SPECIAL EDUCATION ADVISORY COUNCIL

Minutes – January 13, 2017

9:00 a.m. – 12:00 p.m.

**PRESENT:** Brendelyn Ancheta**,** Debbie Cheeseman,Annette Cooper, Sage Goto, Martha Guinan, Valerie Johnson, Amanda Kaahanui (staff), Bernadette Lane, Dale Matsuura, Thomas Moon (for Stacy Oshio), Kaili Murbach, Susan Rocco (staff), Rosie Rowe, Tricia Sheehey, Ivalee Sinclair, James Street, Todd Takahashi, Gavin Villar, Jasmine Williams, Susan Wood

**EXCUSED**: Kaui Rezentes, Charlene Robles, Steven Vannatta, Amy Wiech

**ABSENT:** Bob Campbell, Debbie Cheeseman, Gabriele Finn, Toby Portner, Dan Ulrich

**GUESTS**: Daintry Bartoldus, Grace Bunghanoy, Nancy Gorman, Jeffrey Krepps, Patti Meyer, Suzanne Mulcahy, Jean Nakasato, Cheryl Sato, Cherlyn Tamura

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| **TOPIC** | **DISCUSSION** | **ACTION** |
| **Call to Order** | Chair Martha Guinan called the meeting to order at 9:11 a.m. |  |
| **Introductions** | Members introduced themselves to guests. |  |
| **Annoucements** | The following announcements were shared: * Rosie Rowe announced that Michael Moore was no longer the Executive Director of the Learning Disabilities Association of Hawaii. Individuals interested in applying for the position will be referred to the LDAH Board.
* Martha announced that Susan Rocco has been named to serve on the Board of Education’s Superintendent Search Advisory Group, representing special education interests.
* Amanda Kaahanui announced that SPIN is planning its conference on April 22nd and airfare scholarships are available on the SPIN website.
* Tricia Sheehey reported that the UH College of Education is recruiting for its special education licensing program. It is a blended program of special education and regular education with most courses on-line.
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| **Review of December 9, 2016 Minutes** | No corrections were made to the minutes. | The minutes were approved as circulated. |
| **Update on Restraints and Seclusion Training** | Jean Nakasato from the Office of Curriculum, Instruction and Student Support updated members on the contract with Quality Behavioral Solutions, Inc. (QBS) to provide training on crisis management and behavioral training to school personnel. The model is one of prevention with physical restraints as a last resort. To date 18 of 84 state and complex trainees have have received advanced training, and all 84 trainees are now  |  |

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| **Update on Restraints and Seclusion Training (cont.)** | starting to train school teams. The curriculum communicates respect for the student and promotes dignity. Elements of the training include incident prevention, minimization, physical safety, physical management, post-incident procedures and informing parents.Questions/comments from members and guestsQ. At some point will you include parents in the training or offer a shortened version? A. (Jean) QBS has parent modules, but it will depend on the Complex Area. Parents will be given a brochure on the law and implementation. A. (Suzanne Mulcahy) School people have to be trained first.C. My grandchild has behavioral issues and it is important to help me know how it is handled at school; he has been taken down in the past.C. Please include parents in the training sooner, rather than later. This is a long standing issue of enhancing partnership by holding collaborative training opportunities.Q. Would you consider training staff from the Parent Training and Information Center at LDAH? A. After I review the parent training, I will see.Q. Who is receiving the training? Administrators? Educational specialists? A. The trainees are picked by the Complex Area (CA). Many are SBBH, counselors and complex resource people who have the time and ability to train others.C. You might consider training substitute teachers. A. (Suzanne) The challenge is that there isn’t a mechanism to pay them for training, and if they volunteer their time, there is an issue of liability if they get hurt.Q. Are Educational Assistants and general education teachers getting trained? A. The EAs are trained; general ed depends on the CA.Q. How many trainers will you have by the end of the school year? A. By July 1st we will have 100 train-the-trainers; some districts plan to train over 200 people.Q. Do you currently have a manager for the program? A. (Debbie Farmer) The Governor denied the request for the position but we are currently managing with existing staff.C. SEAC’s Legislative Committee and the Coalition for Children with  |  |

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| **Update on Restraints and Seclusion Training (cont.)** | Questions/comments from members and guests (cont.)Special Needs will continue to support your budget request. A. Thank you for your support. We need ongoing funding because the trainers have to be recertified annually, and there are always turnovers.Q. Would it be feasible to have a designated position to oversee the training in each Complex Area? A. (Suzanne) That would mean the CAS has enough money to create a position, and I don’t know of any who can do just that.Q. How are you managing family training? If a child needs to be restrained, many holds require more than one person, and a parent or grandparent may not be able to do it alone. A. The team decides on what training the family requires.Q. Should you have school staff applying holds incorrectly, who would monitor that? A. School trained staff. It depends on the unique CA and how monitoring is provided.C. Historically there are scary situations where a person does well in training, but then doesn’t react well in the moment. There was a huge problem in Florida that resulted in the BCBA. I would hope that you send folks to training who have some experience. A. Consistency will always be a challenge, but one of the requirements of being a trainer is to provide documentation.C. I’m concerned about substitutes not being trained. My son is not one to act out, but he taps to calm himself. If a sub doesn’t understand, he or she can react inappropriately to my son’s behavior.Q. What about notifying the parent? The law says that within 24 hours there must be written notification, but on the day of the incident, you should also be calling the parent. Also, if a restraint occurs, the school is to have a team meeting within two days. Is that happening now? A. We are in the process of getting the memo out. It has been going back and forth with the Attorney General’s Office.C. Do you have parents helping you review the guidelines? A. Ivalee looked at a draft.Q. Wasn’t the implementation date for procedures to be in place August 1, 2016? How are you getting information out, so parents and schools know  |  |

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| **Update on Restraints and Seclusion Training (cont.)** | Questions/comments from members and guests (cont.)there is a law. A. We would have loved to get the information out by August 1st, but, unfortunately, there have been lots of inconsistencies.Q. What is the trail of documentation so knowledge is fluid and not dependent on individuals? A. The restraint guidelines haven’t been released as yet.C. Guidelines get lost. Some you can find on-line and others require a passcode. I have a difficult time with the current DOE website. I feel that they don’t want me to have information and the Department has become more closed. A. We have issues with the website, too. Please contact the website administrator and express your concerns.Q. Is DOE currently taking data on restraints? A. We will be providing an annual report of the number of restraints applied.Q. Will you share your Powerpoint presentation with SEAC? A. Yes. |  |
| **Staffing Methodology Models** | Suzanne and Debbie Farmer shared three staffing methodology proposals that resulted from conversations with District Educational Specialists: PROPORTIONAL, OFF THE TOP for special programs/Proportional, and RATIO FOR SPED. Special consideration will be given for geographic isolation and multi-level schools. Suzanne reported that people have blamed the currently used proportional staffing methodology for the loss of teaching positions, but it was really an issue of a reduction in special education students. Additionally, the federal monitors said that the previously used weighted student formula was a violation of IDEA, because it tied funding to placement. In some schools, staff kept students in more restrictive settings to maintain positions. The impetus to reexamine staffing formulas came from the realization that complexes were distributing positions differently and some oversight and guidance was needed to ensure fairness and consistency. The three models are also being shared with the HSTA Special Education Committee and with Complex Area Superintendents. OCISS would like the CASs to vote on a methodology to recommend to the Deputy Superintendent who will make the final decision. The plan is to implement the selected staffing methodology in SY 18-19 in order to honor the teacher transfer period which starts in February and concludes around April. | A handout with the three models was distributed. |

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| **Staffing Methodology Models (cont.)** | Questions/comments from members and guestsC. SEAC proposed a different methodology during the October SEAC meeting that is based on instructional minutes in the IEP. A. (Suzanne) I wasn’t aware of it. Please send me a copy.C. The problem is that you are not looking at the needs of the individual student in your three models.C. The legal issue with the Weighted Student Formula was not about the formula itself—it was about schools misusing the formula. The Department is not like the Internal Revenue Services; we shouldn’t be limiting good options because we assume everyone will cheat.Q. In your RATIO methodology, why aren’t the ratios for EAs matched up to the teacher ratios? A. Since 2010, the Legislature hasn’t given us as many EAs as it used to. It is no longer 1 EA:1 teacher.Q. Aren’t related services based on the needs of the student? A. Yes. Related service personnel are not included in the formula.C. It seems as if you may have to combine the positive aspects of each option to ensure that students’ needs are met.C. I suggest that you add inclusive classrooms to the special program category in Methodology 2. You usually have a smaller percentage of special education students to general education, for example 4:25. You would therefore need more teachers per school. In most schools the feasibility of co-teaching is determined by the staffing allocation. A good school might try to “buy” additional teachers by using Weighted Student Formula (WSF) funds, but many schools don’t apply WSF to benefit special education. A. (Suzanne) Many people think you can only use categorical funds for one category, but the WSF encourages schools to look at what kind of students are served and add up the different funding each group brings to the table to get the most value. We need to do more training with principals on how to decide what to do with their budget.Q. Are the options you presented encouraging or discouraging inclusion? C. If inclusion is in the State Plan, we should come from the perspective that inclusion is our first choice and we fund to support it. |  |

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| **Staffing Methodology Models (cont.)** | C. Right now, inclusion connotes the most expensive option. If you have a resource class, you have 8-14 kids. CBI is one teacher and 8 kids. Inclusion is 4 sped students and 20+ general education students. Most often it is the general education teacher saying, I can only handle so many. Then the non-inclusion sped classes may have to support more students to enable an inclusion class option.C. It is possible to incentivize inclusion through a different ratio. Have a lower number of sped kids per teacher in inclusion classes, which may result in a higher ratio for resource teachers. However, it would incentivize inclusion.C. The ratio of special education students to general education students in inclusion classes should model the general population.C. It’s interesting that we are incentivizing schools just to get them to honor a student’s right to be included under his/her IEP. I understand why: school don’t think they have the resources for inclusion.C. It’s also true that some IEP team members don’t have the confidence that the student’s needs can be served in inclusion classrooms.C. By changing the methodology to support inclusion we are conveying the message that inclusion is important. |  |
| **Update on Vision for Inclusion** |  Martha reported that the subgroup got valuable input from two other folks in the Department—Jessica Worchel who is the Nā Hopena A‘o Special Projects Manager and Complex Area Superintendent Chad Farias. Martha asked members to review the changes and provide feedback via email. |  |
| **Legislative Update** | Ivalee Sinclair, Legislative Committee Chair, reported on recent activites of the committee which included presenting testimony to the Board of Education on the ESSA Blueprint and the Strategic Plan. She also met with the Coalition on Children with Special Needs to explore different funding areas and set up meetings with Legislators. The current DOE budget has no additional fund requests for special education, and the committee needs more detail on other pieces of the budget in order to advocate effectively. Daintry Bartoldus from the Developmental Disabilities Council and a member of the Coaliton added that the Keiki Caucus legialtive package will be widely circulated on January 18th. Suzanne commented that some of the legislative bills  | If members would like to be more involved with the Committee, contact Ivalee or Susan R.  |

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| **Legislative Update (cont.)** | call for additional training of staff; however, HSTA gives teachers only 5 days for professional development. Her hope is that teacher preparation programs can embed some of these skills before they come to the classroom. Another issue is that OCISS reduced its budget by 20% to allow more money to go to schools, but now with only 140 staff, it is getting harder to answer cries for support from schools. |  |
| **APR Target Setting for Indicator 2 and 7** | Debbie Farmer said that her office is already getting responses from the Google survey they posted regarding setting targets for two indicators that must be set because the method of measurement of the indicators changed.Indicator 2 – Drop out RatesBecause of the change in method of calculation to using 618 data, the drop out rate jumped from 6.6% in SY14-15 to 16.6% in SY 15-16.Indicator 7 – Preschool OutcomesA decision was made to move from the Brigance as an evaluation tool to the TS Gold. Questions/comments from members and guestsQ. Does this data include students in correctional facilities who left with a diploma? A. Not if the diploma was an alternate diploma or GED.C. The drop out rate is related to the graduation rate. As graduation requirements become more rigorous, more students drop out.Q. If a student is on a certificate route and decides to go diploma route, can that be changed? A. Yes.Q. Do you check 4140 (withdrawing from school) data? A. Yes, it is part of 618 exit data.Q. Do you have data from other states? A. –Q. If we don’t meet our target, does it impact schools? A. (Suzanne) I didn’t even know about the Annual Performance Report until I came to OCISS. Principals are not aware of the federal reports. There has to be a more meaningful kind of presentation where we present data, get feedback and then problem solve.C. DOE will not be able to control totally what happens to the drop out rates. There are lots of reasons why kids drop out, not always tied to school.C. The targets should be attainable but not so low that there is no  | Members were encouraged to go to the Google doc link to submit their target recommendations by January 20th. |

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| **APR Target Setting for Indicator 2 and 7** | incentive to improve. Since stakeholders stopped meeting to discuss the APR, it seems that the Department has reverted to setting low goals. C. One strategy for setting goals is to consider that a 10% reduction per year in an institution the size of the DOE might be an attainable goal. You would then take 10% of your baseline and add it to the baseline for the Year 2 goal, then 10% of that Year 2 goal added to the goal for Year 3, etc. Q. Are special education students allowed to be home schooled? A. Any parent can home school. The parent must report annual progress and is essentially on their own except the student can go to the home school for related services.Q. Do we have data about how many kids have been sent to the Mainland for their education. A. It is available through CAMHD.Q. Does the financial responsibility for the placement rest with Hawaii?A. Yes, unless the Mainland institution enrolls the student in a public school locally. |  |
| **Input from the Public** | Draft IEPsAmanda shared that several families and community partners have reported to SPIN that parents are given a draft IEP at their IEP meeting without having a chance to review it first. Then they are told that there is only one hour scheduled for the meeting, and at the end of the meeting the draft is retrieved by school staff who say it is a FERPA violation if it is shared. Parents question how it can be a FERPA violation when it is their own child’s information.Discussion points included the following:* There is a lot of confusion about FERPA and it continues to be an issue;
* Parents are handed new assessment information without time to process it; and
* Families can ask for an extension and set another meeting, if they are uncomfortable.

Information regarding the Re-Org of the Superintendent’s OfficeIvalee shared that SEAC has been promised feedback regarding the reorganization of the Superintendent’s Office, and whether or not the  |  |

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| **Input from the Public (cont.)** | Information regarding the Re-Org of the Superintendent’s Office(cont.)SEA/LEA responsibilities have been sorted out. Suzanne suggested going straight to the Superintendent for the information.General DiscussionSuzanne asserted that the SEAC meeting is not the place to reach a solution on individual concerns. SEAC can recommend in their final report that every school should be aware of FERPA training. However, so that the families reporting the issue don’t have to wait a whole year, Suzanne can help with the chain of command. If the principal is doing something inappropriate, call the Complex Area Superintendent. If it’s the CAS, call the Deputy Superintendent. We can help resolve it versus shooting a memo out to the whole field. Martha affirmed that SEAC is a forum for individuals to bring issues up, and we are encouraged by OSEP to make time in each agenda for public comments. At the same time, we also want leadership to hear the issues, and we acknowledge that this isn’t necessary the plan for resolution. Amanda added that by airing an issue, we are sometimes able to get validation from more than one member that it may be a systemic issue. Ivalee reminded members that we also have the capacity to write to the Superintendent and ask for her support. |  |
| **Agenda Setting for February 10th Meeting** | Consensus agenda items for February included the following:* An overview of professional development as it impacts students with disabilities (activities by OCISS, Human Resources, the CAs, etc.)
* Staffing methodology for related services personnel
* An update on the Department’s implementation measures to comply with licensure and certification requirements for behavior analysis
* Legislative report
* Further update on the inclusion vision

Members agreed that the professional development conversation might need to stretch over several meetings. |  |