

**SPECIAL EDUCATION ADVISORY COUNCIL**

**Minutes – October 11, 2013**

9:00 a.m. – 12:00 p.m.

**PRESENT:** Brendelyn Ancheta, Shari Dela Cuadra-Larsen, Gabriele Finn, Tami Ho, Martha Guinan, Barbara Ioli, Eleanor MacDonald, Stacey Oshio, Zaidarene Place, Kenneth Powell (for Jyo Bridgewater), Kauai Rezentes, Susan Rocco, Tricia Sheehey, Tom Smith, Lani Solomona, Jan Tateishi, Michele Tong, Dan Ulrich, Susan Wood

**EXCUSED:** Tammy Bopp, Bob Campbell, Debbie Cheeseman, Annette Cooper, Deborah Kobayakawa, Bernadette Lane, Dale Matsuura, Barbara Pretty, Ivalee Sinclair, Amy Weich, Cari White

**ABSENT:** Shanelle Lum, Melissa Rosen

**GUESTS:** Melissa Saul, Steven Vannatta

TOPIC	DISCUSSION	ACTION
<b>Call to Order</b>	Martha Guinan, Vice Chair, called the meeting to order at 9:10 a.m.	
<b>Introductions</b>	Members and guests introduced themselves. Kenneth Powell, a student services coordinator and counselor at ASSETS School, introduced himself as Jyo Bridgewater’s delegate.	
<b>Announcements</b>	Eleanor MacDonald announced that this would be her last meeting on SEAC, and her replacement from the Division of Vocational Rehabilitation is Valerie Johnson. Eleanor has been reassigned to help coordinate services through the newly funded comprehensive service center for persons who are Deaf and blind/visually disabled. Jan Tateishi announced that there is a transition fair titled Steps to Transition on October 26 <sup>th</sup> at King Intermediate in Kaneohe.	
<b>Review of Minutes for September 13, 2013</b>	Susan Wood pointed out misspellings for the words “implement” and “minimum” (page 3) and “individualized” (page 7). Shari Dela Cuadra-Larsen asked that a phrase be removed from her report about the 9 <sup>th</sup> Circuit decision on FAPE for students 20-22 years old. Members encouraged that this point be maintained as documentation of the discussion that occurred; for greater accuracy, the following sentences were changed to read: “Shari added that the Court viewed the GED programs as public education because they are free and offer advertise a route to a high school diploma.” “The remedy required by the Court will may offer some compensatory education to students who left school after July 1, 2010.” Eleanor reflected her belief that when you have large meetings like SEAC that involve both costs and considerable coordination, it is essential that minutes be detailed and show exactly what is said in order to reflect the amount of work that is done at the meetings. Several members offered that it is permissible to ask to state something “off the record,” so that it is not reflected in the minutes.	Susan will correct the minutes and post them on the SPIN website for review by members and the public.

<p><b>Input from the Public</b></p>	<p>Tom Smith asked members for input on an issue brought to the Community Children’s Council Legislative Committee by parents regarding the timeline and process for service authorization for contracted services. In some IEP meetings, services are approved, and then there is a delay to receive authorization from the district in order to contract out for the services. Susan Wood added that on the Big Island, schools have stopped using contracted services as much as possible, and now students are not receiving appropriate behavioral supports because folks within DOE may not have the expertise to provide a functional behavioral assessment in order to develop a behavioral support plan. Susan Rocco questioned the appropriateness of having district staff review a contracted service after the IEP team has determined it necessary. Tricia Sheehy stated that services listed in the IEP have a beginning date, so if services are not provided on that date, it is a violation of their IEP; however, the issue may be related to having the teacher determine whether a service is appropriate prior to the IEP meeting by using a Standard of Practice (SOP) protocol. Steven Vannatta asserted that SOPs are supposed to be “think-through” tools and not decision-making tools. Members discussed options for getting more information on the procedure and the timeline for authorizing services identified by the IEP team.</p>	<p>Shari Dela Cuadra-Larsen will report back to SEAC on the issue of the timeline and process for authorizing services identified in the IEP.</p>
<p><b>Report from the Special Education Director</b></p>	<p>Shari reported on the following items:  <u>Notice to Parents Regarding Adverse Events at School</u>                  Shari is still in discussion with others about what the notification form will look like, and she does not yet have a timeline for completion and dissemination of the form.  <u>Request from SEAC to view OCISS draft Parent Guide</u>                  Shari spoke to Leila Hayashida who is willing to give stakeholder groups, including SEAC, an opportunity to review the Guide after it comes back from the Attorney General’s Office.  <u>SPP/APR Planning</u>                  The SPP/APR Stakeholder meeting is Friday, December 13<sup>th</sup>, and Debbie Farmer has indicated that she will send out data by November 8<sup>th</sup>.</p>	

<p><b>Report from the Special Education Director (cont.)</b></p>	<p><u>New APR Requirements for a State Systemic Improvement Plan (SSIP)</u>                  Shari received more information about the SSIP (Indicator 17) at a recent meeting in Atlanta. OSEP has made a few changes to the requirements for Indicator 17 which is due for submittal in February 2015. There will be a morning session at the December 13<sup>th</sup> SPP/APR meeting to talk about these changes, and Shari would like stakeholder discussion regarding the SSIP during lunch. For SY 13-14 the Department will be analyzing data to identify areas for improvement.</p> <p><u>Po’okela Presentation</u>                  The presentation on the Po’okela Project is scheduled for January 2014. Susan added that Ivalee wanted the presentation prior to the APR meeting, because Po’okela is cited as one of the main improvement activities for LRE, performance on assessments and secondary transition. However, Debbie Farmer said that January’s meeting was their earliest availability.</p> <p><u>Questions/comments from members and guests</u>                  Q. Is the SSIP focusing on students with disabilities only? A. Some states are using their Strategic Plan to give to the feds with specific actions for students with disabilities. Other states are focusing on activities specific to students with disabilities.                  Q. Who are the stakeholders who will be giving input into the SSIS? Do they include classroom teachers? A. The initial stakeholders will be the folks who come to the December 13<sup>th</sup> APR meeting. We also plan to hold meetings with department staff--principals, state level folks, teachers, etc.—as we want ownership of the SSIS by all.</p>	
<p><b>Due Process Report</b></p>	<p>Martha Guinan, Chair of SEAC’s Due Process Committee, presented the findings of the review of due process activity for SY 11-12, as well as recommendations to the Department. The report, the 9<sup>th</sup> in a series of reports on due process hearing requests, hearing decisions, mediations and written complaints, is intended to shed light on Hawaii’s high rate of due process activity and encourage prevention and early intervention of conflict between families and schools. She acknowledged the other Committee members—Kauai Rezendes, Deborah Kobayakawa, and Dale Matsuura—as well as Susan Rocco for putting the presentation together.</p>	

<p><b>Due Process Report (cont.)</b></p>	<p><u>Questions/comments from members and guests</u></p> <p>C. With respect to prevailing parties in due process hearings, nobody truly “wins.”</p> <p>Q. Could the Supreme Court ruling that parties initiating requests for hearings (typically families) bear the burden of proof be the cause for a new trend of DOE prevailing in more cases than families? A. It may well be a factor; however, the ruling was made in 2006, and there two years between 2006 and 2012 where parents prevailed. Another possible factor is that hearing officers are paying more attention to the appropriateness of private school placements as a result of Acts 128 and 129 (regarding monitoring of students with disabilities in private schools at public expense).</p> <p>Q. In other jurisdictions, districts have their own due process hearings and only a percentage of those proceed to a state hearing. Do you think that might be why Hawaii appears to have more due process activity, given that we are one state educational agency? A. It could be a factor; however, most states have moved away from having a two-tiered due process hearing system.</p> <p>C. Some parents whose children are in private school may be requesting hearing extensions because their child is in a “stay put” placement at the private school while the hearing decision is pending.</p> <p>Q. Why is the information about where due process activity is occurring not available to the public anymore? A. (Shari) We determined it was a FERPA issue because some of the numbers are low and might lead people to identify the students in question.</p> <p>C. If information was shared with SEAC about which districts had the most activity, it would not pose a privacy threat, and it would enable SEAC to see if the trends noted in past years (i.e. Honolulu, Windward and Maui Districts having the highest due process activity) are still occurring.</p> <p>C. With almost \$10 million dollars spent on 68 students in SY 10-11, that’s over \$100,000 per student.</p> <p>C. The Department is looking at systemic issues to address, and the</p>	
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<p><b>Due Process Report (cont.)</b></p>	<p>Superintendent is a big proponent for prevention and early intervention. We are looking at bringing back facilitated IEPs and will be meeting with the Center on Appropriate Dispute Resolution in Special Education (CADRE) at the end of the month in Oregon.</p> <p>Q. Have you presented this due process information to the Board of Education? A. No, we would have to ask to be listed as an agenda item.</p>	
<p><b>LRE Data for SY 11-12 and SY 12-13</b></p>	<p>Susan Rocco presented data for School-Age Least Restrictive Environment (Indicator 5) and Pre-School LRE (Indicator 6) for School Years 11-12 and 12-13. The more recent data was calculated using Educational Environment (Table 3) 618 Data. The data show that Hawaii did not meet its targets for either Indicator 5 or Indicator 6 in SY 12-13 for students spending time in general education environments and regular early childhood programs. Hawaii’s school-age LRE percentage of students spending 80% or more of the day in a regular education classroom is far behind the national average.</p> <p><u>Questions/comments from members and guests</u></p> <p>C. It does not do any good to meet an LRE target, if the quality is not there. We have gotten feedback from our student teachers that many schools are calling their programs “inclusion”, but the teachers don’t have resources to appropriately support the students. For students with more significant disabilities, teachers don’t even know how to include them, although there is lots of research available on successful supports.</p> <p>C. I am a strong supporter of the School for the Deaf and Blind, where students receive instruction in sign language and can freely converse with their teachers and classmates; however, I don’t think the teachers have been appropriately trained in how to support Deaf students to read.</p> <p>C. We have a Deaf Education program at the University of Hawaii and we only have 3-4 students. We are also running a program for teaching students who are blind and only 2-3 students are enrolled. The reason for low participation is a lack of support from administration.</p> <p>C. My daughter is experiencing for the first time being included in a general education classroom. I am waiting to see how her new program translates into outcomes on IEP goals.</p>	<p>Members were asked to review the LRE data in preparation for the December APR meeting.</p>

<p><b>Update of Coalition Work Group</b></p>	<p>Shari reported on the progress of the meetings between the Deputy Superintendent, herself and members of the Coalition for Children with Special Needs (including SEAC). The group is trying to build a family school partnership model to ensure good working relationships that will benefit student achievement. At the last meeting, everyone came with a schematic of a model of supports.</p> <p><u>Questions/comments from members and guests</u></p> <p>Q. How often do you meet? A. Every two to three weeks.</p> <p>Q. Can we have a copy of the minutes? A. Right now the discussions are not posted, but we can figure how to best report out. Once we have products to share, we will ask for your input. We are looking for a facilitator to move the group along.</p> <p>Q. Are you looking for a facilitator from within the Department? A. No, it will probably be someone from outside the Department.</p>	
<p><b>Early Intervention Eligibility Criteria</b></p>	<p>Susan informed members that the Early Intervention Section of the Children with Special Needs Branch of the Department of Health has published its eligibility criteria for IDEA services for infants and toddlers. It appears that advocacy from the community, including SEAC, helped to soften the proposed eligibility restrictions.</p>	<p>Members who would like a copy of the criteria were directed to Susan.</p>
<p><b>SEAC Committees</b></p>	<p>Martha lead a discussion regarding SEAC Standing Committees and whether they should be realigned to the Strategic Plan or other more current needs of the Department. In the past, committees were chosen to address problems within the system, like poor secondary transition outcomes or a high degree of formal due process activity. Martha presented the options to members of having committees that are problem-centered or strategically-centered.</p>	<p>Members were asked to review the DOE Strategic Plan prior to the next meeting in preparation for a continued discussion.</p>