

# MONTANA OFFICE OF PUBLIC INSTRUCTION SPECIAL EDUCATION UNIT ADVISORY PANEL BYLAWS

## **ARTICLE I. Authority, Name, Purpose, And Duties**

Authorizing Legislation

SECTION A: The Advisory Panel exists by the authority of the Individuals with Disabilities Education Act 2004 (20 U.S.C. Section 1412(a)(21)(A)).

SECTION B. The name of the organization shall be the MONTANA SPECIAL EDUCATION ADVISORY PANEL.

SECTION C. The purpose of the Advisory Panel is to provide policy advice to the Superintendent of Public Instruction with respect to special education and related services for children with disabilities. (34 CFR 300.167)

SECTION D. The duties of the Advisory Panel shall be:

- (1) Advise the state education agency of unmet needs within the state in the education of children with disabilities (CFR 300.169(a));
- (2) Comment publicly in Advisory Panel meetings on the rules and regulations proposed by the state regarding the education of children with disabilities (CFR 300.169(b));
- (3) Advise the state education agency in developing evaluations and advise the state education agency on reporting on data to the Secretary under Section 618 (CFR 300.169(c));
- (4) Advise the state education agency in developing corrective action plans to address findings identified in federal monitoring reports under this part (CFR 300.169(d));
- (5) Advise the state education agency in developing and implementing policies relating to the coordination of services for children with disabilities (CFR 300.169(e));
- (6) Review findings and decisions of due process hearings on the provision of a free appropriate public education for children with disabilities (CFR 300.513(d) and 300.154(c); and
- (7) Waiver of non supplant requirement. The State must consult with the Advisory Panel regarding provisions of FAPE (CFR 300.164(c)(4)).

## **ARTICLE II. Membership And Officers (CFR 300.168)**

SECTION A. The voting membership of the State Special Education Advisory Panel shall include at least one-person representative of each of the following groups:

- (1) Individuals with disabilities,
- (2) Teachers,
- (3) Parents of children with disabilities,
- (4) State and local educational 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.),
- (5) Administrators of programs for children with disabilities,
- (6) Institutions of higher education that prepare special education and related services personnel,
- (7) Other state agencies involved in the financing or delivery of related services to children with disabilities,
- (8) Private schools and public charter schools,
- (9) A vocational, community, or business organization concerned with the provision of transition services to children with disabilities,
- (10) The state juvenile and adult corrections agencies,
- (11) A Part C/IDEA Representative,
- (12) A representative from the state child welfare agency responsible for foster care,
- (13) A representative from Disability Rights Montana, and
- (14) A student with a disability receiving services under IDEA

Special Rule: A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities (aged birth through 26). (CFR 300.168(b))

Advisory Panel members will receive an annual orientation at the first panel meeting of the year.

## SECTION B. MEMBERSHIP PERPETUATION

- (1) Nominations for vacancies will be taken from the Panel members who are leaving the position, the Panel itself, and OPI.
- (2) The membership of the panel shall consist of members appointed annually by the Superintendent of Public Instruction.
- (3) Term of Membership - The Montana Special Education Advisory Panel will have membership appointed to three (3) year terms, staggered so that the terms of one-third of the membership will expire each year. Members who are absent from three meetings during each year of the group's operation will be replaced or dropped from membership.
- (4) Members may be appointed to a second three-year term at the discretion of the Superintendent.
- (5) An appointee to the panel will be removed by the Superintendent of Public Instruction if, for some reason, he/she no longer qualifies as an appointee in the category for which he/she was selected.
- (6) Resignation by any member must be in writing and submitted to the Superintendent of Public Instruction.

## SECTION C. OFFICERS

- (1) The officers of the Panel shall be (3) officers, namely: Chairperson, Vice-Chairperson, and Secretary. Elections shall be held during the last meeting of the school year.

Chairperson:

The Chairperson duties shall include:

- (a) preside at all meetings,
- (b) call all meetings,
- (c) be ex-officio member of all committees,
- (d) appoint all committees at the direction of the panel; and
- (e) perform such duties as pertain to this office.

Vice-Chairperson:

The Vice-chairperson duties shall include:

- (a) conduct meetings in absence of Chairperson,
- (b) serve in ex-officio capacity upon designation by Chairperson,
- (c) perform such duties as pertain to this office, and
- (d) the Vice-chairperson shall become the Chairperson of the panel the year following his/her election.

Secretary:

The Secretary duties shall include (with assistance of the Office of Public Instruction staff):

- (a) record minutes of each meeting,
  - (b) E-mail or mail copy of proceedings of each meeting to all members following meeting,
  - (c) notify members of meetings at least fourteen (14) days prior to meeting, if possible,
  - (d) perform such duties as pertain to this office, and
  - (e) make public announcement for all meetings.
- (2) Officers shall be elected once a year and cannot serve more than two consecutive years.

#### SECTION D. COMMITTEES

- (1) Special Ad Hoc Committees may be appointed at the direction of the Panel.

### **ARTICLE III. Annual Report**

SECTION A. The Panel makes its recommendations to the Superintendent of Public Instruction through the Special Education Administrators.

SECTION B. The Panel shall report at least annually to the Superintendent of Public Instruction. 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 state.
- (3) Advisement of unmet needs within the state in the education of children with disabilities.

A copy of the Panel minutes and the Annual Report will be placed on the Office of Public Instruction Web site and maintained on file in the, Office of Public Instruction.

### **ARTICLE IV. Meetings**

#### SECTION A. MEETING RULES

- (1) Providing that at least ten days public notice has been given for a meeting, a quorum shall be constituted by a simple majority of the Panel membership which shall be necessary for all matters of official business.
- (2) In the absence of both the Chairperson and Vice-chairperson, the Secretary shall preside at the meeting.
- (3) Standing Committee:
  - (a) Procedures
    - 1) All rules that apply to the general committee apply to the standing committee unless otherwise stated.
- (4) Electronic notice stating the place, day and hour of any meeting shall be delivered by e-mail to the last known address of each member. Written notice will be provided upon request of the Panel member.
- (5) Expenses will be paid only for voting members whose appointments have been approved by the Superintendent of Public Instruction. Each member shall be reimbursed for travel expenses

and per diem consistent with state rules and regulations. Other necessary costs such as childcare, or substitute teachers required in order for Panel members to participate in a Panel meeting, will be reimbursed as determined appropriate.

- (6) Guests should be seated separately from the Panel.

## SECTION B. MEETING SCHEDULE

- (1) The Panel shall meet no less than four times per year.
- (2) The proposed meeting date and agenda shall be established as a matter of Panel business.
- (3) The beginning and ending hours of the Panel meetings shall be established in the same manner as the dates.
- (4) Place of meetings shall be in Helena, Montana, unless otherwise authorized by the Superintendent of Public Instruction.
- (5) Virtual meetings will be allowed during extreme weather or natural disaster.

## SECTION C. MEETING PROCEDURE

- (1) Robert's Rules of Order will serve as the basis for regulating the Advisory Panel.
- (2) Agenda - Procedure for preparation and approval of agenda.
  - (a) A tentative agenda is prepared as the last item of business by the committee of the whole at each regularly scheduled meeting.
  - (b) The tentative agenda becomes the proposed agenda by means of modifications derived in consultation between the Office of Public Instruction Advisory Panel Coordinator and Panel Chairperson prior to the meeting.
  - (c) Persons or organizations desiring to address the Panel may be placed on the proposed agenda by making such a request to a Panel member, Chairperson, or the Office of Public Instruction.

- (d) A public comment period for each Panel meeting will be included as an agenda item.
  - (e) The proposed agenda becomes the approved agenda by a majority vote.
  - (f) Whenever possible, support materials for the agenda should be in graphic, and/or written form and readily available to the membership. Amendments to the proposed agenda will be judged on the basis of this principle.
  - (g) Once the agenda is the approved agenda, no deviations shall be permitted without majority vote of the Panel.
- (3) Prior to any vote, the Chairperson shall direct the Secretary to determine if a quorum is present for the vote. If a quorum is present, the voting will proceed by voice vote unless a member of the Panel calls for a show of hands or roll call.
  - (4) All meetings of the Panel shall be publicly announced on the Office of Public Instruction Web site and open to the public.

#### **ARTICLE V. Amendment Of Bylaws**

Proposed amendments to these bylaws shall be submitted in writing to the Chairperson. Proposed amendments to the bylaws must be approved by a two-thirds vote of members present and submitted to the Superintendent of Public Instruction for final approval. The Advisory Panel will no less than annually review and revise, if necessary, the bylaws.



Elsie Arntzen  
Montana State Superintendent of Public Instruction  
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