

By-Laws and Operating Procedures

Article I

Section 1

Name

The name of the panel shall be the Idaho Special Education Advisory Panel (SEAP).

Article II

Section 1

Purpose

SEAP is established in accordance with **IDEA 2004 SEC. 612 State Eligibility and Section 1412(a) (21) of IDEA**. 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.

Section 2

Duties

Specific duties of SEAP include:

- a) Advise the State Department of Education (SDE) of unmet needs within Idaho in the education of students with disabilities;
- b) Comment publicly on any rules or regulations proposed by the State regarding the education of students with disabilities;
- c) Advise the SDE in developing evaluations and reporting on data to the U.S. Secretary of Education as required;
- d) Advise the SDE in developing and implementing corrective action plans to address findings identified in federal monitoring reports under Part B of the Act;
- e) Advise the SDE in developing and implementing policies relating to the funding and/or coordination of services of students with disabilities;
- f) Advise the SDE on the education of students with disabilities who have been convicted as adults and incarcerated in adult prisons; and
- g) Advise the SDE on its comprehensive system of personnel development (CSPD) function to aid in recruiting, preparing, and retaining qualified personnel.

Article III

Section 1

Membership

The membership of SEAP shall consist of members appointed by the Idaho State Superintendent of Public Instruction, who is authorized under the law to make these appointments. SEAP shall be representative of Idaho's population and composed of individuals involved in, or concerned with, the education of students with disabilities. Parent of students with disabilities and individuals with disabilities shall compose a majority (51% or more) of panel membership.

Panel membership shall include representation from each of the following constituencies:

- a) Parents of students with disabilities (0-26 years of age).
- b) Individuals with disabilities.
- c) Teachers.
- d) Institutions of higher learning that prepare special education and related services personnel.
- e) State and local education officials.
- f) Administrators of programs for students with disabilities.
- g) Other state agencies involved in the financing or delivery of related services to students with disabilities.
- h) Private school and public charter schools.
- i) Vocational, community or business organizations concerned with the provision of transition services to students with disabilities.
- j) State juvenile and adult correctional agencies.
- k) Child welfare/foster care agencies.
- l) Agencies providing services under the McKinney-Vento Act for children who are homeless.

Other individuals may serve on the Panel as at-large members, appointed at the discretion of the Chairperson. The State special education director or his/her designee shall serve as an ex-officio member of the Panel. The Panel shall not exceed 25 members.

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 and forward their recommendations to the State Superintendent of Instruction by June 15 so that the appointment of new members can be made by July 1.

New panel members are required to attend an annual orientation training.

Section 2

Term of Membership

SEAP members shall be appointed for a term of three years and are limited to two consecutive full terms except:

- When an appointment is made in order 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 chair.

Members are limited to two consecutive full terms. At the end of the initial three year term, a member must reapply for reappointment for a second three year term.

A rotation of members' terms shall occur to retain at least two thirds of members each year.

SEAP 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

Designees

Members unable to attend a panel meeting may appoint a designee to represent them. The panel member must notify the SDE that a designee will attend a scheduled meeting. Attendance by the designee shall not constitute "attendance" of the panel member under Article 3, Section 1.

Section 4

Resignation

A SEAP member may resign at any time by providing written notice to the SEAP Chair and the Director of Special Education 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 5

Vacancies

Any vacancy in SEAP 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 SEAP member being replaced, and shall be subject to all By-Laws.

Section 6

Termination

- a) Upon recommendation of the Executive Committee, a SEAP member shall be removed if he/she no longer qualifies as an appointee in the category for which he/she was selected. Membership may be terminated for any member who is absent from two consecutive, regular meetings within one year.
- b) Any officer of SEAP may be removed by a two-thirds vote of all members when those members deem it is in the best interest of SEAP to do so.

Article IV

Section 1

Meetings

- a) The time and place of regular meetings shall be determined annually by the SEAP members in conjunction with the SDE. The annual schedule of regular meetings shall be at least four meetings each year, with an option to convene an additional meeting if necessary.
- b) Minutes of each meeting shall be sent to SEAP members by email within two weeks of each meeting. Minutes will be posted on the SDE website.
- c) A quorum of sixty percent (60%) of the SEAP members will be required for any formal decision making.

Section 2

Voting Rights

Panel decisions shall be determined by consensus. If two or more panel members cannot agree with the decision, a vote shall be taken following a discussion of the issue. Decisions submitted to a vote shall be determined by a simple majority vote. Proxy voting and absentee ballots shall not be permitted.

Section 4

Duties of the Secretary

- a) Record meeting minutes.
- b) Submit meeting minutes to SDE staff for distribution.
- c) Assist Chair and Vice-Chair as requested.

Article VI

Section 1

Amendments to the By-Laws

- a) When amendments to the by-laws are to be considered, a written proposal shall be submitted to Panel members for their review at a regular meeting.
- b) The by-laws may be amended by a majority vote of the members present at a regular meeting.

Article VII

Section 1

Panel Procedures

- SEAP meetings shall be open to the public and publicized in advance of the meeting.
- Persons or organizations wanting to address the panel shall be placed on the agenda by making a request to the State Department of Education.
- SEAP 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.
- SEAP members will serve without compensation but the State shall reimburse panel members for reasonable and necessary expenses for attending meetings and performing duties.