

## ALABAMA SPECIAL EDUCATION ADVISORY PANEL (BYLAWS)

Amended: October 15, 1997, June 15, 2016, January 18, 2017, April 2021

### Article I: Name

#### 1. Name

- a. Alabama Special Education Advisory Panel (SEAP) – the Panel

#### 2. Contacting the Special Education Advisory Panel

- a. Persons wishing to contact Panel members may write to this address: Alabama State Department of Education, Special Education Services, P. O. Box 302101; Montgomery, Alabama 36130-2101; call at (334) 694-4782; or email at [speced@alsde.edu](mailto:speced@alsde.edu) .

### Article II: Authorizing Statutes

#### 1. IDEA

- a. 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.” 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 the Panel.

### Article III: Purpose and Functions

#### 1. Purpose

- a. The purpose the Panel is described in the provisions of 20 USC section 1412(a)(21) and 34 CFR sections 300.167-300.169: to advise the State Education Agency (SEA) 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 under IDEA CFR §300.169:
  - i. Advise the SEA of unmet needs within the State in the education of children and youth with disabilities. (§300.169(a)).
  - ii. Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities. (§300.169(b)).
  - iii. Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618. (§300.169(c)).
  - iv. Advise the SEA in developing corrective action plans to address findings identified in federal monitoring reports. (§300.169(d)).

- v. Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities. (§300.169(e)).
  - vi. Waiver of non-supplant requirement: State must consult with the Advisory Panel regarding provisions of FAPE. (§300.164(c)(4)).
- b. The Panel will discuss the above functions each year and during the orientation meeting. These Panel functions could be listed on the meeting agenda.

## Article IV: Panel Membership

### 1. Membership of the Panel

1. (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:
  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*.
  6. Administrators of programs for children with disabilities.
  7. Representatives of other State agencies involved in financing or who deliver related services to children with disabilities.
  8. Representatives of private school **and** public charter schools.
  9. At least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities.
  10. Representatives from the State juvenile **and** adult corrections agencies.
  11. A representative from State child welfare agency who is responsible for foster care.
- b. **Special rule: A majority of the members of the 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 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 Panel for reasonable and necessary expenses associated with attending meetings and performing duties.

- f. The Chairperson and/or Vicechair will meet with new members to provide them with an overview of the Panel duties, responsibilities, and procedures. Additionally, the Chairperson and/or Vicechair will provide new members with an orientation packet that includes a welcome letter, the Panel bylaws, and other materials as determined by the Panel.
  - g. The Panel 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, the Panel 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 Panel. If the Panel member has an unavoidable absence, he/she is responsible for notifying the Chairperson or Alabama State Department of Education designee, unless the emergency nature of the absence prevents such notification.
  - h. **Nomination:** Openings on the Panel occur each year as membership terms expire, or if the member is no longer able to serve. The Panel members are expected to recruit and nominate members in order to fill vacancies. Additionally, individuals interested in being nominated for membership on the Panel may contact the Alabama State Department of Education or the Chairperson. The Panel requests that prospective members identify the membership category they are seeking to fill. As deemed necessary by the Chairperson, a membership committee may be formed to solicit recommendations for individuals to fill vacant positions on the Panel.
  - 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 Panel by the Superintendent. The Chairperson and the Alabama State Department of Education shall also be notified of the member's appointment.
  - j. **Resignation:** A Panel member who decides to resign is responsible for submitting their resignation in writing. The Chairperson shall forward any resignations he/she receives to the State Special Education Director.
  - k. **Removal of a Member:** Three consecutive unexcused absences shall be considered "excessive." When a member has excessive absences, the Chairperson shall send the member a letter thanking him/her for his/her service, reminding him/her that attendance is an essential component of the Panel functioning effectively, and asking the Panel 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 Panel.
2. **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.
3. **Optional Members**
- a. The Alabama State Department of Education may expand the Panel to include additional persons in the groups listed above or representatives of other groups concerned with the education of students with disabilities.

**4. Length of Term (max = 3 years)**

- a. The members of the Panel shall be appointed by the State Superintendent of Education to a three-year term of service. To ensure consistency in Panel functions, the three-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 three years.
- b. Individual and family members can serve two consecutive full 3-year terms.

**5. Extended Term**

- a. The Alabama State Department of Education may request that the Panel Chair, whose three-year term as a member has ended, serve for one additional year as an ex officio member of the Panel.

## Article V: Officers

**1. Chairperson (max = 4 years)**

- a. The Panel shall elect a Chairperson to conduct meetings and direct the business of the 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. A Chairperson, whose three-year term as a member has ended, can serve as ex-officio, non-voting member of the Panel. The Alabama State Department of Education may request that the Chairperson, whose 3-year term as a member has ended, serve for one additional year as ex-officio, non-voting member of the Panel.

**2. Vice Chairperson (max = 4 years)**

- a. The 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**

- a. 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 Panel.

## Article VI: Meetings

**1. Regular Meetings**

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

- i. Be factual and objective; please do not mention a student and/or school staff by name.
- ii. Limit comments 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 Panel meeting.
- iii. The Panel 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.
- iv. Please note that the Panel 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 Panel appreciates the public's assistance in making the Panel aware of the issue(s).

## 2. Special Meetings

- a. Special meetings may be called by the Chairperson to conduct business that cannot wait for a regularly scheduled meeting.
- b. Committee meetings may be called by the Chairperson or the committee chairperson between the regular meeting dates or at other necessary times.

## 3. Public Notice and Involvement

- a. All Panel meetings shall be publicly announced prior to the meeting. Meetings shall be open to the public.

## 4. Inservice Training for Members

- a. The 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

- a. The actions of the majority of Panel members present at a scheduled meeting shall represent the full membership and shall constitute a quorum.

## 6. Minutes

- a. Official minutes of meetings shall be developed, maintained, and made available to the public upon request.

## 7. Accommodations

- a. Interpreters and other necessary services shall be provided at Panel meetings for Panel members or the public upon request.

## 8. Support to the Panel

1. **Administrative support** is provided to the Panel by the Alabama State Department of Education, Special Education Services Section. Minutes of each Panel meeting are prepared and published in accordance with timelines under the State Open Meeting requirements. The agenda and minutes are first sent to the Chairperson for initial review, and then sent to all Panel 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 Panel prior to publication on the ALSDE's website. Panel minutes are available to the public.

A designated special education support staff member shall assist in organizing Panel 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 the Panel members to the Superintendent, and carrying out other duties necessary for the efficient operation of the Panel.

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

## Article VII: Committees

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

1. **Executive:** The Executive Committee is comprised of Panel officers, immediate past president, and the 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 Panel, provide the agenda for meetings, and to establish other guidelines for Panel actions.
2. **Membership:** The Membership Committee shall serve as the nominating committee for the Panel by identifying potential members for 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 Panel.
4. **Stakeholder and Public Engagement:** share, communicate, disseminate, and oversee information about operations, membership, student unmet needs, panel priorities and other applicable areas in accessible formats through the website, annual report, dissemination networks or other platforms, seek public comment for consideration, and develop communication tools for stakeholders.
5. **Student Achievement and Performance Data:** identify needed data, what data is available, report review of student achievement and outcome data, and provide this data to Panel on an ongoing consistent basis.
6. **Adhoc committees** may be created to carry out panel functions and duties. The Chairman may establish Adhoc committees, or the Panel by a majority vote may also establish ad hoc committees.

## Article VIII: Panel Annual Report

1. Each year, the Panel will develop and provide an annual report to the Superintendent on the status of the education of children with disabilities in Alabama. The annual report will outline activities and any recommendations made by the Panel during the previous operating year (September through June). The annual report is due by September 1 of each year.
2. The annual report will be developed by the Chairperson, Vice Chair, and SEA staff. The report includes:
  - a. The purpose, duties, and responsibilities of the Panel;
  - b. The status of special education in Alabama, including SPP/APR information;
  - c. Membership (a list of members, the category each member represents, and their contact information; attendance information is included in the report's appendices);
  - d. An overview of the Panel's priorities, activities, accomplishments, and recommendations for the period covered by the report; and
  - e. A summary of advice and recommendations from the Panel to the Alabama State Department of Education, Special Education Office;
  - f. Anticipated Panel vacancies for the next Panel year.
3. The draft annual report is sent electronically to members prior to the September meeting, where the membership votes to accept it. The annual report is then sent to the Superintendent with a copy sent to the State Special Education Director. The report is made available to the public on the Panel's dedicated webpage, part of the Alabama State Department of Education's website.

## ARTICLE IX: Code of Conduct

1. Each Panel member will disclose all material conflicts of interest, including any perceived conflicts or those that may amount to an appearance of impropriety.
2. 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 Panel member shall enter into any grant or contract with the Panel on his/her own behalf.
4. Panel members should disclose any dual memberships to the Chairperson.

## ARTICLE X: 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.
4. In special situations where time for a response is limited, members can vote through means of electronic platforms such as but not limited to e-mail or other electronic platforms.
5. If a vote is taken electronically, said vote shall be recorded in the following the Panel meeting minutes.

## Article XI: Amendments

The bylaws of the Panel may be amended, altered, and repealed only by affirmative vote of a majority of the Panel members present at a regular meeting.

## Certification

This is to certify the foregoing bylaws of the Special Education Advisory Panel were duly adopted at the Panel meeting held on April 21, 2021.

  
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ALSDE Special Education Services

  
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Chairperson