SPECIAL EDUCATION ADVISORY COUNCIL

Minutes – January 9, 2015

9:00 a.m. – 12:00 p.m.

**PRESENT:** Brendelyn Ancheta**,** Tammy Bopp, Bob Campbell, Debbie Cheeseman,Gabriele Finn, Martha Guinan, Valerie Johnson, Debbi Krekel (for Rosie Rowe), Dale Matsuura, Zaidarene Place, Barbara Pretty, Kaui Rezentes, Susan Rocco, Patrick Sheehey (for Tricia Sheehey), Ivalee Sinclair, Tom Smith, Lani Solomona, Susan Wood

**EXCUSED**: Annette Cooper, Shari Dela Cuadra-Larsen, Jenny Gong, Barbara Ioli, Amanda Kaahanui, Debbie Kobayakawa, Bernadette Lane, Stacey Oshio, Amy Wiech, Jasmine Williams

**ABSENT:** M. J. Dorsey, Natalie Haggerty, Dan Ulrich

**GUESTS**: Danelle Cheng, Breanna Fetters

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| **TOPIC** | **DISCUSSION** | **ACTION** |
| **Call to Order** | Chair Ivalee Sinclair called the meeting to order at 9:15 a.m. |  |
| **Announcements** | 1. Lani Solomona announced that the 2014 Rubber Slipper Drive for children who are served by the Homeless Concerns Office collected 850 pairs of slippers. She thanked SEAC members who contributed to the drive. 2. Tammy Bopp introduced her guest Danelle Cheng, who provides staff support to the Hawaii Early Intervention Coordinating Council (SEAC’s counterpart for Part C) and acts as the Early Intervention Section’s Public Awareness Coordinator. 3. Susan Rocco shared that SPIN has set up a separate website for SEAC that has expanded features for the exchange of information. 4. Susan directed interested members to flyers for a Public Forum January 14th at Queens Conference Center on new Medicaid guidelines for Medicaid waiver providers that require the enhancement of client choice and access to community living. The local planning effort is called My Choice, My Way. | Members were asked to check out the SEAC website at www.seac-hawaii.org. |
| **Introductions** | Ivalee asked members and guests to introduce themselves, and if appropriate, state the constituency group they are representing. |  |
| **Review of December 12, 2014 Minutes** | There were no changes made to the minutes of the December meeting. | The minutes were approved as circulated. |
| **Report of the State Director of Special Education** | Shari Dela Cuadra-Larsen was unable to attend due to a scheduling conflict, so she emailed her report to members. Vice Chair Martha Guinan read the report aloud to members and guests (see attached).  Comments/questions from members and guests  C. I understand that Cezar D’Agord from WRRC will no longer be working on the SSIP process as his contract ended in December. WestEd |  |

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| **Report of the State Director of Special Education (cont.)** | Comments/questions from members and guests  will send another individual to provide technical assistance.  C. Hawaii tends to think we can build a better boat when there are other boats in the water. We already have lots of special education data and models from other states and districts we could adapt.  C. The SSIP is only one of SEAC’s responsibilities, and it will take several years to yield results; in the meantime, we need to continue to advise the Department on unmet needs and opportunities to improve services and resources for the current student population.  C. We won’t be able to make things happen without money and people with the right skills. There is a lot of work ahead.  Q. Is WestEd the national consultant for the SSIP? C. I’m concerned because the state paid them a lot of money in the past and there were few results.  C. The fact that WestEd’s recommendations are still pending after being released two years ago is not WestEd’s fault, as much of the organizational change is tied up in the stalled reorganization.  C. At the district and classroom level, the decisions about what is an SEA or LEA function doesn’t seem that important; I don’t see how it will have a major effect on the classroom.  C. OCISS doesn’t provide necessary training at the school level.  C. The point of the reorganization is to make everyone aware and accountable for the functions in their job description.  C. I read an article that tied much of the poor performance of U.S. students in reading and math to students in poverty who pull overall scores down; we need to identify kids with the most at-risk lifestyles and environments and look more holistically at how these factors impact classroom achievement.  C. I’m not sure if the curriculum has multisensory components, and you have to order above and beyond the base curriculum for students with disabilities.  C. The last training on reading strategies by Pattie Nichols which included Sonday and Orton-Gillingham was at least ten years ago. Due to the high turnover of teachers, there are not likely to be trained teachers left, and there is no active training program. |  |

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| **Report of the State Director of Special Education (cont.)** | Comments/questions from members and guests  C. The SSIP is asking us for reading strategies and I hear that the Department has bought into Reading Wonders.  C. I’ve been in on several discussions within the UH College of Education, and I’m leery of advocating for one reading program over another. When you visit schools, there are many different programs being used, and our teachers have to learn new programs once they are hired.  Q. Do we know who will be part of the next SSIP subgroup? A. (Ivalee) Not all of SEAC will be included, but hopefully our subcommittee members will be.  C. At schools in my district, special education was not included in any of the initial discussions over Reading Wonders. We’ve been trying to get clarification on what level of the program to use for specific students. |  |
| **Discussion of SEAC Action on Proposed BOE Policies** | Ivalee reminded members of the policy audit conducted by a subcommittee of the Board of Education over the last two and one-half years. The subcommittee recently released their recommendations to renumber the policies, edit a large number of them, delete those that are duplicative and introduce new policies where needed. SEAC has initially chosen five policies to comment on (see attached), in addition to testimony already presented on 12/2/14 re: the graduation policy (#4540). Members agreed with the recommendations for SEAC action. | A handout describing the proposed changes to five BOE policies was distributed.  Susan and Ivalee will prepare testimony to relevant BOE committees regarding these five policies. |
| **Update on Formal Special Education Dispute Resolution** | Susan Rocco presented an overview of due process activity for the SY 12-13, along with state and national trend data. The purpose of the overview is to stimulate a discussion regarding the need for further information and/or recommendations to the Superintendent and to fulfill SEAC’s obligation under IDEA to follow due process hearing decisions.  Questions/comments from members and guests  Q. Who provided the mediation services? A. Mediation Center of the Pacific.  C. The Legislature passed laws regarding DOE monitoring of students with disabilities placed in private schools at public expense; this may have had the effect of reducing due process requests as it required private schools to seek accreditation and bill only for IEP services. | Copies of the Powerpoint presentation were disseminated. |

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| **Update on Formal Special Education Dispute Resolution (cont.)** | Questions/comments from members and guests (cont.)  Q. How many of the appeals to federal court were attorney-driven? A. (Ivalee) It is not known; however, a number of private attorneys are not participating in special education due process because of reduced fees or long delays in collecting fees.  Q. What are the recriminations for schools exceeding the timeline for holding an annual IEP? A. They are viewed by OSEP as having committed a procedural violation, but this violation is not as significant as holding the IEP meeting without the parent(s) present.  C. Even though this is 2015, we still don’t know what happened to the 25 hearing requests that did not result in a hearing or mediation. A. The log held by the Special Education Section that listed all outcomes is no longer available to SEAC.  Q. Are some of the hearing decisions reviewed in your report from before SY 12-13? A. No. They represent hearing requests filed between July 1, 2012 and June 30, 2013.  C. The disadvantage to the parent who is representing himself *pro se* in a due process hearing is that he needs to present questions but he cannot testify himself.  C. I think the reason that there are so few mediations is that by the time mediation is suggested, both parties are beyond wanting to compromise. |  |
| **Report from the Legislative Committee** | Ivalee Sinclair reported that members of the Legislative Committee and the Coalition for Children with Special Needs plan to meet jointly with the chairs of the Senate and House Education Committees and Senate and House Health Committees. The group may also meet with Senator Jill Tokuda who is now the Chair of the Ways and Means Committee. One goal of SEAC is to try to protect the DOE budget, although it may be difficult with Governor Ige’s emphasis on austerity. Autism insurance coverage by private insurers will be debated again this year. A recent lawsuit against Medicaid has resulted in coverage for medically required diagnostic and treatment services for Medicaid eligible children with autism. Ivalee asked for input on whether members are still of the opinion that the Legislative Committee should continue to testify on legislation affecting students with disabilities. Bob Campbell expressed that he |  |

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| **Report from the Legislative Committee (cont.)** | thinks the Committee has commented on things well beyond the scope of SEAC, and perhaps it is more appropriate to have the Coalition write testimony. Susan offered that other state advisory panels have opted to have legislative committees. Ivalee encouraged members to provide further input via email. | Annette Cooper volunteered to serve on the Legislative Committee. |
| **Committee Structure** | Ivalee asked for input on whether the existing committee structure—with standing committees on Student Success, Staff Success, Successful Systems of Support and Legislation—is functional. After a brief discussion members opted to keep the committees as is, and to try to set aside adequate time to meet. Ivalee urged all members to serve on a committee. |  |
| **Committee Meetings** | Members met in committees for discussion and action planning. | See reports |
| **Committee Reports** | Student Success  Chair Martha Guinan reported that the committee chose to explore the issues raised in the due process report regarding adequate legal representation, and low utilization of mediation. Members will develop an on-line survey for parents, as well as a paper version, asking about parent-school conflicts, their timeline and whether respondents are aware of their options. They will target initial distribution through the Community Children’s Councils, SPIN and the Office of Homeless Concerns.  Staff Success  Bob Campbell reported that the committee discussion confirmed conclusions reached at the December SSIP meeting, stressing that professional development is very important and that a singular lead is needed at the state level. Having Mainland consultants come and go is not helpful.  Successful Systems of Support  Members are catching up where they last left off. The Early Intervention Section and the Learning Disabilities Association will be sharing information on family support programs. They would also like to have a copy of the PTA standards for Family School Partnerships and past minutes of the committee to help new members becomes oriented. |  |