

# NEW MEXICO SPECIAL EDUCATION ADVISORY PANEL BY-LAWS AND OPERATING PROCEDURES

2008

34 CFR §§ 300.166–169

## I. NAME

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

## II. PURPOSE OF THE PANEL

34 CFR § 300.167

The New Mexico Public Education Department, hereinafter referred to as the “NMPED,” 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.

## 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 NMPED 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 NMPED 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 NMPED in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act; and
- E. Advise the NMPED in developing and implementing policies relating to the coordination of services for children with disabilities.

## IV. DUE PROCESS HEARINGS

34 CFR § 300.513 (d)(1-2)

- A. *Findings and decision to advisory panel and general public.* The NMPED, after deleting any personally identifiable information, will—
  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.

V. MEMBERSHIP REQUIREMENTS FOR STATE ADVISORY PANEL  
34 CFR § 300.168

A. The State Advisory Panel shall consist of members appointed by the Governor, 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.

*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 with a disability from the secondary or postsecondary level. The term will be no more than one year.*

*Responsibility—Each State Advisory Panel member is responsible to represent their stakeholder group, not individual interests.*

B. The membership may be expanded, with the Secretary of Public Education'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 professional groups and consumers-parents, advocates, and individuals with disabilities.

- C. The term of a panel representative 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.
- D. To maintain appropriate representation, the State Advisory Panel may recommend to the New Mexico State Special Education Director that membership be extended to include other individuals.
- E. One unexcused absence or two excused absences from regular State Advisory Panel meetings within a three-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 a given 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. The panel member may choose to resign.
  - 2. The panel member may choose to remain on the State Advisory Panel until June 30.
  - 3. If the panel member chooses to remain on the State Advisory Panel until June 30, the selected Panel member will represent the appropriate constituency(ies).
  - 4. 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. The State Advisory Panel shall serve without compensation, but the State shall reimburse the State Advisory Panel members for reasonable and necessary expenses for attending meetings and performing duties.
- B. Interpreters and other necessary services shall be provided at panel meetings for panel members or participants and reasonable accommodations, and auxiliary aids.
- C. By July 1 of each year, the State Advisory Panel shall submit an annual report of panel activities, advice, and suggestions to the NMPED.

## 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 election shall be by a majority vote of the members present, those present constituting not less than a quorum.
- D. The officer's term of office shall commence on the first meeting of the school year.
- E. 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 Chairperson of the State Advisory Panel shall have the following responsibilities:

- 1. Chair all meetings of the State Advisory Panel.
- 2. Coordinate the scheduling of meetings of the State Advisory Panel with NMPED.
- 3. Develop meeting agendas with the State Director and NMPED staff.
- 4. Coordinate all activities of the State Advisory Panel with the State Director of Special Education or designee.
- 5. Establish task forces and subcommittees and appoint task force or subcommittee chairpersons with the approval of the State Advisory Panel.
- 6. 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 in the absence of the Chairperson
- 2. Assist with agenda development.
- 3. Assist with completion of the Panel Annual Report due by July 1 each year.
- 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 Special Education Bureau 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.
- 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 meet at least four times a year and more often as necessary to conduct its business. Special meetings may be called by the Chairperson, as necessary.
- 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.
- C. Members shall 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 advisory panel meetings and agenda items must be announced enough in advance of the meeting to afford interested parties a reasonable opportunity to attend. Notice will be sent to organizations and individuals representative of the constituency groups served by the panel.
- E. Official minutes must be kept on all State Advisory Panel meetings and must be made available to the public on request.
- F. Minutes of all State Advisory Panel meetings will be the responsibility of the NMPED or designee.

## XI. STATE ADVISORY PANEL VOTING

- A. Those members of the State Advisory Panel in attendance shall constitute a quorum for the transaction of business at any meeting of the Panel.
- B. Action by the State Advisory Panel may be taken through a simple majority (51%) of the State Advisory Panel members present at the meeting.
- 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.

## XII. PUBLIC INFORMATION AND AMENDMENT OF BY-LAWS

- A. The Chairperson of the State Advisory Panel, or the designee of the Chairperson in his/her absence, 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 State Director of Special Education 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 sixty one days prior to the scheduled meeting with comments received from the membership for the first thirty days and a final draft of the amendments to be sent out thirty days prior to the scheduled meeting.