTION 2. AMENDMENT, SEVERABILITY, AND SUSPENSION**

### *A. Amendment and Repeal*

These bylaws of the Council may be waived, amended, added to, or repealed at any time, subject to the requirements of any applicable law. Unless otherwise provided, any addition, deletion, or amendment shall take effect immediately.

### *B. Severability*

In the event that any part of these bylaws is found to be in conflict with the Ohio Revised Code or any other law, only the portions in conflict shall be stricken from the bylaws.

### *C. Suspension*

Any part of these bylaws relating to procedures for the transaction of business, unless otherwise mandated by applicable law, may be temporarily suspended, if implementing such regulation would, under the circumstances constitute a waste of time, be meaningless, be unfair, or otherwise impede the law transaction of the business of the Council.

## **SECTION 3. AMENDMENT OF BYLAWS AND PROCEDURES**

Council members shall review these bylaws and operating procedures as needed, but not less than every five (5) years and make recommendations for changes to the Director of the Department of Education & Workforce or the Director's designee.