

**UTAH SPECIAL EDUCATION ADVISORY PANEL
(USEAP)**

OPERATING PROCEDURES

July 11, 2013

**ARTICLE I
Name**

Section 1: The name of the Panel shall be the Utah Special Education Advisory Panel, hereinafter referred to as USEAP.

**ARTICLE II
Purpose**

Section 1: USEAP, as the advisory panel to the Utah State Education Agency, hereinafter referred to as the Utah State Office of Education (USOE) is mandated by PL 108-446, the Individuals with Disabilities Education Act (IDEA), hereinafter referred to as "the Act", has been authorized to carry out the functions defined in these Operating Procedures.

Section 2: USEAP is involved in its advisory role at appropriate times in the USOE decision-making process.

Section 3: The USOE designee, the State Director of Special Education, carries out the regulatory responsibilities defined in the Act and shall work in partnership with USEAP.

Section 4: USEAP advises the USOE as it monitors special education programs in local education agencies (LEAS) and private schools. Monitoring activities are under the direction of the State Director of Special Education.

**ARTICLE III
Functions**

Section 1: As defined in federal law, USEAP shall consider issues and make recommendations on the following:

- a. Advise the USOE 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 USOE 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 USOE in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the IDEA;

- e. Advise the USOE 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 2: USEAP shall develop recommendations or position statements regarding significant issues in the education of students with disabilities and communicate such recommendations to the USOE.

- 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 State Director of Special Education and shall reflect approval of a simple majority of members present.
- c. The State Director of Special Education may provide copies of all formal recommendations or position papers to the applicable Associate Superintendent, the State Superintendent of Public Instruction, the State Board of Education and other advisory groups concerned with the delivery of services for students with disabilities, as appropriate.

Section 3: 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 4: 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 USOE, or the State Board of Education.

ARTICLE IV Membership

Section 1: All members of USEAP shall be appointed by the State Superintendent of Public Instruction based on recommendations proposed by USEAP.

Section 2: The term of appointment shall be for three years commencing July 1 of the first year and ending June 30 of the third year.

Section 3: Individuals may be re-appointed for a second consecutive term.

Section 4: Individuals who are appointed to fill a term of office for another person may then be re-appointed to serve one additional term.

Section 5: 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 6: 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 7: 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 one representative of a vocational, community, or business organization concerned with 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 8: 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 9: USEAP members shall serve without compensation but USOE must reimburse members for reasonable and necessary expenses for attending meetings and performing duties.

ARTICLE V Officers and Leadership Team

Section 1: 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 2: The officers shall be elected by a simple majority of members present at a regularly scheduled meeting. (This will allow an orderly transition.)

Section 3: The term of office for elected officers shall be one year. The period is from July 1 to June 30.

Section 4: 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 5: The Chair of USEAP or designee of the Chair is responsible for receiving correspondence.

Section 6: The chair or designee may represent USEAP at Utah State Board of Education meetings as determined by USOE policies and procedures.

Section 7 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 State Director of Special Education;
- 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 Utah State Board of Education when requested by the USOE designee, the State Director of Special Education.

Section 8: The Chair-Elect shall serve in the absence of the Chair.

Section 9: Secretarial services for USEAP shall be provided by the USOE.

ARTICLE VI Task Forces

Section 1: Task forces shall be established for specific tasks and for a designated time period.

Section 2: A representative of task forces will report on current activities at USEAP meetings.

Section 3: Task forces will draft recommendations for discussion and action by the USEAP as requested.

Section 4: Membership shall be determined by the Leadership Team.

Section 5: Membership on task forces may include representatives from the field as well as from USEAP.

ARTICLE VII Confidentiality

Section 1: 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/alterd in order to maintain the confidentiality of those involved in the situations.

ARTICLE VIII Amendments to the Operating Procedures

Section 1: These operating Procedures may be amended by a simple majority vote at a regularly scheduled USEAP meeting and final approval by the USOE. USEAP members will be asked to review proposed revisions in a timely fashion, prior to scheduled meetings, for purposes of discussion.