

SPECIAL EDUCATION ADVISORY COUNCIL
Minutes – November 8, 2013
 9:00 a.m. – 12:00 p.m.

PRESENT: Brendelyn Ancheta, Tammy Bopp, Bob Campbell, Debbie Cheeseman, Annette Cooper, Shari Dela Cuadra-Larsen, Gabriele Finn, Martha Guinan, Deborah Kobayakawa, Valerie Johnson, Stacey Oshio, Zaidarene Place, Barbara Pretty, Brayden (Kaleo) Ramos (for Dale Matsuura), Kauai Rezentes, Susan Rocco, Ivalee Sinclair, Tom Smith, Lani Solomona, Jan Tateishi, Michele Tong, Amy Weich, Susan Wood

EXCUSED: Jyo Bridgewater, Tami Ho, Barbara Ioli, Tricia Sheehey, Dan Ulrich, Cari White

ABSENT: Bernadette Lane, Melissa Rosen

GUESTS: Brian De Lima, Debbie Farmer, Jenny Gong, Lauren Moriguchi, Dave Moyer, Ronn Nozoe, Steven Vannatta

TOPIC	DISCUSSION	ACTION
Call to Order	Chair Ivalee Sinclair called the meeting to order at 9:10 a.m.	
Introductions	Ivalee asked members to introduce themselves to guests and indicate the stakeholder group they are representing. Kaleo Ramos, a special education teacher at Kawananakoa Middle, introduced himself as Dale Matsuura’s delegate.	
9th Circuit Court Decision re: Age Limit for Public Education	<p>Lauren Moriguchi introduced herself as a new addition to the Special Education Section assigned to work on implementing the 9th Circuit Court’s 2013 decision in E.R.K. v. the State of Hawaii Department of Education. She explained that the case was a challenge to Act 163, enacted July 1, 2010, which states that no student who is 20 years old on the first day of school is eligible to attend a public school. The Court’s decision was that because Hawaii operates the Community School for Adults’ diploma programs that are accessible to non-disabled students between 20 and 22, it must continue to provide a free appropriate public education to students with disabilities who have not yet reached the age of 22. The details of the remedy are still being discussed by attorneys; however, Lauren stated that it will include several options for students who have aged out, including:</p> <ul style="list-style-type: none"> • an opportunity to re-enroll in school for students who have not received a diploma and are not yet 22; and • an opportunity to seek compensatory education for students who aged out after July 2010 and who are now 22 and over. <p><u>Questions/comments from members and guests</u></p> <p>Q. Does the ruling apply to any age student? A. No, it applies to the class of students who have been impacted by Act 163.</p> <p>Q. If a military dependent has transferred to another duty station, have you thought about how to provide compensatory education to this student?</p>	

<p>9th Circuit Court Opinion re: Age Limit for Public Education (cont.)</p>	<p><u>Questions/comments from members and guests (cont.)</u></p> <p>A. We will be consulting with the Attorney General on these cases.</p> <p>Q. When the home school tells parents of an older student that they are forwarding their information to the District Education Specialist, do they give the parents a timeline of when to expect action? A. No.</p> <p>C. Giving parents limited information is not friendly; I suggest you get the parents' email address and keep them in the loop on new developments. A. The dilemma is that there is no court approval for the implementation plan.</p> <p>Q. Is it accurate to assume that DOE has an affirmative obligation to reach out to that class? A. Yes.</p> <p>C. When a student age 18 or older is new to a school, you are asking parents to provide documentation on who has the authority to provide decisions in the IEP process (the student, POA agent for education, educational representative or legal guardian). Many families did not receive information about these options prior to their child aging out of school, so they will not have the forms required at enrollment. A. (Debbie Farmer) Maybe we will include those forms when we send out the information.</p> <p>C. Some parents don't know their child can stay until age 22. They have been told that if their child walks the line and receives a certificate, they must exit the public school system.</p> <p>C. My son is in the class for E.R.K. and is now employed. I know he would not want to return to high school; however, he might benefit from consultation and related services.</p> <p>Q. If a student age 20 or older arrives from out-of-state and does not have a diploma, how do you determine services? A. We would provide a temporary placement in a program while the student's eligibility is determined, and the school would develop an interim IEP.</p> <p>C. A Summary of Performance might be somewhere to start when determining needs for a student who is not known to the system.</p> <p>Q. Are the litigation attorneys who are developing the letters to go to potential class members consulting with the Department of Education?</p>	
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<p>9th Circuit Court Opinion re: Age Limit for Public Education (cont.)</p>	<p><u>Questions/comments from members and guests (cont.)</u> A. The A. G. Office’s Education Division is offering input to the court. Q. Would services to the student have to be provided on the school campus? A. Not necessarily. It would depend on the IEP team. Q. Could a DOE person provide consultation to a student enrolled in an adult program like Easter Seals? A. I’m not sure. Q. Are you anticipating the need for additional support for IEP teams? A. We don’t know the numbers yet. So far, the number of students who have re-enrolled is fifteen. C. According to the 618 data, there are about two hundred students enrolled who are 19 and 20 when the count is taken in December. C. If you have an influx of students coming back, it may strain existing services. We can barely get speech therapy now on the Big Island. Q. Can SEAC provide suggestions regarding the content and family-friendly phrasing of the letter going out to affected students and their parents? If so, I suggest you send Susan Rocco a draft, and she can get input from members. Q. Because the 9th Circuit Court determined that Hawaii’s GED program is a public educational program, is there an obligation under IDEA and Section 504 to provide a GED program for students with disabilities? A. I need to consult with the A. G. Office for the answer to that question. Q. May we have a copy of your PowerPoint presentation? A. Yes</p>	<p>Lauren Moriguchi will email her PowerPoint to Susan Rocco for distribution to members.</p>
<p>Announcements</p>	<p>Jan Tateishi announced an extension of the deadline for the rubber slipper drive for students who are homeless to December 13th. Jan also circulated a sign-up sheet for the December 13th APR Meeting with the Special Education Section. Debbie Farmer announced that the meeting time will be 9:00 a.m. to 4:00 p.m.</p>	<p>SEAC members who still wish to contribute slippers were encouraged to bring them to the APR meeting on the 13th of December.</p>
<p>Pre-Planning for the APR Meeting</p>	<p>Ivalee asked members for input on whether to hold a short SEAC meeting during the lunch break of the APR meeting. Shari Dela Cuadra-Larsen suggested a working lunch to discuss the requirements of the State Systemic Improvement Plan. Members agreed to give the SSIP priority and forego a December SEAC meeting. Ivalee asked for volunteers to</p>	<p>Martha Guinan, Debbie Kobayakawa, Tom Smith, Brende Ancheta, Zaida Place, Bob Campbell, Steven Vannatta and Susan Wood</p>

Pre-Planning for the APR Meeting (cont.)	form a SEAC APR subgroup to review the indicator data and share insights with members prior to the December 13 th meeting. Debbie Farmer asserted that the APR data will be sent out the week of November 10 th .	volunteered for the APR subgroup. Susan Rocco and Ivalee will email meeting times.
Review of Minutes for October 11, 2013	Martha Guinan pointed out that the word “problem-centered” in the discussion under SEAC Committees on page 6 was misspelled. The minutes were approved as corrected.	Susan Rocco will correct the minutes and post them on the SPIN website for review.
Report from the Special Education Director	<p>Shari reported on the following items:</p> <p><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.</p> <p><u>Status of the Private School Participation (PSP) Guidelines</u> The A. G. Office has returned the draft guidelines with comments. Susan Rocco suggested putting a note in the Chapter 60 Guideline appendices posted on the DOE website indicating when the PSP Guidelines will be available.</p> <p><u>Status of Revisions to Chapter 60 re: Private School Monitoring</u> The revisions are stalled for now as the Department decides what to amend. The progress of any revisions will be Board of Education Committee to the full Board for approval, then to the A. G.’s Office and to the Governor prior to public hearings.</p>	
Doug C. v. Hawaii DOE 9th Circuit Court Decision	Ivalee shared information on another 9 th Circuit Court decision reached this summer that involved a Maui student who was placed in a private school at public expense. The court determined that the Department denied the parent of the student FAPE by failing to schedule the IEP meeting when the parent could attend. The school wanted to hold the meeting prior to IEP anniversary date and when most team members were available to attend, even though the parent was ill and wanted to be present. The decision is important because it emphasizes the importance of parental participation in the IEP and the obligation of the school to give priority to the parent’s availability over other team members.	Copies of a summary of the facts of the case and court decision were distributed.

<p>Doug C. v. Hawaii DOE 9th Circuit Court Decision (cont.)</p>	<p><u>Comments by members:</u> C. The court’s acknowledgement that parental participation is critical and must take precedence over IEP deadlines is important, because local practice has been the reverse in some cases. C. The relatively new use of various distance technologies, like Skype, could facilitate parent participation, if technical support is available. C. IDEA lists the parents as the first members of the IEP team; however they are not always made to feel vitally important to planning. C. There is no requirement in IDEA to have ten people at the IEP meeting; smaller numbers would result in more in-depth discussion. C. Parents have to be educated that it is their right to invite anyone to the meeting; the message they are getting is that, if the IEP team doesn’t agree on including a guest, the principal makes the final decision.</p>	
<p>Restructuring of SEAC Committees</p>	<p>Vice Chair Martha Guinan reviewed the options of keeping SEAC’s standing committees <i>as is</i>, or moving to a committee structure that mirrors the three large goals in the DOE’s Strategic Plan— student success, staff success and successful systems of support. Martha asked Susan Rocco to send members more information about these goals and their objectives.</p>	<p>Members reached consensus on having Strategic Plan based committees.</p>
<p>Strive HI Performance Data for Students with Disabilities</p>	<p>Ronn Nozoe explained that he has invited Dave Moyer, the Department’s strategic data fellow, to create some visualizations of special education performance data, in order to build on the Strive HI presentation made to SEAC in September. One of SEAC’s expressed concerns is that merging special education data into a new High Needs Group (along with data from ELL students and disadvantaged students) might mask special education performance. Dave’s initial review of the data shows that the performance of the high needs group and the special education group are correlated for growth, so there is no large discrepancy. It also shows that Recognition Schools are serving special education students far better than other schools as evidenced by growth rates. Strive HI also provides greater accountability than NCLB, because it can capture 2900 more students using the High Needs grouping. <u>Questions/comments from members:</u> Q. Can you do a data analysis like you have on a large scale for individual</p>	

<p>Strive HI Performance Data for Students with Disabilities (cont.)</p>	<p><u>Questions/comments from members:</u> schools? A. Yes, but then you have the program of a small group size. You get ‘statistical power’ by grouping together. Q. Why did you report using the median and not the mean? A. The median is generally better. In a smaller school, it is less susceptible to be pulled by the high performing scores. If you report over three years, you would use the mean. <u>Final remarks</u> Dave shared that he has a brother with Down Syndrome, so he’s committed to a system that doesn’t miss kids. Ronn acknowledged that data takes time to digest, and he is happy to come back at any time for more discussion.</p>	<p>Members who have remaining questions regarding the data are asked to email them to Susan Rocco and she will forward them to Ronn.</p>
<p>SEAC Feedback to the Superintendent</p>	<p>Bob Campbell brought up for discussion how SEAC can best fulfill the Superintendent’s request that we provide feedback on presentations regarding actions the Department is taking to meet the needs of students with disabilities. While SEAC has been keeping detailed minutes of discussions, there may be other avenues besides the annual report for providing input. Shari asked that she be copied on any letters sent to the Superintendent. Ivalee shared that there have been occasions, such as the written request for information on Extended School Year determinations and submitting suggestions for new SEAC representatives, where we haven’t always gotten a prompt response. Ivalee has found that she can often get more prompt results by bringing the issue to the attention of the Superintendent’s secretary. Bob offered to give the issue more thought.</p>	
<p>Update to the GED Program</p>	<p>Kaleo Ramos shared with members that the General Educational Development (GED) exam is being updated at the national level to align with the Common Core State Standards. He asked if anyone knew of the cut-off date for taking the existing GED. Ivalee reported that she has been told that December 15, 2013 is the deadline for taking the existing GED. Gabriele Finn asked if schools have been notified of the change and deadline. Stacey Oshio offered that Olomano learned of the changes through the Windward School for Adults.</p>	