

Idaho Special Education Advisory Panel (SEAP) By-Laws and Operating Procedures

Note: It is acknowledged that this document is not written in plain language. In an effort to directly align with federal laws and state administrative procedures, it was created to mimic the wording in the referenced laws and procedures.

Article I – Name

Section 1.1 - Name

The name of the panel shall be the Idaho Special Education Advisory Panel (SEAP), also referred to as the “Panel.”

Article II – Purpose and Duties

Section 2.1 - Purpose

The Special Education Advisory Panel is established in accordance with *20 USC §1412(a)(21)(A)*, which states:

The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

(This authority is also given within *34 CFR §300.167*.)

Section 2.2 – Duties

Required duties of the Panel are identified in *20 USC §1412(a)(21)* and *34 CFR §300*. Additional duties are added as noted below.

20 USC §1412(a)(21)(D)

The advisory panel shall —

- i. Advise the State educational agency of unmet needs within the State in the education of children with disabilities;
- ii. Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;
- iii. Advise the State educational agency in developing evaluations and reporting on data to the Secretary under Section 1418 of this title;

- iv. Advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this subchapter; and
- v. Advise the State educational agency in developing and implementing policies relating to the funding coordination of services for children with disabilities.

(These duties can also be found within *34 CFR §300.169*)

34 CFR §300.164

- vi. Consults with the State Department of Education (SDE) if they wish to use IDEA Part B funds to supplant (meaning replace) Federal, State, or local funds.

34 CFR §300.513(d) and 34 CFR §300.514(c)

- vii. Reviews findings from hearings and appeals on the provision of Free Appropriate Public Education (FAPE).

34 CFR §300.647(b)

- viii. Advises on the issue of disproportionality representation in special education and setting risk ratios.

Additional Duties

- ix. Advise the State Department of Education (SDE) on the education of students with disabilities who have been convicted as adults and incarcerated in adult prisons; and
- x. Advise the State Department of Education (SDE) on its Comprehensive System of Personnel Development (CSPD) function to aid in recruiting, preparing, and retaining qualified personnel.

Article III - Membership

Section 3.1 - Membership

The membership of the Panel is established under 20 USC §1412(a)(21)(B) and shall consist of members appointed by the Idaho State Superintendent of Public Instruction, as authorized under IDAPA 08.02.03.109.08, be representative of the

State's population, and be composed of individuals involved in, or concerned with, the education of children with disabilities, including —

- i. Parents of children with disabilities (ages birth through 26);
- ii. Individuals with disabilities;
- iii. Teachers;
- iv. Representatives of institutions of higher education that prepare special education and related services personnel;
- v. 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 USC §11431 et seq.);
- vi. Administrators of programs for children with disabilities;
- vii. Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
- viii. Representatives of private schools and public charter schools;
- ix. Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
- x. A representative from the State child welfare agency responsible for foster care; and
- xi. Representatives from the State juvenile and adult corrections agencies.

20 USC §1412(a)(21)(C) further clarifies that a majority (51%) of the members of the Panel shall be individuals with disabilities or parents of children with disabilities (ages birth through 26).

(The information above can also be found within *34 CFR §300.168*.)

The Panel also includes:

- xii. A representative of the US Department of Education designated Parent Training Center.

Other individuals may serve on the Panel as at-large members, appointed at the discretion of the Chairperson to fulfill an identified need, or provide input on a specific priority. The State Special Education Director or his/her designee shall serve as an ex-officio member of the Panel. The Panel, not including any at-large or ex-officio members, shall not exceed twenty-five (25) members unless a larger membership is needed to comply with the requirement to have a majority be individuals with disabilities or parents of children with disabilities.

Nominations for members shall be solicited from appropriate educational organizations, parent organizations, and other appropriate sources. The Vice-Chairperson shall solicit applications for membership prior to the last Panel meeting of the academic year. Applications for new members are due by June 1.

The Executive Committee shall review applications, with selection preference given to individuals who fill underrepresented membership categories and regions of the State. The Executive Committee will then forward their recommendations to the State Superintendent of Instruction by August 15, so that the appointment of new members can be made by September 1.

New Panel members are required to attend an annual orientation training, provided to members at no cost by the Panel.

Section 3.2 - Term of Membership

Panel members shall be appointed for a term of three years, with a term beginning upon appointment by the State Superintendent of Instruction and ending after the last meeting of the third year. Panel members are limited to two consecutive full terms except when:

- An appointment is made to fill an unexpired term. Upon fulfilling the unexpired term, a person can apply for full membership.
- A Panel member who becomes vice-chair and moves to the chair.
- A member represents a required position on the Panel that is related to their employment. (For example, a state or local government agency assigns an employee to represent them on the Panel.)

At the end of the initial three-year term, a member must reapply for reappointment and be appointed by the Idaho State Superintendent of Public Instruction for a second three-year term.

A rotation of members' terms will attempt to retain at least two-thirds of members each year.

Panel members who have completed two (2) full terms may reapply for Panel membership after a full calendar year from the last date of membership. An exception to the rule may be made with permission from the Executive Committee.

Section 3.3 – Compensation

Panel members serve without compensation; however, the State Department of Education shall reimburse panel members for reasonable and necessary expenses for attending meetings and performing duties (e.g., travel).

Section 3.4 – Attendance

Attendance is required by all Panel members at all regularly scheduled meetings, either in-person or via electronic methods.

If a member is unable to attend a meeting, they must notify the Executive Committee and the State Special Education Director or their designee. Repeated absence from regularly scheduled meetings may be grounds for removal from the Panel.

Members who are unable to attend a Panel meeting may appoint a designee to represent them.

Section 3.5 - Designees

A Panel member who is unable to attend a regularly scheduled panel meeting must notify the Executive Committee and the State Special Education Director, or their designee, if they have selected a designee to attend the meeting on their behalf. Attendance by the designee shall not constitute “attendance” of the Panel member under Section 3.4.

Section 3.6 – Resignation

A Panel member may resign at any time by providing written notice to the Chair and the State Special Education Director, or their designee, who will submit the resignation to the State Superintendent of Public Instruction. A resignation shall take effect on the date of the receipt of the notice.

Section 3.7 - Vacancies

Any vacancy on the Panel may be filled for the remainder of the unexpired term by a candidate recommended by the Executive Committee. The recommended candidate shall represent the same constituency as the Panel member being replaced and shall be subject to all by-laws.

Section 3.8 - Termination

Upon recommendation of the Executive Committee, a Panel member shall be removed if:

- (a) no longer qualified; and/or
- (b) the member is absent from two consecutive, regular meetings within one year.

Any Executive Committee Member of the Panel may be removed by a two-thirds vote of all members when those members deem it is in the best interest of the Panel to do so.

Article IV - Meetings

Section 4.1 - Meetings

The time and place of regular meetings shall be determined annually by the Panel members in conjunction with the State Special Education Director. The annual schedule of regular meetings shall include at least four meetings each year, with an option to convene an additional meeting if necessary.

Minutes of each meeting shall be sent to SEAP Panel members by email within two weeks of each meeting. Minutes will be posted on the State Department of Education (SDE) website, <https://www.sde.idaho.gov/sped/seap/>.

A quorum of sixty percent (60%) of Panel members will be required for any formal decision-making.

Section 4.2 - Voting Rights

Panel decisions shall be determined by a simple majority vote after a discussion of the topic if needed. Proxy voting and absentee ballots shall not be permitted.

Members who are not in attendance for a regular meeting forfeit their right to vote on any issues discussed in that meeting. Any member who is unable to be in attendance for a regular meeting is encouraged to send a designee. Designees shall represent the same constituency as the member for whom they are substituting. Designees shall not be permitted voting privileges; however, they are permitted to participate in any discussion.

Article V – Executive Committee and Terms

Section 5.1 - Executive Committee and Terms

The Executive Committee shall consist of the Chair, the Vice-Chair, and the Secretary. Each Executive Committee member shall serve in their position for one year. At the final meeting of each year, a new Vice-Chair and Secretary shall be elected from the Panel membership, and the former Vice-Chair shall assume the office of Chair for the following year. Their term begins at the end of the meeting for which they were elected.

Election of officers shall require a simple majority of the votes cast. The outgoing Executive Committee may choose to vote by a raise of hands or via secret ballot.

Section 5.2 - Duties of the Chair

- a) Preside over all Panel meetings
- b) Act as parliamentarian during all meetings
- c) Work with the members of the Executive Committee, the State Special Education Director, and the State Department of Education Special Education staff to develop meeting agendas
- d) Coordinate Panel activities with State Special Education staff
- e) Draft correspondence and reports
- f) Appoint at-large members, workgroups, and standing committees to address topical issues
- g) Develop and submit to the State Department of Education an Annual Report of Panel activities and recommendations at the beginning of their term with input from the outgoing executive committee. The report shall be submitted to the Idaho State Superintendent of Public Instruction by July 1 of each year. The report will be posted on the State Department of Education website for public view.

Section 5.3 - Duties of the Vice-Chair

- a) Perform the duties of the Chair in their absence.
- b) Work with the members of the Executive Committee, the State Special Education Director, and the State Department of Education Special Education staff to develop meeting agendas,
- c) Solicit applications for membership prior to the last Panel meeting of the academic year.

- d) Assist with the coordination of the annual orientation training for new members.

Section 5.4 - Duties of the Secretary

- a) Work with the members of the Executive Committee, the State Special Education Director, and the State Department of Education Special Education staff to develop meeting agendas,
- b) Record meeting minutes.
- c) Submit meeting minutes to State Department of Education (SDE) staff for distribution.
- d) Assist Chair and Vice-Chair as requested.

Article VI – Amendments

Section 6.1 - Amendments to the By-Laws

When amendments to the by-laws are to be considered, a written proposal shall be submitted to Panel members prior to a regular meeting for their review.

The by-laws may be amended at any time, after the proper notification, by a majority vote of the members present at a regular meeting.

Article VII – Procedures

Section 7.1 - Panel Procedures

- a) Panel meetings shall be open to the public and publicized in advance of the meeting.
- b) Persons or organizations wanting to address the Panel may be placed on the agenda by making a request to the Executive Committee and the State Department of Education.
- c) Panel meetings shall be conducted in facilities that are accessible to people with disabilities. Reasonable accommodations will be made for all members and guests. Such requests should be made to the Idaho State Department of Education.