

SPECIAL EDUCATION ADVISORY COUNCIL
Minutes – February 10, 2017
 9:00 a.m. – 1:00 p.m.

PRESENT: Brendelyn Ancheta, Debbie Cheeseman, Annette Cooper, Gabriele Finn, Sage Goto, Martha Guinan, Valerie Johnson, Amanda Kaahanui (staff), Bernadette Lane, Dale Matsuura, Kaili Murbach, Kauai Rezentes, Susan Rocco (staff), Tricia Sheehey, Ivalee Sinclair, James Street, Todd Takahashi, Steven Vannatta, Gavin Villar, Jasmine Williams, Susan Wood

EXCUSED: Stacey Oshio, Charlene Robles, Amy Wiech

ABSENT: Toby Portner, Dan Ulrich

GUESTS: Daintry Bartoldus, Grace Bunghanoy-Diama, Suzanne Mulcahy

TOPIC	DISCUSSION	ACTION
Call to Order	Chair Martha Guinan called the meeting to order at 9:06 a.m.	
Review of Minutes for January 13, 2017	No corrections were offered for the minutes of the January 13, 2017 SEAC meeting.	The minutes were approved as circulated.
Announcements	<ol style="list-style-type: none"> 1. Susan Rocco announced that she was selected to serve on the Board of Education’s Advisory Group in the selection of a new superintendent. She asked members to fill out a survey regarding their top nine ideal characteristics of a superintendent—either online or with the form she provided and is collecting. 2. Daintry Bartoldus announced March 16th as Day at the Capitol—an opportunity to take tours of the Capitol and public access room and visit key legislators. The event is sponsored by the DD Council with support from the Disability & Communication Access Board and Hilopa‘a. 3. Amanda Kaahanui announced that SPIN is willing to provide registration and airfare scholarships to SEAC members who wish to attend the SPIN Conference on April 22nd. Members who attend are also encouraged to man a SEAC table at the conference. 4. Amanda announced that SPIN acquired legislative directories for members from the Capitol’s Public Access Room. 5. Suzanne Mulcahy announced that Deputy Superintendent Schatz hired Christina Tydeman as the new Director of the Monitoring, Accountability and Compliance Office (formerly the Special Projects Office) and as the Special Education Director. 	<p>Copies of the survey were distributed.</p> <p>Flyers for Day at the Capitol were distributed.</p> <p>The Hawaii Directory of Public Officials 2017 was distributed.</p>

<p>Announcements (cont.)</p>	<p>6. Martha announced that Deputy Superintendent Schatz is leaving the Department as of March 1st to work for P-20. Keith Hayashi will be the interim Deputy Superintendent.</p>	
<p>Overview of Professional Development</p>	<p>Suzanne presented an overview of professional development (PD) activities that support students with disabilities. She explained that when you have one state school system the responsibility for training can toggle back and forth between the complex area and the Office of Curriculum and Student Support (OCISS). It is delivered by teacher leaders, educational officers, university professors, and PD providers such as Catapult and WestEd. Opportunities for PD occur during professional collaboration days, within the school day, during breaks, and during the Leadership Pipeline. Suzanne’s expectation is that PD must address the need for special education students to make more than one year of progress so that they can get caught up, keep up and move ahead. She listed training topics ranging from basic to academic to behavioral. The Complex Area Superintendent and support team identify specific training needs; however, there are statewide topics, like inclusive education, that OCISS encourages all schools to engage in.</p> <p><u>Questions/comments from members and guests</u></p> <p>C. There are a number of substitute teachers without experience who are supporting special education students but do not have access to training.</p> <p>A. The problem with substitute teachers is that there is no way to pay them for their time, if they choose to attend training. Long term subs are the ones that are usually included in training.</p> <p>Q. What is trending now in the PD department? A. Inclusion, differentiation and scaffolding, and literacy.</p> <p>Q. Do we still address students who are past the 3rd grade and not reading? A. Of course. The State Systemic Improvement Plan (SSIP) has illuminated that we still have to try to help older students.</p> <p>Q. You talked about modeling as a way to deliver PD. Who is doing that? A. Some schools have used literacy experts like John Slagel where a team comes into a school, develops a lesson and teaches it while others watch.</p>	

<p>Overview of Professional Development (cont.)</p>	<p><u>Questions/comments from members and guests</u> Some schools have coaches, and others have resource teachers that model on site. C. In our testimony to the Board of Education we mentioned that the emphasis in IDEA is on least restrictive environment (LRE), and that a number of schools misinterpret LRE as merely placing a special education student in a regular classroom. To be inclusive education, you must also be providing the supports to make the student successful. A. I agree that LRE and inclusion is not “dumping.” Inclusion customizes supports for individual students and is therefore also helpful with disadvantaged students who may not have an IEP. I am happy that it is recognized as a strategic process and included in the new Strategic Plan.</p>	
<p>Review of Inclusion Vision Draft</p>	<p>Martha reported that several members including Kau‘i Rezendes, Jasmine Williams and Kaili Murbach have provided feedback since the January meeting that has been incorporated in the new draft. Jessica Worshel from the Office of Hawaiian Education has also offered key language, and Suzanne offered that pairing HĀ with inclusive education offers an opportunity to get the message out to the schools. <u>Questions/comments from members and guests</u> Q. Under Strengthened Sense of Responsibility, can we add district and complexes? C. If we are thinking ‘vision’ we may not want to put in so many things that it becomes a checklist. C. I assumed the Department is behind inclusion, because it is part of the Strategic Plan. Q. Whose vision is this supposed to be? The Board? the Department? SEAC only? A. (Martha) It is SEAC’s vision, and we are offering it to the Department and the Board to adopt and use. C. If the Board adopts the vision the DOE has to provide an implementation plan. C. The Board has already gone through an extensive process to update all of its policies and add new ones, so it is not likely they will create a new policy at this time.</p>	<p>Ivalee Sinclair moved and Tricia Sheehey seconded a motion to accept the vision with the suggested changes. Members voted unanimously to accept the vision.</p>

<p>Review of Inclusion Vision Draft (cont.)</p>	<p>C. The vision uses the term “schools” as facilitating learning with students. Schools are buildings. I think we should change “schools” to “educators”.</p> <p>C. Perhaps we can invite Jessica Worshel to a future meeting to determine how to implement the vision.</p>	
<p>Legislative Update</p>	<p>Ivalee asked Daintry Bartoldus from the Developmental Disabilities Council to review with members the status of bills and resolutions that SEAC and the Coalition on Children with Special Needs are following. Ivalee reminded members that, if there is an issue they are particularly interested in, they can also submit their own personal testimony. One of the bills that SEAC is monitoring is the Hawaii Keiki: Healthy and Ready to Learn Program, which utilizes Advanced Practice RNs from the UH School of Nursing to provide school-based health services in every complex area. Questions that SEAC and the Coalition have for the program relate to the budget, data on the program outcomes from the past few years, and the role of Public Health Nursing. Ivalee wrapped up the update with a reminder that the Legislative Committee works with a very short turn-around time and doesn’t have time to gather input on draft testimony in most instances. It bases SEAC testimony on past discussions and positions taken by SEAC. During the monthly updates there is an opportunity to change SEAC’s position on bills as consensus shifts.</p>	
<p>Input from the Public</p>	<p><u>Restricting Placement Options</u></p> <p>James Street shared input from a teacher at a Windward high school that the continuum of placements required under IDEA is being limited to an inclusion classroom and a fully self-contained classroom. The gifted program and the resource room are gone, and the number of IEP students in inclusion classroom is high (11 out of 30). As a result, some parents have decided to move their child to another school. Discussion points offered by other members included the following:</p> <ul style="list-style-type: none"> • The issue of schools offering only inclusion classrooms is not new, and it is illegal under IDEA to predetermine placement for individual students. • Leah Albert, the former CAS for Castle, was counseled by the 	

<p>Input from the Public (cont.)</p>	<p><u>Restricting Placement Options (cont.)</u> Attorney General’s Office on this issue.</p> <ul style="list-style-type: none"> • Having an unnatural proportion of students with disabilities in the inclusion classroom is also a violation of best practice. <p><u>Loss of Resource Positions on Maui</u> Kaili Murbach just learned of a plan to defund her son’s itinerant vision teacher and the itinerant teacher for deaf and hard of hearing students (both of whom provide services to the entire Maui district). Suzanne Mulcahy said she and the Assistant Superintendent of the Human Resources Office are aware of the issue and trying to reverse the decision.</p> <p><u>Denial of inclusion to a transfer student from another state</u> Tricia reported on a special education teacher who received a transfer student from Colorado who has autism. His Colorado IEP called for him to be included in the regular education classroom, but the team at the receiving school say they don’t have the resources or the knowledge to provide support to him in that setting, so they plan to hold an IEP and justify why that placement isn’t appropriate.</p> <p><u>Restriction on who can conduct a Functional Behavioral Assessment</u> Tricia supervises BCBA candidates who are licensed special education teachers. One of these teacher candidates was told by her public school that she is not allowed to conduct an FBA for a student in need even though she has been taught the requisite skills. Additionally, doing a behavior analysis and testing out a hypothesis is part of her BCBA program requirements. Gavin Villar who is an autism consultant in Central District added that the Attorney General’s Office told his team three years ago that they should not be doing FBAs. When they argued that they need the FBA for educational planning, they were told just to call it something else. He has since asked for clarification and has not received any. Suzanne added that there is no memo from the Department stating that school personnel cannot do an FBA, but there is a lot of confusion in the field over Luke’s Law. Additional discussion points included the following:</p> <ul style="list-style-type: none"> • The Felix Master, Ivor Groves, brought in Richard Hess, a psychologist, to teach school teams how to do an FBA together. 	
---	---	--

	<p><u>Restriction on who can conduct an FBA (cont.)</u></p> <p>He called it the Initial Line of Inquiry.</p> <ul style="list-style-type: none"> • It would seem that a licensed sped teacher would be qualified under Luke’s Law. The shortcoming would be in the supervision of a Registered Behavioral Technician. • The issue is that Luke’s Law applies to kids with autism who need applied behavioral analysis (ABA). Many other students with diverse disabilities need FBAs for other issues. • As a provider, it has been a challenge to provide services for DD clients, because our service providers are Master’s level and not BCBA. As long as they are supervised by a BCBA, they can do the work. <p><u>Discouragement of families to place a child in the regular classroom</u></p> <p>Tricia relayed her experience that students with low incidence disabilities are often never given a chance to fail in general education, because they are not offered the necessary supports to be included. Some schools also try to scare parents away from inclusion saying that their child will likely be bullied or teased. Kau’i said she saw a huge difference between elementary school and middle school, with the latter being less willing to include Ava. Both parents noted the cost of exclusion—not being included in peer activities on and off campus (like birthday parties) and having few friends.</p> <p><u>Conclusion of discussion</u></p> <p>Suzanne acknowledged the issues and reminded members that special education is just one of her responsibilities. She is continually bringing up special education issues at her CAS trainings and with DESs who often tell her “I already know about it.” Martha concluded the discussion by getting a consensus to write to the Superintendent to inform her of these potentially systemic concerns.</p>	<p>Martha will write to the Superintendent and copy Suzanne.</p>
<p>Agenda Setting for March, April and May</p>	<p>Martha asked Susan R. to review what topics have been covered and what still needs to be done before the end of the year. Susan reminded</p>	

<p>Agenda Setting for March, April and May (cont.)</p>	<p>members of the original plan to cover four big subject areas this school year through the Leading by Convening Process. Discussions to date have centered around Staffing, Inclusion and Professional Development. SEAC members also gave input on two targets in the APR submitted in February. Items still left to be discussed are the following:</p> <ul style="list-style-type: none"> • More discussion around professional development; • The State Systemic Improvement Plan draft submission; • Assessment (and in particular, Authentic Assessments); • An update on due process decisions/mediations/complaints; • Membership for SY 2017-18; • SEAC elections for Chair and Vice Chairs; • Legislative updates; • A possible presentation by King Kekaulike High on closing the achievement gap; and • SEAC’s annual report. <p><u>SSIP/APR Discussion</u> SEAC has not been included in State Systemic Improvement Plan activities this school year and has not seen the draft that will be submitted to the Office of Special Education Programs (OSEP) in early April. In past years, SEAC played a much larger role, and OSEP has stressed that state advisory panels are key stakeholders in reviewing and offering input into the APR and SSIP. Suzanne suggested providing the new Special Education Director, Christina Tydeman, with SEAC’s expectation going forward.</p> <p><u>Draft Agenda Items</u> March 10, 2017</p> <ul style="list-style-type: none"> • A presentation on the SSIP Draft Submission • Authentic Assessments by Tom Saka • An administrator’s perspective on professional development (hopefully by Steve Nakasato, DOE Principal in Residence) • Legislative Update 	<p>Rosie Rowe and Todd Takahashi agreed to continue to serve on the Nominating Committee.</p>
---	---	---

<p>Agenda Setting for March, April and May Meetings (cont.)</p>	<p><u>Draft Agenda Items (cont).</u> April 7, 2017</p> <ul style="list-style-type: none"> • Special education teacher issues by Dale Matsuura/HSTA • Due process update • Report from the Nominating Committee • Draft of SEAC’s annual report <p>May 12, 2017</p> <ul style="list-style-type: none"> • Vote on nominations of new members • Election of Officers • 2nd draft of SEAC’s annual report/recommendations • Suggested activities for SY 17-18 • Awarding of Certificates of Appreciation • Annual luncheon 	
<p>E.R.K. Update</p>	<p>Martha briefed members on the latest information on the Department’s settlement with plaintiff attorneys to provide compensatory services to members of the E.R.K. plaintiff class who aged out between the time the lawsuit was filed and the 9th Circuit Court ordered DOE to extend IDEA services to students up to their 22nd birthday. The class of former students is now closed at 550. DOE will begin providing services to the first 100 in the class in May 2017 and the next 100 in June 2017. Email notices have gone out to class members to find out what services are needed; however only 35 have responded to date. Alston Hunt Floyd Ing, the plaintiff attorneys, are looking for help in contacting class members by phone. If anyone is interested, they are encouraged to call Michele Comeau or Zach Dilonna at 524-1800. There is also a survey monkey online at www.Hawaiiiclassaction.com/ERK.</p>	