

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.

9 An act relating to the Advisory Council on Special Education

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

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

12 § 2945. **ADVISORY COUNCIL ON SPECIAL EDUCATION**

**Commented [RS1]:** Change the name to State Advisory  
Panel on Special Education

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

16 All members of the Council shall serve for a term of three years or until their  
17 successors are appointed. Terms shall begin on April 1 of the year of  
18 appointment. A majority of the members shall be either individuals with  
19 disabilities or parents of children with disabilities (ages birth through 26 years  
20 of age).

**Commented [RS2]:** July 1 to follow the state fiscal year

- 21 (1) ~~Seventeen of the~~ All members shall be appointed by the  
22 Governor with the advice of the Secretary of Education. ~~Among the~~  
23 ~~gubernatorial~~ The appointees shall be:
- 24 (A) Two teachers;
  - 25 (B) Two representatives of State agencies involved  
26 in the financing or delivery of related services to children with  
27 disabilities;
  - 28 (C) One ~~a representative~~ representatives of  
29 independent schools;
  - 30 (D) ~~at least one~~ One representative of a vocational,  
31 community, or business organization concerned with the  
32 provision of transition services to children with disabilities;
  - 33 (E) Two ~~a representative~~ representatives from the  
34 State juvenile and adult corrections agency;
  - 35 (F) A sufficient number of individuals with  
36 disabilities and parents of children with disabilities to ensure  
37 that a majority of the members of the Advisory Council are  
38 individuals with disabilities and parents of children with  
39 disabilities (ages birth through 26 years of age) including:

**Commented [RS3]:** VLA proposes to adopt the language of 300.168 – “appointed by the Governor, or any other official authorized under State law to make such appointments” - this aligns with federal law.

**Commented [RS4]:** Move this up to (A)

40                                   1        No less than two individuals with  
41                                   disabilities, at least one of whom shall/could be a student  
42                                   or have been a student when appointed; AND  
43                                   2        No less than two parents of children with  
44                                   disabilities, ~~provided the child shall be younger than 26~~  
45                                   years old at the time his or her parent is appointed to the  
46        ~~Council~~ (ages birth through 26 years of age);  
47                                   ~~(F)~~(G) Two State and local education officials,  
48                                   including officials who carry out activities under subtitle B of  
49                                   title VII of the McKinney-Vento Homeless  
50        Assistance Act;  
51                                   ~~(G)~~(H) a representative Two representatives of  
52                                   higher education who ~~prepares~~ prepare special education and  
53                                   related services personnel;  
54                                   ~~(H)~~(I) a-One representative from the State child  
55                                   welfare department responsible for foster care;  
56                                   ~~(J)~~(J) Two special education administrators; ~~and~~  
57                                   ~~(J)~~(K) two at-large members a-One  
58                                   representative of the designated parent training and information  
59                                   organization; and

**Commented [RS5]:** This is a question for the com  
The AOE is concerned about the ability to recruit a  
and obtain parental permission for a student who is  
or who is over 18 but is under guardianship.

60 (L) One ~~a~~ representative or designee of the State  
61 protection and advocacy system.

Commented [RS6]:

62 (2) Representatives may serve on the advisory council in more than  
63 one capacity provided that:

64 (A) Representatives who are employees of the State of  
65 Vermont, Local Education Agencies or Vocational  
66 Community, or Business Organizations may only be appointed  
67 to fulfill more than one role other than (a)(1)(F), ~~or~~ and

68 (B) Individuals appointed in roles listed under (a)(1)(F)  
69 shall be appointed only as representatives of one or both of  
70 those role groups, except that the individual appointed as a  
71 representative in (a)(1)(L) organization may also be appointed  
72 as a representative under (a)(1)(F).

Commented [RS7]: (a)(1)(F) is the category for individuals with disabilities and parents of children with disabilities ages birth through 26

Commented [RS8]: This is the designated Parent & Information Center, which in Vermont is Vermont Network

73  
74 ~~(0) In addition, two members of the General Assembly~~  
75 ~~shall be appointed, one from the House of Representatives and one~~  
76 ~~from the Senate.~~

77 ~~The Speaker shall appoint the House member and the Committee on~~  
78 ~~Committees shall appoint the Senate member. \_\_\_\_~~

79 ~~(e)(b)~~ The Council shall elect its own chair from among its  
80 membership. The Council shall meet annually at the call of the Chair, and

81 other meetings may be called by the Chair at such times and places as he or  
82 she may determine to be necessary.

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

90 ~~(g)~~(d) The Council shall:

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

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

100                   (3)     ~~comment on any new or revised rules, regulations,~~  
101                   ~~standards, and guidelines proposed for issuance~~ advise the Agency of  
102                   Education and State  
103     Board of Education in developing evaluations and reporting data to the  
104     Secretary under 20 U.S.C. § 1418; and  
105                   (4)     ~~advise the State Board in the development of any State~~  
106                   ~~plan for provision of special education~~ Agency of Education and State  
107                   Board of Education in developing corrective action plans to address  
108                   findings identified in federal monitoring reports under 20 U.S.C.  
109                   chapter 33, 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.

To Consider

- (1) 2s vs. 1s in terms of #s looking at Letter to Copenhagen (answer 3)  
(2) P&A and PTI seats  
(3) Language regarding overlapping / barrier between overlapping professionals/parents  
(4) AOE/SBOE language vs. SEA in duties

Areas of disagreement:

# of meetings

Term limits