

**STATE ADVISORY PANEL ON SPECIAL EDUCATION
FOR THE DISTRICT OF COLUMBIA**

BYLAWS AND OPERATING PROCEDURES

ARTICLE I – AUTHORITY

The State Advisory Panel on Special Education for the District of Columbia (SAP or Advisory Panel) exists under the authority of the Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, as amended, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) (2001), and pursuant to the Individuals with Disabilities Education Act (IDEA), approved April 13, 1970, 84 Stat. 175, 20 U.S.C. § 1400 et seq., as amended, and its implementing regulations at 34 CFR §§300.167-300.169.

ARTICLE II – PURPOSE

The State Advisory Panel on Special Education for the District of Columbia shall serve as an advisory body to the Mayor, U.S. Department of Education, and District of Columbia Office of the State Superintendent (OSSE), as the State Education Agency (SEA), on matters pertaining to the education of children and youth with disabilities served by public and private agencies of the District of Columbia.

ARTICLE III – DUTIES

The duties of the Advisory Panel shall include:

- a. Providing policy guidance with respect to special education and related services for children with disabilities in the District of Columbia;
- b. Advising the SEA on unmet needs within the District of Columbia in the education of children with disabilities;
- c. Reviewing and commenting publicly on any legislation, rules or regulations proposed in the District of Columbia regarding the education of children with disabilities;
- d. Advising the SEA in developing evaluations and reporting on data to the United States Department of Education (Secretary) under section 618 of the IDEA;
- e. Advising the SEA in developing corrective action plans to address findings identified in federal monitoring reports under Part B of IDEA;
- f. Advising the SEA on the development and implementation of proposed legislation, rules, regulations, policies and procedures relating to the coordination of services for children with disabilities, including advising on eligible students with disabilities in adult prisons;
- g. Advising on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons, even if, consistent with 34 CFR 300.607, the District assigns general supervision responsibility for those students to a public agency other than an SEA;
- h. Providing advice on systemic and other issues affecting the coordination and delivery of special education and related services to children and youth with disabilities;
- i. Reviewing and commenting publicly on the State Performance Plan, State Systemic Improvement Plan, and the Annual Performance Report;
- j. Preparing an annual report of its activities and recommendations on or by July 1 of each calendar year, and submitting it to the Mayor, the Deputy Mayor of Education, OSSE, as the State Education Agency, other appropriate government officials, and the public, or as required by federal law; and

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- k. Undertaking any other duties as may be assigned by the Mayor, the State Education Agency (SEA), or as required by federal law.

ARTICLE IV – PANEL MEMBERSHIP

Section 1. Composition:

The Advisory Panel shall consist of at least fifteen (15) voting members who are appointed by the Mayor. This number does not preclude the establishment of subcommittees that include persons who are not SAP members, but such sub-committees must be chaired by a member of the SAP. Each member appointed to the Panel shall have demonstrated interest in issues affecting special education, or the coordination and delivery of special education and related services to children and youth with disabilities. Additionally, a majority of the members appointed shall be parents of children and youth with disabilities.

The members appointed by the Mayor to the panel shall include, but not be limited to:

- a. Parents, or guardians, of children with disabilities (ages birth through 26) who reside in the District of Columbia;
- b. Individuals with disabilities who reside in the District of Columbia;
- c. Teachers
- d. Representatives of institutions of higher education that prepare special education and related services personnel;
- e. District of Columbia education officials; including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, (42 U.S.C 11431 *et.seq.*);
- f. Administrators of programs for children with disabilities;
- g. Representatives of District of Columbia government agencies involved with financing or delivery of services to persons with disabilities;
- h. Representatives of public charter and private schools;
- i. Not less than one representative of a vocational, community or business, organization in the District of Columbia concerned with the provision of transition services to children with disabilities;
- j. A representative from the State child welfare agency responsible for foster care;
- k. Representatives from the District of Columbia juvenile and adult corrections agencies
- l. Other members as selected by the Mayor.

Section 2. Selection:

Membership of this Panel shall be selected through the screening and nominations procedures set forth by the District of Columbia, Mayor's Office of Talent and Appointments as governed by District law.

Section 3. Terms of Office:

The policy for terms of office for Panel members shall be consistent with the Mayor's Order establishing the Panel as follows:

- a. The Mayor shall appoint non-governmental members of the Advisory Panel to two year terms.
- b. A person may be appointed as a member of the Advisory Panel to fill the unexpired term of a member who resigns, or vacates the position for which the member is initially appointed, or whenever a vacancy occurs, among the initially appointed members of the Advisory Panel.
- c. The government members appointed shall serve at the pleasure of the Mayor.
- d. A member may continue to serve in an expired term until a replacement is appointed.

Section 4. Membership Nomination Process:

Nominations for Panel membership may be submitted by interested parties in the District of Columbia. Information about a membership nomination form shall be made available from the Mayor's Office of Talent and Appointments, as well as from the State Advisory Panel for Special Education, through OSSE.

Section 5. Orientation:

The Panel Chairperson and/or representatives from OSSE will conduct an orientation program for all new Panel members. New members of the Panel will be provided a notebook containing documents along with electronic access to those documents which are to serve as a resource to each member in carrying out its activities.

Section 6. Panel Member Attendance at Meetings:

Members are expected to attend regularly scheduled meetings of the Advisory Panel and participate on committees. Attendance at regularly scheduled meetings includes members participating by video conference, telephone conference, or other electronic means, except members are expected to attend in-person at least four (4) regular meetings (one in each quarter) each year between July 1 and June 30.

Panel members are to notify OSSE by phone, **electronic** transmittal, or United States mail as to whether or not they will be attending each meeting. Panel members who are unable to attend a regular meeting may send a substitute. However, such substitute shall represent the same constituency as the panel member they are representing. Representatives of government agencies that serve on the Panel who are unable to attend a regular meeting may also send a substitute. However, substitutes will not be permitted voting privileges.

Panel members should bring or have available at meetings any materials sent by OSSE that will be necessary to carry out Panel or committee activities. The chairperson may request a review by the Executive Committee of a Panel member's continued absence from Panel meetings and will contact any member absent from two (2) consecutive meetings to inquire as whether or not the member's current commitments make it possible for the member to continue active membership on the Panel.

The OSSE representative will send a packet of information distributed at the meeting to all members not in attendance within one week following the Panel meeting.

ARTICLE V – MEETINGS, ORGANIZATIONAL STRUCTURE AND ADMINISTRATION

Section 1. Regular Meetings:

The Advisory Panel shall establish a quarterly meeting schedule, and shall:

- a. Convene at least four (4) regular meetings each year between July 1 and June 30;
- b. Publicly announce all regularly scheduled meetings on the website prior to the meeting, along with meeting agenda no less than 30 days in advance;
- c. Make open to the public all regularly scheduled meetings;
- d. Make accommodations, including interpreters and other necessary services, available for panel members, participants or persons with disabilities upon request;
- e. Provide and maintain written minutes of regularly scheduled meetings, as well as audio recordings of all of its public meetings; and
- f. Manage a prudent Management Information System whereby all records shall be maintained in space designated and provided by OSSE. Panel information, including meeting minutes and official actions taken, shall be made available on the OSSE website.

Section 2. Special Meetings:

A special meeting of the Panel may be called by the Chairperson with the approval of the Executive Committee. The Panel Chairperson shall ensure that notice is provided by email, mail or phone to the membership at least one week prior to special meetings.

Section 3. Panel Decisions:

Advisory Panel decisions shall be determined by consensus after members have had an opportunity to provide input. If the Panel is unable to reach consensus on a given issue, the decision shall be made by a majority of its members in attendance, provided a quorum is present.

Each member of the Panel shall possess one vote excluding the state director of special education or her designee. If a member is absent, that member may provide a written proxy to the Chairperson. However, a member may not transfer his/her voting privilege to another person. The presiding officer shall have a vote only in order to break a tie.

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, electronic transmittal, or telephone.

Section 4. Conflicts of Interest:

A Panel member shall disclose when he, or she, or a member of his/her family stands to gain financially from a decision of, or advice given by, the Panel. The Panel shall take any appropriate action necessary to address conflicts of interest in order to ensure the integrity of the panel's work.

Section 5. Quorum:

A quorum of the Advisory Panel shall be the fifty percent (50%) plus one (+1) of the currently serving members. A quorum must be present for regular or specially called meetings for the transaction of business. The presence of a quorum may be achieved with members who participate at regular or specially called meetings by video conference, telephone conference, or other electronic means.

Section 6. Notice of Meetings:

The Panel Chairperson shall, through the assigned representatives of OSSE, ensure that written notices are sent to each member of the Panel at least seven (7) days prior to the date of each regular meeting. A copy of the agenda for the meeting will also be enclosed. The Panel Chairperson shall ensure, to the extent possible, that written notices of special meetings are sent to each Panel member at least seven (7) days prior to the date of the meeting. An agenda for calling the special meeting will also be enclosed.

ARTICLE VI – OFFICERS

Section 1. Chairperson:

The Mayor shall designate, or the Advisory Panel may designate, one member of the Advisory Panel to serve as Chairperson, who shall serve in that capacity at the pleasure of the Mayor. The Chairperson shall set the agenda for, and chair regular meetings of, the Panel and the Executive Committee. The Chairperson shall appoint all standing and special committees, subject to the approval of the Executive Committee, and shall be ex-officio member of all committees. The Chairperson, or such alternate as he/she may designate, shall represent the Panel at meetings or functions where Panel representation is desired or required. The Chairperson shall serve as liaison between the Panel

Section 2. Vice Chairperson(s):

The Mayor may designate a member of the Panel to serve as Vice Chairperson, who shall serve in that capacity at the pleasure of the Mayor. The Vice Chairperson shall assist the Chairperson in his/her duties and activities of the Panel and shall serve as a member of the Executive Committee. In the absence of the Chairperson, a Vice Chairperson shall chair the meeting.

Section 3. Secretary:

The Panel may elect a Secretary, who shall support the staff from OSSE when necessary to assure that accurate minutes of all meetings are recorded. The secretary shall serve as Chairperson in the absence of the Chairperson and Vice Chairperson(s). The secretary shall work with OSSE staff to ensure the preparation of minutes, attendance, or other correspondence in regard to matters as delegated by the Chairperson and shall present, for amendment and approval, the minutes of regularly scheduled meetings.

Section 4. Term of Office:

The term of office for all Panel officers shall be at the pleasure of the Mayor, except for the Secretary, for which the term shall be for one year (from July 1 to June 30 of the following year). This appointment may be extended for an additional year.

ARTICLE VII – COMMITTEES

Section 1. Executive Committee:

The Executive Committee shall be composed of the officers of the Panel and the Chairpersons of Panel Subcommittees.

The Executive Committee shall meet prior to all business meetings of the Panel and at other times as deemed necessary. The Executive Committee shall act as an advisor to the Chairperson and approve appointment of subcommittees and special committees. The Executive Committee shall have general supervision and conduct the affairs of the Panel between meetings of the Panel. The Executive Committee shall report at each meeting of the Panel on the actions it has taken between meetings.

Section 2. Subcommittees:

The Advisory Panel may establish subcommittees. Assignments to Subcommittees shall be determined annually and, to the greatest extent feasible, will be based on member preference and committee needs as recommended by the Chairperson. Each Panel member shall serve on a standing committee. Subcommittees may also include persons who are not members of the Advisory Panel, provided that each subcommittee is chaired by a member of the Advisory Panel. The Executive Committee shall approve all non-Panel members that will serve on subcommittees.

Section 3. Other Committees:

The Panel Chairperson may appoint special committees to conduct the business of the Panel as needed.

Section 4. Administration

OSSE shall provide administrative, technical support and coordination assistance, including designated office space, to the Advisory Panel as needed and as determined by OSSE, and as supported by the budget appropriation and authority.

The Advisory Panel, through OSSE, and in accordance with applicable District laws, rules and procedures, may accept resources provided from the public or private organizations to execute and coordinate the activities and functions of the Advisory Panel.

The Advisory Panel may utilize District public space to sponsor, or hold, meetings in accordance with District law and regulations.

Section 5. Compensation

Members of the Advisory Panel shall serve without compensation, except that a member may be reimbursed for expenses incurred in authorized execution of official Advisory Panel duties, if authorized in advance by the State Superintendent of Education, or designee, and as supported by budget appropriation and authority.

ARTICLE VIII – MISCELLANEOUS PROVISIONS

Section 1. Review and Amendments of Bylaws:

These Bylaws and procedures may be amended by a majority of the Panel members provided that at least seven days' notice of an amendment is circulated to the members. The seven days' notice period may be waived by unanimous consent of the members.

These Bylaws shall become operative immediately after their adoption by the Panel and review and approval of the Mayor's Office of Talent and Appointments and OSSE.

Section 2. Parliamentary Procedure:

The latest unabridged edition of *Robert's Rules of Order* shall be the parliamentary guide for the Panel.

Section 3. Annual Report:

The Panel shall prepare and submit to the Mayor, the Deputy Mayor of Education, OSSE, other appropriate District government officials, and the public, an Annual Report of its activities and recommendations by July 1 of each calendar year. The report must include:

- (1) A description of the Panel's activities;
- (2) Recommendations formulated through identification and study of issues vital to special education in the District;
- (3) Advice to OSSE of unmet needs within the State in the education of children with disabilities; and
- (4) A statement that a copy of the Panel minutes will be on file with OSSE.