



**State Advisory Panel for Exceptional Children**

**Bylaws and Operating Procedures**

**Originally adopted on – November 12, 2004**

**Amended – March 26, 2015**

**Effective Date – July 1, 2010**

# SAPEC Bylaws and Operating Procedures

## *Article I*

### **Name**

Section 1. The name of the organization shall be the State Advisory Panel for Exceptional Children (herein referred to as the “SAPEC”).

### **Authorizing Legislation**

Section 2. SAPEC is established in accordance with 34 Code of Federal Regulations (C.F.R.) Sections 300.167 – 300.169 and Ohio Revised Code 3323.06(B).

## *Article II*

### **Purpose**

Section 1. SAPEC shall advise the Ohio Department of Education (ODE) on the education of children with disabilities. SAPEC’s purpose is to provide a broad base of input to the ODE Office for Exceptional Children (OEC) and State Superintendent of Public Instruction regarding policies, practices and issues related to the education of children and youth with disabilities who are between the ages of birth through 21 years of age. In addition to the required federal mandates for State Advisory Panel members, SAPEC will investigate best practices and anticipate future needs for special education in Ohio.

### **Duties**

Section 2. In accordance with the Individuals with Disabilities Education Act, the duties of the Panel are to:

- 1) Advise ODE of unmet needs within the State in the education of children with disabilities;
- 2) Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;
- 3) Advise ODE in developing evaluations and reporting on data to the Secretary under section 618 of the Act;
- 4) Advise ODE in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the Act;
- 5) Advise ODE in developing and implementing policies relating to the coordination of services for children with disabilities;
- 6) Advise on the education of students with disabilities incarcerated in the Department of Youth Services and students with disabilities convicted as adults and incarcerated in adult prisons (Department of Rehabilitation and Corrections);
- 7) Provide input into Ohio’s State Performance Plan (SPP); and
- 8) Encourage policies to assist in closing the achievement gap.

## *Article III*

### **Membership**

- Section 1. Membership of SAPEC as specified in Federal Regulations at 34 C.F.R. 300.168 is to include, but not be limited to, at least one person from each of the following groups:
- 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 or local education 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.);
  - 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 Welfare Agency responsible for foster care; and
  - 11) Representatives from the State juvenile or adult corrections agencies.

A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (ages birth through 26).

Panel membership shall reflect racial and ethnic diversity and regional representation to the extent possible. Members may also serve a dual role. A dual role is defined as a person who serves as (a) a representative described in categories 3 through 11 and is (b) a parent of a child with a disability and/or an individual with a disability.

### **Ex-officio Members**

- Section 2. Membership shall also include Ex-officio members representing the Ohio State Board of Education and the ODE. Ex-officio members may be added to serve on specific ad hoc committees at any time. Ex-officio members cannot run for office.

### **Agency Members**

- Section 3. Agency members represent Ohio service providers and agencies (see Article III, Section I, categories 3-11), and are appointed through ODE OEC in collaboration with state agencies and organizations as needed to ensure appropriate representation as required by law.

OEC will seek members from agencies and organizations based on the categories they represent and the expertise needed to support SAPEC's role in providing advice on policies, practices and issues related to the education of children and youth with disabilities. While the members are chosen on the basis of such categories and speak as members of the groups they represent, they participate as individuals whose sole interest is in the education and welfare of children and youth who have disabilities.

### **Majority Members**

Section 4. Members of SAPEC representing individuals with disabilities and parents of children with disabilities (see Article III, Section I, categories 1-2) will be selected through a nomination process.

Nominations for SAPEC membership will be requested in the fall of each year. Parents of children with disabilities (ages birth through 26) and individuals with disabilities who reside in the State of Ohio may submit nominations. Information about the membership nomination process shall be made available by the ODE OEC and distributed through SAPEC members and other appropriate sources. Interested persons must seek nomination personally, but current SAPEC members and organizations and agencies throughout Ohio may encourage individuals to apply for consideration as members.

Nominated candidates will go through a selection process as set forth in these Bylaws and Operating Procedures. Nomination forms submitted will be presented to the Membership Committee of SAPEC. The Membership Committee will review the submitted nomination forms and select a list of candidates for membership in consultation with the Director of the OEC. The list of nominated candidates recommended by the Membership Committee will then be voted on by SAPEC, and submitted to the State Superintendent of Public Instruction, or the Superintendent's designee, for approval and appointment.

Both Agency and Majority Members shall be officially notified of their selection, in writing, by the State Superintendent of Public Instruction.

### **Terms of Membership**

Section 5. The terms of membership shall be as follows:

- 1) Each Majority Member shall serve a term for three years that will expire on June 30<sup>th</sup> of the third year. In cases where a majority member reaches the end of a term and a replacement member has not been selected, an existing Majority member may continue into the next term until the new Majority member is chosen if that is the recommendation of the Membership Committee.
- 2) Eligible Majority members in good standing may reapply through the aforementioned nomination process.
- 3) When possible, Agency Members will abide by these term limits as well; however, the continuation of an individual Agency Member is at the discretion of ODE OEC and the respective agency that individual represents.

All members of SAPEC are expected to attend meetings for the length of their tenure in order to represent their constituency, organization or agency and to enhance the effectiveness of SAPEC. Attendance is defined as the physical presence of the SAPEC

member. Should SAPEC members be unable to participate in a meeting, it is their responsibility to notify an OEC staff liaison of their anticipated absence. Notification is requested as early as possible.

### **Term Limits**

Section 6. After the first term of service, each eligible Majority Member of SAPEC may reapply for a second term as outlined in Article III Section 4. Each Majority Member will be limited to two consecutive terms of service. After a three-year (1 term) break in service, former members who continue to meet membership requirements may reapply for SAPEC membership.

### **Substitute/Designees**

Section 7. If necessary, SAPEC members may, for information purposes only, opt to send a substitute to meetings. Substitutes will not be empowered to vote. If a substitute is sent to a SAPEC meeting, it is the responsibility of the SAPEC member to fully inform the substitute of the work of SAPEC and also notify the OEC staff liaison of the anticipated participation of the substitute. Since the work of SAPEC is dependent upon consistent participation of voting members, it is anticipated that the use of substitutes by members will be limited. Substitutes may be reimbursed for expenses at the same level as the SAPEC members the substitutes represent. Attendance by substitutes shall not constitute attendance by members as stated under Article III Section 5.

### **Resignation/Termination**

Section 8. SAPEC members may be replaced when the following occurs:

- 1) The member sends a letter of resignation to the SAPEC Chairperson; or
- 2) The member does not attend three (3) meetings in one (1) fiscal year.

After two (2) absences in one (1) fiscal year, either the Chairperson or a representative from OEC will contact the SAPEC member to verify interest and ability to serve as a SAPEC member.

A resignation shall take effect on the date of receipt of the notice. Unless otherwise specified in the notice, the acceptance of the resignation shall not be necessary to make it effective.

When a Panel member resigns or is removed, the Chairperson will notify the Membership and Elections Committee of the vacancy on the Panel. The Membership and Elections Committee in consultation with the Director of the OEC may review the eligible applicants on file and recommend a replacement, or the committee may recommend that the position remain vacant until the next cycle of appointments. If the resigning member was appointed to represent a state organization or agency on the Panel, ODE OEC will contact the appointing authority of that agency to request a new representative to SAPEC to fill the remainder of the term.

### **Compensation**

Section 9. SAPEC members shall serve without compensation but may be reimbursed for reasonable and necessary expenses incurred as a result of attending meetings and

performing duties within the limits provided in the rules of the State of Ohio and of the ODE. Expenditures shall be consistent with Ohio's reimbursement rules and must be approved by ODE.

### **Nondiscrimination Statement**

Section 10. The ODE does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or in the provision of services.

### **Orientation**

Section 11. The SAPEC Chairperson and representatives from OEC will conduct an orientation program for all new SAPEC members. Orientation shall be scheduled in August or September of each year. New members of SAPEC will be provided documents that will serve as a resource to SAPEC members in carrying out their activities and responsibilities.

## ***Article IV***

### **Meetings**

Section 1. SAPEC shall meet as often as necessary to conduct its business but not less than four (4) quarterly meetings in each fiscal year (July to June), and shall be open to the public. Meetings shall be held in buildings that meet all applicable Federal and State accessibility standards.

The minutes and notes of any regular or special meeting of SAPEC and any committee or subcommittee of SAPEC shall be promptly prepared, filed, maintained and be open for public inspection. The minutes of an executive session of SAPEC and any committee or subcommittee of SAPEC need only reflect the general subject matter of the discussion in executive session.

Non-SAPEC members are welcome to attend meetings and may address any issue on the agenda after the non-SAPEC member has been recognized by the Chairperson. Non-SAPEC members shall occupy designated seating. Non-SAPEC members may not vote.

### **Parliamentary Procedures**

Section 2. The parliamentary proceedings of SAPEC may be governed by *Roberts Rules of Order, Revised*. Agendas may include action, information and discussion items.

### **Quorum and Voting**

Section 3. A quorum shall consist of a majority of voting SAPEC members. Actions of SAPEC on any proposal, questions or other matters presented to SAPEC members during a meeting for which a quorum is present shall require an affirmative vote of a simple majority of attending voting members.

No member of SAPEC may vote on any matter that provides direct financial benefit to that member or if that member has a conflict of interest as defined by the Ohio Ethics Commission.

### **Special and Emergency Meetings**

Section 4. Special or emergency meetings of SAPEC may be called by the Chairperson after consultation with the Executive Committee and the Director of the OEC. At least 24 hours of notice will be provided to the public regarding any special meeting. Emergency meetings shall be called only in the event of an emergency requiring immediate official action, and notice shall be sent out immediately in the event that an emergency meeting is scheduled.

### **Notice of Meetings**

Section 5. All SAPEC meetings and agenda items must be announced enough in advance of the meeting to afford interested parties a reasonable opportunity to attend. Meetings must be open to the public. Any person may ascertain the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings of SAPEC, and any committee or subcommittee of SAPEC, or request notification of upcoming special or emergency meetings by:

- 1) Writing to: Ohio Department of Education, SAPEC Liaison-Office for Exceptional Children, 25 South Front Street, Mail Stop 409, Columbus, Ohio 43215-4183; or
- 2) Calling OEC's SAPEC Liaison at (614) 466-2650 or TTY (614) 752-1619.

Any person who plans to attend a meeting of SAPEC and is requesting an interpreter or other needed services at the meeting may submit a request for such services to OEC's SAPEC Liaison at the above address or by fax at (614) 728-1097. A request for such services shall be submitted at least seven (7) days prior to the meeting.

All SAPEC meetings shall be open to the public and notice given to the appropriate parties in accordance with Ohio Law.

## ***Article V***

### **Officers, Terms and Duties**

Section 1. SAPEC members shall elect the Chairperson and Vice Chairperson and four members to be Members-at-Large. A new Vice Chairperson and Members-at-Large shall be nominated from the members and elected by SAPEC members at SAPEC's final meeting of the fiscal year preceding a vacancy in that office. Ex-officio members cannot run for office.

### **Nominating the Vice Chairperson**

Section 2. SAPEC members shall be invited to submit a letter of interest for the office of SAPEC Vice Chairperson by January 31<sup>st</sup> of the current term. Letters of interest must indicate the member's willingness to commit to the term requirements and include a brief biographical description. Letters of interest should be sent to: Ohio Department of Education, SAPEC Liaison-Office for Exceptional Children, 25 South Front Street, Mail Stop 409, Columbus, OH 43215.

The Vice Chairperson will be elected in accordance with the procedures conducted by the Membership & Elections Committee as stated in Article VI Section 3. Any member submitting a letter of interest for the office of SAPEC Vice Chairperson should be prepared to make a five (5) year commitment. If the interested member

represents parents of children with special needs solely (not a dual role), the member's child must be age 21 or younger at the time that the member submits a letter of interest.

### **Terms of the Chairperson and Vice Chairperson**

- Section 3. The term of Chairperson and Vice Chairperson will be for two (2) years and expire on June 30<sup>th</sup> of the second year in which he or she was elected. The Vice Chairperson shall serve as Chairperson-elect and his or her term shall run concurrently with the Chairperson's term. Specifically, the Vice Chairperson is expected to serve as follows:
- 1) Two (2) years as Vice Chairperson;
  - 2) Two (2) years as Chairperson;
  - 3) One (1) year as immediate Past Chairperson. The individual may vote as a panel member if his or her term has not expired; the individual may serve in an ex-officio capacity if his or her term has expired.

### **Extension of Membership**

- Section 4. An exception to the aforementioned term of membership and term limits shall apply in the event that the term of membership or eligibility for further membership expires for either the Chairperson or the Vice Chairperson while either is in office. In that case, the term and eligibility for the Chairperson or Vice Chairperson will be extended until the person's term as Chairperson has expired, unless the member is terminated in accordance with the requirements outlined in Article V Sections 9 and 10.

### **Duties of the Chairperson**

- Section 5. The duties of the SAPEC Chairperson are to:
- 1) Lead all SAPEC meetings;
  - 2) Appoint committee members who may include outside experts who serve in a consultative or advisory capacity;
  - 3) Form ad hoc committees and appoint ad hoc committee chairs;
  - 4) May remove committee chairs in consultation with the Executive Committee.
  - 5) Serve on the Executive Committee and other committees, as appropriate;
  - 6) Work with the Director of the OEC to develop meeting agendas and to certify the accuracy of the meeting minutes;
  - 7) Assist with the preparation of the State Advisory Panel's Annual Report; and
  - 8) Serve as the immediate past chairperson to:
    - a) Provide transition to the new chairperson;
    - b) Serve as a resource person to members of SAPEC; and
    - c) Provide assistance to new members.



### **Duties of the Vice Chairperson**

- Section 6. The duties of the SAPEC Vice Chairperson are to:
- 1) Serve as Chairperson elect;
  - 2) Assume all the duties of the Chairperson in the absence of the Chairperson;
  - 3) Serve on the Executive Committee and the Membership and Elections Committee;
  - 4) Assume the role of Chairperson upon either the expiration of the Chairperson's term or the resignation of the Chairperson.

### **Nominating Members-at-Large**

- Section 7. SAPEC members shall be invited to submit a letter of interest for Member-at-Large by January 31<sup>st</sup> of the current term. Letters of interest must indicate the member's willingness to commit to a two (2) year term as a Member-at-Large and include a brief biographical description. Letters of interest should be sent to: Ohio Department of Education, SAPEC Liaison-Office for Exceptional Children, 25 South Front Street, Mail Stop 409, Columbus, OH 43215. To serve as a Member-at-Large, individuals must be current panel members and represent the general membership on issues of interest or concern to the Executive Committee as described in Article VI Section 1.

### **Duties of Members-at-Large**

- Section 8. The duties of the Members-at-Large are:
- 1) Represent the panel on the Executive Committee; and
  - 2) Represent the Executive Committee on standing and ad hoc committees as needed.

### **Resignation/Removal of the Chairperson**

- Section 9. A vacancy occurs in the office of Chairperson if:
- 1) The Chairperson resigns from the office of Chairperson by submitting a letter of resignation to the Director of the OEC and the Vice Chairperson; or
  - 2) The Chairperson resigns as a member of the panel.

When a vacancy occurs in the office of Chairperson, the Vice Chairperson will immediately assume the office of Chairperson, thereby creating a vacancy in the office of Vice Chairperson.

### **Resignation/Removal of the Vice Chairperson**

- Section 10. A vacancy occurs in the office of Vice Chairperson if:
- 1) The Chairperson resigns and the Vice Chairperson assumes the duties and role of the Chairperson; or
  - 2) Vice Chairperson resigns as a member of the panel or is removed in accordance with Article III Section 8; or

- 3) Vice Chairperson resigns from the office of Vice Chairperson by sending a letter of resignation to the Director of the OEC and the Chairperson.

When a vacancy occurs in the office of Vice Chairperson, the Chairperson shall notify all members of the panel by electronic mail that the vacancy exists. The Membership & Elections Committee will notify the panel members of the deadline for letters of interest and the date when a special election will be held in accordance with Article VI Section 3 to fill the vacancy. In a special election, the panel member selected as Vice Chairperson will fill the vacancy for the remainder of the term. The schedule of regular elections for Chairperson and Vice Chairperson will continue on the previously established two (2) year cycle in the spring of odd numbered years.

### **Resignation/Removal of Members-at-Large**

Section 11. A Member-at-Large may be replaced by the remaining members of the Executive Committee when the following occurs:

- 1) The Member-at-Large resigns from the Executive Committee by sending a letter of resignation to the SAPEC Chairperson; or
- 2) The Member-at-Large is no longer a member of SAPEC in accordance with Article III Section 8.

The remaining members of the Executive Committee shall appoint a panel member to complete the remainder of the term of the Member-at-Large.

### **Assistance from the ODE OEC**

Section 12. The Director of the OEC will be responsible for facilitating the activities of SAPEC and honor all reasonable requests to assist SAPEC in performing its functions. The OEC will provide the support of an administrative assistant and an OEC consultant. OEC's duties are to:

- 1) Disseminate pertinent information concerning the education of students with disabilities to SAPEC members;
- 2) Prepare and distribute, after certification of accuracy by OEC and the Chairperson, minutes or notes of SAPEC meetings to all SAPEC members following each meeting,
- 3) Distribute the final agenda to all SAPEC members; and
- 4) Assist in the development of an Annual Report for the Panel to approve.

The OEC administrative assistant shall perform the Secretary function for SAPEC and perform other duties as assigned.

## ***Article VI***

### **Executive Committee**

Section 1. The following officers shall form an Executive Committee:

- 1) Chairperson;
- 2) Vice Chairperson;
- 3) Immediate Past-Chairperson (1 year only, non-voting, Ex-officio member);

- 4) Four (4) Members-at-Large elected by the Panel;
- 5) Chairpersons of Standing Committees; and
- 6) The Director of the OEC (non-voting, Ex-officio member).

Executive Committee membership shall reflect balanced representation from the different perspectives and disciplines represented in the Panel, to the extent possible. The Executive Committee shall meet prior to the new term to plan the organizational structure for the year and at other times as deemed necessary. The Executive Committee shall take any emergency action deemed necessary by a majority of the committee on behalf of SAPEC. Any such actions shall be reported to the full SAPEC panel for the purpose of review at the next regularly scheduled SAPEC meeting. The Executive Committee shall also act as a monitor for the work completed by the standing and ad hoc committees.

### **Standing & Ad Hoc Committees**

Section 2. Assignments to standing and ad hoc committees shall be determined annually and, to the greatest extent feasible, be based on member preference and committee needs as recommended by the Executive Committee. Standing committees include the Membership & Elections Committee and the Policies & Procedures Committee.

Ad hoc committees may be formed at the discretion of the SAPEC Chairperson to conduct the business of the Panel as needed. The SAPEC Chairperson may appoint ad hoc committee chairs, and the Executive Committee may assign individuals to serve on these committees.

### **Membership and Elections Committee**

Section 3. The Membership and Elections Committee will consist of the Vice Chairperson, one (1) Member-at-Large and up to four (4) members appointed by the SAPEC Chairperson. These individuals will elect a committee chairperson (other than the Vice Chairperson or the Member-at-Large) who will represent the Membership and Elections Committee on the Executive Committee.

The Membership and Elections Committee annually solicits nominations for Majority Members on SAPEC, interviews applicants as needed and recommends a ballot of nominees to the Panel that ensures the continuation of diverse representation as required by law and these Bylaws. In addition, it also oversees the annual process of nominating and electing officers to the Executive Committee.

### **Membership Duties**

Section 4. In the fall of each year, the Membership and Elections Committee will begin gathering nominations for SAPEC Majority Members and meeting with a representative of OEC to discuss those nominations in accordance with Article III Section 4. Following their review, the Membership and Elections Committee will present its recommendations to the entire SAPEC membership for a vote.

SAPEC's Membership and Elections Committee may solicit and review nominations to ensure that the following demographics are addressed:

- 1) Representation of the categories in accordance with federal requirements outlined in Article III Section 1;

- 2) Representation across various regions of the state;
- 3) Balanced representation of children with disabilities served by the state;
- 4) Gender and ethnic representation; and
- 5) Other considerations brought to the attention of the committee.

The chairperson(s) of the Membership and Elections Committee are responsible for maintaining a file of those who have applied for Panel membership and a record of their process for selection. At the completion of each year, a copy of this should be given to the OEC Liaison.

The Membership and Elections Committee may also be called upon when a SAPEC member resigns (see Article III, Section 7). When a member resigns, the Membership and Elections Committee will consider the duration of the possible vacancy and how the vacancy affects the representation and demographics of the Panel. Based on this examination, the Membership and Elections Committee may choose to review the eligible applicants on file and recommend a replacement to finish out the term, or it may recommend that the position remain vacant until the next cycle of appointments.

### **Election Duties**

Section 5. SAPEC members shall be invited to submit a letter of interest that includes a brief biographical description to indicate interest in serving as SAPEC Vice Chairperson, in accordance with the requirements outlined in Article V Sections 2 and 3, or as Member-at-Large by January 31 of the fiscal year. Prior to the last meeting of the fiscal year, the Membership & Elections Committee will submit a slate of candidates including the Vice Chairperson and the applicable Members-at-Large. Panel members will vote for the SAPEC Vice Chairperson and Members-at-Large during the last meeting of the term. Ballots will be counted by one of the Chairpersons of the Membership & Elections Committee and the OEC Director. If no letters of interest are received by the January 31st deadline, the Membership & Elections Committee will solicit interest and recommend a ballot of nominees prior to the last meeting and will schedule a vote to occur during the last meeting of the year preceding the vacancies of those offices.

In the event of a vacancy requiring a special election (see Article V Section 10), the Membership & Elections Committee shall solicit letters of interest from panel members, set a deadline for letters of interest and set the date of the special election. If no letters of interest are received by the deadline, the Membership & Elections Committee will solicit interest and recommend a ballot prior to the special election. The ballots will be counted by one of the Chairpersons of the Membership & Elections Committee and the Director of the OEC.

### **Responsibilities of Committee Chairs**

Section 6. Committee chairpersons shall call individual meetings of their committee. They have the authority as needed to invite individuals outside the Panel to serve in a resource capacity to assist the committee in achieving its task. Committee Chairpersons shall be responsible for reporting their findings to the full Panel.

Chairpersons of standing committees will serve until their successors are named.

Chairpersons of standing and ad hoc committees are responsible for keeping a record of the work done by their committees and giving that record to the OEC Liaison annually to ensure that a historical record is maintained.

### **External Groups or Committees**

Section 7. SAPEC members may be appointed to serve as SAPEC representatives with special study groups, task forces, ad hoc committees or other organizations with specific purposes and interests in special education.

Invitations for SAPEC members to serve with other special committees and groups will be presented to the SAPEC Chairperson. The Chairperson may ask for SAPEC members interested in accepting a particular assignment and will appoint a member to such service. The Chairperson will report back to SAPEC.

SAPEC members serving as panel representatives to special study groups, ad hoc committees, and other similar groups or organizations may add their personal expertise and knowledge to the work of the group and serve as communication liaisons between SAPEC and the other groups.

SAPEC representatives' participation in discussion and formal actions of the special group will be limited to the actions and decisions previously made, and directions or positions clearly defined by SAPEC. Should a position not be clearly defined, the representative shall contact the Chairperson, who in turn shall survey SAPEC members' for their opinions.

SAPEC members serving in these special roles are representatives of SAPEC and must reflect the consensus rather than personal beliefs or ideas when speaking and acting as a SAPEC representative.

## **Article VII**

### **Amendment of Bylaws and Procedures**

Section 1. SAPEC members shall review these bylaws and operating procedures as needed but not less than every five (5) years and make recommendations for changes to the State Superintendent of Public Instruction and/or the Superintendent's designee.

### **Severability**

Section 2. In the event that any part of these bylaws is found to be in conflict with any laws, only the portion in conflict shall be stricken from the bylaws.