

UTAH STATE BOARD OF EDUCATION RESOLUTION NO. 2016-03
RESOLUTION ESTABLISHING THE UTAH SPECIAL EDUCATION ADVISORY PANEL

Article I
Committee Establishment

Section One The Utah State Board of Education, “the Board,” hereby establishes the Utah Special Education Advisory Panel, “USEAP”.

Article II
Committee Operations

Section One **Purpose:** 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 (Board) as mandated by Federal Public Law 108-446, the Individuals with Disabilities Education Act (IDEA), hereinafter referred to as (the Act);
- 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 Act; and
- D. Advise the Board as it monitors special education programs in local education agencies (LEAS) and private schools, including the monitoring activities under the direction of the Director.

Article III
Functions

Section One As defined in federal law, USEAP shall consider issues and make recommendations to the Board and the Director on the following:

- A. Advise the Board of unmet needs within 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 U.S. Department of Education under Section 618 of the Individuals with Disabilities Education Act;
- D. Advise the Board and Director in developing corrective action plans to address findings identified 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; and
- F. Review and comment on completed due process hearing findings.

Section Two

USEAP shall develop recommendations or position statements regarding significant issues in the education of students with disabilities and communicate such recommendations to the Board.

- A. It is the responsibility of each panel member to raise issues that relate to his/her area of responsibility; giving input into position papers, publications, and policy recommendations.
- B. All formal recommendations or position papers shall be addressed to the Director and shall reflect approval of a simple majority of members present.
- C. The Director may provide copies of all formal recommendations or position papers to the applicable Deputy or Associate Superintendent, the State Superintendent of Public Instruction, and the Board. 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.

Section Three

Members of USEAP have the further responsibility of establishing and maintaining contact with persons, groups, or associations having an interest in

the welfare of students with disabilities so as to remain knowledgeable and informed relative to public and private interests in special education.

Section Four Members of USEAP may exchange information with advocacy groups or other committees in accordance with Article VII.

A. The Chair of USEAP, or in his/her absence the Chair-Elect or the designee of the Chair, is the only member of the panel authorized to speak publicly for USEAP and then only in accordance with USEAP recommendations or position statements.

B. Individual USEAP members may not represent themselves as spokespersons for USEAP, the Director, or the Board.

Article IV Committee Membership

Section One All members of USEAP shall be appointed by the Board based on recommendations proposed by USEAP and other groups.

Section Two The term of appointment shall be for three years commencing July 1 of the first year and ending June 30 of the third year. Appointments shall be staggered so that close to an equal number of terms expire each year.

Section Three Individuals may be re-appointed for a second consecutive term.

Section Four Individuals who are appointed to fill a term of office for another person may then be re-appointed to serve one additional term.

Section Five A mentor may be assigned to each new panel member to assist with orientation to the panel duties and provide support during the first year of the new panel member's term. An experienced panel member may be nominated and confirmed by the panel as a mentor coordinator for a term of three years to recruit and assign mentors to new members as well as organize mentor activities. If the mentor coordinator's membership term expires prior to fulfilling the three years as mentor coordinator, the mentor coordinator's term may be extended for the length of time needed to fulfill the term as mentor coordinator.

Section Six The membership of USEAP shall be representative of Utah's population and will be composed of individuals involved in or concerned with the education of students with disabilities. A majority of the members of the panel must be individuals with disabilities or parents of students with disabilities.

Section Seven USEAP membership shall be comprised of representation from the following:

- A. Parents of students with disabilities (ages birth through 26);
- B. Individuals with disabilities;
- C. Teachers;
- D. Representatives of institutions of higher education that prepare special education and related services personnel;
- E. State and local education officials;
- F. Administrators of programs (state and local) for students with disabilities, including administrators of the McKinney-Vento Homeless Act;
- G. Representatives of other state agencies involved in the financing or delivery of related services to students with disabilities;
- H. Representatives of private schools and public charter schools;
- I. At least two representatives with expertise in the provision of transition services to students with disabilities;
- J. Representatives from the state juvenile and adult corrections agencies; and
- K. A representative from the state child welfare agency responsible for foster care.

Section Eight A person selected to represent a specific category in Section 6 may have experience across categories. Consideration should be given to balance membership to assure adequate representation of urban and rural areas, minorities and under-served populations, individuals and parents of students with moderate and severe disabilities, and involving a secondary student with a disability.

Section Nine USEAP members shall serve without compensation but the Director may reimburse members for reasonable and necessary expenses for attending meetings and performing duties.

**Article V
Officers and Leadership Team**

Section One Elected officers of USEAP shall be a Chair and Chair-Elect. The Chair Elect shall assume the position of Chair the following July 1.

Section Two The officers shall be elected by a simple majority of members present at a regularly scheduled meeting. (This will allow an orderly transition.)

Section Three The term of office for elected officers shall be one year. The period is from July 1 to June 30.

Section Four The Chair shall call and preside at all meetings, appoint all task force chairs, and establish a Leadership Team, if necessary, with the approval of USEAP.

- 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.
- B. Consideration should be given to balance the membership of the Leadership Team to assure representation of the various groups.
- C. The Leadership Team may act on behalf of USEAP when the panel is not convened, for an emergency purpose.

Section Five The Chair of USEAP or designee of the Chair is responsible for receiving correspondence.

Section Six The chair or designee may represent USEAP at Board meetings as determined by Board policies and procedures.

Section Seven The Chair is responsible for the following duties:

- A. Assuring the scheduling of meetings for USEAP and task forces;
- B. Developing meeting agendas with the Leadership Team and the Director;
- C. Chairing all meetings of the USEAP and the Leadership Team;

- D. Coordinating with the State Director of Special Education all USEAP activities;
- E. Establishing task forces with the approval of USEAP;
- F. Assuring that all meetings of task forces are reported at the succeeding USEAP meeting and that recommended action is made a matter of record;
- G. Assuring that USEAP minutes are completed and e-mailed to members and posted for other appropriate recipients no later than thirty (30) calendar days after each meeting; and
- H. Reporting to the Board when requested by the Director.

Section Eight The Chair-Elect shall serve in the absence of the Chair.

Section Nine Clerical services for USEAP shall be provided by USBE staff.

**Article VI
Task Forces**

Section One USEAP may establish task forces for specific tasks and for a designated time period.

Section Two A representative of each task force shall report on current activities at USEAP meetings.

Section Three A task force shall draft recommendations for discussion and action by the USEAP as requested.

Section Four Membership shall be determined by the Leadership Team.

Section Five Membership on task forces may include representatives from the field as well as from USEAP.

**Article VII
Confidentiality**

Section One Members of the Utah Special Education Advisory Panel (USEAP) understand that confidentiality of any and all personally identifiable data, information, and records disclosed during USEAP meetings shall be maintained according applicable state and federal laws. USEAP members understand that (unless

there is a signed "Consent to Release Confidential Information" in effect) authorization to share and receive information ends with departure from USEAP meetings. Further, members shall only discuss/share anecdotal situations when all personally identifiable information has been removed/altered in order to maintain the confidentiality of those involved in the situations.

Article VIII
Amendments to the Operating Procedures

Section One These operating Procedures may be amended by a simple majority vote at a regularly scheduled USEAP meeting and final approval by the Board. USEAP members will be asked to review proposed revisions in a timely fashion, prior to scheduled meetings, for purposes of discussion.

Adopted by the Utah State Board of Education on September 9, 2016.


David L. Crandall, Board Chair