Iowa's
Special Education Advisory Panel

Bylaws and Operating Procedures

Iowa Department of Education
2011

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and July 16, 2014)

Introduction

These By-laws and Operating Procedures are designed to guide the membership and work of Iowa's Special Education Advisory Panel (SEAP).

Iowa's SEAP is a collaborative resource that envisions its role as an advocate for all children with special needs and their families on issues of special education in Iowa. As such, it is committed to representing individuals with diverse and changing educational needs. SEAP shall have, and will perform, functions and duties as specified by law. Responsibilities include offering advice, consultation, and recommendations to the Iowa Department of Education regarding matters concerning special education services.

The role of the panel members is to advise, not advocate, for an individual position. Advise means to inform, counsel, recommend, suggest or guide. To advocate means to plead for your case or position, to favor an individual case or argument. The advisory panel is to provide advice, based on facts and good judgment.

Questions concerning the Special Education Advisory Panel and the Panel's operation should be directed to the Bureau of Learner Strategies and Supports, Nancy Ankeny-Hunt, Panel Facilitator: (515) 725-0436, or Nancy.Ankeny-Hunt@iowa.gov or

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Belief Statements

Members of the Iowa Special Education Advisory Panel believe that:

We are strong advocates for children;
Our work is done with integrity and respect for children, families and all Panel members;
We are creative problem solvers, and team players who continually seek to use current knowledge; and
We build relationships and enjoy one another which helps build consensus and leads to a quality, committed Panel.

Members of the Iowa Special Education Advisory Panel believe that quality special education in Iowa should:

Be a shared responsibility involving the collaborative efforts of school, families, students and community;
Be provided in an appropriate, least restrictive environment;
Be child-centered, results-oriented, and specifically designed for the individual;
Address needs when they arise;
Be supported by qualified, competent, caring staff; and adequate, equitable resources; and
Ensure attainment of real skills.

And therefore:

Students with disabilities will:

- Graduate;
- Achieve reading and math skills;
- Be in the classroom;
- Stay in school;
- Be with their peers;
- Achieve growth;
- Receive education without bias;
- Be evaluated in a timely manner; and
- Transition successfully.

Parents will:

- Be meaningfully involved.

Schools will:

- Be accountable for success of students (impacted by others);
- Have discipline policies.

Mission Statement

The Iowa Special Education Advisory Panel serves as a resource to advise the Iowa Department of Education's Bureau of Learner Strategies and Supports on behalf of all children with special needs and their families. This Panel engages in dialogue regarding philosophies and policies, including best practices and special education compliance that result in successful outcomes for students with disabilities. (2007)

Vision Statement

All children in Iowa, as members of communities, shall receive opportunities and needed supports for meaningful lives and quality education experiences.

By-Laws and Operating Procedures

Article I

Name

Section 1. The name of the organization shall be the Iowa Special Education Advisory Panel (herein referred to as the ―Panel‖).

Authorizing Legislation

Section 2. The Panel exists by authority of the Individuals with Disabilities Education Act 2004 (20 U.S.C. § 1412(a)(21)(A)).

Article II

Purpose

Section 1. The purpose of the Panel shall be to advise the Iowa Department of Education regarding special education and related services for children with disabilities and their families. The Panel shall promote high quality services for children and youth with disabilities and their families through discussion and consensus regarding current and future services.

Duties

Section 2. The duties of the Panel are to:

(a) Advise the Iowa Department of Education of unmet needs within the State in the education of children with disabilities;

(b) Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

(c) Advise the Iowa Department of Education in developing evaluations and reporting data to the Secretary of the United States Department of Education Secretary under section 618 of the Individuals with Disabilities Education Act;

(d) Advise the Iowa Department of Education in developing corrective action plans to address findings identified in federal monitoring reports under Part B of this Act;

(e) Advise the Iowa Department of Education in developing and implementing policies relating to the coordination of service for children with disabilities;

(f) Advise the Iowa Department of Education on eligible students with disabilities in adult prisons.

Article III

Membership

Section 1. The membership of the Panel shall consist of representatives from public and private sectors who by virtue of their position, interest, and training can contribute to the education of children with disabilities. There shall be at least 20, but no more than 32, members. A majority (51%) of the members of the Panel must be individuals with disabilities or parents of children with disabilities (ages birth – 26 years).

(a) Membership required by the Code of Federal Regulations (34 C.F.R. § 300.168) :

a) Parents of children with disabilities (ages birth through 26);
b) Individuals with disabilities;
c) Teachers;
d) Representatives of institutions of higher education that prepare special education and related services personnel;
e) 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 *et seq*.);
f) Administrators of programs for children with disabilities;
g) Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
h) Representatives of private schools and public charter schools;
i) Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
j) A representative from the State child welfare agency responsible for foster care;
k) Representatives from the State juvenile and adult corrections agencies;
l) Others, as appropriate.

(b) Others desired but not required:

Teacher certified in special education;
Teacher certified in general education;
Parent of a child in general education;
Parent advocacy groups;
Professional education organizations;
Department of Public Health;
Department of Human Services;
Division of Vocational Rehabilitation;
Board of Regents Office;
AEA administrator;
Urban Education Network representative;
AEA director of special education;
Student receiving special education services.

(c) Panel membership shall reflect racial and ethnic diversity.

Appointments and Selection

Section 2. Members of the Panel shall be appointed by the Director of the Iowa Department of Education (Iowa Code § 256.9(14)). The Director shall ensure that the membership of the Panel is reasonably representative of the State population (34 C.F.R. § 300.168). Applications for membership are accepted by the Bureau of Learner Strategies and Supports. The Chairperson will be responsible for organizing the pursuit of nominations.

Term of Membership

Section 3. Term of membership shall be for three years, except those appointments made to fill an unexpired term. Appointments shall be staggered terms of office to ensure that new appointments do not exceed approximately one third of the membership. Members shall not be appointed for more than two consecutive terms.

When appropriate the Executive Committee can appoint a member to serve for more than two terms. The membership appointment will commence July 1 of the first year and end June 30 of the third year. Each new member will be offered a new member orientation prior to becoming an actual member.

Designees

Section 4. Members unable to attend a Panel meeting may appoint a designee to represent them at official Panel meetings. Attendance by the designee shall not constitute attendance under Article III, Section 3. Designees may exercise the rights and privileges of the member represented. If expenses of designees are to be reimbursed, the Panel Facilitator must be notified prior to the meeting.

Resignation

Section 5. Any member may resign at any time by giving the Bureau of Learner Strategy and Supports written notice addressed to the state Director of Education. A resignation shall take effect on the date of the receipt of the notice. Unless otherwise specified in the notice, the acceptance of the resignation shall not be necessary to make it effective.

Vacancy

Section 6. Any vacancy in the Panel may be filled for the remainder of the unexpired term by a candidate recommended by the Chairperson and approved by the Director. The recommended candidate shall be subject to all by-laws. Any member appointed to complete a vacant term, may, on the recommendation of the executive committee, apply according to state- established appointment procedures for an additional full membership term.

Termination

Section 7. Failure to attend two Panel meetings without prior notification and approval in a business year shall result in a contact and review by the state educational agency for possible recommendation for termination.

Nondiscrimination Statement

Section 8. It is the policy of the Iowa Department of Education not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, gender, disability, religion, age, political party affiliation, or actual or potential parental, family or marital status in its programs, activities, or employment practices as required by the Iowa Code sections 216.9 and 256.10(2), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title IX (Educational Amendments, 20 U.S.C.§§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.).

If you have questions or grievances related to compliance with this policy by the Iowa Department of Education, please contact the legal counsel for the Iowa Department of Education, Grimes State Office Building, 400 E 14th St, Des Moines, IA 50319-0146, telephone number 515/281-5295, or the Director of the Office for Civil Rights, U.S. Department of Education, 111 N. Canal Street, Suite 1053, Chicago, IL 60606-7204.

Article IV

Meetings

Section 1. The time and place of regular meetings shall be determined annually by the Executive Committee in conjunction with the Iowa Department of Education. The annual schedule of regular meetings shall include at least six meetings each year. Meetings shall be held in accordance with the Iowa Code chapter 21, the state's open meetings statute.

Section 2. Members of the Panel shall be notified by first class mail or electronic mail of the time and place of regular meetings at least ten (10) days prior to the time of the meeting.

Section 3. Minutes of each meeting shall be sent to the Panel by first class mail or electronic mail within two weeks of the subsequent meeting. All documents distributed at each meeting will be sent to each absent member by mail or electronic mail within two weeks of the meeting. Minutes shall be made available to the public upon request.

Section 4. Any item that requires action by the Panel should be submitted to the Chairperson at least two weeks prior to the scheduled meeting.

Article V

Officers, Terms and Duties

Section 1. At the June meeting, the officers shall be elected by a majority of the members present, those present constituting not less than a quorum.

Section 2. Nominations for officers come from the Panel membership and can be made in person at the June meeting or any time prior to the June meeting by contacting the Chairperson in writing or via email. Elections shall be by secret ballot and shall not occur unless there is quorum present.

Section 3. The term of office for elected officers shall be one (1) year commencing on July 1.

Section 4. Any officer of the Panel may be removed by a two-thirds vote of all members sitting on the panel whenever, in the judgment of the Panel, the best interest of the panel would be served thereby.

Section 5. A vacancy in any office because of death, resignation, removal, disqualification, or otherwise shall be filled by the Panel from existing membership for the unexpired portion of the term using the same nomination and voting procedures stated in Article V, Section 2.

Section 6. The officers shall form an executive committee, which will be composed of the following individuals:

1. Chair
2. Vice chair
3. Chief of the Bureau of Learner Strategies and Supports
4. State Director of Special Education
4. Administrative Consultant
5. Panel facilitator (staff)

Section 7. Powers and duties of the Chair:

a. Communicate with the state special education director and Panel facilitator;
b. To serve as the presiding officer of the Panel;
c. Work with members of the executive committee to develop meeting agendas;
d. Conduct meetings;
e. Assist in preparation of Annual Report;
f. To appoint sub-committees and their chairs within the Panel;
g. To formally represent the Panel to the Director of the Iowa Department of Education;
h. To organize nominating efforts to assist in filling vacancies on the Panel.

Section 8. Powers and duties of the Vice Chair:
The Vice-Chair shall assume the role of Chair in the absence, disability, or resignation of the Chair. The Vice-Chair shall be elected by a majority of members present at the Annual Planning meeting in June (per Article V, Sections 1, 2). On July 1 the Vice-Chairperson shall assume office for one year and then shall assume the position of Chair the following year. Should a vacancy occur, the Vice-Chairperson shall assume the role of Chair. A new Vice-Chair shall be elected by a majority of members present to complete the remaining term of office.

Section 9. The state Panel Facilitator (a non-voting member) will collaborate with the Executive Committee to ensure that the following occurs:

1. Assist in organizing panel meetings;
2. Complete and disseminate a summary of proceedings from each meeting;
3. Notify members of meeting time and location;
4. Conduct follow up activities, including disseminating minutes to all members.
5. Assist in development of an Annual Report for the Panel to approve;
6. Assist in communicating Panel advice and decisions to the Iowa Department of Education leadership;
7. Other duties as assigned.

Article VI

Sub-Committees

Section 1. The Chair of the Panel shall appoint sub-committees and their chairs within the Panel as necessary.

Section 2. The Chair of the sub-committees shall call individual meetings of their sub-committee.

Section 3. The Iowa Department of Education shall provide resources to the committees or work groups as stipulated in the approved Part B Application and Budget.

Section 4. Sub-committee Chair shall have the authority as needed to invite individuals outside the Panel to serve in a resource capacity to assist the sub-committee in achieving its task.

Section 5. All sub-committees shall report their findings to the full Panel.

Article VII

Panel Procedures

Section 1. Advisory Panel meetings shall be open to the public and publicized in advance of the meeting.

Section 2. Advisory Panel meetings shall be conducted in facilities that are accessible to those with disabilities.

Section 3. Reasonable accommodations shall be made for all members and guests.

Section 4. The Advisory Panel will serve without compensation, but the State will reimburse Panel members for reasonable and necessary expenses for attending meeting and performing duties.

Section 5. A quorum shall be constituted by a simple majority of the membership.

Section 6. Persons or organizations wanting to address the Panel shall be placed on the agenda by making a request to the Chair at least 3 weeks prior to a scheduled meeting. Individuals shall also have the opportunity to comment during the public comment portion of each meeting.

Section 7. The Advisory Panel shall conduct at least six meetings each year. The new member orientation meeting shall be held in September.

Section 8. The Panel shall attempt to reach consensus on all business items. Voting shall be decided by a simple majority vote by members present. The Chair shall break any tie vote. Dissenting opinions shall be accepted and noted in the minutes.

Section 9. Items not specified by law, rules, or by-laws shall be governed by Robert's Rules of Order.

Section 10. By-Laws shall be amended by a two-thirds (2/3) majority vote of members present and voting. Proposed changes to the by-laws shall be submitted in writing to the Chair a minimum of thirty (30) days prior to the vote.

Section 11. No member of the Panel shall cast a vote on any matter that would provide direct financial benefit to that member, their family, representative organization or otherwise give the appearance of a conflict of interest.

Section 12. By June 30 of each year, the Advisory Panel shall submit an Annual Report of Panel activities and recommendations to the Iowa Department of Education. This report shall be available to the public in a manner consistent with public reporting requirements.