

SPECIAL EDUCATION ADVISORY COUNCIL

Minutes – September 14, 2012

9:00 a.m. – 12:00 p.m.

PRESENT: Brendelyn Ancheta, Bob Campbell, Debbie Cheeseman, Phyllis DeKok, Martha Guinan, Barbara Ioli, Bernadette Lane, Rachel Matsunobu, Dale Matsuura, Barbara Pretty, Kauai Rezendes, Susan Rocco, Melissa Rosen, Tricia Sheehey, Lani Solomona (for Cassandra Bennett), Mike Tamanaha, Jan Tateishi

EXCUSED: Annette Cooper, Gabriele Finn, Tami Ho, Deborah Kobayakawa, Shanelle Lum, Eleanor MacDonald, Stacey Oshio, Ivalee Sinclair, Dan Ulrich, Cari White

ABSENT: Jyo Bridgewater, Mona Izumoto,

GUESTS: Jessica Pak, Juvy Hollander, Eden Orpilla

TOPIC	DISCUSSION	ACTION
Call to Order	Vice Chair Martha Guinan called the meeting to order at 9:20 a.m. She announced that Chair Ivalee Sinclair was recently hospitalized for a foot injury but expected to fully recover.	Members signed a Get Well card for Ivalee.
Report from the Special Education Director	<p>Bob Campbell reported on the following topics:</p> <p><u>OCISS Vacancy Filled</u> Superintendent has appointed Pat Park as the new Assistant Superintendent for the Office of Curriculum, Instruction and Student Support (OCISS). Ms. Park was the Complex Area Superintendent for North Central and seems to have a good sense of what reforms are ahead.</p> <p><u>ESEA Flex</u> Hawaii's proposal for flexibility in meeting the accountability requirements of the Elementary and Secondary Education Act (ESEA) was submitted earlier this month and Bob anticipates a back and forth of communication to clarify Hawaii's plan and federal expectations. He thanked SEAC for its letter of support for the ESEA waiver proposal and directed members to the DOE website to view the final wording (http://www.doe.k12.hi.us/nclb/flexibility/index.htm). He also suggested that SEAC may want to write to the Superintendent to ask to be updated on the negotiations with Washington.</p> <p><u>Potential Cuts to Federal Educational Funding</u> Bob explained that educators in Hawaii and across the county are worried about across-the-board spending cuts ("sequestration") to most discretionary programs, including education, if Congress does not reach agreement by January 1, 2013 on how to cut \$1.2 trillion from the national deficit. The budget cuts may be as high as 10% and will include IDEA monies as well as general education funding.</p> <p><u>BOE Discussion on Chapter 60 Revisions</u> On September 18th, the Student Achievement Committee of the Board of Education will be a discussion of whether to approve a draft of Chapter 60 revisions to include new rules for monitoring students placed in private</p>	

Report from the Special Education Director	<p>educational settings at public expense. Once approved, the proposed amendments will go out for public hearing. Susan Rocco asked if any action was needed by SEAC at the SAC meeting. Bob suggested that SEAC wait to submit testimony on the new rules once public hearings are scheduled.</p> <p><u>Resignation as Special Education Director</u></p> <p>Bob announced his decision to leave the Department of Education in order to work for the Pacific Command and provide an important link between the military and public education. His new job at Camp Smith begins September 24th. Members expressed gratitude for his forthright guidance and support of SEAC and wished him well in his new endeavor.</p>	
Membership Issues	<p>Bob relayed that the information SEAC provided the Superintendent regarding its process for recruiting individuals interested in becoming SEAC members is a good starting point to go forward. Rather than have SEAC operate with two members down, the Superintendent is approving SEAC's May 2012 recommendation of Tom Smith and Zaidarene DeMello as new members. At the same time, she is exploring ways that the Department can be more proactive in making schools and the public more aware of SEAC's responsibilities, ensuring appropriate representation on SEAC of key stakeholder groups, and screening and appointing new members.</p>	
Rescheduling of WestEd Dialogue to October	<p>Bob reported that Virginia Reynolds had to cancel her scheduled presentation to SEAC's September meeting due to a family health crisis. Rather than send a substitute, a Virginia, Bob and Ivalee rescheduled the presentation to October. It is hopeful that by then, Pat Park will have had time to review their recommendations and okay the release of more detailed information to SEAC and the general public.</p>	<p>The dialogue with WestEd consultants was moved to the October 12th SEAC meeting.</p>
Answers to SEAC Questions to West Ed	<p>Bob Campbell distributed the Department's answers to questions originally posed to WestEd consultants after the April 2012 SEAC meeting. The questions related to WestEd's report recommendations, the restructuring of the Department and SEAC's role as an advisor to the Superintendent.</p> <p><u>Additional questions and comments to Bob from members:</u></p> <p>Q. How does the Department take the advice that we give them? It often seems as if that advice is not welcome. A. My observation over the last five years is that advice that points out where the Department is missing something or should be pursuing something in a different direction is welcome. When the advice consists of telling the Department how to do something, it is less welcome.</p>	

<p>Answers to SEAC Questions to West Ed</p>	<p>Q. What about the SEAC's due process report? Each year the Due Process Committee sheds a light on Hawaii's high rate of formal dispute resolution and offers suggestions to improve relationships between families and schools, but almost no discernable action is taken by the Department. A. To the extent that SEAC provides a report year after year and puts in more detailed information, it becomes difficult for the Department. For example, SEAC recommends more early resolution of conflicts, but Bob's office just found out last month that the sole provider for IEP facilitation has decided they don't want to renew their contract. His office hasn't been able to get other agencies to bid on the job.</p> <p>Q. Isn't IDEA's requirement that SEAC be made up of a majority of parents and/or persons with disabilities indicative of Congress' intent that state advisory panels provide independent advice? A. The constitution of state advisory panels is intended to provide for wide representation, not independence. If the body were meant to be independent, it would not be appointed by the Superintendent.</p> <p>Q. Would the Department accept advice regarding how policies are applied or not applied at the district and school complex level? A. Yes, if this group identified that students are not benefiting from a policy or recommended practices due to a lack of implementation fidelity, then that would be helpful to us. C. Our letter to the Superintendent regarding ESY services determinations is an example of unmet needs due to confusion and a lack of implementation fidelity. Q. On Kauai we have seen the benefit of having DOE and mental health working together in the schools. Do you see that happening statewide? A. It would be hard to see that happen, as the Mohikana Project has only been supported on Kauai. Bob concluded with the observation that the challenge of an advisory group is to be clear on advice, so that many people, including folks in authority, pick up on it. He added that it is vital for SEAC to talk about outcomes, and to ask for regular reports on student outcomes.</p>	
<p>Annual Performance Report Planning (APR)</p>	<p>Bob acknowledged that the reorganization that started in January is intended to bring more staff over to Bob's office to be able to accomplish all the tasks of a State Educational Agency (SEA), including the SPP/APR planning process. A review of other states is that it takes at least six positions to accomplish these tasks. At present, only one individual has been moved over from the Special Education Section, so this year's APR planning will probably be organized by a combination of state level and Special Education Section staff. He suggested that SEAC write to the Superintendent to ask who we should work with to meet our obligation under IDEA to participate in the APR data review and report draft.</p>	

Announcements	Jan invited members to participate in a service project to assist the Homeless Concerns Office in collecting rubber slippers for children they serve. There will be a box provided at the October meeting for donations.	
Review of August 10, 2012 Minutes	Members made no changes to the meeting minutes. Susan announced her goal of posting handouts along with the minutes on the SPIN/SEAC website.	The minutes were approved as circulated.
Chapter 60 Guidelines	Bob reported that the guidelines have been returned to OCISS from the Attorney General's (AG) Office for some additional changes. The AG found the section on school monitoring is without corresponding administrative rules as yet. For more information on when the guidelines will be released, SEAC should contact the Superintendent.	
Response to SEAC's ESY Letter	Bob checked for a response to SEAC's June 2012 letter to the Superintendent requesting clarification on ESY eligibility determination criteria, but none was available. SEAC has the option of following up directly with the Superintendent's office.	
Due Process Committee Report	<p>Chair of the Due Process Committee, Martha Guinan, began by thanking the members of the Committee—Dale Matsuura, Phyllis DeKok, Debbie Kobayakawa and Kauai Rezentes. She presented a PowerPoint presentation on due process hearing requests, decisions and appeals, as well as written complaints and mediations from the 2010-11 school year. As in SY 2009-10, Hawaii leads the nation in the number of hearing requests per capita that result in due process hearings and the percentage of hearings that contain hearing extensions. Hawaii also has a relatively high number of hearing decisions that are appealed to state and federal court.</p> <p><u>Questions and comment from members</u></p> <p>Q. Could the fact that fewer parents prevailed in their hearings in SY 10-11 be attributable to the Supreme Court decision that requires the party filing suit to bear the burden of proving a violation of IDEA? A. It could be a factor, although the Supreme Court ruling was in 2006, and parents in Hawaii prevailed in a majority of cases in several years after that. C. The relatively low utilization of written complaints may be due in part to teachers not knowing about this option for families to use to resolve conflicts. C. When a school is involved in a due process complaint, it is easy to blame the parent. However, when a complaint is filed and the school is found at fault, the State requires that the school follow up with a corrective action plan.</p>	A written report will be finalized and distributed in October or November.
Input from the Public	Three parents whose children with disabilities attend Oahu public schools shared a number of concerns regarding their children's special education services and	

Input from the Public (cont.)	<p>supports including:</p> <ul style="list-style-type: none">• Sometimes the school only allots only an hour for the IEP meeting;• After an IEP meeting, a Prior Written Notice was given stating that the IEP team decided a course of action, even through the parent was part of the team and disagreed with the decision;• It is hard to convince the IEP team what her child needs in order to be a productive citizen;• The parent was not provided a draft of IEP goals and objectives prior to the meeting; and• The parent had difficulty digesting data from an evaluation and participating in planning at the same time. <p>Members offered various strategies to address these concerns including:</p> <ul style="list-style-type: none">• Asking for evaluation results prior to the eligibility or re-evaluation meeting;• Asking for placements that include typically developing children who can model communication skills and socially acceptable behavior;• Using the MAPS (McGill Action Planning System) process for proactive planning for a child with a developmental disability;• Asking for a draft of present levels of performance, IEP goals and IEP objectives prior to the meeting; and• Encouraging the IEP team members to build on the student's strengths; and• Linking up with the Autism Society of Hawaii and the Learning Disabilities Association of Hawaii.	
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