Alabama State Department Of Education, Special Education Services

ALABAMA SPECIAL EDUCATION ADVISORY PANEL (BYLAWS) Amended
October 15, 1997; June 15, 2016; January 18, 2017

ARTICLE I: Name

1. Name. Alabama Special Education Advisory Panel (SEAP)
2. Contacting the SEAP Panel. Persons wishing to contact the SEAP Panel members may write to this address: Alabama State Department of Education, Special Education Services, PO Box 302101, Montgomery, Alabama 36130-2101, or may telephone (334) 242-8114.

ARTICLE II: Authorizing Statutes

1. The Individuals with Disabilities Education Act (IDEA) §300.167 requires each State to “establish and maintain a State Advisory Panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.” The IDEA §300.168 establishes the minimum membership requirements for each State’s Advisory Panel, and §300.169 lists the duties IDEA requires for each State’s SEAP.

ARTICLE III: Purpose and Functions

1. The purpose of the Alabama SEAP is described in the provisions of 20 USC section 1412(a)(21) and 34 CFR sections 300.167-300.169: to advise the Alabama State Department of Education, Special Education Services section on issues related to special education, and to promote communication and cooperation among individuals involved with children and youth with disabilities.
2. Duties/Advisory Panel Functions

a. The following are the functions of the Advisory Panel as listed in IDEA CFR 300.169:
   - Advise the State educational agency (SEA) of unmet needs within the State in the education of children and youth 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. (3000.169(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. (3000.169(e))
   - Waiver of non-supplant requirement: State must consult with the Advisory Panel regarding provisions of FAPE. (300.164(c)(4))

b. The SEAP Panel will discuss the above functions each year and during the orientation meeting. These SEAP Panel functions could be listed on the meeting agenda.
ARTICLE IV: Panel Membership

1. Membership of the SEAP Panel.

   a. (IDEA CFR 300.168) The membership of the Special Education Advisory Panel must consist of members appointed by the State Superintendent—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 and youth with disabilities, including the following:

      • Parents of children with disabilities (age’s 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, including officials who carry out activities under subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act.
      • Administrators of programs for children with disabilities.
      • Representatives of other State agencies involved in financing or who deliver 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 representative from State child welfare who is responsible for foster care.

   b. Special rule: A majority of the members of the SEAP Panel must be individuals with disabilities or parents of children with disabilities (CFR 300.168(b)).

   c. Age 26: If a parent’s child with a disability exceeds age 26, that parent no longer qualifies as a SEAP Panel member under “the parent of a child with a disability,” unless they qualify under another category.

   d. Each member should understand which stakeholder group they represent, as well as techniques for “reaching out to their stakeholder group.”

   e. The Advisory Panel shall serve without compensation, but the State must reimburse the SEAP Panel for reasonable and necessary expenses associated with attending meetings and performing duties.

   f. The SEAP Chair and/or Vice Chair will meet with new members to provide them with an overview of the SEAP’s duties, responsibilities, and procedures. Additionally, the SEAP Chair and/or Vice Chair will provide new members with an orientation packet that includes a welcome letter, SEAP bylaws, and other materials as determined by the SEAP.

   g. The SEAP depends on the active participation of its membership in order to carry out its duties and activities related to the priorities identified by members; without a quorum of members, SEAP cannot effectively fulfill its duties and responsibilities. Additionally, many members represent a specific stakeholder group. When the member is not in attendance, that stakeholder group is deprived of a voice on the SEAP. If a SEAP member has an unavoidable absence, he/she is responsible for notifying the SEAP Chair or Alabama State Department of Education designee, unless the emergency nature of the absence prevents such notification.
h. **Nomination:** Openings on the SEAP occur each year as members’ terms expire or they are no longer able to serve. SEAP members recruit and nominate members to fill vacancies. Additionally, individuals interested in being nominated for membership on the SEAP may contact the Alabama State Department of Education or the SEAP Chair. The SEAP requests that prospective members identify the membership category they are seeking to fill. As deemed necessary by the SEAP Chair, a membership committee may be formed to solicit recommendations for individuals to fill vacant positions on the SEAP.

i. **Appointment:** Each prospective member whose nomination has been approved by the Superintendent will receive a letter from the Superintendent’s office notifying them that they have been appointed to the SEAP by the Superintendent. The SEAP Chair and the Alabama State Department of Education shall also be notified of the member’s appointment.

j. **Resignation:** A SEAP member who decides to resign is responsible for submitting their resignation in writing. The SEAP Chair shall forward any resignations he/she receives to State Special Education Directors.

k. **Removal of a Member:** Three consecutive unexcused absences shall be considered “excessive.” When a member has excessive absences, the SEAP Chair shall send the member a letter thanking him/her for his/her service, reminding him/her that attendance is an essential component of the SEAP functioning effectively, and asking the SEAP member to please decide whether they will be able to attend future meetings or if other responsibilities now make it necessary for them to resign from the SEAP.

l. **Ex-officio** shall mean a member who is automatically entitled to a position on a committee for as long as he or she holds a certain office in the organization. Ex-officio members may vote if these bylaws authorize such voting rights.

2. **Optional Members.** The Alabama State Department of Education may expand the SEAP Panel to include additional persons in the groups listed above or representatives of other groups concerned with the education of students with disabilities.

3. **Length of Term.**

   a. The members of the SEAP Panel shall be appointed by the State Superintendent of Education to a four-year term of service. To ensure consistency in the SEAP Panel functions, the four-year terms will be staggered so that only approximately one-third of the members’ terms will end each year. Special appointments may be made for less than four years.

   b. Individual and family members can serve up to two consecutive full 4 year terms.

4. **Extended Term.** The Alabama State Department of Education may request that the Chairperson, whose four-year term as a member has ended, serve for one additional year as an ex officio member of the SEAP Panel.

**ARTICLE V: Officers**

1. **Chairperson.** The SEAP Panel shall elect a Chairperson to conduct meetings and direct the business of the SEAP Panel. The election of the Chairperson shall occur at the last scheduled meeting of the year. Any person elected must have served on the Advisory Panel for at least one year prior to consideration. He/she will serve as a facilitator and will refrain from voting except to break a tie. The term of office for the Chairperson shall be for two years, with an option for an additional one year term. A Chairperson, whose four year term as a member has ended, can serve as an ex-officio, non-voting member of the SEAP Panel. The Alabama State Department of
Education may request that the Chairperson, whose 4 year term as a member has ended, serve for one additional year as an ex-officio, non-voting member of the SEAP Panel.

2. **Vice Chairperson.** The SEAP Panel shall elect a Vice Chairperson to serve in the absence of the Chairperson. The election and term of office shall be the same as the Chairperson.

3. **Secretary.** The Alabama State Department of Education, Special Education Services, shall provide a secretary to keep official minutes of meetings. This person is not considered as a member of the SEAP Panel.

**ARTICLE VI: Meetings**

1. **Regular Meetings.**

   a. The SEAP Panel will meet up to four times each year for one full day (9:30-2:30). The Executive Committee in collaboration with the Alabama State Department of Education, Special Education Services, will determine the dates, times, and location of regularly scheduled meetings.

   b. Every SEAP meeting includes opportunities for public comment. The SEAP appreciates the input the general public provides by commenting on the SEAP’s priorities and/or other issues they bring to the SEAP Panel’s attention. In addition to speaking at a SEAP meeting during the public comment section of the agenda, interested persons may also provide written input to the SEAP either by letter or email. The SEAP respectfully requests that persons wishing to comment publicly at a SEAP meeting follow the guidelines below:

      • Be factual and objective; please do not mention a student, school or individual by name or other confidential information.
      • The comment time period will be set according to the agenda and individual comments will be limited to no more than three minutes. For issues needing more extensive discussion, requests may be made to add it to the agenda at a subsequent SEAP meeting.
      • The SEAP appreciates hearing about positive experiences, “success stories,” and best practices, as well as concerns with the education of children with disabilities, new or emerging needs, and/or situations that may warrant further consideration.
      • Please note that the SEAP is not able to intervene in situations having to do with individual students, but if these issues may have broad implications for children with disabilities (even if they are limited to a specific age, disability group, geographic area, or topic), the SEAP appreciates the public’s assistance in making the SEAP aware of the issue(s).

2. **Special Meetings.** Special meetings may be called by the Chairperson upon consultation with the Executive Committee to conduct business that cannot wait for a regularly scheduled meeting. Committees will meet prior to SEAP Panel meetings.

3. **Public Notice and Involvement.** All SEAP Panel meetings shall be publicly announced prior to the meeting. Meetings shall be open to the public.

4. **In-service Training for Members.** The SEAP Panel may meet to receive orientation and be provided with current information regarding the education of students with disabilities. Since no business will be conducted, such meetings will not be publicly announced, nor will official minutes be kept.

5. **Quorum.** The actions of the majority of the SEAP Panel members present at a scheduled meeting shall represent the full membership and shall constitute a quorum.
6. **Minutes.** Official minutes of meetings shall be developed, maintained, and made available to the public upon request.

7. **Accommodations.** Interpreters and other necessary services shall be provided at the SEAP Panel meetings for the SEAP Panel members or the public upon request.

8. **Support to the SEAP Panel.**

   a. **Administrative support** is provided to the Alabama SEAP by the Alabama State Department of Education, Special Education Office. Minutes of each SEAP meeting are prepared and published in accordance with timelines under State open meeting requirements. The agenda and minutes are first sent to the SEAP Chair for initial review, and then sent to all SEAP members one week in advance of each regular meeting. Minutes and agendas may be sent electronically and/or by mail. Minutes are approved by the Chairperson and the SEAP prior to publication on the Department of Education’s (DOE's) Web site. The SEAP minutes are available to the public. A designated special education support staff member shall assist in organizing SEAP meetings, taking and preparing minutes for review and distribution, notifying members of meeting times and locations, disseminating minutes and other official documents to members, processing forwarding nominations and resignations of SEAP members to the Superintendent, and carrying out other duties necessary for the efficient operation of the SEAP Panel.

   b. **State Director:** The Alabama State Special Education Director when requested shall provide the SEAP with updates at meetings, provide relevant information at and between meetings, and help the SEAP be well-informed on issues related to their duties and responsibilities. The SEA staff are available to clarify the DOE’s procedures; explain programs and/or initiatives; and provide technical assistance, administrative support, statistical data, and other background information and documentation requested by the SEAP. The Director is an Ad hoc to the SEAP Panel.

**ARTICLE VII: Committees**

The SEAP Panel shall have the following committee(s) with the duties as stated:

1. **Executive:** The Executive Committee is comprised of SEAP Panel officers, immediate past president, and an ex-officio, non-voting member from the Alabama State Department of Education. The chief work of the Executive Committee is to plan the work of the SEAP Panel, provide the agenda for meetings, and other guidelines for the SEAP Panel actions.

2. **Membership:** The Membership Committee shall serve as the nominating committee for the SEAP Panel by identifying potential members for the SEAP Panel vacancies and submitting names along with resumes and/or bios to the Superintendent for his or her consideration.

3. **Bylaws:** The Bylaws Committee will review the bylaws annually and recommend necessary changes to the SEAP Panel.

4. The SEAP Panel by a majority vote may recommend the creation of other committees which it deems necessary to carry out Panel functions and duties.

**ARTICLE VIII. Code of Conduct**

1. Each SEAP Panel member will disclose all material conflicts of interest, including any perceived conflicts or those that may amount to an appearance of impropriety.
2. THE SEAP Panel members disclosing such conflicts shall abstain from voting or discussion on matters in which he or she disclosed a conflict, unless otherwise given permission by the Chairperson to vote on or discuss such matter.

3. No SEAP Panel member shall enter into any grant or contract with the SEAP Panel on his/her own behalf.

4. The SEAP Panel members should disclose any dual memberships to the Chairperson.

ARTICLE IX. Voting

1. A simple majority vote shall be required to pass all motions.

2. Absent members may vote by proxy. Such proxy shall be in writing.

3. The Chairperson shall be entitled to vote only in the case of a tie vote.

ARTICLE X: Amendments

The bylaws of the SEAP may be amended, altered, and repealed only by affirmative vote of a majority of the SEAP Panel members present at a regular meeting. Proposed changes may be sent 10- days prior to the meeting in which a vote will be taken on those changes. Members may vote on bylaws changes by email.

CERTIFICATION

This is to certify the foregoing bylaws of the Special Education Advisory Panel were duly adopted at the SEAP Panel meeting held on January 18, 2017.

[Signatures]

Secretary

Chairperson