SPECIAL EDUCATION ADVISORY COUNCIL

Minutes – October 13, 2017

9:00 a.m. – 12:00 p.m.

**PRESENT:** Brendelyn Ancheta**,** Annette Cooper, Motu Finau, Gabriele Finn, Sage Goto, Martha Guinan, Amanda Kaahanui (staff), Bernadette Lane, Danielle Mizuta (for James Street), Kiele Pennington (for Rosie Rowe), Carrie Pisciotto (for Charlene Robles), Susan Rocco (staff), Tricia Sheehey, Steven Vannatta, Gavin Villar, Amy Wiech, Jasmine Williams

**EXCUSED**: Debbie Cheeseman,Dale Matsuura, Kaili Murbach, Stacey Oshio, Kaui Rezentes, Daniel Santos, Ivalee Sinclair, Todd Takahashi, Christina Tydeman (liaison to the Superintendent), Susan Wood

**ABSENT:** Bob Campbell**,** Kurt Humphrey, Cathy Kahoohanohano

**GUESTS**: Grace Bunghanoy-Diama, Linda Elento, Jeff Krepps, Cheryl Matthews

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| **TOPIC** | **DISCUSSION** | **ACTION** |
| **Call to Order** | Chair Martha Guinan called the meeting to order at 9:14 a.m. |  |
| **Introductions** | Members introduced themselves to guests and to designees Kiele Pennington (for Rosie Rowe), Carrie Pisciotto (for Charlene Robles) and Danielle Mizuta (for James Street). |  |
| **Announcements** | Amanda Kaahanui reminded members that the Footsteps to Transition Fair will be held at Windward Community College on Saturday, October 21st from 8:30 – noon.  Kiele Pennington announced the following upcoming activities sponsored by the Learning Disabilities Association of Hawaii:  • an IDEA Marathon 9:00 am -2 pm on November 4th at Brigham Young University in Laie;  • Small Group Sessions around developing IEPs every Monday and Thursday (call for time and location);  • Developmental Screening for ages 2-5 on Oahu and in East Hawaii.  Martha announced recent funding of a Center on Disability Studies grant proposal to expand the pool of Registered Behavioral Technicians by providing quality training and ensuring a commitment from those trained to seek employment in rural, vulnerable or medically underserved communities. SEAC had written in support of this grant proposal. | Members wanting more information on LDAH activities will call or email Kiele: [Kpennington@ldahawaii.org](mailto:Kpennington@ldahawaii.org) or (808) 536-9684. |
| **Review of the Minutes of the September 8, 2017 Meeting** | Corrections to the draft minutes included the following:  1) under **Present**, addition of Carrie Pisciotto, designee for Charlene Robles, and removal of Tricia Sheehey, who had a designee (Amy Ruuhaak) attend in her place, and 2) under **Inclusion Update** on page 3, the proper spelling of “Kamehameha”. | The minutes were approved as corrected. |

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| **Update on Restraints and Seclusion Information to Parents** | Martha passed along information gathered by Christina Tydeman that “the parent letter” on seclusion and restraints has cleared the Attorney General’s Office and is now with Suzanne Mulcahy in the Office of Curriculum, Instruction and Student Support. However, it is unclear as to whether the letter refers to 1) a required notice to all parents of restraints and seclusion procedures, or 2) a template for written parent notification within 24 hours of when their child has been restrained at school. It is also unclear as to when the general notice will be distributed to parents.  Questions/comments from members and guests  C. Most administrators are aware of the requirements of the restraints and seclusion legislation (Act 206), but I don’t think a lot of teachers know them. When I tell teachers they have to notify parents of any incidence of restraint they respond, “wow, it’s a lot of paperwork.”  C. (Amy) As a certified trainer for Quality Behavioral Solutions (QBS), the training package purchased by the Department, I know that it’s up to the Department and each contracted agency to come up with their own documentation and procedures. My agency has developed forms and procedures based on QBS regulations.  C. I’m glad to hear about his aspect of the QBS training, but I don’t know if the Department is fulfilling its responsibility.  Q. Is it because the Department is so slow that your agency has created your own forms? A. (Amy) No. Because I am a QBS trainer, I have to fulfill their policy to have forms and procedures in place.  C. One of the other requirements of the restraint and seclusion law is the formation of a data base to record all incidences of restraints. Funding for the creation and maintenance of this database has been set aside since 2014. However, if teachers are unaware of their responsibilities to report, there may be significant under-reporting.  C. The question that comes to mind for me is how the letter relates to the relationship between the staff and the parent. Q. Will this encourage parents to wait for documentation?  C. I teach the requirements of the law in two of my UH courses. I have my students look up the law, read it and report on it. Some of my |  |

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| **Update on Restraints and Seclusion Information to Parents (cont.)** | Questions/comments from members and guests (cont.)  students are already teachers, and I’ve been shocked that the majority didn’t know there was such a thing.  C. SEAC was instrumental in getting the seclusion and restraints law (Act 206) passed in 2014, so we need to help ensure that parents and teachers are getting the information and support they need.  C. I am going for my training next week as a DOE trainer, so I will be able to provide feedback later on the information provided regarding documentation and parent letters.  Q. Is the QBS training still two days? A. Yes. It has to be at least 12-16 hours long, and individuals have to be recertified each year. |  |
| **Update on E.R.K. Class Action Lawsuit** | Martha reviewed the E.R.K. 9th Circuit Court decision that extended eligibility for IDEA services to disabled students up to their 22nd birthday. Those students who exited school at age 20 while the E.R.K. case was proceeding through the courts are part of a class entitled to compensatory education. The judge originally found 1500 potential class members; the class is now closed at 550 former students. An on-line survey last February asked for what services were required by class members, and the Department of Education conducted individual interviews. In June, DOE acknowledged that they did not have the ability to provide the requested services, so the plaintiff attorneys and DOE are negotiating a financial settlement that will go into a pool. Another agency will be contracted to be the service provider. Before Kathryn Matayoshi retired as Superintendent, she decided that funding for the settlement will come out of DOE’s existing budget.  Questions/comments from members and guests  Q. What kinds of services have been authorized? A. In-home tutoring, related services, support to attend college, etc.  Q. Are the parties expecting to contract with a non-profit agency? A. The agency will be a coordinating agency, brokering services.  C. While the recent focus has been on the settlement regarding compensatory services, we need more information about how DOE is currently meeting the needs of students in the 19-22 age range. |  |

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| **Legislative Committee Update** | Susan Rocco reported for Legislative Committee Chair Ivalee Sinclair that SEAC submitted testimony to the Board of Education regarding proposed metrics to measure progress toward the Strategic Plan’s Student Success Indicator goals. SEAC focused its strongest recommendation on setting distinct special education targets for shrinking the achievement gap in math and English language arts, rather than utilizing a “high needs group” score which tends to mask special education performance. The Strategic Plan should mirror the ESSA State Plan subgroup targets to minimize confusion in the field. |  |
| **Indicator 13 Checklist** | Indicator 13 is a compliance indicator on the Annual Performance Report that relates to secondary transition. Susan R. walked members through the checklist the Office of Special Education Programs requires states to use to report compliance for activities preparing students with disabilities to exit high school. Christina Tydeman will be discussing the data collected for Indicator 13 at the November SEAC meeting. Members also reviewed a “Tree of Influence” document prepared by the Western Regional Resource Center than shows the interrelationship of the 17 indicators on the Annual Performance Report. | Copies of the checklist and Tree of Influence were distributed. |
| **Presentation on WIOA and Pre-Employment Services** | Cheryl Matthews, a counselor with the Division of Vocational Rehabilitation (DVR), and Motu Finau, SEAC’s DVR representative, discussed the Workforce Innovation and Opportunity Act’s provisions for pre-employment services for high school students with disabilities. In order to receive DVR support, students must have a documented mental or physical disability that impedes them from getting jobs on their own. Under WIOA, DVR is able to serve students with milder disabilities under a “potentially eligible” category. Cheryl and Motu also discussed the new “order of selection” declaration that requires DVR to create a priority for services for individuals with significant/severe disabilities.  Questions/comments from members and guests  Q. How far does your job counseling go? A. We connect the client to resources, then let go. We pay for the service, and a contracted provider like Island Skill Gathering provides individualized services.  Q. Does the DVR assessment and individualized plan for employment | Copies of the Powerpoint presentation were distributed. Cheryl will send a fact sheet on the Potentially Eligible category to SPIN for dissemination to members. |

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| **Presentation on WIOA and Pre-Employment Services (cont.)** | Questions/comments from members and guests (cont.)  (IPE) get shared with DOE so that it is incorporated into the IEP? A. It is up to the family to provide the copy of the IPE to DOE.  C. I don’t think the DVR rep at my school attends IEPs. A. If you have a problem with attendance, you can contact the supervisor--Pina Lemusu.  Q. What is the timeline for developing a plan? A. From application, DVR has 60 days to determine eligibility and 90 days to develop the plan.  Q. How is eligibility communicated to the parent? A. It’s usually through a letter which we typically review with the family to give them an opportunity to make changes.  Q. What is the recourse if something doesn’t get done? A. There is a Client Assistance Program with the Hawaii Disability Rights Center that provides advocacy for individuals receiving DVR services.  C. My oldest son with developmental disabilities graduated with a certificate, but his DVR counselor didn’t explain the whole package of services prior to graduation. A. If you want him to apply for services now, he will end up on a waiting list because he is currently working.  Q. Can I apply for services for my second son who is still in school and wants both a work ready program and academics? A. He would come in under the potentially eligible catetory which, because of the order of selection, is the fastest method.  Q. Is there a threshold for how many you can serve under the order of selection? A. Yes. We get an allotment from the federal government, and due to recent natural disasters, our funds have been reduced.  Q. What date did the order of selection go into effect? A. Last Monday.  Q. How would a school know if a student has an IPE? A. You should work with the counselor assigned to your school.  C. Under a similar order of selection about 15 years ago, I thought my son would receive services because he is significantly intellectually disabled, but DVR told me he was “too disabled” to receive employment services. A. The emphasis in DVR is on being capable of achieving competitive employment. |  |

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| **Presentation on WIOA and Pre-Employment Services (cont.)** | Questions/comments from members and guests (cont.)  C. I know of students who have received competitive employment with assistance from DVR, but they are not employed enough hours to receive benefits.  Q. When a student is in workplace readiness, are you pre-and post- assessing? A. Yes. We have a contracted provider do the assessments.  Q. For some students, there is potential overlap with the Developmental Disabilities Division who provide parallel services under the Medicaid Waiver for Developmental Disabilities. How do you decide which agency to refer to? A. We hold a collaboration meeting and agree who will take responsibility for which service. If an individual maintains successful competetive employment for 90 days, DVR closes the case. If the individual needs long-term support, a PAB worker from the DD Waiver can come in.  Q. Is there a definition of “severe” for the order of selection? A. The disability must seriously limit functional capacity and create at least three impediments to working. | Members with additional questions can direct them to Motu Finau (808-586-5030, MFinau@dhs.hawaii.gov). |
| **Framing of Key Transition Questions re: Achievement Gap** | In an effort to make SEAC’s focused inquiry more likely to result in improvements to the delivery of services, Steven Vannatta talked to members about framing key questions in each topical area (bucket). These questions should relate to relevant data or information needed to effect change in our big picture goal--shrinking the achievement gap and/or improving post-secondary outcomes. In relation to the current discussion on secondary transition, Jasmine suggested the following:  ***Are the entities that are responsible for providing transition services coordinating their activities? Is the Department taking the lead? How are they doing that?*** Motu suggested that SEAC be an intermediary or liaison between the Department and DVR related to coordinating the agreement for implementing WIOA. Martha reminded members that the Superintendent’s steering committee/task force on special education may be looking into these issues as part of their program review. Tricia offered the view that we are still in the information gathering stage for secondary transition, and may want to hear from other key agencies, |  |

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| **Framing of Key Transition Questions re: Achievement Gap (cont.)** | like the Developmental Disabilities Division (DDD), before coming to consensus on key questions. Martha asked Sage Goto if he could identify someone in the DDD who could present on these issues. He suggested Jessica Worster, their employment all-star. Cheryl Matthews said she would like to see SEAC address the issue of liability insurance for students who have work experiences off-campus. She suggested SEAC look at Marion Higa’s 1998 audit of Work Development Opportunity. Gabriele Finn encouraged members to look into another crucial stage of transition—transition into 9th grade. |  |
| **Input from the Public** | The parent of a student with developmental disabilities who attends a Windward District high school raised the following concerns/questions:  1) Is it the parent’s or the student’s decision on whether to take an academic (diploma) route, or a certificate route?  2) Sometimes parents are not given all the choices around receiving services. Her son has had both IDEA and Section 504, Part D services. 504 offers FAPE and identical due process rights to IDEA.  3) When students with disabilities transition to college, the college is supposed to come up with accommodations.  4) Her son has not been receiving access to the general education curriculum. He is receiving the Common Core Alternate Assessment.  5) Will DOE ever consider statewide contracted Applied Behavior Analysis in accordance with IDEA? Will the services be provided on campuses system-wide? Annie Kalama has been asking contracted providers for ideas on what it would look like to have ABA services for students as part of their school day. |  |
| **Agenda Setting for the November 3, 2017 meeting** | Members agreed to try to secure the following presentations:   * Indicator 13 data (by Christina Tydeman), * Part C to Part B transition services (by the Early Intervention Section staff), and * Transition coordination and services provided by the Developmental Disabilities Division.   An alternate presentation could present data on 9th grade readiness.  Martha encouraged all members to arrive on time for future meetings. |  |