

State Special Education Advisory Panel

Overview of Requirements and Regulations under the Individuals with Disabilities Education Act (IDEA)

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Introduction

The Massachusetts Department of Education currently coordinates two advisory bodies focused on special education. The State Advisory Council is authorized under State Law while the Special Education Advisory Panel is required by Federal Law, under the Individuals with Disabilities Education Act (IDEA).

Under the Individuals with Disabilities Education Act (IDEA) this document is established to outline the requirements for the Massachusetts State Special Education Advisory Panel under IDEA. This document is aligned with requirements for the Advisory Panel under the Individuals with Disabilities Education Act (IDEA), Massachusetts State special education regulations, and the Massachusetts Open Public Meetings Act.

Section 1. Purpose of the Advisory Panel (34 CFR 300.167)

The IDEA (34 CFR 300.167) states, “the State must establish and maintain a Special Education Advisory Committee for the purpose of providing policy guidance with respect to special education and related services for children and youth with disabilities in the State.”

Authorizing Legislation

The Advisory Panel is established in accordance with P.L. 108.446, 34 Code of Federal Regulations (CFR) §300.167 - §300.169 under the IDEA, Massachusetts State Special Education Regulations, and Massachusetts Open Public Meeting Requirements.

Name of Panel

Massachusetts State Special Education Advisory Panel.

Advisory Panel Mission and Responsibilities

The Advisory Panel supports an educational system that achieves excellence, equity, and lifelong learning for all eligible children and youth with disabilities under IDEA in Massachusetts. The Advisory Panel is committed to represent children and youth 3 years to 22 years old with diverse and changing educational needs, and it's committed to make recommendations relating to their duties under IDEA.

Advisory Panel Responsibilities

The Advisory Panel responsibilities include offering advice, consultation, and recommendations to the Massachusetts State Board of Education and State Commissioner through the State Director of Special Education, Special Education Planning & Policy Office. Advisory Panel advice and recommendations should be based on current data and reliable information. This advice, consultations, and recommendations are on matters of unmet needs concerning special education services and related services within Massachusetts public schools. The Advisory Panel is responsible for advising within their duties under IDEA listed in Section II of these operating procedures.

Section 2. Advisory Panel Duties (34 CFR 300.169)

In accordance with the federal regulations in IDEA, the Governor, or his/her designee, is required to appoint an Advisory Panel comprised of persons representing both providers and receivers of special education services for children with disabilities. The following seven items are duties of the Advisory Panel according to the IDEA.

1. Advise the Massachusetts State Education Agency (SEA) of unmet needs within the State in the education of children and youth with disabilities. (CFR 300.169(a))
2. Comment publicly on any rules or regulations proposed by the State regarding the education of children and youth with disabilities. (CFR 300.169(b))
3. Advise the Massachusetts SEA in developing evaluations and on reporting data to the Secretary of the Advisory Panel under section 618 of the Act. (CFR 300.169(c))
4. Advise the Massachusetts SEA in developing Corrective Action Plans (CAPs) to address findings identified in federal monitoring reports under Part B of the Act. (CFR 300.169(d))
5. Advise the Massachusetts SEA in developing and implementing policies on the coordination of services for children and youth with disabilities. (CFR 300.169(e))
6. The Massachusetts SEA, after deleting personally identifiable information, must:
 - a. Provide the Advisory Panel with Due Process Hearing (DPH) findings and decisions.
And
 - b. Make those DPH findings and decisions available to the public. (CFR 300.513(d) and CFR 300.514(c))
7. Waiver of nonsupplant requirement. The State must consult with the Advisory Panel regarding provisions of Free Appropriate Public Education (FAPE). (CFR 300.164(c)(4))

Section 3. Advisory Panel Membership (34 CFR 300.168)

Nominations and Appointments

The Massachusetts Special Education Planning & Policy Office (with the Secretary of the Advisory Panel) provides public notices of Advisory Panel membership vacancies along with the procedures for people to apply for membership consideration. Prospective members must complete an application and meet qualifications to become a member; then a list of qualified potential members is sent to the Massachusetts State Special Education Director. All Advisory Panel members are appointed by the State Commissioner on behalf of the State Board of Education.

Advisory Panel Membership (34 CFR 300.168)

The membership of the Advisory Panel must be consistent with the IDEA, 34 CFR 300.168(b). All members of the Advisory Panel shall be appointed by the Commissioner on behalf of the State Board of Education based on recommendations by the State Special Education Director in collaboration with the Advisory Panel Chairperson. The Advisory Panel should, to the maximum extent possible, be representative of the State population, and it must be comprised of individuals involved in, or concerned with, the education of children with disabilities, including but not limited to the following people.

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 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 in Massachusetts involved in the financing or delivery of related services to children with disabilities.
8. Representatives of private schools and public charter schools.
9. No less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities.
10. Representatives from the State juvenile and adult corrections agencies.
11. A representative from the State child welfare agency responsible for foster care.

Note: *A majority of the Advisory Panel membership shall be individuals with disabilities and parents of children with disabilities (ages 3 to 22 years) (34 CFR 300.168(b)).*

Note: Members may serve a dual membership role as long as no conflicts of interest are evident.

The membership of the Advisory Panel shall be representative of Massachusetts's population and a geographic representation of individuals involved in, or concerned with, the education of children and youth with disabilities. A majority of the Advisory Panel members must be individuals with disabilities or parents of children and youth with disabilities.

Tenure of Members

Members are appointed for three-year terms and serve no more than two terms. Each appointment to the Advisory Panel must be assigned by the State Special Education Director in collaboration with the Executive Committee.