A Primer for State Special Education Advisory Panel Members and SEA Staff

Developed by the Center for Technical Assistance for Excellence in Special Education (TAESE)
# State Special Education Advisory Panel

## A Primer

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Introduction

The purpose of this document is to provide information for State special education advisory panel members regarding their responsibilities under IDEA 2004. This manual is intended to assist State special education advisory panel members and State SEA staff in the development and implementation of effective and efficient special education advisory panels. The purpose for this manual is not to give legal advice but to provide guidance and suggestions that should result in effective panel meetings. The term, “State Special Education Advisory Panel” might be referred to by a different name. The words “board” or “council” are often used.

The role of the State special education advisory panel in shaping services for children and youth with disabilities is critical. In many States, the special education advisory panels have been used as the State stakeholder group for the Levels of Determination, Continuous Improvement and Focused Monitoring System (CIFMS), the Annual Performance Report, and the State Performance Plan. With the increasing challenge of providing quality education for all children with disabilities in the country and the requirements of IDEA, advisory panels are viewed as key stakeholders in efforts to improve educational opportunities for children with disabilities.

The result of the increased responsibility and expectations for the State special education advisory panel has left those who are responsible for panel organization and development faced with many challenges. First, there are very limited resources that provide comprehensive information regarding how States are to organize and develop effective advisory panels. Second, in light of the increased importance of the State panel’s role in the process of advising and guiding State education agencies (SEA), State leaders are searching for successful models or panels in other States.

This guide will help to provide information and describe experiences that have been successful for State panels.

This information is presented in several documents:

1. State Advisory Panel: Quick Reference—for general public and member awareness
2. State Advisory Panel: An Overview—for panel members and SEA staff
3. State Advisory Panel: Appendices—for panel officers and SEA staff
4. People First Language—brochure
5. Special Education Acronyms and Definitions—brochure
6. The Role of the Panel in the SPP/APR—brochure
7. The Role of the Panel in the Levels of Determination—brochure
8. Family Educational Rights and Privacy Act for Panel Members—brochure
9. A Primer for Recruiting New Panel Members
10. Ground Rules for Public Comment
11. Robert’s Rules of Order—How to Conduct a Public Meeting

The materials outline the legal requirements for the State special education advisory panel and also include “best practices” that might improve the panel’s effectiveness in fulfilling their responsibilities.

.........................Advisory Panel Functions
(CFR 300.169)

The following are the duties of special education advisory panels as listed in the IDEA Amendments of 2004:

- Advise the SEA of unmet needs within the State in the education of children with disabilities. (300.169(a))
- Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities. (300.169(b))
- Advise the SEA in developing evaluations and reporting on data to the Secretary under 618. (300.169(c))
- Advise the SEA in developing corrective action plans to address findings identified in federal monitoring reports. (300.169(d))
- Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities. (300.169(e))
- Review and comment on completed due process hearing findings. (300.169(c) and (d))

These functions are what the panel is all about. Activities outside the functions should be avoided.

.........................Advisory Panel Membership
(CFR 300.168)

General. The membership of the State advisory panel must consist of members appointed by the Governor, or any other official authorized under State law to make these appointments, be representative of the State population, and be composed of individuals involved in or concerned with the education of children with disabilities, including the following:

- Parents of children with disabilities (ages birth through 26)
- Individuals with disabilities
- Teachers
• Representatives of institutions of higher education that prepare special education and related services personnel
• State and local education officials
• Administrators of programs for children with disabilities
• Representatives of other State agencies involved in the financing or deliver or related services to children with disabilities
• Representatives of private school and public charter schools
• At least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities
• Representatives from the State juvenile and adult corrections agencies
• A person responsible for services to children who are homeless
• Representative from State child welfare responsible for foster care

Please refer to the Office of Special Education Programs (OSEP) letter that clarifies some membership issues.

**The responsibility 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 your case or position, to favor an individual case or argument. The advisory panel is to provide advice based on data, facts, and good judgment.

*Special rule.* A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities. (300.168(b))

**Age 26.** If a parent’s child exceeds age 26, that parent would no longer qualify as a panel member unless they qualify under another category.

**Best practice.** Some States involve a high school student with a disability to add a consumer perspective. The tenure would be on year.

**Alumni Group.** These are individuals who have once served on the panel. Some panels use these individuals to take the place of members who cannot attend a meeting or fill a term of a member who has resigned.

**........ Representing a Stakeholder Group**

One of the most significant contributions that each panel member makes is that of representing a stakeholder group. **The role of each panel member is advisory, not advocacy, in nature.** The federal regulations require that specific constituencies be represented by membership on State advisory panels. This requires that the panel consider methods that can facilitate ongoing communication between panel members and the public. The following “pointers” can be helpful when reaching out to a stakeholder group:
• Meet at the Parent Training and Information Center (PTI) at least once each year.
• Develop and disseminate a brochure on panel priorities to stakeholder groups. Conduct focus groups of critical stakeholders on panel issues.
• Create a link to the panel on the State agency website; include an online survey for input on panel priorities.
• Provide opportunities for public input at Special Education Advisory Panel meetings via teleconferences.
• Hold panel meetings in different locations in the State.
• Conduct a presentation or discussion at other public meetings, events, and conferences.
• Insert information about the panel on the back of the State parent rights brochure.
• Conduct panel meetings in conjunction with large statewide conferences.
• Disseminate Special Education Advisory Panel brochures.
• Invite a friend of your stakeholder group to the panel meeting.

Contents of panel public awareness brochures

• Name of panel
• Panel’s purpose and functions
• Panel priorities
• Meeting dates and case locations
• Public comment procedures
• Listing of membership
• Key individual contacts: phone number, fax, mail, and e-mail addresses
• Highlighted activities or projects

Presentation packets for use by panel members

• Include a presentation script for members to follow when addressing groups.
• Develop a short panel PowerPoint.
• Provide copies of brochures or panel information for distribution.
• Provide members with panel business cards.
• Include comment sheets that can be completed by participants. This provides an opportunity for public information to be returned to the panel.

NOTE: Some State advisory panels use technology for public awareness. Some panels are exploring the effectiveness of using the State website for providing information regarding the panel activities.
Consensus Building

It is recommended that panels use consensus decision-making rather than voting when the committee comes to agreement on decisions. Consensus is a process for decision-making that involves all members, and the final decision is one that all members can live with and publicly support. Each State must experiment and design the process that works best for their panel.

Members of committees should focus on expressing and addressing each other’s interest rather than their own position. This provides a more effective way of making decisions when issues are complex and reaching decisions is difficult. Voting often results in a win/lose proposition that may not provide members with the opportunity to find creative solutions to problems. Decisions arrived at through consensus will often be implemented faster and easier because all stakeholders have agreed to support the decisions or not block the decisions adopted by the group.

Consensus is not

- A unanimous vote
- Everyone’s first choice
- Everyone in agreement

Consensus is

- Creative problem-solving
- Compromise, publicly supported
- Win/Win

Consensus presupposes that members can expect to disagree, have different interest, and work to educate their colleagues about their opinion rather than advocating positions.

Common characteristics of consensus decision-making include that all members do the following:

- Participate.
- Be responsible for the success.
- Keep themselves informed.
- Realize there is “give and take.”
- Be open to being educated by each other.
- Share a common understanding.
- Consider multiple options.
- Make decisions by modifying options.
- Live with and publicly support the final decision.

The traditional consensus process allows members to express their objections in a variety of ways, such as those listed below:
Support the decision or support with reservations.
Support with modifications.
Blocking: “I cannot support this decision.”
Withdrawing: “I cannot support this decision but will not block the group from reaching consensus.”

Many committees generally use modified consensus. **This means that if the committee is unable to reach on a given conclusion, the decision is deferred to the State staff to make the decision.** This provides incentive for participants to work toward a win/win solution if there is controversy so that they retain the decision-making privilege.

In summary, consensus provides a fair and open problem-solving process that encourages groups to feel their voices are heard. The process prevents certain members from dominating and impacting the decision-making process.

**Advisory Panel Procedures**

The following are general procedures that special education advisory panels should use as they conduct their functions:

- The advisory panel shall serve without compensation, but the State must reimburse the panel for reasonable and necessary expenses for attending meetings and performing duties.
- Interpreters and other necessary services must be provided at panel meetings for panel members or participants. The State will pay for these services.
- All advisory panel meetings and agenda items must be announced enough in advance of the meeting to afford interested parties a reasonable opportunity to attend. Meetings must be open to the public.
- Official minutes must be kept on all panel meetings and must be made available to the public on request.
- **By July 1 of each year or a date specified in the panel by-laws, the advisory panel shall submit an annual report of panel activities and suggestions to the State.**

**Diverse Representation**

Increasing the involvement of parents on the panels and task forces, particularly those from culturally and linguistically diverse backgrounds, is a frequent challenge for State staff. Many States make a good faith effort to assemble diverse committees that are representative of the State population and are struggling to attract a more diverse group of parents and service providers to public advisory committees.
There are many factors that may contribute to the challenge that States face when they try to increase diversity of committees or at the public forums including the following:

- In looking for stakeholders to serve on the committees, the tendency is to seek out directors, chairpersons, or others in leadership positions of various organizations. Because there tend to be fewer people of color in these leadership positions, the pool of possible candidates is automatically going to decrease.

- Language barriers can be a problem for people whose first language is not English. Promotional materials in English are unlikely to reach them. Even if they do become aware of the activity, they may be less inclined to attend a public meeting, especially if the goal is to have participants voice their opinions.

- The location and time of the activity can be factors in suppressing turnout and participation of a diverse group of parents. Transportation and childcare are also issues to take into account.

**Suggestions for Increasing Panel Diversity**

- **Committed leadership:** Success depends upon the leadership within State departments of education. Leadership must commit resources, namely personnel time, toward increasing diversity. It is essential for leaders to hold conversations with staff before they begin planning their committee activities. Having diversity on the State panel and at public forums must be a goal from the outset. States also need to try recruiting a diverse staff and provide ongoing professional development to increase awareness of diversity issues.

- **Go to the people first:** Personally contacting individuals and meeting with them face to face is the most effective way to increase participation, and this is possible in recruiting committee members. Convey that your interest in diverse representations is real and for the long term and not just to fill a quota for this activity. Taking these steps will begin to build the networks and relationships between the department and diverse individuals and groups.

- **Identify formal and informal leadership within diverse communities:** Community leaders can help identify people who might be candidates for the panel and encourage parents to attend the public forums. Meet and hold conversations with individuals and groups outside of education. Contact community-based organizations such as housing and economic development or human service agencies, neighborhood groups,
professional and social associations such as a Latino business group or African American service club, and churches.

Role of the State Special Education Director

Although the role of the State special education director in relation to the advisory panel will vary from State to State, generally most directors have the following roles:

- Provides leadership and attends meetings.
- Provides relevant and current information to panel members.
- Serves in an Ad hoc capacity—nonvoting member.
- Assists with the agenda development.
- Reports on topical issues.
- Reports progress on the State Performance Plan and Annual Performance Report.
- Reports on State and school district Levels of Determination.
- Provides a “State-of-the-State” report.
- Takes panel advice/suggestions to the appropriate levels.
- Supports the panel in carrying on their functions.

Panel By-Laws and Operating Procedures

One of the key documents used by members is the panel by-laws or operating procedures. This document may be referred to as the by-laws, procedural manual, operating guidelines, rules, or panel regulations. Every panel member should have a good understanding of the operating by-laws.

The panel should revisit, review, and revise the by-laws annually. The by-laws reflect the existing State and federal regulations pertaining to the establishment and responsibilities of the State advisory panel. They include information describing how the panel will conduct business and the formal structure of the organization. Additionally, it often serves as part of a comprehensive resource to provide information to the public about the role and responsibilities of a State advisory panel. The issues listed below are suggested contents for the panel’s by-laws.

Suggested Content for By-laws
Annual Planning Meeting

One of the most useful activities for advisory panels is the annual orientation and planning meeting. Those panels that have annual planning meetings increase their capacity to be effective change agents. The two most important activities during the annual meeting are to orient new members and set the panel priorities for the year.

Orientation meetings can be a positive and beneficial experience for new, as well as returning, members of the panel. Most often, this meeting provides responsibilities of panel members and overviews of existing laws and regulations governing the panel. This event can also provide an opportunity to summarize and report panel activities and initiatives that have been the focus of the panel’s past year. Conducting an orientation prior to, and in conjunction
with, the annual planning meeting can provide a common level of knowledge for panel members.

**Considerations for the orientation session**

- Welcome, introductions, and warm-up activity
- Discussion of participants’ understanding regarding their roles on the advisory panel
- Brief historical background of panel’s past role and accomplishments
- A discussion on confidentiality and privacy
- Review of the panel by-laws
- Review of Panel’s last annual report
- Federal and State laws and regulations related to the panel
- Update on the current panel activities and involvement
- A discussion of what “advisory” means to panel members
- Explanation of meeting purpose and process (e.g., developing annual priorities)
- Assignment of panel member to serve as a mentor for the new member’s first year on the panel
- Review of the State SPP, APR, and Level of Determination
- Discussion of the State director’s role in the panel
- Discussion and implementation of a consensus-building process

**NOTE:** Orientation sessions are most often reported to be conducted on the evening or half day prior to the annual meeting day. The length of the sessions varies, with most panels reporting an adequate time period of two hours. Holding the orientation the evening prior to the annual meeting may provide opportunity for new members to review the information received and be more adequately prepared to participate the following day. Many panels include all members at the orientation meeting.
Setting Priorities

Establishing annual priorities is important for any group or organization. Panel members have identified that a shared purpose and function are critical factors in directing the decisions and actions of State special education advisory panels. While each State has its own unique challenges and political structure, there are methods of building unity and strength in panel membership that will assist an advisory panel in its efforts to provide guidance to the State Educational Agency in serving children with disabilities. Commitment and serious thought should be given in setting priorities for the year. It is important for a panel not to take on too many projects. It is better to decide on three or four critical issues to address during the year.

Guidance for Panel priorities might be driven by the data from the State Performance Plan and Annual Performance Report. The State’s Level of Determination from OSEP should also help determine priorities. To guide the priority-setting process, a good strategy is to enlist the services of an outside facilitator. Regional Resource Center staff can provide assistance or suggest qualified individuals in your area. The annual priority-setting process can ultimately provide a common ground between the panel membership and set the group in the direction of providing advice that will lead to positive results for children with disabilities.

Below are two considerations that may assist in the planning for this process.

- Conduct a summer meeting to provide orientation for new members. All panel members should attend to foster positive relationships and a team approach.

- At the same meeting, decide on three to four priority issues the panel should address during the year. The priority areas should be selected by using current special education data and State department input. Review current data from the State Performance Plan, Annual Performance Report, and State Level of Determination.

Advisory Panels as Change Agents

State advisory panels are being recognized for their critical roles in the oversight of State Performance Plan, Annual Performance Report, and State Level of Determination, serving as steering committee members during the federal monitoring improvement process, and advising for improved services for children with disabilities.
Variables to Making Systems Change

- Develop a rapport and relationship with the group you are representing.
- Develop a positive working relationship with the State director.
- Approach your work as advisory, not advocacy.
- Keep knowledgeable regarding State and national education issues.
- Be familiar with the State’s Level of Determination.
- Know that change sometimes takes a long period of time.
- Be familiar with your role in the CIFMS and Part B Annual Performance Report.
- Be familiar with data from the State Performance Plan.
- Request to testify to decision making bodies to provide advice.
- Communicate with and keep open communication among the State board of education members, legislators, State department of education personnel, OSEP staff, parents, and members of disability groups.
- Be aware of the advisory panel’s position in the State education agency’s organizational structure and the established process to promote panel directions within that structure.
- Establish a process that will keep the panel informed of “evidence-based practices” within the State.
- Allow time at meetings for members to share relevant information from their constituencies in the field.
- Use the Regional Resource Center to develop and coordinate interstate linkages among State advisory panels and to provide information on technical assistance activities.

Panel Meetings

Some of the key factors impacting the success of panel meetings are leadership, attitudes, using data, planning, and development of agendas. The length of meetings should be dictated by the focus or purpose of the meeting. States have reported meeting duration as being in two half-day sessions, full-day meetings, and multi-day meetings. Most annual meetings are two days in length while meetings during the year are one day in duration. It is of primary importance that panel members view their participation and actions as impacting State special education initiatives and programs. Below are strategies to consider when planning panel meetings.

Considerations for effective meetings

- Use the executive committee or an established ad hoc committee to identify relevant issues to be included as agenda items.
- Receive input from the State director and staff regarding agenda items.
- Provide members with a copy of the agenda and materials with adequate time to read before the meeting date.
• Schedule the meeting room in an area that allows for adequate group interaction.
• The meeting location should be accessible for individuals with disabilities.
• When possible, alternate meeting sites to facilitate traveling arrangements for individuals coming greater distances and allow for public access.
• Help facilitate travel plans for individuals coming long distances.
• A cover letter should identify the meeting purpose and main issues to be discussed.
• Send panel members an agenda prior to the meeting.
• Meeting location should have phone and restroom accessibility.
• Provide members with directions to meeting location and parking instructions when needed.
• Use Internet to expand public awareness of meeting dates and agenda.
• Publicly announce the panel meeting and agenda items in accordance with open meeting laws.
• Provide travel and child care compensation for panel members.

Planning the Meeting Agenda

• Meeting purpose and outcomes should be clearly stated at the beginning of the meeting.
• Give time for follow-up from the previous meeting.
• Provide time for the State director and/or staff to give reports on current issues impacting the State.
• Allow time for a progress report on the State Performance Plan, Annual Performance Report, and State Level of Determination.
• Set specified time for each topic and stay within established timeline.
• Indicate on the agenda the type of action to be taken on a given issue.
• Follow the established voting process (e.g., consensus building).
• Follow invited presentations with a short response period.
• Provide time on the agenda for public comment.
• Develop a format for a clear agenda, identify recorder/secretary, and appoint a person (taskmaster) to bring group back on task when needed to refocus the discussion on agenda items.
• Schedule adequate time for sub-committee or group work and reporting.
• Adhere to the agenda timelines.

Meeting Day Preparations

• Prepare name plates to be used at the tables so that names are clearly visible providing for easy identification by attendees.
• Provide packets or folders for each member. Include a copy of the agenda and any new material not received in the pre-meeting packet.
• Provide needed audio-visual equipment.
• Provide time for member introductions.
• Provide light refreshments and a group lunch.

Meeting Packets should include a copy of the meeting agenda and relevant documents, reports, or public comments that have been added since the mailing of initial meeting materials.

• At the beginning of each year, provide each member a tabbed three ring binder. Materials from each meeting can be three hole punched and inserted.
• Include expense forms — to be completed by members for reimbursement purposes.
• The panel purpose and outcomes should be referred to and be in written material for all panel members.
• Develop a process so all members have a voice in the discussions. Avoid letting one or two members monopolize the conversation.

......... Public Comments—Ground Rules

The following is a general list of guidelines when offering an opportunity for public input at council meetings.

• Provide notice to the public well in advance of the advisory panel meeting.
• Specify a consistent time on the agenda for public comment.
• Set aside around 30 minutes on the agenda for public comments.
• Limit public comment to no more than five minutes per individual.
• Public comment can be verbal or sent in written form to be read by the council chairperson.
• Alert individuals giving public comment to be factual and objective. Avoid using names of students of school staff. Maintain confidentiality and privacy standards.
• Mention to those providing comments that their input will be taken under advisement as the council address their priority issues.
• Don’t interrupt the speaker during their five minutes. Ask questions or for clarification after they are finished.
• Provide a verbal or visual clue one minute before their time is up.
• Provide an opportunity for individuals who can’t be physically present to call in on a cost-free teleconference line during the 30-minute public comment period.
• Provide a procedure to receive written comments.
Panel Annual Report

One of the major responsibilities for State advisory panel is the development of the required annual report. Without planning, the annual report often becomes a hastily completed document that includes copies of meeting agendas, minutes, published State and federal reports, and miscellaneous “filler” documents. The annual report is to the panel what the IEP is to the student.

Annual reports can be meaningful and useful. The following are elements that can contribute to an attractive and useful document. The information provides a format for the development of an annual report and components found to be helpful in the process. While each State has its own unique needs and political requirements, those documents that are clearly organized and easily read most often become the most used.

Suggested Elements for Panel Annual Reports

1. **Cover letter (brief):** Letter written by State superintendent, director, and/or Panel chair providing content information to the public.
2. **Preface:** A brief statement of purpose, followed by a list of the names and related area/consistency representation of panel members and other relevant State officials.
3. **Table of Contents:** List of document sections and page numbers.
4. **List of Membership and Officers**
5. **Annual Panel Priorities:** A list of key priority areas addressed by the panel.
6. **Data used to establish Panel priorities**
7. **Key Activities and Accomplishments:** Brief statement of activities and actions taken by the panel to address annual priorities and goals. Information should reflect panel involvement and responsiveness to State issues and public concerns.
8. **Identified Areas of Concern:** Noted areas where the panel recognizes continued efforts are needed to improve education for children with disabilities in the State.
9. **Panel Advice and Recommendations:** List of advice and recommendations to the State Board of Education and State Education Agency.

**NOTE:** In some States, the panel may be required to include the agenda and minutes for each meeting. These materials could also be included in the resource section.
10. **Future Issues:** A list of identified issues that the panel might address in the future. Many of these issues may result from efforts to implement changes in State or Federal law and meet children’s needs in the State.

........................ Advisory Panel Involvement with OSEP Programs

Never before has there been such an emphasis and support for State advisory panels, promoting the potential role that they can play in shaping the direction of special education and services for children with disabilities. The federal lawmakers have chosen to define in great detail the composition of the State advisory panel in order to ensure that there is representation from constituencies that are concerned with providing educational opportunities that would enable children with disabilities to experience success. The membership provides a good cross section of public opinion and views that have been recognized as beneficial to States. Below are suggestions for State advisory panel involvement in SEA/OSEP initiatives.

**IDEA Implementation**
- Study the major changes to IDEA.
- Provide comments on proposed federal and State regulations.
- Provide advice to the SEA regarding IDEA implementation strategies.
- When appropriate, consider IDEA implementation as a Panel priority area.
- Ask for updates from the State Director.

**State Performance Plan**
- Understand the relationship between the APR and SPP.
- Provide guidance to the SEA in developing measurable and rigorous targets for indicators under each indicator.
- Request the State provide updates on the SPP at least annually to the Panel membership.
- Use the SPP data to help generate panel priorities.

**Annual Performance Report**
- Provide suggestions when the APR is updated and revised.
- Suggest improvement strategies for areas of noncompliance.
- Provide advice and guidance to the SEA regarding the content of the State APR.
• Request that the State director or SEA staff provide an update at each panel meeting regarding progress toward State projected targets.
• Use the APR data to help generate panel priorities.

Levels of Determination
• Understand the four levels of determination.
• Be familiar with your State level and what it means.
• Suggest criteria for school district determination.
• Suggest improvement strategies to improve on State levels of determination.

Continuous Improvement and Focused Monitoring System (Verification)
• Understand the eight areas of general supervision.
  o SPP and State goals and measurable targets
  o Fiscal management
  o Integrated monitoring activities
  o Effective policies and procedures
  o Data on processes and results
  o Improvement, correction, incentives, sanctions
  o Effective dispute resolution
  o Targeted technical assistance and professional development
• Understand the CIFMS process.
• Participate in OSEP conference call prior to verification visit.
• Provide advice for improvement strategies to correct noncompliance issues.
• Request that the State director report on the results of the verification visit.

OSEP TA&D Resources
• Become familiar with OSEP’s Technical Assistance and Dissemination (TA&D) Network.
• Suggest information or a presentation from your RRC regarding OSEP’s TA&D resources.
• Keep in mind TA&D resources as the panel conducts discussion on the State’s APR and SPP.
• If appropriate, request a teleconference presentation from an OSEP Specialty Center during a Panel meeting.
• Be familiar with your State contact from OSEP.
History of OSEP Monitoring Process

**Compliance Monitoring—Past**
- Five-year Cycle
- Corrective Action Plans
- Compliance Oriented
- SEA/LEA Onsite Review
- Limited Stakeholder

**Continuous Improvement Monitoring System**
- State Self-Assessment
- Improvement Planning
- Stakeholder Involvement
- Compliance/Results oriented

**Continuous Improvement Focused Monitoring System**
- Stakeholder Involvement—Panel
- Verification—three levels
- Focused States
- High-risk States
- Connection to SPP/APR/Levels

**State Performance Plan**
- 20 Indicators—SEA/LEA
- Monitoring Priorities
  - FAPE/LRE—8 Indicators
  - Disproportionality—2 Indicators
  - General Supervision—10 Indicators
- Performance/Compliance Indicators
- Annual Performance Report
- Levels of Determination
## Summary of State Performance Plan (SPP) Indicators: Part B

<table>
<thead>
<tr>
<th>#</th>
<th>Topic</th>
<th>New Indicator*</th>
<th>Sampling Allowed?</th>
<th>Data from</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Graduation</td>
<td>No</td>
<td>No</td>
<td>618 (Annual federal data report—SEIS)</td>
</tr>
<tr>
<td>2</td>
<td>Dropout rate</td>
<td>No</td>
<td>No</td>
<td>618</td>
</tr>
<tr>
<td>3</td>
<td>Statewide assessment: participation and performance</td>
<td>No</td>
<td>No</td>
<td>618</td>
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<td>4</td>
<td>Suspension/expulsion data</td>
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<td>618</td>
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<td>5</td>
<td>LRE for students 6–21</td>
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<td>No</td>
<td>618</td>
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<tr>
<td>6</td>
<td>Preschool LRE (children 3–5)</td>
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<td>No</td>
<td>618</td>
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<tr>
<td>7</td>
<td>Preschool outcomes</td>
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<td>Yes</td>
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<td>8</td>
<td>Parent involvement</td>
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<td>Yes</td>
<td>Survey—TBD</td>
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<td>Disproportionality of race/ethnicity as a result of inappropriate identification</td>
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<td>No</td>
<td>618</td>
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<td>Disproportionality of race/ethnicity in disability categories</td>
<td>Yes</td>
<td>No</td>
<td>618</td>
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<tr>
<td>11</td>
<td>Evaluation complete in 60 days</td>
<td>Yes</td>
<td>Yes</td>
<td>Monitoring</td>
</tr>
<tr>
<td>12</td>
<td>C to B with IEP by third birthday</td>
<td>No</td>
<td>Yes</td>
<td>Monitoring</td>
</tr>
<tr>
<td>13</td>
<td>Transition planning by age 16</td>
<td>Yes</td>
<td>Yes</td>
<td>Monitoring</td>
</tr>
<tr>
<td>14</td>
<td>Postsecondary outcomes</td>
<td>Yes</td>
<td>Yes</td>
<td>Survey—TBD</td>
</tr>
<tr>
<td>15</td>
<td>Noncompliance corrected within one year</td>
<td>No</td>
<td>Yes</td>
<td>Monitoring</td>
</tr>
<tr>
<td>16</td>
<td>State complaints completed within 60 days</td>
<td>No</td>
<td>No</td>
<td>Part B Attachment 1</td>
</tr>
<tr>
<td>17</td>
<td>Due process completed within 45 days</td>
<td>No</td>
<td>No</td>
<td>Part B Attachment 1</td>
</tr>
<tr>
<td>18</td>
<td>Resolution sessions that result in agreement</td>
<td>Yes</td>
<td>No</td>
<td>Part B Attachment 1</td>
</tr>
<tr>
<td>19</td>
<td>Mediations resulting in agreement</td>
<td>No</td>
<td>No</td>
<td>Part B Attachment 1</td>
</tr>
<tr>
<td>20</td>
<td>618 data on time and accurate</td>
<td>No</td>
<td>No</td>
<td>618 and State-selected sources</td>
</tr>
</tbody>
</table>

*For New Indicators, baseline data to be collected in 2005–2006. Baseline and targets due February 1, 2007, in FFY 05 APR (Annual Performance Report)

SEIS = Special Education Student Information System
LRE = Least Restrictive Environment
TBD = To Be Determined
IEP = Individualized Education Program
A Primer for State Special Education Advisory Panel Members and SEA Staff

Appendices

2008

DEVELOPED BY THE CENTER FOR TECHNICAL ASSISTANCE FOR EXCELLENCE IN SPECIAL EDUCATION (TAESE)
Special Education
Advisory Panels

Appendices

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Appendix A
Regulations

§ 300.167 State advisory panel

The State must establish and maintain 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.

(Approved by the Office of Management and Budget under control number 1820–0030)

(Authority: 20 U.S.C. 1412(a)(21)(A))

§ 300.168 Membership

(a) General. The advisory panel must consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, be representative of the State population and be composed of individuals involved in, or concerned with the education of children with disabilities, including—

(1) Parents of children with disabilities (ages birth through 26);

(2) Individuals with disabilities;

(3) Teachers;

(4) Representatives of institutions of higher education that prepare special education and related services personnel;

(5) 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.);

(6) Administrators of programs for children with disabilities;
(7) Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;

(8) Representatives of private schools and public charter schools;

(9) Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;

(10) A representative from the State child welfare agency responsible for foster care; and

(11) Representatives from the State juvenile and adult corrections agencies.

(b) **Special rule.** A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (ages birth through 26).

(Approved by the Office of Management and Budget under control number 1820–0030)

(Authority: 20 U.S.C. 1412(a)(21)(B) and (C))

§ 300.169 **Duties**

The advisory panel must—

(a) Advise the SEA 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 SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act;

(d) Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act; and

(e) Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities.

(Approved by the Office of Management and Budget under control number 1820–0030)

(Authority: 20 U.S.C. 1412(a)(21)(D))
Appendix B
Special Education Acronyms

The following is a list of commonly used special education acronyms that might be helpful for new panel members.

ACRES American Council on Rural Special Education
ADA Americans with Disabilities Act
ADD Attention Deficit Disorder
ADHD Attention Deficit Hyperactive Disorder
APE Adapted Physical Education
APR Annual Performance Report
ASHA American Speech-Language-Hearing Association
ASL American Sign Language
AT Assistive Technology
AU Autism
AYP Annual Yearly Progress
BD Behavior Disorder
BIE Bureau of Indian Education
BIP Behavior Intervention Plan
CC Comprehensive Center
CD Cognitive Delay
CEC Council on Exception Children
CFR Code of Federal Regulations
CHADD Children and Adults with Attention-Deficit/Hyperactivity Disorder
CIFMS Continuous Improvement and Focused Monitoring System
CoP Community of Practice
COTA Certified Occupational Therapist Assistant
CP Cerebral Palsy
CSPD Comprehensive System of Personnel Development
D Deaf
DB Deaf-Blindness
DD Developmental Disabilities
DOE Department of Education
DOH Department of Health
DPH(O) Due Process Hearing (Officer)
DSM-IV Diagnostic and Statistical Manual IV
ECSE Early Childhood Special Education
ED Emotionally Disturbed
EDGAR Education Department General Administrative Regulations
EHA Education of the Handicapped Act
EI Early Intervening
ELP English Language Proficiency
ERIC Educational Resource Information Center
ESEA Elementary and Secondary Education Act
ESL English as a Second Language
ESY Extended School Year
FAPE Free Appropriate Public Education
FBA Functional Behavior Assessment
FERPA Family Educational Rights Privacy Act
FM Focused Monitoring
FRRC Federal Regional Resource Center
G/T Gifted and Talented Education
HI Hearing Impaired
HIPAA Health Insurance Portability Accountability Act
ICC Interagency Coordinating Council
IDEA Individuals with Disabilities Education Act 2004 Amendments
IEP Individuals Education Program
IFSP Individual Family Service Plan
IHCP Individual Health Care Plan
IHE Institutions of Higher Education
LA Lead Agency
LD Learning Disabilities
LEA Local Education Agency
LEP Limited English Proficiency
LoD Level of Determination
LRE Least Restrictive Environment
MPRRC Mountain Plains Regional Resource Center
NASDSE National Association of State Directors of Special Education
NCLBA No Child Left Behind Act
OCR Office for Civil Rights
ODD Oppositional Defiant Disorder
OESE Office of Elementary and Secondary Education (USDOE)
OHI Other Health Impairment
OI Orthopedic Impairment
O&M Orientation and Mobility
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>OSEP</td>
<td>Office of Special Education Programs (USDOE)</td>
</tr>
<tr>
<td>OSERS</td>
<td>Office of Special Education and Rehabilitation Services</td>
</tr>
<tr>
<td>OT</td>
<td>Occupational Therapy</td>
</tr>
<tr>
<td>P&amp;A</td>
<td>Protection and Advocacy</td>
</tr>
<tr>
<td>Part B</td>
<td>Services for School age Children with Disabilities</td>
</tr>
<tr>
<td>Part C</td>
<td>Services for Children Birth Through Two Years</td>
</tr>
<tr>
<td>Part D</td>
<td>Discretionary Programs</td>
</tr>
<tr>
<td>PDD</td>
<td>Pervasive Development Disorders</td>
</tr>
<tr>
<td>PL</td>
<td>Public Law (Federal)</td>
</tr>
<tr>
<td>PLAAFP</td>
<td>Present Levels of Academic Achievement and Functional Performance</td>
</tr>
<tr>
<td>PT</td>
<td>Physical Therapist</td>
</tr>
<tr>
<td>PTAC</td>
<td>Parent Technical Assistance Center</td>
</tr>
<tr>
<td>PTI</td>
<td>Parent Training and Information Center</td>
</tr>
<tr>
<td>RRCP</td>
<td>Regional Resource Center Program</td>
</tr>
<tr>
<td>RTI</td>
<td>Responsiveness to Intervention</td>
</tr>
<tr>
<td>SA</td>
<td>Self-assessment</td>
</tr>
<tr>
<td>SEA</td>
<td>State Education Agency</td>
</tr>
<tr>
<td>SEAP</td>
<td>Special Education Advisory Panel</td>
</tr>
<tr>
<td>Section 504</td>
<td>The “Nondiscrimination on the basis of disability” portion of the Federal Rehabilitation Act of 1973 (P.L. 93-112)</td>
</tr>
<tr>
<td>Section 619</td>
<td>Special Education—3–5 Years Old (preschool)</td>
</tr>
<tr>
<td>SI</td>
<td>Sensory Integration</td>
</tr>
<tr>
<td>SL(P)</td>
<td>Speech Language (Pathologist)</td>
</tr>
<tr>
<td>SpEd</td>
<td>Special Education</td>
</tr>
<tr>
<td>SPDG</td>
<td>State Personnel Development Grant</td>
</tr>
<tr>
<td>SPP</td>
<td>State Performance Plan</td>
</tr>
<tr>
<td>STO</td>
<td>Short Term Objective</td>
</tr>
<tr>
<td>TBI</td>
<td>Traumatic Brain Injury</td>
</tr>
<tr>
<td>TDD/TTY</td>
<td>Telecommunications Device for the Deaf (Teletypewriter)</td>
</tr>
<tr>
<td>USDE</td>
<td>United States Department of Education</td>
</tr>
<tr>
<td>VI</td>
<td>Visually Impaired</td>
</tr>
<tr>
<td>VR</td>
<td>Vocational Rehabilitation</td>
</tr>
</tbody>
</table>
Appendix C  
Panel Membership Forms and Checklists

Membership Form

The following is a list of membership requirements for special education advisory panels. The majority of members need to be individuals with disabilities and/or parents of children with disabilities.

<table>
<thead>
<tr>
<th>Number in Each Category</th>
<th>Member</th>
<th>Person with a Disability</th>
<th>Date Term Ends</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Parents of children with disabilities birth–26 years</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Individuals with disabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Teachers</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Representative of institutions of higher education that prepare special education and related services personnel</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Related services</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>State education official</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Local education official</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Administrators of programs for children with disabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Representatives of other State agencies involved in financing or delivery of related services to children with disabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Representatives of private schools</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Representatives of charter schools</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>At least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Representative from State juvenile correction agencies</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Representative from State adult correction agencies.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Child welfare in charge of foster care</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Member who represents homeless children</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Student with a disability (optional)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** An individual may fill more than one role on the advisory panel. State advisory panels may choose to add individuals representing other constituencies. However, the full panel membership must include those representatives as required by Federal law and meet the “special rule” of majority.
<table>
<thead>
<tr>
<th>Panel Member</th>
<th>Address and E-mail</th>
<th>Telephone</th>
<th>Representation</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joe Smith</td>
<td>1536 Fancy St.</td>
<td>(203) 843-9835</td>
<td>Parent of child with disability or individual with a disability (ages birth–26 years)</td>
<td>June 2007</td>
</tr>
<tr>
<td></td>
<td>Bowling, MA 22136</td>
<td></td>
<td>Parent of child with disability or individual with a disability</td>
<td></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:jsmith@ma.state.edu">jsmith@ma.state.edu</a></td>
<td></td>
<td>Teacher</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Teacher</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Institutions of Higher Education</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>State education official</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>State education official</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Local education official</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Local education official</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Administrator of programs for children with disabilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Administrator of programs for children with disabilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>State agency—financing or delivering of related services</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>State agency—financing or delivering of related services</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Private school</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Charter school</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Vocational, community, or business organization</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>State juvenile agency</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Adult corrections agency</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Child welfare/foster care</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Homeless children</td>
<td></td>
</tr>
</tbody>
</table>
Representing a Stakeholder Group

A critical responsibility of each panel member is to represent their constituency and give as much feedback as possible to that group. Listed below are some techniques to accomplish this responsibility.

**Strategy 1—Panel Brochures**
Disseminate advisory panel brochures; include the following information:

- Name of organization
- Dates of meetings
- Purpose and responsibilities
- Meeting dates and locations
- Membership listing with area of representation
- Contacts: phone number, fax, mail, and e-mail addresses where available
- Highlighted activities or projects
- Priority issues being addressed

**Strategy 2—Presentations**
Conduct presentation at public meetings.

- Presentation script for members to follow when addressing groups
- Transparencies/PowerPoint
- Copies of brochures or panel information for distribution
- List of contact people
- Panel business cards
- Comment sheets that allow for information to be returned to the panel
- Panel priority areas

**Strategy 3—Meet in different locations in the State.**
Conduct regional and town meetings.

- Publicize meeting purpose.
- Establish a procedure for meeting format.
- Emphasize that the information received from the field is to be taken to the full panel for consideration—do not attempt to solve issues.
- Develop a method to respond to public issues (e.g., panel newsletter, written response on an individual issue).
- Advertise the opportunity to proved public comments.

**Strategy 4—Invite a friend.**

- Encourage panel members to invite interested individuals to panel meetings.
- Conduct evening input sessions for parents.
- The panel could visit programs in the area.
Appendix D
Sample Panel By-laws and Operating Procedures

By-laws set the ground rules for the day to day operation of the panel. Listed below are suggestions on what could be included in panel by-laws.

**NOTE:** The following information is provided to give ideas regarding how by-laws might be organized. The examples are from State advisory panel documents and are in no way meant to provide the “only” or the “best” way of wording. Rather, they are provided to generate ideas that might be helpful to a panel as they tailor their document to their own specific needs.

1. **Panel Name**
The name of the Panel shall be the (State) Special Education Advisory Panel.

2. **Purpose**
The purpose and duties of the State special education advisory panel shall be to advise the State in ways that promote services for children and youth with disabilities. The (State) Advisory Panel exists under the authority of the Code of Federal Regulations. The Panel shall serve as a forum by which issues and benefits regarding current and potential services to individuals with disabilities may be discussed by consumer, public, private, professional, and lay interests.

As per CFR 300.169, *specific responsibilities include*

(a) Advise the SEA 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 SEA in developing evaluations and reporting on data to the U.S. Secretary of Education as required;
(d) Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act;
(e) Advise the SEA in developing and implementing polices relating to the coordination of services for children with disabilities.

_in order to promote activities that facilitate services for all children, the panel will_

- Identify annual priorities;
- Educate the public, educators, and policy makers;
  - promote awareness
  - disseminate information
  - advocate for quality education
- Facilitate dialogue between service providers, the SEA, and institutions of higher education;
- Review and respond to activities/documents produced by the special education department; and
- Receive and offer public comment.

3. **Panel Membership**
Panel membership is established by Federal and State law. The membership of the panel will consist of members appointed by the Governor or any other official authorized under State law to make these appointments. The panel will be representative of the State population and that is composed of individuals involved in, or concerned with, the education of children with disabilities. **Parents of children and individuals with disabilities shall compose a majority of panel membership.** Panel membership will include representation from the following constituencies.

(a) Parents of children with disabilities (ages birth–26 years)
(b) Individuals with disabilities
(c) Teacher
(d) Representatives of institutions of higher education that prepare special education and related services personnel
(e) State and local education officials
(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) At least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
(j) Representatives from the State juvenile and adult corrections agencies
(k) Child welfare/foster care
(l) Representative for children who are homeless
(m) Others, as appropriate

The State special education director or his/her designee may serve as an ex-officio member of the panel. Consider the appointment of one or more student members who are receiving special education services.

Membership effectiveness is enhanced by

- Personal and/or professional experience with special education programs;
- A knowledge and understanding of special education regulations.
- The capability to gather information from and to report back to organization or constituencies which are involved in the various aspects of the provision of special education services;
- The willingness to commit time to actively participate in all special education advisory panel meetings; and
- Willingness to serve in an advisory capacity.

4. **Term of Office**
   State advisory panel members shall be appointed to a term of three years, except when an appointment is to fill an unexpired term. A rotation of members’ terms shall occur to retain at least two-thirds of the members each year. Members shall serve no more than two consecutive terms. Any member unable to be in attendance for a regular meeting may send a substitute. A substitute will not be permitted voting privileges. Substitutes shall represent the same constituency as the panel member being replaced.

*Note: In some States, members may appoint substitutes to attend meetings in their place, and substitutes may vote.*

5. **Resignation**
   Any member may resign at any time by giving written notice to the State superintendent/commissioner. 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.

6. **Vacancy**
   Any vacancy in the panel may be filled for the remainder of the unexpired terms by a candidate recommended by the Commissioner. The recommended candidate shall be subject to all by-laws. Any
member appointed to complete a vacant term, may, on the recommendations of the executive committee, apply according to State established appointment procedures for an additional full membership term.

7. **Termination of Membership**
Upon recommendation of the executive committee, an appointee to the panel will be removed by the commissioner if, for some reason, he/she no longer qualifies as an appointee in the category for which he/she was selected. Membership shall terminate for any member who is absent from two consecutive, regular meetings within one year. Termination of membership will be confirmed by a two-thirds vote of the panel. Members who may have their appointment terminated shall be notified in writing by the Chair at least 14 days before the meeting at which the termination vote takes place and shall be given an opportunity prior to the vote to provide information as to why they should not be terminated. A vote to terminate a member’s appointment may be appealed in writing to the Commissioner of Education. The Commissioner may request the resignation of any member or remove a panel member upon a two-thirds vote of the panel membership or the commissioner may remove the member if there is just cause. Other causes for removal shall include failure to carry out those responsibilities assumed by acceptance to the panel.

8. **Voting Rights**
Each member shall be entitled to one vote and may cast that vote on each matter submitted to a vote by the panel. Proxy voting and absentee ballots shall not be permitted.

9. **Amendments to the By-laws**
Amendments to the by-laws shall be made as follows: a written proposal shall be submitted to the panel at the regularly constituted meeting. A vote on the proposal shall be taken at the next regular meeting. A two-thirds vote of the members present is necessary for passage of the amendment.

10. **Panel Decisions**
Panel decisions are determined by various processes.

   (a) All decisions of the panel are made only after a vote of a majority of its members in attendance, provided a quorum is in attendance.

   (b) Voting shall be done by secret ballot upon request of any member of the panel.

   (c) Each member of the panel shall possess one vote excepting ex-officio and ad hoc members who shall be non-voting. If a
member is absent, that member may provide a written proxy to the chairperson. The presiding officer shall have a vote only in order to break a tie.

(d) The State special education director/staff is not a voting member.

(e) In the event there is a need to transact specific panel business for which a physical meeting is impractical, the chairperson may call for a vote by mail or telephone.

(f) When the panel is taking official action, a roll call vote will be taken by the recorder. The responses are “yes,” “no,” or “abstain.” Abstain is typically used if there is a conflict of interest, when choosing not to vote, or for approval of past minutes if the member was not present.

(g) Consensus is a decision each person—
— can support publicly;
— can agree not to sabotage; and
— has an opportunity to voice an opinion about.

A consensus decision is not a unanimous decision or a majority vote. It may not be everyone’s first choice. If any participant can not live with a particular decision, he/she has an obligation to State an opinion and prevent the idea from being included as stated.

When entering into a consensus agreement, there are ground rules for discussion:

- Respect others’ ideas and feelings.
- Participate and give others the opportunity to speak.
- Be brief.
- Listen carefully.
- If you don’t understand, ask for clarification.
- Work for a win/win situation.
- Seek a decision you can support.
11. **Panel Officers/Terms**

The officers of the panel shall be

- Chairperson
- Vice chairperson
- Secretary

The officers are to be elected annually at the last regular meeting of the calendar year. The election shall be by a majority vote of the members of the fiscal year. The election shall be by a majority vote of the members present, those present constituting not less than a quorum. The officers’ term of office shall commence July 1 of the new year. An officer may serve no more than two consecutive terms in the same position.

Election shall be by secret ballot and shall not occur unless there is a quorum present. Members may request an absentee ballot. This written request must be received by the chair of the nominating committee at least 15 days prior to the election. Sealed absentee
ballots must be received by the chair of the nominating committee at least 15 days prior to the election and shall not be opened until all ballots are counted.

12. **Removal of an Officer**
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.

13. **Office Vacancy**
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.

14. **Chairperson’s assigned duties may include the following:**
   a) Communicate with the State special education director
   b) Preside at panel meetings;
   c) Work with members of the executive committee to develop meeting agendas;
   d) Coordinate panel activities with the special education staff;
   e) Draft correspondence and reports;
   f) When appropriate, appoint ad hoc groups to address topical issues. (Note: The chair of the ad hoc working group will be a member of the panel.)

The vice chairperson shall perform the duties of the chairperson in the absence of the chairperson and assist the chairperson when necessary. The special education department may provide secretarial support of panel meetings and to support panel activities.

15. **Panel Duties and Responsibilities**
   a) Members shall meet as often as necessary to conduct business.
   b) By July 1 of each year, the advisory panel shall submit an annual report of panel activities and suggestions to the SEA. This report must be made available to the public in a manner consistent with other public reporting requirements.
   c) Official minutes must be kept on all panel meetings and must be made available to the public on request.
   d) All advisory panel meetings and agenda items must be publicly announced prior to the meeting, and meetings must be open to the public.
   e) Interpreters and other necessary services must be provided at panel meetings for panel members or participants. The State may pay for these services.
f) The advisory panel shall serve without compensation, but the State must reimburse the panel for reasonable and necessary expenses for attending meetings and performing duties.

Panel member duties may also include the following:

- Development of advice regarding special education regulation revisions;
- Development of advice for State board or any department rule or issue impacting special education programs;
- Development of advice formulated through identification and study of issues vital to special education in the State;
- Development of advice/testimony regarding IDEA, Part B and Part C State eligibility document, Federal regulations and applications; and
- Surveying the constituency the member represents regarding issues before the panel.
Appendix E
Setting Annual Panel Priorities

Strategic planning and establishing annual priorities are important for any group or organization. Panel members have identified that a shared purpose and function are critical factors in directing the decisions and actions of State special education advisory panels. While each State has its own unique challenges and political structure, there are methods of building unity and strength in panel membership that will assist an advisory panel in its efforts to provide guidance in serving children with disabilities. Commitment and serious thought should be given to the course that will be used to begin strategic planning and setting priorities for the year. Use the data from the State Performance Plan and Annual Performance Report and State Level of Determination to drive Panel priorities. To guide the process, leaders have strongly suggested enlisting the services of an outside facilitator. The Regional Resource Center staff can provide assistance or suggest qualified individuals in your area. The annual priority setting process can ultimately provide a common ground between the panel membership and set the group in the direction of providing advice that will lead to positive results for children with disabilities.

Some suggested ideas to establish annual priorities for the panel include

- Conduct a summer meeting to provide orientation for new members. All panel members should attend to foster positive relationships and a team approach.

- At the same meeting, decide on three to four priority issues that panel should address during the year. The priority areas should be selected by utilizing current SPP and APR data and State department input.

Annual Orientation and Planning Meeting

The annual orientation and planning meeting sets the tone for the rest of the year. These are suggestions to ensure the annual planning meeting will be a success.

Annual Meeting Activities

- Conduct election of officers.
- Meet State director and SEA staff.
- Review important State documents.
Focus on panel functions and procedures.
Review the panel’s role, the composition of its membership, and current procedures.
Analyze the current panel structure. Determine if any changes need to occur.
Set annual priorities focused on the panel functions.
Determine activities and timelines to accomplish the priorities.
Discuss new initiatives that might be implemented (e.g., a panel newsletter)
Assign responsibilities to members.
Discuss additional information which the panel would like to request.
Set meeting dates and locations for the year.

**New Member Orientation Session**—Provide information on the following items:
- State director and SEA staff
- A brief history of the State special education advisory panel
- State and federal special education structure
- Panel roles and responsibilities
- Confidentiality/privacy
- Panel officers/membership
- Panel by-laws
- The meaning of “advisory” vs. “advocacy”
- Panel procedures and functions
- Procedures for agenda development
- Information on SPP, APR, and Levels
- Overview of panel committees
- Travel compensation
- Discuss consensus building
**Setting Annual Priorities Worksheet**

To be effective advisors to the State, panel members must first identify key needs or issues in their State that are creating barriers to the process of improving services for children with disabilities. Once these barriers are identified, members can conduct work sessions where they establish desired outcomes and plan activities that will lead to accomplishing those outcomes. Successful results require a commitment to planning and action. The following worksheet can be used in the planning process.

<table>
<thead>
<tr>
<th>Priority Issue</th>
<th>SPP/APR/Levels Data</th>
<th>Activities/Timelines</th>
<th>Desired Outcome</th>
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</table>
State Advisory Panel Action Plan Form

The annual planning meeting provides an opportunity for panels to establish annual priorities and plan activities that will be conducted during the year. This form can be used to outline the panel’s action plan for the year.

<table>
<thead>
<tr>
<th>RESULT</th>
<th>INDICATOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>What do we want to have happen?</td>
<td>What evidence will we accept to verify that it has happened?</td>
</tr>
</tbody>
</table>

**Priority Area:**

<table>
<thead>
<tr>
<th>RESULTS (What)</th>
<th>ACTIVITIES (How)</th>
<th>INDICATORS (Evidence)</th>
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Appendix F
Sample Agenda

State Special Education Advisory Panel

An agenda that has been planned and relevant is critical for a panel’s success. Agenda timelines should be followed.

<table>
<thead>
<tr>
<th>Time</th>
<th>Item</th>
<th>Lead</th>
<th>Action/notes</th>
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</thead>
<tbody>
<tr>
<td>8:00–8:15</td>
<td>Welcome/introductions</td>
<td></td>
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<tr>
<td>8:15–8:20</td>
<td>Announcements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8:20–8:30</td>
<td>Meeting purpose/outcomes</td>
<td></td>
<td>Why are we here? Anticipated meeting outcomes</td>
</tr>
<tr>
<td>8:30–8:35</td>
<td>Approval of agenda/minutes</td>
<td></td>
<td>Additions (set time, if appropriate, under new items)</td>
</tr>
<tr>
<td>8:35–8:40</td>
<td>Review panel materials</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8:40–9:30</td>
<td>Executive committee report</td>
<td></td>
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<tr>
<td>9:30–10:30</td>
<td>New business</td>
<td></td>
<td></td>
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<tr>
<td>10:30–11:00</td>
<td>State director report</td>
<td></td>
<td></td>
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<tr>
<td>11:00–11:45</td>
<td>State Performance Plan, Annual</td>
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<td>Performance Report, and Levels of</td>
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<td></td>
<td>Determination—report</td>
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<tr>
<td>11:45–12:00</td>
<td>Public comment session</td>
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<tr>
<td>12:00–1:00</td>
<td>LUNCH</td>
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<tr>
<td>1:00–1:45</td>
<td>Action items</td>
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<tr>
<td>1:45–2:15</td>
<td>Committee updates and written</td>
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<td></td>
<td>reports</td>
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<tr>
<td>2:15–2:45</td>
<td>State Personnel Development Grant—report</td>
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<td>Report from the SEA on current initiatives</td>
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<tr>
<td>2:45–4:00</td>
<td>Subcommittee work</td>
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<td>Subcommittee reports</td>
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<tr>
<td>4:00–4:30</td>
<td>Discussion/reaction time</td>
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<tr>
<td>4:30–4:35</td>
<td>Next meeting</td>
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<tr>
<td>4:35</td>
<td>Adjourn</td>
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## Meeting Summary

<table>
<thead>
<tr>
<th>Panel</th>
<th>Date/Location</th>
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<tbody>
<tr>
<td>Chairperson</td>
<td>Recorder</td>
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### Members — (present at meeting X, absent at meeting left blank)

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### Agenda Items

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<tr>
<th>Agenda Items</th>
<th>Panel Advice Provided</th>
<th>Action or follow-up</th>
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### Panel Meeting Review

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<th>Critical Discussion</th>
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<th>Positive Outcomes</th>
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<th>Areas for Improvement</th>
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<th>Advice Provided to SEA</th>
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<th>Follow-up Items</th>
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### Next Meeting

<table>
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<tr>
<th>Date/Time:</th>
<th>Key Issues:</th>
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<tr>
<th>Location:</th>
<th>Recorder:</th>
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State Special Education Advisory Panel Meeting Preparation Checklist

The following is a checklist to help ensure an organized panel meeting.

<table>
<thead>
<tr>
<th>Location</th>
<th>Date</th>
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____ Facilities (be sure meeting room(s) and rest rooms are accessible)

____ Room Arrangements (classrooms style, U shape, round, podium, microphone, lighting, food-breaks/lunch/water on tables, restroom, accessibility, AV equipment, VCR, overhead, etc.)

____ Contract Request
    Consultants_______Facilities_______Other___________________________

____ Room Reservations

<table>
<thead>
<tr>
<th>Panel members</th>
<th>Membership list</th>
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| Guests | Names, addresses, and phone # |
|_______|________________|
| ___ | ___ |

| Agenda | Name tents |
|_______|__________|
| ___ | ___ |

| Lunch | Expense form |
|_____|________|
| ___ | ___ |

| Speaker needs (equipment, hand-outs, etc.) | Evaluation/comment sheet |
|________________________________________|________________________|
| ___ | ___ |

| Public notice | Follow-up on contract requests |
|---------------|________________|
| ___ | ___ |

| Member notification | Supplies to bring to meeting |
|____________________|________________________|
| ___ | ___ |

| Packets | Folders |
|__________|__________|
| ___ | ___ |

| Other ____________________ | Other ____________________ |
|___________________________|___________________________|
| ___ | ___ |

**ITEMS**

___Name tags/Name Plates ___Computer/LCD

___Charts ___Stapler/staples

___Markers (wide, transparency...) ___Chalk/eraser

___Scissors ___Post-it notes

___Tape-masking, scotch, strapping ___Writing paper/tablet

___Extension cord ___Pens/pencils

___Sign-in sheets (name of participant, date) ___Rubberbands

___Overhead projector/screen ___Other
Panel Meetings

Many State special education advisory panels meet three to four times each year; however, this varies from State to State. Listed below are some general issues regarding panel meetings.

Meeting Discussion
The panel will limit discussion to items on the proposed agenda. However, additional items may be submitted by a majority vote of the panel during the acceptance of the agenda at the beginning of each meeting.

Open Meetings
All panel meetings shall be open to the public in accordance with provisions of open meeting laws.

Attendance
Members of the panel, having accepted the appointment, shall attend all meetings. Expenses of members of the panel shall be reimbursed in accordance with the law.

Regular Meetings
The panel shall set a yearly schedule of meetings with dates and locations.

Special Meetings
Special panel meetings may be convened by the panel chairperson or by a majority vote of the panel members (subject to availability of funds). These meetings are open to the public.

Quorum
Panel voting membership attendance over 50% shall constitute a quorum.

Parliamentary Procedures
In matters of parliamentary procedures not otherwise covered by the By-Laws, the provisions of Robert’s Rules of Order shall prevail. Informal action may be conducted by a show of hands or a voice vote.

Meeting Norms
The panel should observe the following meeting norms:

- Panel members are responsible for reviewing the agenda and materials for each meeting. It is important that all members be well informed in order to represent their constituency and ensure that panel actions are appropriate.
- Members will arrive on time and stay until the meeting is adjourned, except in emergencies.
• Each meeting will start and end on time.
• A quorum shall be constituted by a simple majority of the panel membership and will be necessary for all matters of official business.
• In the absence of the chairperson, the vice-chair shall assume the position of temporary chairperson and shall preside at the meeting.
• Approximately 10 days prior to each scheduled meeting, panel members will receive a meeting agenda and a packet of information pertaining to the meeting.
• Panel discussion will be limited to items on the proposed agenda. Should there be a desire to submit additional items for the agenda, changes to the agenda can be made by a majority vote at the beginning of each meeting.
• The panel will determine the method to be used for making decisions. This may be accomplished by using majority vote and/or parliamentary procedures or by consensus.
• All members are encouraged, and will be given an equal chance, to assume various roles. Opportunities for personal growth and professional development are valued.
• The panel will assume responsibility for any oversights or errors in judgment that lead to inappropriate decisions and/or actions by the panel. When identified, said problem will be revisited.
• Panel members support the use of “people first” language in reference to individuals with disabilities.

Panel Committees

There are several types of committees that have been used by State special education advisory panels:

Executive Committee
The executive committee can be comprised of three to five members. The executive committee could include the panel chair, vice-chair, and secretary. Responsibilities shall include, but are not limited to, the following. At least one member of the executive committee will be a parent of a child with a disability.

The Executive Committee shall

• Meet/consult at least one time prior to each advisory panel meeting to preview proposed agenda items and set forth recommendations for panel consideration.
• Communicate with the State special education director.
• Provide a report (written or verbal) to the membership at each panel meeting.
• Coordinate and assign members to serve on ad hoc committees as needed.
• Represent the panel in matters requiring immediate attention prior to the next scheduled meeting.
• Call additional and/or emergency panel meetings when deemed necessary to perform panel responsibilities.
• Be responsible for ensuring that recommendations for panel membership are forwarded to the State board when a vacancy exists.
• Prepare an advisory panel annual report for the State Education Agency.
• Provide leadership supporting the panel’s efforts to fulfill its responsibility as established by State and federal regulations.
• Assign a panel member to serve as a first year mentor for each new panel appointee.
• Prepare panel correspondence.

The immediate past chairperson might serve on the executive committee. The duties would be primarily advisory in nature. The immediate past chairperson shall serve as an ex-officio member of the panel in the event that his/her term has expired.

*Standing Committees*
Standing committees will be chaired by members of the panel. Members will be appointed by the panel chairperson in consultation with other members on the executive committee and the State staff. Standing committees will report and make recommendations to the panel.

*Ad Hoc Committees*
Ad Hoc committees can be formed to serve a particular need and to aide the panel in its operation. Membership of these committees shall be appointed by the panel chairperson in consultation with other members on the executive committee and the State staff.

*Committee Areas*
Among the areas most commonly listed for subcommittee work are the following:

- State Performance Plan
- Annual Performance Report
- Levels of Determination
- Legislative/public policy
- Recruitment and retention
- State Personnel Development Grant
- Continuous Improvement and Focused Monitoring System (CIFMS)
- IDEA Regulations Implementation
- Rules and regulation
- Executive committee
- Membership
Appendix G
Annual Report

The annual report is the most important activity and product of the panel. The report contains the activities and advice of the panel. The annual report should reflect the important purpose and activities involving the State advisory panel and its efforts to improve special education and services for children with disabilities. The following are suggestions for good annual panel reports.

- **Preface**: A brief statement of purpose followed by a listing of the names and related area/constituency representation of panel members and other relevant State officials.

- **Introductory Message**: Letter written by State director and/or panel chair providing content information to the public.

- **Table of Contents**: Listing of document sections and page numbers.

- **List of panel membership**.

- **Identified Areas of Concern**: Noted areas where the panel recognizes continued efforts are needed to improve education in the State.

- **Annual Priorities and Goals**: A listing of the key areas of emphasis outlined by the panel in yearly planning.

- **Data used**: List the SPP/APR/Levels data used to establish priorities.

- **Key Activities**: Brief statements of activities and actions taken by the panel to address annual priorities and goals. Information should reflect panel involvement and responsiveness to State issues and public concerns.

- **Panel Advice and Recommendations**: Listing of recommendations to the State and other identified stakeholders.

- **National and State Initiatives recognized as successful**: Brief statements describing changes in regulations, services, or laws that the panel has identified as benefiting public education in the State.

- **Future Issues**: A list of identified challenges that the panel will address in the future. Many of these challenges may result from the efforts to implement changes in State or Federal law and meet student needs in the State.
Panel Annual Report Checklist

If the answer is “yes” to all of these questions, then the State’s annual report will most likely make a difference for children with disabilities.

____ Is information based up on priority needs identified at the annual meeting?

____ Did the panel use data from the SPP, APR, and Level of Determination to determine priorities?

____ Does the document reflect a commitment to the purpose and functions of the panel?

____ Does the report offer advice based on sound data and reliable information?

____ Does the information reflect the panel’s role in supporting education for students with disabilities?

____ Does the report provide a “snap shot” of membership involvement and activities conducted throughout the year?

____ Is the document short, user friendly, and focused on key information?

____ Is the document formatted in a manner that enables the reader to quickly identify sections, statements, and pages for review?

____ Is the document free of lengthy State and Federal “filler” documents?

____ Are tables and graphs relevant and necessary for reporting information to the reader?

____ Is the document free of “jargon” and undefined “acronyms”?

____ Has the information been shared with the State director, SEA staff, and key stakeholders?
Appendix H
Office of Special Education Programs
and Regional Resource Centers

Office of Special Education Programs
State Contact ________________________________
State Leader ________________________________

U.S. Department of Education Website
http://www.ed.gov

Office of Special Education Programs Website
http://www.ed.gov/about/offices/list/osers/osep/index.html

Federal Regional Resource Center Website
http://www.federalresourcecenter.org/frc/

The special education advisory panel should use their RRC as a resource for information and technical assistance. These services can be accessed through the State director of special education.

Invite your RRC representative to attend at least one panel meeting to review technical assistance opportunities available for your State.

Regional Resource Centers
The following is a listing of Regional Resource Centers (RRCs) with a map indicating the States served in each region. The Regional Resource Centers provide technical assistance in special education to State Education Agencies and, through them, school districts and other partners.

Federal Resource Center (FRC)
Academy for Educational Development
1875 Connecticut Avenue, N.W., Suite 900
Washington, D.C. 20009
Phone: (202) 884-8215 Fax: (202) 884-8443
Web site: www.rrfcnetwork.org
**Northeast Regional Resource Center (NERRC)**
Learning Innovations at WestEd
20 Winter Sport Lane
Williston, VT 05495
Phone: (802) 951-8226  Fax: (802) 951-8222
TTY: (802) 951-8213
Web site:  [www.rrfcnetwork.org/nerrc](http://www.rrfcnetwork.org/nerrc)

*States Served: CT, MA, ME, NH, NJ, NY, RI, VT*

**Mid-South Regional Resource Center (MSRRC)**
Interdisciplinary Human Development Institute/UK
University of Kentucky
One Quality Street
Lexington, KY 40506-0051
Phone: (859) 257-4921  Fax: (859) 257-4353
Web site:  [www.rrfcnetwork.org/msrrc](http://www.rrfcnetwork.org/msrrc)

*States Served: DC, DE, KY, MD, NC, SC, TN, VA, WV*

**Southeast Regional Resource Center (SERRC)**
School of Education
Auburn University Montgomery
P.O. Box 244023
Montgomery, AL 36124-4023
Phone: (334) 244-3100  Fax: (334) 244-3101
Web site:  [www.rrfcnetwork.org/serrc](http://www.rrfcnetwork.org/serrc)

*States Served: AL, FL, GA, LA, MS, OK, PR, TX, VI*

**North Central Regional Resource Center (NCRRC)**
Institute on Community Integration/University of Minnesota
12 Pattee Hall
150 Pillsbury Drive SE
Minneapolis MN 55455-2070
Phone: (612) 624-9722  Fax: (612) 624-9344
Web site:  [www.rrfcnetwork.org/ncrrc](http://www.rrfcnetwork.org/ncrrc)
mailto:sharp004@tc.umn.edu

*States Served: IL, IN, MI, MN, OH, PA, WI, IA, MO*
Mountain Plains Regional Resource Center (MPRRC)
1780 N. Research Parkway, Suite 112
North Logan, UT 84341
Phone: (435) 752-0238 Fax: (435) 753-9750
Web site: www.rrfcnetwork.org/mprrc

States Served: AZ, BIA, CO, KS, MT, ND, NE, NM, SD, UT, WY

Western Regional Resource Center (WRRC)
1268 University of Oregon
Eugene, OR 97403-1268
Phone: (541) 346-5641 Fax: (541) 346-5639
Web site: www.rrfcnetwork.org/wrrc

States Served: AK, AS, CA, CNMI, FSM, GU, HI, ID, NV, OR, RMI, ROP, WA

Parent Technical Assistance Centers

National Technical Assistance Center
PACER Center
8161 Normandale Blvd
Minneapolis, MN 55437-1044
Phone: (888) 248-0822 Fax: (952) 838-0199
Web site: http://www.taalliance.org

Statewide Parent Advocacy Network (SPAN)
35 Halsey Street, 4th Floor
Newark, NJ 07102
Phone: (973) 642-8100 Fax: (973) 642-8080
Web site: http://www.neparentcenters.org

States Served: CT, MA, ME, NH, NJ, NY, RI, VT

Exceptional Children’s Assistance Center (ECAC)
907 Barra Row, Suite 102/103
Davidson, NC 28036
Phone: (800) 962-6817 Fax: (704) 892-5028
Web site: http://www/ecac-parentcenter.org

States Served: DC, DE, KY, MD, NC, SC, TN, VA, WV
Family Network on Disabilities of Florida
2735 Whitney Road
Clearwater, FL  33760-1610
Phone: (727) 523-1130   Fax: (727) 523-8687
Web site:  http://www/fndfl.org

States Served: AL, FL, GA, LA, MS, OK, PR, TX, VI

Ohio Coalition for the Education of Children with Disabilities (OCECD)
165 West Center Street, Suite 302
Marion, OH  43302-3741
Phone: (800) 379-2806   Fax: (740) 383-6421
Web site:  http://ocecd.org

States Served: IL, IN, MI, MN, OH, PA, WI, IA, MO

PEAK Parent Center
611 North Weber, Suite 200
Colorado Springs, CO  80903
Phone: (719) 531-9400   Fax: (719) 531-9452
Web site:  http://www.peakparent.org

States Served: BIA, CO, AZ, KS, MT, ND, NE, NM, SD, UT, WY

Matrix Parent Network and Resource Center
94 Galli Drive, Suite C
Novato, CA  94949
Phone: (415) 844-3535   Fax: (415) 844-3555
Web site:  http://www.matrixparents.org
Appendix I

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Dr. John Copenhaver
Director
Mountain Plains Regional Resource Center
Utah State University
1780 North Research Parkway, Suite 112
Logan, Utah 84341

Dear Dr. Copenhaver:

This letter is in response to your electronic mail (email) communication dated January 8, 2008, regarding requirements for membership on the State Advisory Panel (SAP) under 34 CFR §§300.167-300.169 of the regulations for Part B of the Individuals with Disabilities Education Act (Part B). The regulations at 34 CFR §§300.167 through 300.169 governing the SAP implement the statutory provision at 20 U.S.C. 1412(a)(21) and contain language that is substantially identical to the statutory language. The purpose of the advisory panel is to provide policy guidance with respect to special education and related services for children with disabilities in the State. 34 CFR §300.167. Under 34 CFR §300.168, the advisory panel, whose members must be appointed by the Governor or any other individual under State law who is authorized to make such appointments, must be representative of the State population and must be composed of individuals involved in, or concerned with, the education of children with disabilities. With regard to membership, you ask the following three questions:

1. 34 CFR §300.168(a)(1) refers to “[p]arents of children with disabilities (ages birth through 26). Does this mean if a Panel member has a child that exceeds age 26, at that point the panel member does not meet qualifications?

Response: Under 34 CFR §300.168(a)(1), the SAP must include parents of children with disabilities (ages birth through 26). The parent of an adult child who is aged 27 or older would not meet the membership requirement under 34 CFR §300.168(a)(1). Such a parent could be appointed by the State to serve on the SAP, but the State would also be required to appoint parents of children who are ages birth through 26 in accordance with 34 CFR §300.168(a)(1), who along with other individuals with disabilities, must be a majority of the SAP’s members. 34 CFR §300.168(b).

2. Does the “and” in [34 CFR 300.168(a)(5), (8), and (11)] mean both? Or if a panel had at least one in each area, would this satisfy the requirements?

Response: The answer to your question cannot be provided based only on the language of these membership provisions. In light of the purpose of the SAP, States have some flexibility in appointing members based on the particular needs of children with disabilities in the State to ensure that the panel is representative of the State population and is composed of individuals involved in or concerned with the education of children with disabilities. 34 CFR §300.168(a).
Under 34 CFR §300.168(a)(5), the SAP must include “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. 1431 et seq.).” Therefore, to satisfy this membership requirement, the State and local education officials included on the SAP must include officials who carry out activities under Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act. How a State otherwise chooses to allocate appointments to other State and local education officials to satisfy this membership requirement is a matter left to State discretion.

Under 34 CFR §300.168(a)(8), the SAP must include representatives of private schools and public charter schools. To satisfy this membership requirement, a State must appoint one or more representatives of each type of school.

Under 34 CFR §300.168(a)(11), the SAP must include representatives from the State juvenile and adult corrections agencies. Therefore, to satisfy this requirement, the SAP must include one or more representatives of both agencies.

3. Most membership citations use the plural rather than singular. Does this mean each category would need more than one representative or would one in each category be sufficient?

Response: The regulation specifies when the State must meet a membership category by having only one representative and when more than one representative is required. Compare 34 CFR §300.168(a)(9) and (a)(10) (requiring at least one representative) with 34 CFR §300.168(a)(11) through (8) and (a)(11) through (14) (requiring individuals or representatives). However, the regulation does not otherwise specify how States allocate representatives if a membership category represents multiple constituencies. Accordingly, we believe that States have flexibility in this regard based on the particular needs of the children with disabilities in their State, and that assignment of representatives of specific constituencies is a matter of State discretion.

Based on section 607(e) of the IDEA, we are informing you that our response is provided as informal guidance and is not legally binding, but represents an interpretation by the U.S. Department of Education of the IDEA in the context of the specific facts presented.

We hope this information is helpful to you. If you have further questions, please do not hesitate to contact Dr. Deborah Morrow at 202-245-7456.

Sincerely,

William W. Knudsen
Acting Director
Office of Special Education Programs