

# Arizona Special Education Advisory Panel Bylaws

## Purpose

The purpose of the by-laws is to provide information regarding the Arizona Special Education Advisory Panel (herein referred to as “Panel”) operating procedures for the panel that is required under P.L. 108-446 the Individuals with Disabilities Education Act of 2004 and ARS §15-235.

## Legal Authority

Individuals with Disabilities Education Act. P.L.108–446. (34 CFR §300.167–169)

## Article One

### Name of Panel

The name of the group is the Arizona Special Education Advisory Panel.

## Article Two

### Purpose and Functions of Panel

State Advisory Panel (34 CFR §300.167)

In general, 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 and youth with disabilities (ages 3 years to 21 years) in the state.

The purpose of the panel is to make recommendations and advise the Arizona State Board of Education, the Superintendent of Public Instruction, and the State Education Agency (SEA) through the Deputy Associate Superintendent of Exceptional Student Services regarding the functions in this section, including special education issues, programs, and services as they relate to eligible individuals with disabilities, as per P.L. 108-446 the Individuals with Disabilities Education Act (IDEA) of 2004 and ARS §15-235.

The functions and duties of the panel shall be as follows:

1. Advise the SEA of unmet needs within the State in the education of individuals with disabilities. (34 CFR §300.169 (a))
2. Comment publicly on the rules and regulations proposed by the state regarding the education of individuals with disabilities. (34 CFR §300.169 (b))
3. Advise the State Education Agency in developing evaluations and reporting on data to the Secretary under section 618. (34 CFR §300.169 (c))
4. Advise the State Education Agency in developing corrective action plans to address findings identified in Federal monitoring reports. (34 CFR §300.169 (d))
5. Advise the State Education Agency in developing and implementing policies relating to the coordination of services for individuals with disabilities. (34 CFR §300.169 (e))
6. Review all final due process officer findings and decisions. (34 CFR §300.513 (d) & §300.514 (c))

The primary role of the panel is to provide advice and recommendations regarding the six duties. On or before December 1 of each year, the panel will submit an annual report of its activities and recommendations to the Deputy Associate Superintendent of Exceptional Student Services, who will forward it to the Arizona State Board of Education.

# Article Three

## Membership of Panel

(34 CFR §300.158)

### Membership Demographics

Membership is determined by the requirement of P.L. 108-446 Individuals with Disabilities Education Act (IDEA) of 2004 and ARS §15-235.

The voting membership of the panel shall consist of at least one representative of each of the following groups and individuals (not to exceed 23 panel members):

- i. Parents of children with disabilities (child's age birth through 26);
- ii. Individuals with disabilities 18+;
- iii. Special education teacher and/or general education teacher;
- iv. 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 U.S.C. 11431 et .seq.);
- vi. Administrators of programs for children with disabilities;
- vii. Other State agencies involved in the financing or delivery of related services to children with disabilities;
- viii. Private schools;
- ix. Public charter schools;
- x. Representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
- xi. A State child welfare agency responsible for foster care;
- xii. The State Juvenile Detention and Correction agencies; and
- xiii. Adult correction agencies.

**Special Rule** (34 CFR §300.168 (b)) A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities (child's age birth through 26).

Each new member and panel officer will be required to attend an annual orientation. The yearly orientation will be held in conjunction with the first regularly scheduled panel meeting in September following the member appointment. If new panel representation for the required quorum is necessary, an out-of-cycle orientation can be made available. The orientation is designed to provide the new member information and knowledge regarding the purpose, requirements, and functions of the panel under the IDEA. Participation in regular and committee meetings requires a mandatory initial orientation.

# Article Four

## **Membership Nomination and Appointment**

### Section 1: Nominations

The State Board of Education may request nominations for vacant positions from the Arizona Department of Education, Arizona Special Education Advisory Panel, and interested parties and agencies in Arizona.

### Section 2: Appointments

All members of the panel shall be appointed by the Arizona State Board of Education.

### Section 3: Terms of Membership

The panel will have a membership appointed to three-year terms, staggered so the terms of one-third of the membership expire each year. The regular term of membership begins on July 1 of the year of appointment unless a vacancy occurs during the year.

### Section 4: Virtual Attendance

Virtual attendance at the Special Education Advisory Panel meeting is permitted if the panel member cannot physically attend the meeting. Panel members are always encouraged to attend in person to gain the maximum benefit for themselves and the panel. Reasons for virtual attendance could be poor road and weather conditions, sickness, car issues, or family emergencies. If a member cannot attend the meeting in person but can attend virtually, the member is to notify the Arizona Department of Education staff person and/or other members of the Executive Committee as soon as possible to make arrangements for virtual attendance.

### Section 5: Absentees

Due to the requirement for establishing a quorum to conduct panel business, it is necessary that members strive to be in attendance. Members absent from two meetings (virtual/phone/in-person) during a fiscal year may be subject to dismissal. Missing substantial parts of meetings may count toward a member's attendance record. The Executive Committee of the panel will contact members who are frequently absent to determine the members' continued commitment and interest. Recommendations may be made to the Arizona State Board of Education for the removal of a member due to high absenteeism.

### Section 6: Resignations

Resignation by any member must be in writing and submitted to the Deputy Associate Superintendent of Exceptional Student Services, who will forward it to the Arizona State Board of Education and the leadership of the panel. The ensuing term of a newly appointed member starts upon appointment and ends at the end of the resigned member's term. The newly appointed member shall maintain the panel composition in compliance with Article Three.

# Article Five

## Panel Leadership

The leadership of the panel shall consist of two co-chairpersons and one vice-chairperson. Elections shall be held during the last meeting of the school year. Co-chairpersons will be elected to serve a two-year term. Their terms will be staggered so that only one co-chairperson will be elected by the membership each year. The membership, by a majority of those voting, will elect a co-chairperson and vice-chairperson annually.

These individuals and the Deputy Associate Superintendent of Exceptional Student Services at the Arizona Department of Education, or designee, shall be called the Executive Committee. If none of these positions are filled by an individual with a disability or parent of an individual with a disability, one shall be elected to serve as a member-at-large of the Executive Committee.

### Duties of Leadership

#### A. Co-chairpersons

Co-chairpersons duties include the following:

1. Preside at all meetings.
2. Comply with Arizona Open Meeting Law.
3. Collaborate with the Deputy Associate Superintendent of Exceptional Student Services or designee.
4. Call to order all meetings.
5. Serve in an ex-officio capacity on all committees.
6. Appoint all committees at the direction of the panel.
7. Perform such duties that pertain to this office.

#### B. Vice-chairperson

Vice-chairperson duties include the following:

1. Conduct meetings in the absence of the co-chairpersons.
2. Serve in an ex-officio capacity upon designation by one of the co-chairpersons.
3. Perform such duties as pertain to this office.
4. Comply with Open Meeting Laws.
5. Track membership and attendance.

#### C. Deputy Associate Superintendent of Exceptional Student Services

The Deputy Associate Superintendent of Exceptional Student Services serves as an ex-officio member of the panel and provides information and support to the panel.

# Article Six

## Meeting Procedures

### Section 1

The panel will meet at least four times between July 1 and June 30 each year.

### Section 2

In-person attendance is the standard, but acceptable alternatives include virtual or telephonic attendance on a minimal basis.

### Section 3

General Procedures:

1. The panel will not meet without a quorum. A quorum shall be considered a simple majority of currently appointed panel members to conduct official business of the panel. Voting members shall be only those members specifically appointed by the Board.
2. When participation is virtual, web cameras must be turned on during panel discussions and action items.
3. *Submission of Reports from the Field*
  - a. Reports are to be submitted in writing two weeks in advance of the meeting using the SEAP Reports from the Field Form.
  - b. Members are expected to come to the meeting with questions, concerns, and clarity for panel members to address at the meeting. Time for discussion of Reports from the Field will be designated on the agenda.
4. The panel will meet quarterly or as often as necessary to conduct business. All meetings will be arranged by the Arizona Department of Education.
5. All panel meetings will be conducted at facilities that are accessible to individuals with disabilities.
6. Agendas will be developed by the Executive Committee with input from other panel members and the SEA.
7. Any action item must meet approval by a majority vote of members present.
8. The panel will maintain and post minutes for all meetings.
9. All panel meetings and agenda items will be publicly announced prior to the meeting as required by Arizona Open Meeting Law.
10. Public comments are welcome during a “call to the public.”
  - a. A period of time will be allotted to each panel meeting for public comments.
  - b. Each member of the public who addresses the panel may have a time limit of three minutes.
  - c. The member of the public will be required to identify himself/herself and speak only when recognized by the Chair.
  - d. The Chair reserves the right to ask a member of the public to leave if the proceedings of the panel are disrupted.
  - e. Individuals may submit written comments to the Executive Committee, which will present them to the panel membership.
11. Members will be reimbursed for eligible travel expenses related to panel participation based on the Arizona Department of Administration’s travel procedures.

# Article Seven

## Role of SEA Staff

The Deputy Associate Superintendent of Exceptional Student Services at the Arizona Department of Education, or designee, shall serve as a non-voting liaison to the panel. The Deputy Associate Superintendent and designees assist with the functions of the panel, facilitate the acquisition of information and resources requested by the panel, and seek stakeholder feedback on department actions, data, and initiatives. The Deputy Associate Superintendent/designee serves as a member of the executive committee.

The panel provides accessible public documentation according to WGAC 2.1 standards (AA). Members of the public who require reasonable accommodations must request them via the contact email address not sooner than (14) days and not later than (7) days before a given meeting. Accommodations for panel members will be worked out when they join and will be available at any meeting they attend. Panel members that require accommodations must notify the SEAP support staff or vice-chair at least (7) days before any meeting they will not attend.

A designated Arizona Department of Education/Exceptional Student Services staff person shall provide the following support to the panel and subcommittees:

1. Record and post minutes of each meeting.
2. Adhere to Arizona open meeting requirements and post meeting agendas.
3. Mail or e-mail panel minutes, agendas, and requested materials to all members.
4. Perform such duties as pertain to this position.

# Article Eight

## Amendment of Bylaws

Proposed amendments to these bylaws shall be in writing to the Executive Committee. After review by the Executive Committee, the proposed amendment shall be disseminated to the panel no fewer than 15 days prior to the next regularly scheduled meeting. Proposed amendments to the bylaws must be approved by a two-thirds vote of members present and voting. The panel shall, no less than annually, review and revise, if necessary, the bylaws.

Date of adoption:

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Co-Chairperson:

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Co-Chairperson:

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Vice-Chairperson:

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