
The Advisory Council for the Education of Students with Disabilities By-Laws & Procedures

April, 2015

ARTICLE 1 - NAME

The name of this Council shall be The Advisory Council for the Education of Students with Disabilities, hereinafter noted as the Advisory Council.

ARTICLE II – PURPOSE, VISION AND MISSION

Section 1. Purpose

The Advisory Council is organized as mandated in the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) for the purpose of providing policy guidance with respect to special education and related services for students with disabilities in Tennessee. See Appendix A for IDEA citations on Council membership.

Section 2. Vision

The Council's vision for a desired reality focuses on the life-long success of every student with disabilities. Students are successful when:

- The needs of students with disabilities are met.
- All students are being provided with educational opportunities that give them the best chance of success.
- Every student receives the resources to attain his or her potential.
- Students with disabilities have every opportunity to develop to their full potential.
- A culture of inclusion has been firmly internalized in all local education agencies.
- Students with special needs are thought of as valued members of their schools.
- When education has its central goal to make every student a life-long learner.

The Council's vision for a desired reality includes principles that define member behaviors, attention given to awareness and participation, and collaborative efforts necessary to the Council's effectiveness.

The Council has *effective members* who:

- are positive when planning educational goals

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- set aside personal interests and work for all students
 - model the person-first language of inclusion.

The Council effectively *raises awareness and participation and is recognized as valuable to the public by:*

- Encouraging more public feedback from meetings in and out of state
- Providing more public notice about meetings to ensure greater public participation.
- Encouraging compliance with The Weldon Act and IDEA
- Helping the public accept students who are different
- Publishing and providing an information guide for the public explaining who, what, and why the Council exists

The Council *fosters collaborative efforts:*

- So that the goals of the Council mesh with those of the Department of Education
- By providing leadership for partnerships with the Department of Education
- By establishing subcommittees to address problems; adding ad hoc members as necessary
- To ensure that Tennessee has the resources necessary to promote services
- So that the Tennessee Division of Special Education has the capacity to provide all necessary services to students with disabilities
- To ensure Special Education is merged into general education
- To inspire all pertinent groups to have the best interest of students with disabilities as their primary or only agenda.

Section 3. Mission

The Council's mission is to influence policy that shall ensure student success.

This mission shall be accomplished through the following functions, as stated in the Tennessee Code at TCA §49-10-105 (e):

“The council shall:

- (1) Have an opportunity to comment on rules and regulations proposed for issuance pursuant to parts 1-6 or this chapter [Special Education Programs and Services];
- (2) Consider any problems presented to it by the governor, the commissioner, the state board of education or the director of the division of special education, and give advice thereon;
- (3) Review the state plan prepared pursuant to part 3 of this chapter prior to its submission to the governor and general assembly and comment thereon to the governor, the commissioner, the state board of education and the director: and
- (4) Make an annual report to the governor and the general assembly and the state board of education, which report shall be available to the general public and shall present its views of the progress or lack thereof made in special education by the state, its agencies and institutions, and its school districts during the preceding year.”

The annual report shall include the following topics:

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- Identification of unmet needs
 - Reviews of evaluations
 - Reviews of data reports
 - Advice to the Department of Education in developing corrective actions
 - Advice to the Department of Education in developing and implementing policy regarding coordination of services
 - Advice on the education of eligible students in adult prisons referred to in the State Board of Education Rules and Regulations at Chapter 0520-1 -9. (7)(c)

See Appendix B Annual Report for guidelines for the written report.

ARTICLE III – MEMBERSHIP

Section 1. Composition

Membership composition of the Advisory Council is governed by IDEA Regulations at 34 CFR 300.168 and Tennessee Code Annotated at §49-10-105, including “that at least one (1) person serving on the council is sixty (60) years of age or older and that at least one (1) person serving on the council is a member of a racial minority.” The IDEA Statute also requires the following:

(a) General. The Advisory Council must consist of members appointed by the Governor, or any other official authorized under state law to make such appointments, be representative of the state population and be composed of individuals involved in, or concerned with the education of students with disabilities, including--

- (1) Parents of students 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 students with disabilities;
- (7) Representatives of other state agencies involved in the financing or delivery of related services to students 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 students 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.

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

(Authority: 20 U.S.C. 1412(a)(21)(B) and (C))

Council members shall not exceed 25 members. Expenses of members of the Council shall be reimbursed in accordance with Tennessee law.

See Appendix A for the IDEA citations of Council membership

Section 2. Member Responsibilities

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- Members shall attend all meetings. If a member knows in advance that s/he is unable to attend, s/he will notify the Chairperson as soon as possible. If a member misses two consecutive meetings, they will be notified in writing by the Chair of their attendance responsibility and that a third missed meeting during their term will result in an automatic Council recommendation to the Governor requesting a replacement to be appointed.
 - Council members are responsible for reviewing the agenda and materials for each meeting. It is important that all members be well informed in order to represent the mission and ensure that Council actions are appropriate.
 - Each member has one vote. Members are expected to participate in Council discussions, ask clarifying questions, and cast informed votes. Proxy voting and absentee ballots shall not be permitted. Ex-officio and ad hoc members shall be non-voting. The presiding officer shall have a vote only in order to break a tie.
 - All members of the Council are encouraged, and shall be given an equal chance, to assume various roles. Opportunities for personal growth and professional development are valued.
 - Council members shall use “people first” language.
 - Members may not name a designee to act in his/her place.
 - Members are responsible for keeping the Council Secretary informed of changes in their contact information in a timely manner, including e-mail addresses, and shall ensure that e-mail filters do not exclude Department and Chairperson correspondence.

ARTICLE IV – OFFICERS

Section 1. Elections

Annually there shall be an election by the Council of a Chairperson and a Vice Chairperson. Nominations for these positions will be made by Council members beginning with the Chairperson position. A simple majority elects each position.

Section 2. Officer Responsibilities

The chairperson’s duties shall include:

- Conduct meetings of the SAC (see Meetings)
- Consult with members at least one time prior to each Advisory Council meeting to preview proposed agenda items and set forth recommendations for Council consideration
- Provide a report (written or verbal) to the membership at each Council meeting
- Coordinate and seek volunteer members to serve on standing and ad hoc committees as needed
- Represent the Council in matters requiring immediate attention prior to the next scheduled meeting
- Call additional and/or emergency Council meetings when deemed necessary to perform Council responsibilities
- Be responsible for ensuring that recommendations for Council membership are forwarded to the Governor’s Office when a vacancy exists
- Prepare or oversee an Advisory Council Annual Report
- Prepare Council correspondence
- Serve as liaison with Department of Education staff

The Vice Chairperson shall assume the duties of the Chairperson in his/her absence or inability to perform the functions of the office of Chairperson.

ARTICLE V – RESIGNATIONS AND DISMISSALS

Section 1. Resignations

Members of the Advisory Council are encouraged to serve out their terms but may resign at will. Should a member resign one year or more before his/her term has ended, the Chair shall make a recommendation to the Governor that the member's position be replaced. The recommendation will include any need for appropriate representation on the Advisory Council as specified in IDEA.

Officers of the Advisory Council are encouraged to serve out their terms but may resign their office at will. If the Chair resigns his/her office, the Vice Chair will succeed to Chair and the membership will elect a new Vice Chair until the next annual election. If the Vice Chair resigns, the membership will elect a new Vice Chair until the next annual election.

Section 2. Dismissal

In unusual circumstances, an Advisory Council member may be charged with violations of the provisions or spirit of these Bylaws or with other charges incompatible with the membership or leadership of the Advisory Council. Any Advisory Council member knowledgeable of the alleged facts of the charge(s) shall notify in writing in advance of a special or regular meeting either the Advisory Council Chair, or, if the Advisory Council Chair is the member to be charged, the Vice Chair. The written notification shall include the name of the member and the alleged facts concerning the charge(s). The leadership shall notify the Director of the Division of Special Education so that arrangements may be made for an Executive Session of the Advisory Council.

The member shall receive a copy of the written notification a minimum of 3 days in advance of the meeting. Electronic transmittal of the notification is acceptable.

At the meeting, the Advisory Council shall enter into Executive Session where all members are present along with the accused, but the public is excluded. Only relevant Department staff shall be in attendance. The alleged facts of the charge(s) shall be presented to the membership. The accused member shall be given sufficient opportunity to respond to the allegations. Further discussion by the members and the accused will be permitted. Discussion may be ended either by consensus or a $\frac{3}{4}$ vote of the members present.

A vote to recommend dismissal to the Governor of the accused member may be taken only if greater than $\frac{2}{3}$ of the total membership is present. If a vote is taken, a $\frac{2}{3}$ majority of all members, present and not present, is required to make a dismissal recommendation. The accused member is entitled to cast a vote.

If the accused member is an officer of the Advisory Council, a vote to dismiss the member from the officer position may be taken under the same conditions specified above for dismissal from the Advisory Council. A vote may be taken only if greater than $\frac{2}{3}$ of the total membership is present. If a vote is taken, a $\frac{2}{3}$ majority of all members, present and not present, is required to remove the member from the officer position. The accused member is entitled to cast a vote.

ARTICLE VI – MEETINGS

Section 1. Meeting Scheduling

- The Council shall set a yearly schedule of meetings with dates. Pursuant to the State Board of Education Rules and Regulations, Chapter 0520-1-9, (7)(e)(3), the Council ‘shall meet as often as necessary to conduct its business.’
- Approximately ten days prior to each scheduled meeting; Council members shall receive a meeting agenda and a packet of information pertaining to the meeting.

Section 2. Public Notice

Public notice shall be made for each meeting of the Council. Public notice shall be made in a variety of media including the state website as well as by letters of invitation.

Agendas shall be made available by calling or writing to the Council Secretary at the Department of Education.

The following is an example of what information should be included in any public notice of a Council meeting:

The Tennessee Special Education Advisory Council shall conduct a (type of meeting) Meeting on (date) (time) (place). All interested persons are invited to attend. Agendas are available by calling or writing to the Council Secretary in the Division of Special Education, Department of Education prior to the meeting. If you require accommodations, please contact the Council Secretary with a description of the necessary accommodations as soon as possible.

Section 3. General Meeting Protocols

1. All regular and special Council meetings shall be open to the public in accordance with provisions of the State Board of Education Rules and Regulations, Chapter 0520-1-9, (7) (e) 6.
2. Meetings shall be conducted by the Chairperson under the most current edition of Roberts Rules of Order, Revised. Action may be conducted by a show of hands or a voice vote.
3. A quorum of the Council or its Committees shall be constituted by a simple majority of the membership and shall be necessary for all matters of official business. If a quorum is not present, informational items may be presented, but no action shall be taken.
4. The Council shall limit discussion to items on the proposed agenda. During the acceptance of the agenda at the beginning of each meeting, additional items may be submitted for addition to the agenda under “new business” by a simple majority vote of the members present.
5. Each meeting shall start and end on time. Members shall arrive on time and stay until the meeting is adjourned, except in emergencies.
6. With the exception of amendments to the By-Laws/Procedures, all decisions of the Council are made only after an affirmative vote of a majority of its members in attendance, provided a quorum is in attendance.
7. When the Council is taking official action, the recorder shall take a vote. The responses are “yes,” “no,” or “abstain.” Abstain is typically used if there is a conflict of interest, when choosing not to vote, or for approval of past minutes if the member was not present. See Appendix C regarding consensus decision making.

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8. The Council shall assume responsibility for any oversights or errors in judgment that lead to inappropriate decisions and/or actions by the Council. When identified, problems shall be revisited.

Section 4. Regular Meetings

1. Standard agendas shall be developed and provided in an advance notice to the public: Notices shall state that input from the audience is welcome on the topics to be discussed or an action to be taken. See Appendix D regarding a standard agenda format.
2. Those persons who wish to speak to the Council are asked to contact the Chairperson within a reasonable amount of time prior to the meeting. The Chairperson may be contacted through the Council Secretary at the Department of Education, Division of Special Education.
3. At the regular meeting, the Chairperson shall determine how many speakers can be heard within any time constraints, giving priority to those who have made requests in advance as well as considering the topics on the current day's agenda. Presentations shall not exceed five (5) minutes unless exception is made by the Chairperson. Members may ask questions for clarification during these presentations, but shall not interact with the audience.
4. Public input may be heard or invited at other times during the meeting at the discretion of the Chairperson. Similarly, the Chairperson has the authority to rule that only Council members speak on a selected topic or motion.
5. Presenters are asked to bring copies of their materials or send one copy to the Council Secretary before or after the presentation so that copies can be made and distributed to members. Copies submitted after the meeting should be sent within five days of the presentation.
6. Written input may be sent to any member or the Council Chairperson. Disposition of the communication shall be at the discretion of the Council Chair.
7. If time permits, the Council Chairperson shall allow input on items that are not on the agenda.
8. A short period of time for general input shall be scheduled at each regular meeting.

Section 5. Special Called Work Sessions

Special Called Work Sessions may be called by the Chairperson or by a majority vote of the Council to address issues which are of high importance and/or constrained by time. Notices of these meetings shall indicate whether public input shall be heard. If so, the guidelines for regular meetings shall apply.

Section 6. Voting In Extraordinary Circumstances

In the event there is a need to transact specific Council business for which a physical meeting is impractical and issues are of high importance and constrained by time, the Chairperson may call for a vote by mail, e-mail or telephone.

ARTICLE VII – COMMITTEES

Section 1. General

Among the areas most commonly listed for Committee work are the following:

- Legislative/Public Policy State Improvement Plan
- OSEP Monitoring Education Reform
- Steering Committee Procedural Safeguards
- Funding
- Assessment
- Transition Parent Involvement
- Communication Related Services
- Rules and Regulations Executive Committee
- Professional Development (CSPD) Membership
- Early Childhood Recruitment and Retention

Requests from the public to present information to a Committee shall be directed to the Chairperson and forwarded to the Committee Chair. The Committee Chair shall determine at which Committee meeting the presentation shall be placed on the published agenda.

Committees are responsible to the Chairperson. They shall update the Council on their progress at each regular meeting of the Council.

Section 2. Standing Committees

Standing Committees shall be established by majority vote of the Council for a defined and on-going purpose. A member of the Council shall chair each Standing Committee. Committee members shall be appointed by the Chairperson in consultation with other members and the Department of Education staff. Standing committees shall report and make recommendations to the Council. Standing Committees may be abolished or have their purposes amended by majority vote of the Council.

Section 3. Ad Hoc Committees

Ad Hoc Committees shall be established by the Council for a defined and time-limited purpose. A member of the Council shall serve on each Ad Hoc Committee.

Ad Hoc Committee members are appointed by the Council Chairperson in consultation with other members and the Department of Education staff. They shall be solicited from the Council and may include experts from the public.

An Ad Hoc Committee dissolves upon completion of its defined purpose and delivery of its final report to the Council. Ad Hoc Committees also may be abolished by majority vote of the Council.

ARTICLE VIII – AMENDMENTS

Amendments to the By-laws shall be made as follows; a written proposal shall be submitted to the Council at the regularly constituted meeting. A vote on the proposal shall be taken at the next regular meeting. A two-thirds vote of the Council membership is necessary for passage of the amendment. Unless otherwise approved, the amendment is effective immediately.

APPENDIX A

AUTHORITY FOR ADVISORY COUNCIL

The authority of the Advisory Council is established in federal law and regulation: Individuals with Disabilities Education Improvement Act [20 USC 1412 et seq.] and its implementing regulations [34 CFR 300]. The legal citation below is from the IDEA Part B regulations.

§300.167 State advisory panel.

The State must establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for students with disabilities in the State.

(Approved by the Office of Management and Budget under control number 1820-0030)
(Authority: 20 U.S.C. 1412(a)(21)(A))

§300.168 Membership.

(a) General. The advisory panel must consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, be representative of the State population and be composed of individuals involved in, or concerned with the education of students with disabilities, including--

- (1) Parents of students 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 students with disabilities;
- (7) Representatives of other State agencies involved in the financing or delivery of related services to students 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 students 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.

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

(Approved by the Office of Management and Budget under control number 1820-0030)
(Authority: 20 U.S.C. 1412(a)(21)(B) and (C))

§300.169 Duties.

The advisory panel must--

- (a) Advise the SEA of unmet needs within the State in the education of students with disabilities;

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- (b) Comment publicly on any rules or regulations proposed by the State regarding the education of students with disabilities;
 - (c) Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act;
 - (d) Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act; and
 - (e) Advise the SEA in developing and implementing policies relating to the coordination of services for students with disabilities.

(Approved by the Office of Management and Budget under control number 1820-0030)
(Authority: 20 U.S.C. 1412(a)(21)(D))

The authority of the Advisory Council also is established in state code:

Tennessee Code Annotated
49-1 0-105. Advisory council for the education of students with disabilities.

- (a) There shall be an advisory council for the education of students with disabilities which shall advise and consult with the governor, the commissioner of education, the state board of education, and the director of the division of special education, and which shall engage in such other activities as are hereinafter set forth.
- (b)(1) The advisory council shall be composed of a maximum of twenty-five (25) members, including parents of students with disabilities, individuals with disabilities, teachers, representatives of institutions of higher education that prepare special education and related services personnel; state and local education officials, administrators of programs for students with disabilities, representatives of other state agencies involved in the financing or delivery of related services to students with disabilities, representatives of private schools and public charter schools (if any); at least one (1) representative of a vocational, community, or business organization concerned with the provision of transition services to students with disabilities; and representatives from the state juvenile and adult corrections agencies. The majority of the advisory council shall be individuals with disabilities or parents of students with disabilities. (2) The governor shall appoint the members of the advisory council for three-year terms. In making appointments to the advisory council, the governor shall strive to ensure that at least one (1) person serving on the council is sixty (60) years of age or older and that at least one (1) person serving on the council is a member of a racial minority.
- (3) Vacancies shall be filled for the unexpired term in the same manner as original appointments. (4) The advisory council shall be composed of persons broadly representative of community organizations interested in people with disabilities, professions related to the educational needs of the people with disabilities and the general public. (c)(1) The advisory council annually shall elect its own chair and vice chair.
- (2) The director of the division of special education shall meet with and act as secretary to the advisory council, and within available personnel and appropriations, shall furnish meeting facilities and staff services for the advisory council.
- (d)(1) The department shall regularly submit, as part of its budget requests, an item or items sufficient to cover expenses of the operation of the advisory council and of its members in connection with their attendance at meetings of the advisory council and other advisory council activities.
- (2) All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.
- (e) The council shall:
 - (1) Have an opportunity to comment on rules and regulations proposed for issuance pursuant to parts 1-6 or

this chapter;

(2) Consider any problems presented to it by the governor, the commissioner, the state board of education or the director of the division of special education, and give advice thereon; (3) Review the state plan prepared pursuant to part 3 of this chapter prior to its submission to the governor and general assembly and comment thereon to the governor, the commissioner, the State board of education and the director: and

(4) Make an annual report to the governor and the general assembly, and the state board of education, which report shall be available to the general public and shall present its views of the progress or lack thereof made in special education by the state, its agencies and institutions, and its school districts during the preceding year. **(the above was a typo)**

History

[Acts 1972, ch. 839, § 4; 1976, ch. 806, § 1(69); T.C.A., §§49-2916, 49-2917; Acts 1988, ch. 1013, §22; 1994, ch.768, 1; 1998, ch. 832, §3]

Compiler's Notes. The advisory council for education of students with disabilities, created by this section, terminates June 30, 2004, See §§4-29-1 12, 4-29-225.

Cross-References. Reporting requirement satisfied by notice to general assembly members of publication of report, § 3-1-1 14.

Services to families of preschool children with disabilities, § 71-4-2201.

Section to Section References. This Section is referred to in §§4-29-225, 49-1 0-104.

APPENDIX B

ANNUAL REPORT

The following are ten suggestions for good annual Council reports. The annual report should reflect the important purpose and activities involving the Advisory Council and its efforts to improve special education in the state.

1. Preface: A brief statement of purpose or belief followed by a listing of the names and related area/constituency representation of Council members and other relevant state officials.
2. Cover Letter (brief): Letter written by Department of Education Assistant Commissioner and/or Council Chair providing content information to the public.
3. Table of Contents: Listing of document sections and page numbers.
4. Annual Priorities and Goals: A listing of the key areas of emphasis outlined by the Council in yearly planning.
5. Key Activities: Brief statements of activities and actions taken by the Council to address annual priorities and goals. Information should reflect Council involvement and responsiveness to state issues and public concerns.
6. National and state Initiatives recognized as successful: Brief statements describing changes in regulations, services, or laws which the Council has identified as benefiting public education in the state.
7. Identified Areas of Concern: Noted areas where the Council recognizes continued efforts are needed to improve education in the state.
8. Future Issues: A list of identified challenges that the Council shall address in the future. Many of these challenges may result from the efforts to implement changes in state or federal law, and meet student needs in the state.
9. Council Recommendations: Listing of recommendations to the state and other identified stakeholders.
10. Resource Section: 1) a Glossary of terms, providing definitions for common terms and acronyms; 2) a listing of resource and information on how a person might gain access to the resource. This information may include the name and phone number of a contact person, or a location where the document can be viewed or checked out; 3) a listing of Council membership; 4) key state officials and contact information.
11. On Back of Report: a feedback sheet the public can fill out.

APPENDIX C

BUILDING CONSENSUS

Consensus is a decision end point where each person who participated in the decision process

1. had an opportunity to voice an opinion or position
2. can accept and support the final decision, including agreeing not to sabotage or disparage the decision. A consensus decision is neither unanimous agreement that the best choice was chosen nor a majority vote with winners and losers. It may not be everyone's first choice. If a participant can't accept and support a particular decision, he/she has an obligation to state his/her perspective and prevent the idea from being included as stated.

When entering into a consensus agreement, there are ground rules for discussion:

- Respect others' ideas and feelings
- Participate and give others the opportunity to do so
- Be brief
- Listen carefully
- If you don't understand, ask for clarification
- Work for a win/win situation
- Seek a decision you can support

APPENDIX D
SAMPLE AGENDA

An agenda that has been planned and is relevant is critical for a Council's success. Timelines should be followed as closely as possible.

Time	Item	Lead	Action/notes
	Welcome/introductions		
	Announcements/logistics		
	Meeting focus/purpose		Why are we here? Anticipated meeting outcomes
	Approval of agenda		Additions (set time, <i>if</i> appropriate under new business)
	Approval of minutes		
	Report of the Chairperson		
	Public comments		Reception of verbal and written input
	Action items		Actionable items not being addressed under Committee reports
	Committee reports		Committee reports
	Committee member updates		
	SEA issue update		Report from the SEA on current initiatives
	Discussion/reaction time		
	New Business/Additional Items		
	Future meeting suggestions		Agenda items, meeting invitations, solicitation of input
	Next meeting dates		
	Adjourn		

END BY-LAWS

FEDERAL STATUTE REQUIRING

20 U.S.C. 1412(a)(21) State advisory panel

(A) In general

The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for students with disabilities in the State.

(B) Membership

Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, be representative of the State population, and be composed of individuals involved in, or concerned with, the education of children with disabilities, including--

- (i) parents of students with disabilities (ages birth through 26);
- (ii) individuals with disabilities;
- (iii) teachers;
- (iv) representatives of institutions of higher education that prepare special education and related services personnel;
- (v) 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.](#));
- (vi) administrators of programs for students with disabilities;
- (vii) representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
- (viii) representatives of private schools and public charter schools;
- (ix) not less than 1 representative of a vocational, community, or business organization concerned with the provision of transition services to students with disabilities;
- (x) a representative from the State child welfare agency responsible for foster care; and
- (xi) representatives from the State juvenile and adult corrections agencies.

(C) Special rule

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

(D) Duties

The advisory panel shall--

- (i) advise the State educational agency of unmet needs within the State in the education of students with disabilities;
- (ii) comment publicly on any rules or regulations proposed by the State regarding the education of students with disabilities;
- (iii) advise the State educational agency in developing evaluations and reporting on data to the Secretary under [section 1418](#) of this title;
- (iv) advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this subchapter; and
- (v) advise the State educational agency in developing and implementing policies relating to the coordination of services for students with disabilities.

FEDERAL REGULATIONS REQUIRING

34 C.F.R. § 300.167 State advisory panel.

The State must establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for students with disabilities in the State.

(Approved by the Office of Management and Budget under control number 1820–0030) (Authority: 20 U.S.C. 1412(a)(21)(A))

§ 300.168 Membership.

(a) *General.* The advisory panel must consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, be representative of the State population and be composed of individuals involved in, or concerned with the education of students with disabilities, including—

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- (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 students with disabilities;
- (7) Representatives of other State agencies involved in the financing or delivery of related services to students 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 students with disabilities;
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- (11) Representatives from the State juvenile and adult corrections agencies.

(b) *Special rule.* A majority of the members of the panel must be individuals with disabilities or parents of students with disabilities (ages birth through 26). (Approved by the Office of Management and Budget under control number 1820–0030) (Authority: 20 U.S.C. 1412(a)(21)(B) and (C))

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The advisory panel must—

- (a) Advise the SEA of unmet needs within the State in the education of students with disabilities;
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- (c) Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act;
- (d) Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act; and
- (e) Advise the SEA in developing and implementing policies relating to the coordination of services for students with disabilities. (Approved by the Office of Management and Budget under control number 1820–0030) (Authority: 20 U.S.C. 1412(a)(21)(D))

STATE LAW/CODE REQUIRING

T.C.A. § 49-10-105. Advisory council for the education of students with disabilities

- (a) There shall be an advisory council for the education of students with disabilities which shall advise and consult with the governor, the commissioner of education, the state board of education, and the director of the division of special education, and which shall engage in such other activities as are hereinafter set forth.
- (b)(1) The advisory council shall be composed of a maximum of twenty-five (25) members, including parents of students with disabilities, individuals with disabilities, teachers, representatives of institutions of higher education that prepare special education and related services personnel; state and local education officials, administrators of programs for students with disabilities, representatives of other state agencies involved in the financing or delivery of related services to students with disabilities, representatives of private schools and public charter schools (if any); at least one (1) representative of a vocational, community, or business organization concerned with the provision of transition services to students with disabilities; and representatives from the state juvenile and adult corrections agencies. The majority of the advisory council shall be individuals with disabilities or parents of students with disabilities.
- (2) The governor shall appoint the members of the advisory council for three-year terms. In making appointments to the advisory council, the governor shall strive to ensure that at least one (1) person serving on the council is sixty (60) years of age or older and that at least one (1) person serving on the council is a member of a racial minority.
- (3) Vacancies shall be filled for the unexpired term in the same manner as original appointments.
- (4) The advisory council shall be composed of persons broadly representative of community organizations interested in people with disabilities, professions related to the educational needs of people with disabilities, and the general public.
- (c)(1) The advisory council annually shall elect its own chair and vice chair.
- (2) The director of the division of special education shall meet with and act as secretary to the advisory council, and within available personnel and appropriations, shall furnish meeting facilities and staff services for the advisory council.
- (d)(1) The department shall regularly submit, as part of its budget requests, an item or items sufficient to cover expenses of the operation of the advisory council and of its members in connection with their attendance at meetings of the advisory council and other advisory council activities.
- (2) All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.
- (e) The council shall:
- (1) Have an opportunity to comment on rules and regulations proposed for issuance pursuant to parts 1-6 of this chapter;

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- (2) Consider any problems presented to it by the governor, the commissioner, the state board of education or the director of the division of special education, and give advice thereon;
 - (3) Review the state plan prepared pursuant to part 3 of this chapter prior to its submission to the governor and general assembly and comment thereon to the governor, the commissioner, the state board of education and the director; and
 - (4) Make an annual report to the governor and the general assembly, and the state board of education, which report shall be available to the general public and shall present its views of the progress or lack thereof made in special education by the state, its agencies and institutions, and its school districts during the preceding year.

1972 Pub.Acts, c. 839, § 4; 1976 Pub.Acts, c. 806, § 1(69); 1988 Pub.Acts, c. 1013, § 22; [1994 Pub.Acts, c. 768, § 1, eff. April 14, 1994](#); [1998 Pub.Acts, c. 832, § 3, eff. July 1, 1998](#).

TERMINATION OF GOVERNMENTAL ENTITY

<The advisory council for education of students with disabilities, created by this section, is set to terminate June 30, 2015, by § 4-29-236.>