

1 H.140

2 Introduced by Representative Webb of Shelburne

3 Referred to Committee on

4 Date:

5 Subject: Education; Advisory Council on Special Education

6 Statement of purpose of bill as introduced: This bill proposes to change the
7 composition and duties of the Advisory Council on Special Education to
8 conform with federal law.

An act relating to ~~the Advisory Council on Special Education~~ *the State
Advisory Panel on Special Education*

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 ~~Sec. 1. 16 V.S.A. § 2945 is amended to read:~~

11 § 2945. ~~ADVISORY COUNCIL ON SPECIAL EDUCATION~~

12 (a) ~~There is created the Advisory Council on Special Education that shall~~
13 ~~consist of 19 members who are representative of the State population and~~
14 ~~involved with, or concerned with, the education of children with disabilities.~~

15 ~~All members of the Council shall serve for a term of three years or until their~~
16 ~~successors are appointed. Terms shall begin on April 1 of the year of~~

17 ~~appointment. A majority of the members shall be either individuals with~~

1 ~~disabilities or parents of children with disabilities (ages birth through 26 years~~
2 ~~of age).~~

3 (1) ~~Seventeen of the All members shall be appointed by the Governor~~
4 ~~with the advice of the Secretary of Education. ~~Among the gubernatorial~~ The~~
5 ~~appointees shall be:~~

6 (A) ~~teachers;~~

7 (B) ~~representatives of State agencies involved in the financing or~~
8 ~~delivery of related services to children with disabilities;~~

9 (C) ~~a representative~~ representatives of independent schools;

10 (D) ~~at least one representative of a vocational, community, or~~
11 ~~business organization concerned with the provision of transition services to~~
12 ~~children with disabilities;~~

13 (E) ~~a representative~~ representatives from the State juvenile and adult
14 ~~corrections agency;~~

15 (F) ~~individuals with disabilities;~~

16 (G) ~~parents of children with disabilities, provided the child shall be~~
17 ~~younger than 26 years old at the time his or her parent is appointed to the~~
18 ~~Council (ages birth through 26 years of age);~~

19 (H) ~~State and local education officials, including officials who carry~~
20 ~~out activities under subtitle B of title VII of the McKinney-Vento Homeless~~

21 ~~Assistance Act,~~

1 ~~(I) a representative representatives of higher education who prepares~~
2 ~~prepare special education and related services personnel;~~

3 (J) a representative from the State child welfare department
4 responsible for foster care;

5 (K) special education administrators; ~~and~~

6 (L) ~~two at large members~~ a representative of the designated parent
7 training and information organization; and

8 (M) a representative or designee of the State protection and advocacy
9 system.

10 (2) In addition, two members of the General Assembly shall be
11 appointed, one from the House of Representatives and one from the Senate.

12 The Speaker shall appoint the House member and the Committee on
13 Committees shall appoint the Senate member.

14 (b) The Council shall elect its own chair from among its membership. The
15 Council shall meet annually at the call of the Chair, and other meetings may be
16 called by the Chair at such times and places as he or she may determine to be
17 necessary.

18 (c) The members of the Council who are employees of the State shall
19 receive no additional compensation for their services, but actual and necessary
20 expenses shall be allowed State employees, and shall be charged to their

21 ~~departments or institutions. The members of the Council who are not~~

1 ~~employees of the State shall receive a per diem compensation as provided under 32~~
2 V.S.A. § 1010 for each day of official business and reimbursement for actual
3 and necessary expenses at the rate allowed State employees.

4 (d) The Council shall:

5 (1) ~~assume all responsibilities required of the State advisory panel by~~
6 federal law advise the Agency of Education and State Board of Education of
7 the unmet needs within the State in the education of children with disabilities;

8 (2) ~~review periodically the rules, regulations, standards, and guidelines~~
9 pertaining to special education and recommend to the State Board any changes
10 it finds necessary comment publicly on any rules or regulations proposed by
11 the State Board of Education regarding the education of children with
12 disabilities;

13 (3) ~~comment on any new or revised rules, regulations, standards, and~~
14 guidelines proposed for issuance advise the Agency of Education and State
15 Board of Education in developing evaluations and reporting data to the
16 Secretary under 20 U.S.C. § 1418; and

17 (4) ~~advise the State Board in the development of any State plan for~~
18 provision of special education Agency of Education and State Board of
19 Education in developing corrective action plans to address findings identified
20 in federal monitoring reports under 20 U.S.C. Chapter 55, subchapter II, and

1 ~~(5) advise the Agency of Education and State Board of Education in~~
2 ~~developing and implementing policies relating to coordination of services for~~
3 ~~children with disabilities.~~
4 Sec. 2. EFFECTIVE DATE
5 ~~This act shall take effect on passage.~~

Sec. 1. 16 V.S.A. § 2945 is amended to read:

*§ 2945. STATE ADVISORY COUNCIL PANEL ON SPECIAL
EDUCATION*

(a) There is created the State Advisory Council Panel on Special Education that shall consist of ~~19~~ members who are representative of the State population and involved with, or concerned with, the education of children with disabilities. All members of the Council Panel shall serve for a term of three years or until their successors are appointed. Terms shall begin on ~~April~~ July 1 of the year of appointment. ~~A majority of the members shall be either individuals with disabilities or parents of children with disabilities.~~

(1) ~~Seventeen of the members shall be appointed by the~~ The Governor with the advice of the Secretary. ~~Among the gubernatorial appointees shall be~~ shall make the following appointments upon the recommendation of the indicated person or organization:

(A) a sufficient number of individuals with disabilities and parents of children with disabilities (ages birth through 26 years of age), upon the

recommendation of any organization whose primary mission is to serve these populations, to ensure that a majority of the members of the Panel are individuals with disabilities and parents of children with disabilities, including:

(i) not less than two individuals with disabilities, at least one of whom shall be a student when appointed; and

(ii) not less than two parents of children with disabilities (ages birth through 26 years of age);

(B) one representative of the State protection and advocacy system, upon the recommendation of Vermont Legal Aid;

(C) two teachers, upon the recommendation of the Vermont National Education Association;

~~(B)~~(D) two representatives of State agencies involved in the financing or delivery of related services to children with disabilities, upon the recommendation of the Secretary of Education;

~~(C)~~(E) a one representative of independent schools, upon the recommendation of the Vermont Independent Schools Association;

~~(D)~~(F) at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities, upon the recommendation of the Secretary of Education;

~~(E)(G) a one representative from the State juvenile and adult corrections agency, upon the recommendation of the Commissioner of Corrections;~~

~~(F) individuals with disabilities;~~

~~(G) parents of children with disabilities, provided the child shall be younger than 26 years old at the time his or her parent is appointed to the Council;~~

~~(H) two State and or local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, upon the recommendation of the Secretary of Education;~~

~~(I) a representative two representatives of higher education who prepares prepare special education and related services personnel, upon the recommendation of the Vermont Higher Education Collaborative;~~

~~(J) a one representative from the State child welfare department responsible for foster care, upon the recommendation of the Secretary of Human Services; and~~

~~(K) two special education administrators, upon the recommendation of the Vermont Council of Special Education Administrators; and~~

~~(L) two at-large members.~~

~~(2) In addition, two members of the General Assembly shall be appointed, one from the House of Representatives and one from the Senate. The Speaker shall appoint the House member and the Committee on Committees shall appoint the Senate member. Appointees may be appointed to fill more than one role except that:~~

~~(A) individuals appointed to fill a role or roles pursuant to subdivision (A) or (B) of this subdivision (a)(1) shall not be appointed to fill any other role; and~~

~~(B) individuals appointed to fill a role or roles pursuant to subdivisions (C)–(K) of this subdivision (a)(1) shall not be appointed to fill roles pursuant to subdivision (A) or (B) of this subdivision (a)(1).~~

~~(b) The Council At the annual meeting, or other meeting if necessary, the Panel shall elect its own chair a chair and an executive committee from among its membership. The Council shall meet annually at the call of the Chair, and other meetings may be called by the Chair at such times and places as he or she may determine to be necessary.~~

~~(1) The Executive Committee shall be composed of seven Panel members, one of whom shall be the Chair of the Panel. A majority of the members of the Executive Committee shall have been appointed to the Panel pursuant to subdivision (a)(1)(A) of this section. The Executive Committee~~

shall call meetings of the Panel and shall direct the work of the Panel. The Executive Committee shall meet four times a year.

(2) The Panel shall meet annually and up to three other times at the call of the Executive Committee.

(c) The members of the ~~Council~~ Panel who are employees of the State shall receive no additional compensation for their services, but actual and necessary expenses shall be allowed State employees, and shall be charged to their departments or institutions. The members of the ~~Council~~ Panel who are not employees of the State shall receive a per diem compensation as provided under 32 V.S.A. § 1010 for each day of official business and reimbursement for actual and necessary expenses at the rate allowed State employees.

(d) The ~~Council~~ Panel shall:

(1) ~~assume all responsibilities required of the State advisory panel by federal law~~ advise the Agency of Education and State Board of Education of the unmet needs within the State in the education of children with disabilities;

(2) ~~review periodically the rules, regulations, standards, and guidelines pertaining to special education and recommend to the State Board any changes it finds necessary~~ comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

(3) ~~comment on any new or revised rules, regulations, standards, and guidelines proposed for issuance~~ advise the Agency of Education and State

Board of Education in developing evaluations and reporting data to the Secretary under 20 U.S.C. § 1418; and

(4) advise the State Board in the development of any State plan for provision of special education Agency of Education and State Board of Education in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. chapter 33, subchapter II; and

(5) advise the Agency of Education and State Board of Education in developing and implementing policies relating to coordination of services for children with disabilities.

Sec. 2. TERM LIMITS

The State Advisory Panel on Special Education shall establish term limits in its bylaws.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.