

NEW MEXICO SPECIAL EDUCATION ADVISORY PANEL BY-LAWS AND OPERATING PROCEDURES 2016 - 2017 34 CFR §§ 300.167–169

I. NAME

The name of the group shall be the New Mexico Special Education Advisory Panel, hereinafter referred to as the "State Advisory Panel," or "Panel."

II. PURPOSE OF THE PANEL

34 CFR § 300.167

The New Mexico Public Education Department, hereinafter referred to as the "PED," has established and maintains an advisory panel for the purpose of providing advice and guidance with respect to special education and related services for children with disabilities as required by the Individuals with Disabilities Education Improvement Act of 2004 ("the Act") and its implementing regulations. The panel provides policy guidance with respect to special education and related services to the PED, including the Special Education Bureau (SEB).

III. DUTIES AND FUNCTIONS

34 CFR § 300.169

The State Advisory Panel shall perform the following duties and functions:

The State Advisory Panel must:

- A. Advise the PED 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 PED in developing evaluations and reporting on data to the Secretary of the U.S. Department of Education under Section 618 of the Act;
- D. Advise the PED in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act; and
- E. Advise the PED in developing and implementing policies relating to the coordination of services for children with disabilities.

ADDITIONAL DUTIES AND RESPONSIBILITIES

- A. By July 1 of each year, submit an annual report of panel activities, advice, and suggestions to the PED.

- B. Members of the Panel should understand that confidentiality of all personally identifiable data, information, and records disclosed during the Panel Meetings shall be maintained according to applicable state and federal laws.

IV. DUE PROCESS HEARINGS

34 CFR § 300.513 (d)(1-2)

- A. *Findings and decision to advisory panel and general public.* The PED, after deleting any personally identifiable information, must:

1. Transmit the findings of Due Process Hearing Officer decisions to the State Advisory Panel; and
2. Make those findings and decisions available to the public.

The State Advisory panel will analyze data and trends and provide a report out to the Panel.

V. MEMBERSHIP REQUIREMENTS FOR STATE ADVISORY PANEL

34 CFR § 300.168

- A. The State Advisory Panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, to be representative of the State population, and with recommendations from the State Advisory Panel, membership to 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 and 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.

In addition, a representative from an Office of Special Education Programs (OSEP) defined/funded Parent Training and Information Center.

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).

Optional member—A student or youth with a disability from the secondary level who has exited high school from the district or region in which the Panel meeting is being held.

Responsibility: Each State Advisory Panel member is responsible to represent their constituency group, not individual interests.

- B. The membership may be expanded, with the Secretary of Public Education’s or designee’s approval, to include additional persons in the groups listed and/or representatives of other groups not listed. In adding to the membership, consideration shall be given to an appropriate balance between school district personnel, educators and state agencies caregivers parents/guardians, and individuals with disabilities.
- C. The term of a panel member shall be no more than three years commencing July 1 and ending June 30 of the third year unless the representative is replacing an existing member. Term limits for the membership of the Panel will be two terms (terms do not have to be consecutive), each term being three years (total 6 years). Panel members whose terms have expired shall be considered bona fide voting members until such time as they are re-appointed or replaced by the Secretary of Education.
- D. Resignation from the Panel must be submitted in writing to the PED.
- E. One unexcused absence or two excused absences from regular State Advisory Panel meetings (a meeting is defined as a consecutive two day meeting) within a four-meeting period of time will result in a membership review by the Executive Team in conjunction with the State Director and may result in replacing the member. An absence will be considered “excused” if the member notifies the Chairperson or the State Director of Special Education prior to the meeting.
- F. Whenever a current State Advisory Panel Member changes his/her employment status and there is a resulting change of constituency representation, the following procedures apply:
 - 1. Forfeit membership and if desirable, reapply to represent the new constituency group. However, time served representing the previous constituency group will count towards the three-year term or the total of 6 (six) years; and
 - 2. A new panel member will be chosen to complete the term of the panel member who is being replaced.

VI. STATE ADVISORY PANEL PROCEDURES

- A. Members of the State Advisory Panel shall serve without compensation.
- B. The State shall reimburse the State Advisory Panel members for reasonable and necessary expenses for attending meetings and performing duties in accordance with the Per Diem and Mileage Act, 10-8-1 through 10-8-8 NMSA 1978 and the New Mexico Administrative Code at 2.42.2
- C. Individuals with disabilities who require auxiliary aids and services to participate in a meeting, such as sign language interpreters or materials in Braille, may request such auxiliary aids and services. The auxiliary aids and services shall be provided in accord with the Act, and/or pursuant to Title II of the Americans with Disabilities Act.

VII. PANEL OFFICERS AND TERMS

- A. The officers of the panel shall be
 - a. Chairperson
 - b. Vice-Chairperson
 - c. Secretary
- B. The officers are to be elected annually at the last regular meeting of the school year. The Chairperson and Vice Chairperson of the State Advisory Panel shall be elected to serve one year terms and the Vice Chairperson shall automatically succeed to the office of Chairperson at the end of that person's term as Vice Chairperson.
- C. The officer's term of office shall commence on the first meeting of the school year.
- D. Should a vacancy occur for any reason during the term of office of an officer of the State Advisory Panel, a successor shall be elected at the next regular meeting to serve the remainder of the term.

VIII. STATE ADVISORY PANEL OFFICER DUTIES

- A. The term of the Chairperson of the State Advisory Panel shall commence on July 1 of each year and the Chairperson shall assume the following responsibilities:
 - 1. Chair all meetings of the State Advisory Panel;
 - 2. Develop meeting agendas in collaboration with the State Director and PED staff;
 - 3. Coordinate all activities of the State Advisory Panel with the State Director of Special Education or designee;

4. Establish task forces and subcommittees in collaboration with the PED and appoint task force or subcommittee chairpersons with the approval of the Panel; and
 5. Coordinate completion of the Panel Annual Report due by July 1 each year.
- B. The Vice Chair or designee: The Vice Chair of the State Advisory Panel shall have the following responsibilities:
1. Serve as Chairperson in the absence or unavailability of the Chairperson;
 2. Assist with collaborative agenda development, if needed;
 3. Assist with completion of the Panel Annual Report due by July 1 each year; and
 4. Perform such other duties as are assigned to him or her by the Chairperson.
- C. Secretary: The Secretary of the State Advisory Panel shall have the following responsibilities:
1. Provide assistance to the PED staff assigned to record the minutes of each meeting;
 2. Take notes during each meeting specifically regarding action and suggested agenda items for use by the Executive Committee between meetings; and
 3. Perform such other duties as are assigned to him or her by the Chairperson.

IX. STATE ADVISORY PANEL TASK FORCES AND SUBCOMMITTEES

- A. Executive Committee. The Executive Committee shall consist of the Chairperson, the Vice Chairperson, the Secretary, the immediate past Chairperson and two more members of the State Advisory Panel to be appointed by the Chairperson for one-year terms each. Between the regular and special meetings, the Executive Committee shall have the power to act on any matter delegated to it by the State Advisory Panel.
- B. Task forces and subcommittees shall be established for specific purposes and for a designated time period, and be composed of State Advisory Panel members as well as other individuals from across the State.

X. STATE ADVISORY PANEL MEETINGS

- A. The time and place of regular State Advisory Panel meetings shall be as determined by the State Director and Chairperson and shall take place at least four times a year. Panel meetings, including regular or special meetings, may be called by the Chairperson in collaboration with PED staff.

- B. Members of the State Advisory Panel shall be notified by mail and/or electronic mail of the date, time, and place of regular meetings at least 15 business days prior to the time of meetings. Special meetings may be called on shorter notice.
- C. If possible, members can be responsible for sending an appropriate alternate to any meetings they will be unable to attend. An appropriate alternate is an individual who represents the same constituency(ies) as the Panel member. This individual will not have voting rights concerning any decisions made by Panel members.
- D. All meetings of the State Advisory Panel shall be open and public. All panel meetings and agenda items shall be published in such a way and sufficiently in advance of the meeting to afford the public reasonable notice of the meeting and agenda items. Effort shall be made to provide appropriate notice to organizations and individuals representative of the constituency groups served by the panel. Each meeting shall afford reasonable opportunity for members of the public to provide comment. The Chairperson shall specify reasonable parameters with respect to time, place, and manner, as well as to limit comments to subject matter that is within the jurisdiction of the panel. The panel may also adopt additional reasonable procedures to help assure that members of the public are afforded a reasonable opportunity to provide comment.
- E. Official minutes shall be made of all State Advisory Panel meetings, and shall be retained and made available to the public as required by applicable law, including the New Mexico Inspection of Public Records Act.
- F. Minutes of all State Advisory Panel meetings will be the responsibility of the PED.

XI. STATE ADVISORY PANEL VOTING

- A. Those members of the State Advisory Panel in attendance shall constitute a quorum for the transaction of business.
- B. Action by the State Advisory Panel may be taken through a simple majority (51%) of the members present at the meeting. For purpose of determining a majority vote of the members present, an alternate shall not count as a member present.
- C. A State Advisory Panel member, so requesting, shall have his/her vote recorded in the minutes, or upon request of any members, the vote of each member shall be recorded.
- D. A Panel Officer can serve as a proxy for voting members, who have an excused absence, if the Panel Member has been consulted in advance.

XII. PUBLIC INFORMATION AND AMENDMENT OF BY-LAWS

- A. The Chairperson of the State Advisory Panel, or the designee of the Chairperson in the Chairperson's absence or unavailability, is the only

member authorized to speak publicly for the State Advisory Panel and then only in accordance with State Advisory Panel actions.

- B. These by-laws may be amended by a simple majority of the full membership of the State Advisory Panel at a regular meeting. Absentee voting will be allowed so long as the written vote is received by the Chairperson on or before the date the vote is to be taken. Amendments to the by-laws must be submitted in writing to Panel members at least forty five (45) days prior to the scheduled meeting with comments received from the membership for the first thirty (30) days and a final draft of the amendments to be sent out fifteen (15) days prior to the scheduled meeting.
- C. These by-laws will be reviewed annually by the full Panel at the first meeting of the year.