

**NATIONAL CERTIFICATION OF EDUCATIONAL DIAGNOSTICIANS
BOARD OF DIRECTORS
STANDING RULES
As Approved 5/29/2009**

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**NATIONAL CERTIFICATION OF EDUCATIONAL DIAGNOSTICIANS
BOARD OF DIRECTORS
STANDING RULES**

I. PURPOSE

These rules shall be to set out the organization's administrative and other general procedures and policies governing the operation of the Board of Directors for the National Certification of Educational Diagnosticians (NCED) herein after known as the Board.

II. DUTIES OF THE BOARD

The duties of the Board shall be to:

- (A) Determine policies of the Board.
- (B) Disseminate, review, approve or disapprove applications for certification.
- (C) Act upon such official recommendations and petitions as may be received.
- (D) Approve the annual budget
- (E) Assume and discharge such other duties and responsibilities as are or may be assigned through the Board of Directors Bylaws and Standing Rules.
- (F) Review and act upon the reports of the officers and committees as presented.

III. MEMBERSHIP OF THE BOARD

The Board shall consist of the members as set forth in the Bylaws of the Board.

(A) Officers

- (1) The officers shall be Chair, Vice Chair, Treasurer and Secretary.
- (2) The Board shall determine other officers and committee Chairs from its membership as are deemed appropriate

(B) Appointments

- (1) Nine (9) Directors will comprise the NBCED, thereby permitting a clear majority vote in policy and decision-making matters.
- (2) Directors on the Board must meet qualifications as set forth in the Bylaws.

(C) Term of Office

Directors on the NCEDB will serve terms of office as set forth in the Bylaws.

(E) Duties

(1) The CHAIR shall:

- (a) Serve as chief executive of the Board with the powers and duties usually belonging to the office.
- (b) Give professional leadership to the Board's planning and program.
- (c) Call and preside at meetings of the Board.
- (d) Serve as an Ex-Officio member of all committees.
- (e) Recommend to the Board the types of temporary committees and other appointive bodies needed.
- (f) Prepare an annual report.
- (g) Serve as the official representative to other organizations.
- (h) Serve as official spokesperson for the Board.
- (i) Serve as liaison to other professional organizations as directed by the Board.
- (j) Appoint a Parliamentarian.
- (k) Transfer all records to the new Chair within fifteen (15) days after expiration of term.

(2) The VICE-CHAIR shall:

- (a) Serve in the place and authority of the Chair in his/her absence.
- (b) Provide direction and leadership in areas as designated by the Board.
- (c) Assume responsibility for the Complaint Procedure.

(d) Transfer all records to the new Vice-Chair within fifteen (15) days after expiration of term.

(3) The SECRETARY shall:

(a) Keep a careful record of the proceedings of all official meetings.

(b) Keep updated copies of Bylaws and Standing Rules.

(c) Distribute copies of minutes to the Board within thirty (30) days after each meeting.

(d) Assume custody of all records not specifically assigned to others.

(e) Notify any Board member who has failed to attend 3 consecutive meetings

(f) Assume responsibility for necessary mailings to those deemed necessary by the Board.

(g) See that all information directed by the Board is conveyed in a timely manner following all meetings.

(h) Coordinate with the CEDS Webmaster to see that all appropriate information is posted on the web page in a timely manner.

(4) The TREASURER shall:

(a) Serve as custodian of the funds of the Board.

(b) Deposit funds.

(c) Disburse funds according to Board policy.

(d) Maintain financial records necessary for preparation of all required reports.

(e) Prepare and submit financial statements to the Board and qualified person (as defined in (4)(H) according to Board policy.

(f) Have responsibility for preparation of the annual budget in order that the budget may be presented to the February meeting of the Board.

(g) Have responsibility for preparation of all financial reports to outside agencies.

(h) Arrange on a yearly basis for a review of the treasurer's records by a qualified person independent of the Board. The report will be sent to the Chair with a copy to the Secretary/Treasurer.

(i) Transfer all records to the new Secretary/Treasurer within fifteen (15) days after the expiration of terms.

(j) Shall be bonded.

IV. TRANSACTION OF OFFICIAL BUSINESS

(A) ANNUAL MEETING.

The NCED will meet at least once annually at the location and date that coincide with either the Council for Exceptional Children (CEC) Annual Convention or Council for Educational Diagnostic Services (CEDs) Annual Conference.

(B) QUORUM

The Board may transact official business only during a legally constituted meeting with a quorum present as described in the Bylaws.

(C) STATEMENTS AND ACTIONS

The Board shall not be bound in any way by any statement or action on the part of an individual Board or staff member except when a statement or action is in pursuance of the specific instructions of the Board.

(D) RULES OF ORDER

"Robert's Rules of Order, Revised," shall be the basis of parliamentary decisions except as otherwise provided by Board rules.

(E) AGENDAS

(1) The Chair shall prepare and distribute an agenda prior to each meeting.

(2) Additional items may be added to the agenda during the meeting either by common consent or majority vote of the Board.

(F) MINUTES

(1) The minutes of any Board meeting are official only when affixed with the original signature of the Secretary/and when the NCEDB members approve by a majority vote.

(2) The official minutes of the Board shall be maintained by the Secretary and shall be made available upon written request and for a reasonable copy fee.

(G) ATTENDANCE

(1) Board members shall attend regular and committee meetings as scheduled.

(2) Any member who is unable to attend a meeting shall:

(a) Notify the Chair as soon as possible.

(b) Submit a report of the actions taken in regard to any responsibilities which have been assigned.

(3) Failure to fulfill responsibilities of position.

If a Board member refuses, is unable, or unwilling to perform the duties of the office, the Board will declare the position vacant. A majority vote of those Board members in attendance at a duly called meeting will establish the vacancy, which will be filled as indicated in the Bylaws.

V. FINANCIAL POLICY

(A) Funds in excess of that required for current operation will be deposited in interest-bearing accounts. In the absence of specific Board direction recorded in the minutes, the place and type of account will be at the discretion of the Treasurer.

(B) There shall be two (2) authorized signatures on each bank account. The Board Chair and Treasurer shall be the two authorized signatures. Other authorized signatures shall be determined as appropriate by the Chair and the Treasurer with notification to the Board.

(C) The Treasurer shall pay all usual and necessary expenses as authorized by the annual budget or specific action of the Board. Reimbursement to NCEDB members shall be considered upon submission of reimbursement request and necessary documentation.

(D) The fiscal year shall be from July 1 to June 30th of the following year.

(E) An annual financial statement shall be presented to the Board at its first meeting following the close of the fiscal year unless that first meeting of the Board occurs within 30 days of the end of the fiscal year. The annual statement may alternatively, at the discretion of the Treasurer, be considered at the first meeting of the Board following thirty (30) days after the close of the fiscal year.

VI. Seal

The official seal will be the same as the designed logo, as determined by the Board.

VI. ETHICAL RESPONSIBILITY

While the Board seeks to restrict certification to those of high professional ethics and performance, the Board does not assume responsibility for the individual professional ethics or performance of individuals holding certification.

VIII. PROFESSIONAL AND APPLICATION STANDARDS

Until such time as otherwise determined by the Board, the Code of Ethics which defines the professional Standards of National Certified Educational Diagnosticians shall be incorporated in the Standing Rules as Appendix A.

IX. APPLICATION

(A) An applicant must supply documentation of his/her qualifications in order to meet the criteria as set forth in the Bylaws

(B) Falsification or misrepresentation by an applicant or certificate holder of his/her qualifications or any of the information requested is grounds for denial or revocation of the National Certification of Educational Diagnostician.

(C) Applications will be declared void and the application fee forfeited if there has been no response from the applicant for one calendar year despite reasonable requests from the Board for communication.

(D) Applicants may appeal the Board decision in writing within thirty (30) days after receiving notification of denial. Applicants have until thirty (30) days before the next scheduled Board meeting to complete their applications. (see section 19)

X. POLICY ON APPLICANTS WITH A DISABILITY

(A) The Board recognizes that applicants with special needs may have individual needs in order to complete the application process for certification and will make an effort to accommodate these applicants. The Board will employ guidelines set forth under the Americans with Disabilities Act (ADA)

(B) The Board, on a case-by-case basis, may consider requests for special arrangements for applicants with special needs, including assistance in taking the examination provided that such requests are reasonable and do not violate other rules.

XI. IMPARTIALITY

(A) Any Board member who is unable to be impartial in the determination of an applicant's eligibility for certification or Board membership shall so declare this to the Board and shall not participate in any Board proceedings involving that applicant.

(B) No elected Board member may provide a reference for an applicant for NCED certification or Board membership ; nor provide any direct assistance to an applicant for NCED certification or Board membership in the process of completing the application packet.

(C) Board members may not respond to any questions of applicants for NCED certification or Board membership, nor provide any assistance to an individual in the application for NCED certification or Board membership process that might constitute unfair treatment nor that could lead to an advantage for that individual.

XII. DISCRIMINATION POLICY

All decisions of the Board will be made without regard for any person's race, religion, ethnicity, gender, or culture.

XIII. EXAMINATION PROCEDURES

Until such time as otherwise determined by the Board, the Examination Procedures shall be incorporated in the Standing Rules as Appendix B.

XIV. NATIONAL CERTIFICATION

(A) The Board shall prepare and provide to each Nationally Certified Educational Diagnostician a certificate which contains the certified diagnostician's name and certificate number.

(B) Official Certificates shall be signed by the Chair and either Vice Chair, Secretary, or Treasurer, and be affixed with the Seal of the Board.

(C) Any Certificate issued by the Board remains the property of the Board and must be surrendered to the Board on demand.

XV. TYPE OF CERTIFICATION

PROFESSIONAL For certificate holders who have completed all professional requirements for registry and continue to maintain active status.

XVI. FEES

- (A) The Board shall establish fees to provide the funds to support its activities.
- (B) Processing and examination fees are not refundable.
- (C) Any remittance submitted to the Board in payment of a required fee must be in the form of a personal check, certified check, or money order.
- (D) The Board shall make periodic reviews of its fee schedule and make any adjustments necessary to provide funds to meet its expenses without creating an unnecessary surplus.

XVII. HANDBOOK/DIRECTORY

- (A). The Board shall publish the Handbook/Directory of National Certified Educational Diagnosticians annually, in appropriate form as determined by the Board.
- (B). The Directory of Nationally Certified Educational Diagnosticians shall include, but not be limited to, the name, home address, and home and business telephone numbers, and email addresses as contained in current Board records.
- (C) The Handbook shall include, but not be limited to, Bylaws, Standing Rules, and Ethical Standards.
- (D) The Board shall make available the Handbook/Directory to Special Education Programs within the 50 States through a format determined by the Board. Other agencies and the general public may, upon written request and approval by the Board, access the directory for a nominal fee.

XVII. CONSUMER INFORMATION

- (A) The Board shall prepare information of consumer interest which describes the regulatory functions and procedures to handle and resolve consumer complaints regarding Certification
- (B) The Board shall make consumer information regarding National Certification available to the general public and appropriate State agencies.

XIX. DECISIONS

- (A) Decisions of the Board in granting or denying certification are final.

(B) Beginning September 1, 2007, any person who represents that he or she is a National Certified Educational Diagnostician without being certified by the Board, and who persists in such misrepresentation after having been notified by registered mail that this is a misrepresentation, is subject to legal action by the Board.

XX. COMPLAINTS AND VIOLATIONS

(A) The purpose of rules on complaints and violations is to set forth the valid causes for the revocation or suspension of a Nationally Certified Educational Diagnostician, and the procedures for filing and adjudicating complaints and allegations or rule violations.

(B) The Board may revoke or suspend the National Certificate of a person who is proved to have been:

- (1) In violation of any provision of the Board of National Board of Certification Bylaws or Professional Standards
- (2) In violation of any rule of professional conduct adopted by the Board
- (3) Legally committed to an institution because of mental incompetence of any sort; or
- (4) Convicted of a felony.

(C) The Board may institute a suit in its own name and avail itself of any other action, proceeding, or remedy authorized by the corporate laws of the State in which the violation of the use of the title of Nationally Certified Educational Diagnostician occurred.

(D) Complaint Procedure

- (1) A person wishing to report a complaint or alleged violation against a Nationally Certified Educational Diagnostician or other person shall notify the Vice-Chair. The initial notification of a complaint must be in writing.
- (2) Upon receipt of a complaint, the Vice-Chair shall send an acknowledgment letter to the complainant and an official form which the complainant must complete and return to the Board before further action can be taken.
- (3) Upon receipt of the official form, the Board shall determine if there appears to be sufficient basis to proceed with the complaint. Alternatively to formal Board action at a duly called meeting, if the Chair and Vice-Chair concurrently choose, this determination can be made by the Chair, the

Vice-Chair and any two other Board members in a conference telephone call.

(4) The Vice-Chair shall then notify the person against whom the complaint has been made, investigate the complaint(s), and gather information in writing as required by the Board. This will include a written request for notarized response from the Nationally Certified Educational Diagnostician or other person against whom a complaint or alleged violation has been filed.

(5) The Vice-Chair may, if the situation does not involve a serious violation, attempt to resolve the issues of the complaint to the satisfaction of all parties involved as evidenced by a signed written statement of agreement from each party to the complaint. The Vice-Chair shall keep the Board informed of attempts at resolution and any final agreement among the parties involved must be approved by the Board before a file is considered closed.

(6) At least once each quarter, the Board shall notify all parties to a complaint of the status of the complaint until final disposition of the complaint.

(8) A complaint or allegation not resolved by the Vice-Chair of the Board shall be referred to the Board which shall determine if there is sufficient basis to set a formal hearing to resolve the complaint or if the complaint should be dismissed or otherwise disposed.

(9) The Board, on its own motion or on petition or application from a person or party, may initiate a formal hearing and shall conduct it in accordance with the provisions of the Standing Rules.

(10) A complaint is a serious matter which has the potential of unjust injury to the accused party. Therefore, until the Board has issued a final ruling on a complaint, with the exception of the Vice Chair in the course of his or her investigation or in the course of the various parties in developing evidence, all parties to a complaint other than the accused party shall not communicate concerning the complaint except with other parties to the complaint and their representatives.

(11) There is nothing more valuable to a professional than his/her reputation, and unsubstantiated rumor and gossip can cause serious injustice. Therefore, all Nationally Certified Educational Diagnosticians shall refrain from any communication on any disciplinary matter before the Board other than with parties to the complaint as part of the complaint to make this rule known to all persons with whom they speak concerning the complaint.

E. Rules for Formal Hearings:

- (1) Unless otherwise determined by the Board, all formal hearings will be held at the location of the meeting designated by the Board.
- (2) The Vice-Chair shall notify all parties to a complaint of the time and place of the formal hearing not later than sixty (60) days prior to the formal hearing. Notice shall be considered properly served upon being sent by registered or certified mail, return receipt requested, to the last known address as reflected in the records of the Board.
- (3) The Board, or appointed representative, shall rule on the admissibility of the particulars of the complaint, who the official parties are, and admissibility of any questions put to any party as part of the process of preparing for the formal hearings.
- (4) The Vice-Chair shall promptly notify all parties to a complaint of all rulings made during the process of preparation for the hearings.
- (5) The accused party shall be served by registered mail with a formal written complaint mailed not later than sixty (60) days prior to the formal hearing to the last known address of the accused party.
- (6) The formal written complaint will specify
 - (a) The charges
 - (b) A written description of the evidence upon which the complaint is based; and
 - (c) The date and place of the formal hearing.
- (7) The rights of the accused party shall include:
 - (a) the right to be assisted or represented by counsel of his/her own choosing;
 - (b) the right to request up to a ninety (90) day postponement of the hearing date if the request is received by the Vice-Chair not later than twenty (20) days prior to the date of the hearing;
 - (c) the right to depose witnesses, submit interrogatories to those giving evidence against them, and have copies of all written evidence prior to the hearing;

(d) the right to cross examine witnesses, to submit evidence, and to present witnesses;

(e) the right to be presumed innocent until proven guilty to the satisfaction of the Board;

(f) the right to have a formal written finding by the Board; and

(g) the right to file with the Board a formal written request for a rehearing with the Board. This request must be filed with the Chair of the Board within two (2) weeks after the Board has ruled.

(8) If the Board deems it necessary, the Board will appoint a person to present the evidence to the Board. If this person is a member of the Board, that person will not participate in the deliberations of the case by the Board.

(9) The Board will follow such procedures in the conduct of the hearing as the Board deems adequate to fairly protect the rights of all parties and to develop a sufficient record to arrive at a decision. In this regard, the Board will be guided but not bound by the usual practices of judicatory hearings.

(10) All deliberations by the Board shall be in executive session and no record shall be kept of these deliberations except for the formal ruling of the Board.

(11) A tape recording of the hearing will be made and made available at cost to the accused party, or upon Board approval, to any other party to the hearing. Obtaining a written transcription of the hearing shall be the responsibility of the party desiring it.

(12) The Board will determine:

(a) Admissibility of evidence; and

(b) Matters of order during the hearing

13. The failure of the accused party to cooperate in the hearing process, will in itself constitute grounds for disciplinary action by the Board which action may include revoking or suspending the National Certificate.

14. The Board ruling will be final two (2) weeks after it has been mailed by registered mail to the address of record of the parties to the hearing. If,

however, the accused party requests a rehearing, the ruling will not be final until the Board completes action on the request.

15. In response to a request for rehearing, the Board may:

(a) deny the request upon which denial the Board ruling becomes final;

(b) modify the ruling of the Board which modified ruling then becomes the final ruling; or

(c) grant the request and set a schedule for the hearing.

16. At the discretion of the Board, or upon request by the accused, the final ruling of the Board will be conveyed to the body of National Certification of Educational Diagnosticians, the Council for Educational Diagnostic Services, and to those agencies employing Educational Diagnosticians in the State of the person who formerly held the certification, and to such others as the Board deems appropriate.

XXI. DEFINITIONS

(A) "Bylaws" means the Bylaws of the National Certification of Educational Diagnosticians Board of Directors.

(B) "Standing Rules" means the Standing Rules of the National Certification of Educational Diagnosticians Board of Directors.

(C) "Board" means the National Certification of Educational Diagnosticians Board of Directors.

(D) "Contested Case" means a proceeding in accordance with the Bylaws and Standing Rules, including, but not restricted to, rule enforcement and certification to which the rights, duties, or privileges of a party are to be determined by the Board.

(E) "Formal Hearing" means a formal hearing in accordance with these rules and includes a contested case as defined in these rules and other required formal hearings.

(F) "National Certificate" means the whole or part of any Board certificate approved or similar form of permission required by Board Rules or Bylaws.

(G) "Nationally Certificated of Educational Diagnosticians" means any person certified by the Board.

(H)“Certifying” means the Board process respecting then granting, denial, renewal, suspension, or withdrawal of certification.

(I) “Party” means each person, agency, or officer or employee of any agency named by the Board as having a justifiable interest in the matter being considered. SR 14

(J) “Person” means any natural person, partnership, corporation, association, agency, or public or private organization.

(K) “Pleading” means any written allegation filed by a party concerning its claim or position.

(L) “Rule” means any statement of general applicability which has been officially adopted by the Board that implements, interprets, or prescribes policy, or describes the procedures or practices of the Board.

(M)“Full-time experience as an Educational Diagnostician” means working in educational diagnostic service as a certified professional Educational Diagnostician at least 40 hours per week for a minimum of two years (18 months), working as a certified professional in educational diagnostic service at least 20 hours per week for a minimum of four years (36 months), or an equivalent amount of experience as determined by the Board. Persons with certifications such as alternative, emergency, or other types of conditional certification that require mentorship will be required to have at least one additional year of full-time independent experience without a mentor prior to application for the certification examination.

(N) “Active membership” means a member who is enrolled in CEC, has paid their annual dues, has qualified for certification under NBCED standards and has completed the renewal procedures.

XXII. AMENDMENTS

Amendments to these Standing Rules shall become a part of these rules by a simple majority vote of the Board at any legally constituted meeting of the Board.

APPENDIX A CODE OF ETHICS (Include Document Posted on Web)