

<b>UTAH STATE BOARD OF EDUCATION POLICY</b>
Policy Number: 5006
Policy Name: Utah Special Education Advisory Group
Date Approved: November 4, 2021

The Utah State Board of Education (the Board) hereby establishes the Utah Special Education Advisory Panel (USEAP).

1. The purpose of USEAP is to:
  - a. serve as the advisory panel to the Utah State Education Agency, hereinafter referred to as the Utah State Board of Education (the Board) as mandated by the Individuals with Disabilities Education Act (IDEA).
  - b. serve in an advisory role at appropriate times in the Board decision-making process;
  - c. work in partnership with the Board’s designee, the State Director of Special Education (Director), as the Director carries out the regulatory responsibilities defined in the IDEA;
  - d. advise the Board as it monitors special education programs in LEAs and private schools, including the monitoring activities under the direction of the Director.

2. Duties

In support of its purposes:

- a. USEAP shall:
  - i. As defined in federal law, consider issues, and make recommendations to the Board and the Director on the following:
    - A. advise the Board on unmet needs with the state in the education of students with disabilities;
    - B. comment publicly on any rules or regulations proposed by the state regarding the education of students with disabilities;

- C. advise the Board and Director on developing evaluations and reporting on data to the Secretary of the US Department of Education under Section 618 of the IDEA;
  - D. advise the Board and Director in developing corrective action plans to address findings in federal monitoring reports under Part B of the IDEA;
  - E. advise the Board and Director in developing and implementing policies relating to the coordination of services for students with disabilities;
  - F. review and comment on completed due process hearing findings; and
  - G. recommend to the Board changes to this policy, as needed.
- ii. develop recommendations or position statements regarding significant issues in the education of students with disabilities and communicate such recommendations to the Board
  - iii. raise issues related to the panel member's area of responsibility, giving input into position papers, publications, and policy recommendations
  - iv. address all formal recommendations or position papers to the Director and shall reflect approval of a simple majority of members present; and
- b. USEAP may:
- i. establish and maintain contact with persons, groups, or associations having an interest in the welfare of students with disabilities to remain knowledgeable and informed relative to public and private interests in special education; and
  - ii. exchange information with advocacy groups or other committees as provided herein.
  - iii. establish task forces for specific tasks and for a designated time period.
    - A. A representative of each task force shall report on current activities at USEAP meetings.

- B. A task force shall draft recommendations for discussion and action by USEAP as requested.
  - C. The Leadership Team described in subsection (6) below shall select task force membership.
  - D. Task force membership may include representatives from the field as well as from USEAP.
- c. USEAP communications related to these purposes shall be done in the following manner:
- i. The Chair, or in the absence of the Chair, the Chair-Elect, described in subsection 6. below, USBE staff, or designee of the Chair, is the only member of the panel authorized to speak publicly for USEAP in accordance with USEAP recommendations or position statements.
  - ii. Individual members may not represent themselves as spokespersons for USEAP, the Director, or the Board.

### 3. Meetings

- a. Members shall attend all meetings electronically or in person, unless excused by the Chair.
  - i. A member may send an alternate to attend a meeting in the member's place, who may speak to, but not vote on matters under consideration
  - ii. If a member has a cumulative total of three unexcused meeting absences, the Leadership Team, in consultation with the Director, may recommend that the Board terminate the member's appointment on a case-by-case basis.
- b. All personally identifiable data, information, and records disclosed during USEAP meetings shall remain confidential in accordance with applicable state and federal laws.
  - i. USEAP members may not share confidential information outside of USEAP meetings absent authorization from the Director, after consultation with legal counsel.

- ii. During USEAP meetings, members should only discuss and share anecdotal situations to protect personally identifiable information and maintain the confidentiality of those involved.

#### 4. Staff

- a. USBE staff shall provide clerical services for USEAP including the Director.
- b. The Director may provide copies of all formal recommendations or position papers to the applicable Deputy Superintendent, the Superintendent of Public Instruction, or the Board.
- c. After the Board has been advised, the Director may provide copies of formal recommendations and position papers to advisory groups concerned with the delivery of services for students with disabilities, as appropriate.

#### 5. Membership

- a. The Board shall appoint members of USEAP based on recommendations of USEAP and other interested groups.
  - i. Members shall serve three year terms beginning on July 1 of the first year and ending on June 30 of the third year. Members shall have staggered appointments so that close to an equal number of terms expire each year.
- b. A member may be re-appointed for a second consecutive term without reapplication.
- c. If a member is appointed to fill another member's vacancy mid-term, the new member may then be re-appointed to serve one additional term.
- d. The Board shall appoint members to be representative of Utah's population and comprised of individuals involved in or concerned with the education of students with disabilities.
- e. Most of the members shall be individuals with disabilities or parents of students with disabilities. Membership shall include representatives of the following groups:

- i. Parents of students with disabilities (ages birth through 26);
  - ii. Individuals with disabilities;
  - iii. Teachers;
  - iv. Representatives of institutions of higher education that prepare special education and related services personnel;
  - v. State and local education officials;
  - vi. Administrators of programs (state and local) for students disabilities, including administrators of the McKinney-Vento Homeless Act;
  - vii. Representatives of other state agencies involved in the financing or delivery of related services to students with disabilities;
  - viii. Representatives of private schools and public charter schools;
  - ix. At least two representatives with expertise in the provision of transition services to students with disabilities;
  - x. Representatives from the state juvenile and adult corrections agencies; and
  - xi. A representative from the state child welfare agency responsible for foster care.
- f. A member selected to represent a specific category in Subsection (5)(e) may have experience across categories. Consideration should be given to balance membership to assure adequate representation of:
- i. urban and rural areas;
  - ii. minorities and under-served populations;
  - iii. individuals and parents of students with moderate and severe disabilities; and
  - iv. individuals connected to secondary students with disabilities.
- g. A member may resign by submitting notice to the Chair or staff.
- h. If a vacancy occurs mid-term, the Leadership Team may propose a

replacement from prior applicants, or the Board may request applicants in accordance with existing Board policies and procedures.

## 6. Panel Leadership

- a. The Leadership Team shall consist of the Chair, Chair-Elect, and at least three members of USEAP, which may include the Past Chair, as determined by the Chair.
  - i. The Chair should consider balancing the membership of the Leadership Team to assure representation of the various groups.
  - ii. The Leadership Team may act on behalf of USEAP when USEAP is not convened, for an emergency purpose.
- b. USEAP shall elect a Chair and a Chair-elect by a simple majority of members present at a regularly scheduled meeting.
- c. The Chair and Chair-elect shall serve terms of office of one year, July 1 to the following June 30.
- d. The Chair-elect shall assume the position of Chair the following July 1.
- e. The Chair shall:
  - i. call and act as chair at all meetings;
  - ii. develop meeting agendas with the Leadership Team and the Director;
  - iii. appoint all task force chairs;
  - iv. establish a leadership team, if necessary, with the approval of USEAP;
  - v. individually, or through a designee, receive correspondence;
  - vi. represent USEAP at Board meetings as determined by Board policies and procedures;
  - vii. coordinate all activities with the Director;
  - viii. establish task forces with the approval of USEAP;
  - ix. assure that all taskforce meetings are reported at the succeeding USEAP meeting and that recommended action is made a matter of

record; and

x. coordinate dissemination and posting of USEAP minutes within 30 days of each meeting.

f. The Chair-Elect shall act as Chair in the absence of the Chair.

7. Applicability of Board Policies

a. This policy is subject to Board Policy 1004 – Advisory Groups.