SPECIAL EDUCATION ADVISORY COUNCIL

Minutes – October 16, 2015

9:00 a.m. – 12:00 p.m.

**PRESENT:** Brendelyn Ancheta, Tammy Bopp, Debbie Cheeseman, Shari Dela Cuadra-Larsen, Sage Goto, Martha Guinan, Amanda Kaahanui, Debbie Kobayakawa, Zaidarene Place, Barbara Pretty, Susan Rocco, Rosie Rowe, Tom Smith, Michelle Suzuki for Stacey Oshio, Todd Takahashi, Amy Wiech, Jasmine Williams, Susan Wood

**EXCUSED:** Bob Campbell, Gabriele Finn, Valerie Johnson, Bernadette Lane, Dale Matsuura, Kaui Rezentes, Tricia Sheehey, Ivalee Sinclair, Lani Solomona, Dan Ulrich

**ABSENT:** Annette Cooper,Natalie Haggerty

**GUESTS:** **S**teven Vannatta

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| **TOPIC** | **DISCUSSION** | **ACTION** |
| **Call to Order** | Chair Martha Guinan called the meeting to order at 9:06 a.m. |  |
| **Announcements** | * Tom Smith announced that Ivalee Sinclair is recuperating from a subdural hematoma on her skull and will not be available to return to a meeting until February or March. She is willing to vote by proxy. * Jasmine Williams announced that she has recently researched the Department’s Student Publication/Audio Release Form and has major concerns about it. The ensuing discussion is captured below. | Members were asked to keep phone calls to Ivalee at a minimum during October. |
| **Discussion Regarding Student Privacy and the Student Publication Audio Release Form** | Jasmine showed members a copy of the current form given to parents for permission to allow the Department to use the media of a student’s image or work for educational purposes, including publications and professional development. Her concern is that parents of children with disabilities who sign the form are giving up their child’s FERPA rights to privacy. She sought clarification from the Communication Branch, and was transferred to the Special Education Section where she was told that permission was all encompassing with no option to state conditions for the use of student information. The Special Education Section suggested she call the Superintendent’s Office; however, the Superintendent’s secretary advised her to follow the chain of command. She then called her grandson’s principal who confirmed that the choice to allow access to a student’s image is all or nothing. If a parent does not give permission or does not sign the form, their child can be put in a corner or in the back of the auditorium to avoid being photographed during assemblies. Jasmine shared her concern that moving her grandson away from his favored spot |  |

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| **Discussion Regarding Student Privacy and the Student Publication Audio Release Form (cont.)** | in the front of assemblies would be upsetting to him. She also told members about her personal experience of having a school staff person ask permission to tape her grandson’s behavior, only to learn that the staff wanted to use the footage for her own personal gain—to obtain a BCBA license.  Comments/questions from members and guests  C. A parent who is also an attorney told me that you can put a statement in the IEP that special authorization is needed for certain circumstances. C. (Jasmine) My son’s principal said that is not possible to alter the form.  C. I thought the form was only for things like yearbook activities. Now I’m concerned that the school may have videotaped my son.  C. I think it would be better to have a more flexible form that allows parents to itemize under what circumstances the child’s image can be shared—similar to a medical Release of Information form where you specify who can have access.  C. The issue of confidentiality is being used to prevent some contract personnel from visiting the classroom to provide services. | Shari will contact the office in charge of student confidentiality and ask them to brief SEAC in November or December.  Susan Rocco will research how other states handle the issue. |
| **Review of Minutes from September 11, 2015** | There were no changes made to the minutes from the September 11, 2015 meeting. | The minutes were approved as circulated. |
| **Additional Announcement** | Susan Rocco passed around a copy of the Hawaii Youth Interagency Performance Report and asked Steven Vannatta, who is a member of the Hawaii Interagency State Youth Network of Care, HI-SYNC, (formerly the State Quality Assurance Committee) to give members more information about it. He stated that the report tells readers how well Hawaii is doing on an interagency basis in a way that brings together conversations about the data. It grew out of the Felix Consent Decree and the Court’s demand for a quarterly report on required benchmarks. This second revised report focuses on data that is useful and readily available. | Susan will send out the link to the report (<http://health.hawaii.gov/camhd/home/hyipr/>). |
| **Update on E.R.K. Decision** | Three members gave input on their personal experiences with the ongoing settlement:   * Martha relayed a report from the plaintiff attorneys that they are still preparing a services matrix that estimates compensatory |  |

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| **Update on E.R.K. Decision (cont.)** | services class members might need and their costs. They have been gathering some of their information from case managers in the Developmental Disabilities Division. An estimated 60% of the individuals eligible for services have not yet been reached. The Department of Education is holding all the records, and the Court has asked them to release them as they get them.   * Todd Takahashi announced that he contacted the attorneys for E.R.K. thinking that there might be 15-20 possible class members who were inmates of the Department of Public Safety’s (DPS) correctional facilities. Thus far he has uncovered 121 possible class members; however it is difficult to check their status as he doesn’t have access to the DPS database. Some may be on Neighbor Islands or incarcerated in Arizona. He is concerned that they may be left out, as the Courts are asking that the cases be closed by the end of November. He added that meeting Martha Guinan’s and Debbie Kobayakawa’s sons were the catalyst for pursuing class members served by DPS. * Debbie Kobayakawa reported that her son Ian had gotten a second offer of services after a second evaluation, but it was exactly the same as the first offer. She felt that both offers were not adequate to meet his needs, so she recently sent in three pages of input to the attorneys regarding Ian’s current service needs. Debbie added that it has been helpful to have a pilot group to work out the necessary procedures for evaluating and eventually serving those members eligible for compensatory services.   Amy Wiech offered her judgement that Essentials for Living is a really great assessment that would be appropriate for class members. |  |
| **BOE Policy on Comprehensive Student Support Services (CSSS)** | Tom Smith briefed members on SEAC’s testimony to the Student Achievement Committee reflecting the work of the HCR 57 Committee. SEAC’s suggestions were not accepted, but Brian De Lima spoke to Chairperson Patricia Halagao who communicated her willingness to entertain further changes and meet with SEAC members on the issue. | A copy of the testimony and the policy were distributed. |

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| **BOE Policy on Comprehensive Student Support Services (cont.)** | Tom also reported that the changes to the Board’s School Climate and Discipline policy that SEAC supported were adopted. The Legislative Committee still has an issue regarding clarifying parent notification in the Use of Force policy, and Brian has indicated that we can continue ot work on it. Tom encouraged members who have concerns to contact him, Martha or Susan Rocco. He added that folks who are interested in the discussion on Board testimonies can call-in to meetings from a cell phone or land line. |  |
| **Report from the Special Education Director** | Shari Dela Cuadra-Larsen gave an update on the State Systemic Improvement Plan (SSIP).  Phase II Planning  She has been in touch with the technical assistance providers and learned that Phase II will be very different than Phase I. One activity will be learning about current DOE initiatives. OCISS now has an Early Literacy Specialist, Brian Ito, who is working on teaching part time teachers and educational assistants foundational skills for improving student literacy. Shari will be attending a conference in Washington in early November to learn more about the U.S. DOE’s roll-out of Phase II.  Phase I Review  In the meantime, her office has sent out a request for folks to review the Phase I SSIP submission and use a google form to share comments or questions. The deadline to respond to the form has been pushed back to November 13.  Stakeholder Meeting  Shari has learned that the December 10th District Educational Specialist meeting to discuss the SSIP has been cancelled due to Assistant Superintendent Mulcahy’s need to discuss other issues with them. If a face-to-face stakeholder meeting occurs, it may be held on December 18th. She will know more in November.  Annual Performance Report  There will be on-line target setting similar to last year for the APR Indicators 1-16. | Shari will get disaggregated data to SEAC members and notify us of future meetings. |

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| **Report from the Special Education Director (cont.)** | Questions/comments from members and guests  Q. Are other states having issues with the data and SSIP process? A. I spoke to one state that said that no one wants to participate in planning. We went into a lot of detail in Phase I. Other states did not include an improvement strategy, while we have pinpointed six strategies. All the states have profiles on the grads 360 website, if folks are interested.  C. When LDAH goes to national meetings, we hear states complain about lack of participation.  Q. Is the U.S. DOE offering any guidance on implementation? A. They are promoting Active Implementation Frameworks by Doug Fixen who says if you have five frameworks, implementation will grow exponentially and lead to sustainability.  Q. Are people in the field giving their input? A. I have a teacher workgroup made up of teachers from across the state. We are bringing in the teachers again in November to work on a group model.  C. SEAC has a responsibility to be aware of progress and advise on the entire 17 APR indicators, beyond mere target setting.  C. I heard about changes in the Obama administration’s special education policy, including instruction for autism. Q. Do you have any specific information? A. Not yet. | All members will review the SSIP Phase I. Susan will send out Shari’s instructions on providing input. Members can give input directly on-line or through the SSIP Committee. |
| **Committee Meetings** | Members divided into three committees—Legislative, SSIP and Special Education Reforms—with the task of developing a mission statement, and identifying committee members and anticipated tasks. |  |
| **Committee Reports** | Legislative Committee  Committee Chair Tom Smith reported that the limited number of people on this committee is not a bad thing, as it allows for flexibility and fast action. Ivalee’s input is invaluable as she has established herself at the Hawaii State Legislature. The Committee also interfaces with the Coalition for Children with Special Needs and the CCCs. This year’s focus will include Seclusion and Restraints funding for training, the DOE budget, and a follow-up on WestEd recommendations. | Members are asked to bring their priorities or knowledge of pending legislation to the Committee. |

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| **Committee Reports (cont.)** | Special Education Reforms Committee  Committee Chair Susan Wood reported that she and the other members (Sage Goto, Steven Vannatta, Todd Takahashi, Debbie Kobayakawa, Jasmine Williams, Tammy Bopp and Rosie Rowe) had a good discussion and have already considered a new name—the Family Partnership Committee. They are highlighting the WestEd recommendations and will vote on what to work on first. They plan to offer their services and support to the Department to help define what reform will look like. Sage is working on similar planning for the Developmental Disabilities Division, so his input is very helpful.  State Systemic Improvemeent Plan (SSIP) Committee  Co-Chair Brende Ancheta reported that members (Brende, Zaidarene Place, Debbie Cheeseman and Barbara Pretty) have come up with some preliminary questions for Shari. They are encouraging all SEAC members to provide their input on the Phase I report, so that they can consolidate it and present a response from SEAC as a whole. |  |
| **Meeting Venue** | Brende asked members for their preference of meeting spaces—OCISS Annex or 919 Ala Moana Blvd. She added that the acoustics made committee conversations difficult, and the classroom-like seating makes it hard to hear member input during the general meeting. Tom also noted that Room 264A is an access point for other rooms in the annex making for interruptions. The consensus of members was that given the resolution of the homeless encampment, meetings should return to 919 Ala Moana Blvd., despite occasional parking challenges. | Martha will notify Shari of the group’s preference for meeting venue. Susan Rocco will check the availability of rooms at 919 Ala Moana Blvd. Members will be advised of the location of the November meeting. |
| **Get Well Wishes** | Several members suggested having members sign a Get Well card or letter for Ivalee and offering the option to members of chipping in for flowers. | Susan Rocco or Amanda will bring a card to the next meeting for signature. |