

State Special Education Advisory Panel
under the Individuals with Disabilities Education Act
CFR 300.168-169

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)*

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CENTER FOR PERSONS WITH DISABILITIES

This document was developed by the Technical Assistance for Excellence in Special Education (TAESE) Center, the technical assistance division of the Center for Persons with Disabilities, a University Affiliated Program at Utah State University.

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This information could be made available in alternative format, including large print or CD.

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 and State Education Agency (SEA) staff regarding their responsibilities under Part B of the Individuals with Disabilities Education Act (IDEA). This manual is intended to assist 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 could result in adherence to functions and effective Panel meetings.** The term, “State Special Education Advisory Panel” might be referred to by a different name in many States. The words “board”, “council”, or committees” are often used in certain States.

The role of the State special education advisory Panel in improving services for children and youth with disabilities is critical. In many States, the special education advisory Panel has been used as the State stakeholder group for the Office of Special Education Programs (OSEP) monitoring visits, the State Performance Plan, and the Annual Performance Report. With the increasing challenge of providing quality education for all children and youth 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 and youth with disabilities.

The result of the increased responsibility and expectations for the State special education advisory Panel has left SEA staff who are responsible for Panel organization and development faced with many challenges. First, there are limited information that provides questions and guidance regarding how States are to organize and implement 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 of Panels in other States. The Office of Special Education Programs (OSEP) has implemented a new website for special education advisory Panel members and SEA staff: www.stateadvisorypanel.org. The website has good resources and provides links to all State Panel websites. OSEP is conducting quarterly webinars for Panel members and SEA staff that are announced on this website.

This document provides information and describes experiences that have been successful in other State Panels.

This material provides the IDEA regulations for the State special education advisory Panel and also include “best practices” that might improve the Panel’s effectiveness in fulfilling their responsibilities and helping improve results for children and youth with disabilities.

..... **Understanding Acronyms**

Understanding special education requires having knowledge of numerous acronyms. These acronyms are an abbreviated manner of communication to describe programs and procedures in special education. The following list are acronyms used in this manual.

APR—Annual Performance Report

CFR—Code of Federal Regulations

CIFMS—Continuous Improvement Focus Monitoring System

ICC-Interagency Coordinating Council

IDEA—Individuals with Disabilities Education Act

LEA—Local Education Agency

Part B—Children and youth disabilities

Part C—Infants and toddlers with disabilities

PTI—Parent Training Information

SEA—State Education Agency

OSEP—Office of Special Education Programs

SEAP—Special Education Advisory Panel

SPP—State Performance Plan

TA&D—Technical Assistance and Dissemination Network

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

The following are the **duties or functions of special education advisory Panel** as listed in the IDEA 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))

These functions are what the Panel is all about. Each Panel member should have an understanding of these functions. It would be advised that the Panels have a discussion about the above functions each year and during the orientation meeting. These Panel functions could be listed on Panel meeting agendas.

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

Each Panel member should have an understanding of Panel membership requirements under IDEA and which stakeholder’s group they represent. 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 and youth 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 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 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
- *Representative from State child welfare responsible for foster care*

** Italics indicate new IDEA 2004 re-authorization.*

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

Please refer to the Office of Special Education Programs (OSEP) letter (page 21) that clarifies some membership issues.

Each member should understand which stakeholder group they represent and techniques for “reaching out to their stakeholder group.”

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

Best practice. Although not required, some States involve a high school or post secondary student with a disability to add a consumer perspective. The tenure is usually one year.

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.

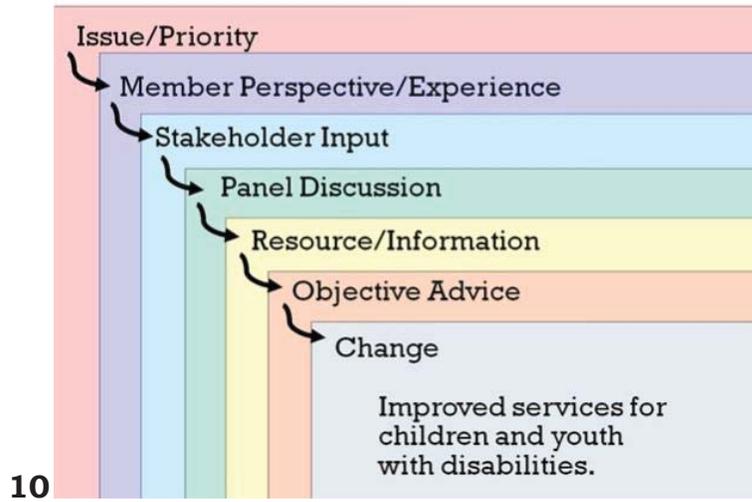
The following is some advice provided by OSEP during a national webinar relating to Panel membership issues:

- Members must be appointed—either by the Governor of the State or someone with authority to make such appointments.
- The membership must be representative of the State population.
- The Panel also must be composed of individuals who are directly involved in special education or who are concerned with the education of children with disabilities.
- Membership should fairly represent the various interests of the groups concerned with the education of children with disabilities.
- Solicit individuals to serve as members who do not have, and will not be perceived as having, a conflict of interest in representing the views of the group they were selected to represent.
- Nothing prohibits an appointed member from being appointed to serve more than one role on the Panel.

..... **Advisory and Advocacy**

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 should provide advice based on data, facts, and good judgment. There are groups in the State who are advocates, such as the Protection and Advocacy Centers, Disability organizations, and professional organizations.

Exercising Advisory Responsibilities



**YES
To Advise**

- To give advice
- To inform
- To counsel
- To recommend
- To suggest

**NO
To Advocate**

- To support something
- To plead your case or position
- To favor a position
- To argue
- To guide

..... Diverse Representation

Increasing the involvement of parents on the Panel, 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 the Panel 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.
- 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.

..... Representing a Stakeholder Group

One of the most significant contributions that each Panel member makes is that of representing a stakeholder group. The IDEA Part B regulations require that specific constituencies be represented by membership on State advisory Panel. 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:

- Develop and disseminate a brochure on Panel priorities to stakeholder groups.

- Create a link for Panel activities on the State agency website.
- Provide opportunities for public input at special education advisory Panel meetings via teleconference.
- Hold Panel meetings in different locations in the State.
- Meet at the Parent Training and Information Center (PTI) once each year.
- 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.
- Invite a friend of your stakeholder group to the Panel meeting.

Possible content of Panel public awareness brochures

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

..... **Consensus Building**

It is suggested that Advisory Panels use consensus decision-making rather than voting when the Panel 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 should experiment and design the process that works best for their Panel. Most State Panels use “Robert Rules of Order” to conduct their meetings.

Members of the Panel should focus on expressing ideas and opinions about the “big picture” in State special education. The Panel is about all children and youth with disabilities in the State. 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 Positive
- Be open to other positions.
- 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.”

Needless to say, it is alright to vote on business items/issues. Google “Robert’s Rules of Order” for more information.

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

..... Possible Roles of the State Special Education Director

The job of a State Special Education Director is very difficult. 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:

- Serves in an Ad hoc capacity—nonvoting member.
- Provides leadership and attends meetings.
- Provides relevant and current information to Panel members.
- 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-Special Education” 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 Panel operating by-laws.

The Panel should revisit, review, and revise the by-laws annually. The by-laws reflect the 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.

Possible Content for By-laws

- Panel name
- Panel purpose/functions
- Membership roles and responsibilities
- Panel meeting procedures

- Statement on open meeting requirements
- Federal and State regulations regarding Panel membership functions and procedures
- Flow chart indicating Panel place in the State organizational structure
- Relationship between the Panel and State special education director
- Methods for dissemination of information to the public and constituencies
- Process for individuals to be appointed to the Panel
- Panel members—with the name of the stakeholders group they represent
- Membership tenure
- Travel compensation
- Quorum requirements
- Process for replacing a Panel member
- Process for resigning from the Panel
- Provisions for persons with disabilities (e.g., interpreters)
- Panel leadership and officers—appointment procedures
- Establishment of executive committees
- Establishing agenda for meetings
- Membership term of office and procedures for appointment to committee
- Method for receiving public comment
- Decision-making process (e.g., consensus, voting)
- Voting procedures
- Procedure for public meeting notice
- Roles with SPP/APR and Level of Determination

.....**Annual Orientation Meeting**

One of the most useful activities for the advisory Panel could be an 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 provide orientation for 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 an overview or responsibilities for Panel members. This event can also provide an opportunity to summarize and review Panel activities and initiatives of the 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

- Involve all Panel members, not just new members.

- Welcome, introductions, and warm-up activity
- Explain purpose for the advisory Panel
- Membership issues and requirements
- Explain the functions of the Panel.
- Review common acronyms
- Part C/Part B connection
- Review the open meeting requirements
- Brief historical background of Panel's and past accomplishments
- A discussion on confidentiality and privacy
- Review of the Panel by-laws
- Review of Panel's last annual report
- Discuss Federal and State law 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
- Explain meeting procedures under Robert Rules of Order.

NOTE: Orientation sessions can 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 Panel 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 and youth 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. The selection of 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. Priorities should relate to the functions of the Panel. To guide the priority-setting process, a good strategy is to enlist the services of an outside facilitator. 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.

Note: See pages 25–27 for a sample Action Plan template to document Panel work on priority areas.

..... Advisory Panels as Change Agents

State advisory Panels are being recognized for their critical role of providing input for the State Performance Plan, Annual Performance Report, State Level of Determination, and advising for improved services for children and youth with disabilities.

Variables to Making Systems Change

- Develop a rapport and relationship with the stakeholder group you are representing.
- Develop a positive working relationship with the Special Education State Director.
- Approach the 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 data from the State Performance Plan and Annual Performance Report.

- Be familiar with the Panel role in the OSEP monitoring process.
- 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 place 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.

..... **Strategies for Effective 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. A Panel meeting schedule should be developed one year in advance, so everyone can get the meetings on their calendar. 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.

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

- Adhere to the State open meeting requirements
- Meet at an accessible location.
- 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 should be kept on all Panel meetings and must be made available to the public on request and meet open meeting requirements.

Other Considerations for effective meetings

- 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.
- Utilize Roberts Rules of Order to conduct the meeting.

- Arrange a separate seating section for guests.
- Schedule the meeting room in an area that allows for adequate group interaction.
- Help facilitate travel plans for individuals coming long distances.
- A cover letter should identify the meeting purpose and main issues to be discussed.
- 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.
- Post agenda to adhere to open meeting requirements.
- The agenda should be comprehensive and detailed.
- Create a name tent for each member with their name and the stakeholder group they are representing.
- 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.

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 Panel meetings.

- Set aside around 15 minutes on the agenda for public comments.
- Arrange a separate seating section for guests.
- Provide notice to the public well in advance of the advisory Panel meeting.
- Specify a consistent time on the agenda for public comment.
- 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 comment period.
- Develop a procedure to receive written comments.

..... **Panel Annual Report**

Even though IDEA regulations do not require an Annual Report, most States still have this as a requirement. One of the possible responsibilities for the State advisory Panel is the development of the annual report. Check your State

regulations and/or Panel by-laws for specifics regarding the 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, State 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 for the State Education Agency to consider.
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.

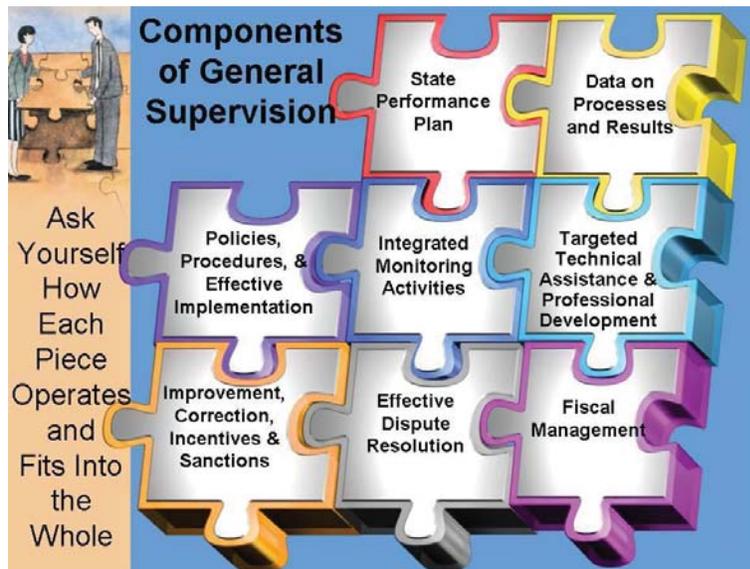
..... **Special Education** **General Supervision**

States have a responsibility, under federal law, to have a system of general supervision that monitors the implementation of Individuals with Disabilities Education Act (IDEA) by Local Education Agencies (LEAs). The system should

be accountable for enforcing the requirements and for ensuring continuous improvement.

The Advisory Panel should become familiar with the general supervision responsibilities of the State Education Agency. General supervision means “oversight”. The IDEA law and regulations provide information regarding the SEA general supervision requirements. It is important for each Panel member to have a basic understanding of each of the following areas of general supervision.

- State Performance Plan
- Policies and Procedures
- Monitoring
- Fiscal Management
- Collection of data
- Improvement, correction, incentives, sanctions
- Dispute Resolution
- Technical Assistance and Professional Development



.....Part C/Part B Connections

It is important for Panel members to understand the difference between Part C and Part B of IDEA. There is also an advisory group representing Part C, usually referred to as the Interagency Coordinating Council (ICC). The ICC assists and advises the Lead Agency under Part C regarding issues relating to infants and toddlers with development delays or disabilities (ages birth through 2 years).

Part C—Birth through 2 years

ICC—Interagency Coordinating Council under Part C of IDEA

Part B—Usually 3 years to 21 years (varies)

SEAP—Special Education Advisory Panel under Part B of IDEA

In some States the Panel and ICC meet once a year to discuss shared issues such as Part C/B transition and Child Find.

..... **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 Reauthorization and Implementation

- Study the major changes to IDEA.
- As appropriate, 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 advice to the SEA in developing measurable and rigorous targets for indicators under each indicator.
- Provide advice on improvement strategies for 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 each indicator.
- 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 determine 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.

OSEP Continuous Improvement and Focused Monitoring System

- Understand the eight areas of general supervision.
 - SPP and State goals and measurable targets
 - Fiscal management
 - Integrated monitoring activities
 - Effective policies and procedures
 - Data on processes and results
 - Improvement, correction, incentives, sanctions
 - Effective dispute resolution
 - Targeted technical assistance and professional development
- Understand the CIFMS process.
- Participate in OSEP Panel questions 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.
- Become involved in results work promoted by OSEP.

OSEP TA&D Resources

- Become familiar with OSEP's Technical Assistance and Dissemination (TA&D) Network.
- 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.

IDEA Panel 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))



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

MAR 11 2008

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).

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Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

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?

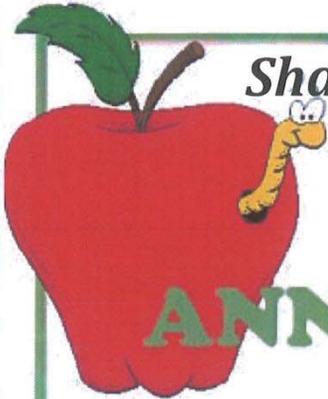
Response: The regulation specifies when the State must meet a membership category by having only one representative and when more than one representative is required. Compare 34 CFR §300.168(a)(9) and (a)(10) (requiring at least one representative) with 34 CFR §300.168(a)(1) through (8) and (a)(11) through (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



Share With Your Panel!

SPECIAL ANNOUNCEMENT

A “ONE STOP SHOPPING” website location for resources and information relating to Lead Agency Interagency Coordinating Council (ICC) and State Advisory Panels (SAP). The website was created through a partnership with OSEP, PTAC Staff, and the RRC Program.

URL: <http://www.stateadvisorypanel.org>

The homepage has exciting links that will provide the latest and best resources for LA/SEA Staff and ICC/Panel members:

About Advisory Panels

**ICC/SAP Resources
and Materials**

**Frequent
Questions/Answers**

IDEA SAP Regulations

State SAP Websites

**Webinar
Announcements**

DATE: _____

SPECIAL EDUCATION ADVISORY PANEL

Panel Priorities

The Panel members have examined and listened to reports regarding the Part B Annual Performance Report (APR). They have also shared information and ideas on other important issues. Based upon all this information and current data, the Panel has decided to focus their attention on a few major priorities during this calendar year. Complete one Action Plan for each priority area:

A. **Priority:** _____

B. **Justification:** _____

C. **Panel Priority Leader:** _____

D. **Panel Priority Members:** _____

E. **Panel IDEA Function:** _____
(Relationship to Priority)

F. **SPP/APR Indicators:** _____
(Relationship to Priority)

G. **Priority Goal:** _____

H. Activities to Reach Priority Goal

	Activities	Timeline	Responsibility
1.			
2.			
3.			

I. Evaluation of Activities—how the Panel will know the if activities have been accomplished:

1.	
2.	
3.	

J. Final Advice to State Education Agency:
