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By-laws and  
operating procedures



# **South Dakota Advisory Panel for Children with Disabilities**

## **By-laws and Operating Procedures**

24:05:14:18

The Individuals with Disabilities Education Act requires the establishment of a special education advisory panel made up of diverse stakeholders who provide advice and recommendations to the State education department that is responsible for the general supervision of programs and services for eligible children with disabilities. The following by-laws and operating procedures have been adopted by the State special education advisory panel.

### **Name of Panel**

South Dakota Advisory Panel for Children with Disabilities (SDAPCD)

### **Purpose of Panel**

The Individuals with Disabilities Education Act 2004 requires the establishment of a special education advisory panel to provide suggestions and advice to the State Department of Education on critical issues regarding special education services throughout South Dakota.

### **Number of Meetings**

The SDAPCD will meet, at a minimum, **four times each year**. Additional meetings can be requested by the executive committee. The meetings, agenda, meeting date, location, and time will meet public meeting requirements.

### **Membership of Panel**

**CFR 300.168, ARSD 24:05:14:19**

The membership of the SDAPCD must consist of members appointed by the Governor. The membership should be representative of the State population and composed of individuals involved in or concerned with the education of children with disabilities, including

- Parents of children with disabilities (ages birth through 26);
- Individuals with disabilities;
- Teachers;
- Representatives of institutions of higher education that prepare special education and related services personnel;
- State and local education officials including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act;
- Administrators of programs for children with disabilities;
- Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
- Representatives of private schools and public charter schools;

- Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
- A representative from the State child welfare agency responsible for foster care; and
- 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).

**State Director**—The State director serves in an **ad hoc capacity**. In case the group does not arrive at consensus, the State Director will make the final decision.

## **Tenure of Members**

The panel shall be composed of the required membership listed in the Individuals with Disabilities Education Act of 2004. Members shall serve a **term of three years** from the date of their appointment. Members may be appointed for no more than three consecutive terms. Representatives of state agencies shall serve as long as their agency directs. The chairperson and vice-chairperson are elected by the panel membership at the annual organization meeting.

## **Nomination of Members**

Nominations for SDAPCD memberships will be received from individuals, organizations, and the Governor's office. Appointments are made by the Governor of South Dakota as necessary to fill vacancies on the panel.

## **Code of Conduct and Conflict of Interest**

The SDAPCD developed a Code of Conduct and Conflict of Interest Policy which was adopted January 23, 2020 and is attached as Appendix A. Each panel member will review and sign Appendix A annually.

## **Attendance**

Panel members are expected to attend all scheduled meetings in the arranged format unless prior arrangements are made to participate in an alternative format. Members may not designate persons other than themselves to attend meetings. If a member cannot attend, they are to notify the State Director/designee prior to the meeting.

## **Resignation**

Any member desiring to resign from the panel shall submit his/her resignation in writing to the Governor's office and send a copy to the special education director.

## **Termination**

The executive committee may recommend to the panel the release of any member who misses two or more meetings during the calendar year. Upon approval of the SDAPCD, the recommendation of termination will be relayed to the Governor's office by the special education director.

Reasonable excuses, such as illness or family emergencies, will be counted as excused absences.

## **Definitions of Day and Year**

For the purposes of this set of by-laws, the term day is defined as a calendar day. The term year is a calendar year of twelve months.

## **SDAPCD Panel Functions**

Functions of the panel are as follows:

- Advise the State Educational Agency (SEA) of unmet needs within the State in the education of children with disabilities (CFR 300.169(a)).
- Comment publicly on any rules of regulations proposed by the state regarding the education of children with disabilities (CFR 300.169(b)).
- Advise the SEA in developing evaluations and reporting on data to the South Dakota Department of Education Secretary under section 618 of the Act (CFR 300.169(c)).
- Advise the SEA in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the Act (CFR 300.169(d)).
- Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities (CFR 300.169(e)).
- Review and comment on final due process hearing findings and decisions (CFR 300.513(d)(1)).
- Advise on eligible students with disabilities in adult prisons. The SDAPCD shall also advise on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons (optional).

## **Executive Committee**

The SDAPCD will have an executive committee whose role is to assist in planning and preparing for SDAPCD meetings. The executive committee shall be composed of the following individuals:

- Chairperson –
- Vice-chairperson
- State Director/designee

The executive committee shall have at least one parent SDAPCD member as either chairperson or vice-chairperson.

## SDAPCD Leadership

The chairperson of the SDAPCD is appointed for **one year term**. The chairperson's duties include these:

- Preside at all meetings
- Assist the State Director/designee to plan and organize meetings with the executive committee.
- Assist the State Director/designee to create meeting agendas along with the executive committee.
- Review and provide input on the annual report.

The vice-chairperson of the SDAPCD is appointed for **one year term**. The chairperson's duties include these:

- Preside at meetings when the chairperson is absent.
- Assist the State Director/designee to plan and organize meetings with the executive committee.
- Assist the State Director/designee to create meeting agendas along with the executive committee.
- Review and provide input on the annual report.

The State Director/designee will collaborate with the chairperson and ensure that the following occurs:

- Plan and organize meetings with the executive committee.
- Organize panel meetings.
- Notify members of meeting time/location and disseminate materials.
- Complete and disseminate a summary of proceedings from each meeting.
- Conduct follow-up activities, including dissemination of minutes to all members. Minutes will be available according to SDCL 1-27-1.17; draft minutes will be made available within 10 days after the meeting (or made available on the website within five days).
- Other duties, as assigned

## Committees

SDAPCD shall have an executive committee of three members, including the chairperson, vice-chairperson, and State director/designee. The executive committee will be chosen by the panel at the annual organization meeting.

Committees and priorities will be established at the annual organization meeting. There can be a committee for each priority established by the panel for that year. The chairperson will entertain nominations for the membership in each committee with input from all panel members.

Each committee will have a lead chairperson appointed by the SDAPCD chairperson.

## **Panel Procedures**

- SDAPCD meetings will be open to the public and publicized in advance of the meeting. Meeting notices will be published in regional newspapers across the State and via the State of South Dakota Boards and Commissions website.
- SDAPCD meetings will be conducted in facilities that are accessible to those with disabilities.
- Interpreters and other necessary services must be provided at panel meetings with 10 days' prior notice.
- The SDAPCD will serve without compensation, but the State will reimburse panel members for reasonable and necessary expenses for attending meetings and performing duties.
- A quorum shall be constituted by a simple majority of SDAPCD members in attendance.
- In the absence of the chairperson, the vice-chairperson will preside at the meeting.
- Persons or organizations wishing to address the panel may be placed on the agenda by making a request to a panel member prior to a scheduled meeting. The panel member will forward the request to the chairperson at least two business days prior to the meeting date. Individuals will also have the opportunity to comment during the public comment portion of each meeting.
- The SDAPCD will conduct, at a minimum, four meetings a year. The orientation of new members and setting priorities for the year will occur annually.
- Panel members will be reimbursed for travel expenses and per diem consistent with State procedures. Assisted travel and all assistive accommodations for SDAPCD members will be determined at a rate established by the Department of Human Services. This will be reviewed annually and approved by the SDAPCD. SDAPCD members will not be required to use a state vehicle and family members may provide transportation. Individual exceptions will be reviewed and left up to the Director of Special Education Programs. Exceptions must be submitted 10 business days in advance.
- The panel will attempt to reach consensus on all business items. Voting shall be decided by a simple majority vote of members.
- Items not specified by law, rules, or by-laws shall be governed by Robert's Rules of Order.

## **Public Comment**

Public comment and ideas are valuable to the SDAPCD. At each meeting time is set aside for "Public Comment". Public comment may be in person, written, oral or electronic communication. Individuals may address the panel on any topic during this time using the following guidelines:

- If you wish to address the panel, it is recommended that you contact Special Education Programs (SEP) at 605-773-3678 at least two business days prior to the day of the panel meeting. You will be asked to provide your name and home community, as well as the focus of your comments.
- Once the chairperson has announced the Public Comment period, persons wishing to comment must be recognized by the Chairperson prior to doing so.
- There is also the ability to make Public Comment via a conference call if the necessary arrangements are made with the SEP at least two business days prior to the meeting.
- If you appear in person and wish to provide a written copy of your comments, please bring copies for distribution at your discretion.
- If you are not able to appear in person and wish to provide your comments in writing, email or mail them to SEP at least two business days prior to the meeting.
- Groups wishing to address the panel should do so through a single speaker.
- Personal attacks and personnel matters will not be permitted.
- The panel may respond to or ask questions of those making public comment.
- The panel agenda will allow 15 minutes for public comment. If you need more information, please contact SEP staff at 605-773-3678.

## **Annual Report**

The SDAPCD and SEP will collaboratively write an annual report of panel activities and suggestions to be submitted to the South Dakota Governor's office. This report will be available to the public in a manner consistent with public reporting requirements.

## **Amendment of By-laws**

Proposed amendments to the by-laws shall be submitted in writing to the chairperson. The panel may take action on an amendment provided the proposed amendment was given to the panel members at least 14 days prior to the meeting. Amendments to the by-laws must be approved by a two-thirds vote in a meeting with an appropriate quorum.