SPECIAL EDUCATION ADVISORY COUNCIL

Minutes – February 12, 2016

9:00 a.m. – 12:00 p.m.

**PRESENT:** Tammy Bopp, Debbie Cheeseman, Annette Cooper, Shari Dela Cuadra-Larsen, Breanna Fetters (for Rosie Rowe), Gabriele Finn, Sage Goto, Martha Guinan, Amanda Kaahanui, Bernadette Lane, Dale Matsuura, Barbara Pretty, Kaui Rezentes, Susan Rocco, Tricia Sheehey, Lani Solomona, Michelle Suzuki (for Stacey Oshio), Todd Takahashi, Amy Wiech, Jasmine Williams, Susan Wood

**EXCUSED:** Brendelyn Ancheta, Bob Campbell, Debbie Kobayakawa, Zaidarene Place, Ivalee Sinclair, Tom Smith

**ABSENT:** Valerie Johnson, Dan Ulrich

**GUESTS:** Daintry Bartoldus, Cathy Kahoohanohano, Dallas Star, Annette Tashiro, Steven Vannatta

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| **TOPIC** | **DISCUSSION** | **ACTION** |
| **Call to Order** | Chair Martha Guinan called the meeting to order at 9:11 a.m. |  |
| **Introductions** | Martha asked members to introduce themselves to guests Cathy Kahoohanohano from the Homeless Concerns Office, Dallas Star from Bayada, Annette Tashiro from Access to Independence, and Daintry Bartoldus from the State Council on Developmental Disabilities. |  |
| **Announcements** | * Amanda Kaahanui announced that the SPIN Conference is scheduled for April 16th and asked members if they wished to man a table for SEAC as a means of public outreach. * Martha announced that Tom Smith will be resigning from SEAC due to medical issues. | Annette Cooper volunteered to help man the SEAC table. |
| **Review of Minutes for January 8, 2016** | Gabriele Finn questioned whether a comment by Debbie Cheeseman regarding the Omnibus Education bill was captured, and Susan Rocco pointed out where it was reflected as a comment. | The minutes were approved as circulated. |
| **Special Education Director’s Report** | Shari Dela Cuadra-Larsen reported on the following issues:  Annual Performance Report  Shari and Assistant Superintendent (AS) Suzanne Mulcahy met with members of the Coalition for Children with Special Needs several weeks ago. Martha asked AS Mulcahy to send someone to SEAC to discuss the APR data and trends, and a representative will be attending the March meeting. The APR submission was due on February 8th and is posted on the DOE website. A U.S. DOE official informed Hawaii that feedback from review of the APR will be offered around April 4th.  State Systemic Improvement Plan SSIP)  Susan Wood, Martha and Ivalee joined a SSIP Core Group meeting via |  |

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| **Special Education Director’s Report (cont.)** | State Systemic Improvement Plan/SSIP (cont).  conference call in January to share more information about the Family Engagement Framework developed by WestEd for the state of California. Several weeks later a District Education Specialist Professional Learning Committee (PLC) meeting was held to discuss integrating into the Complex Area Support Teams. The DESs were asked to find schools who do family engagement well, so that they can be spotlighted and their efforts scaled up. The Core Group is looking at the School Community Councils as a possible body to serve as partners for the SSIP process.  Every Student Succeeds Act (ESSA)  ESSA is the new reauthorization of the Elementary and Secondary Education Act (ESEA) replacing No Child Left Behind (NCLB). The SSIP Core Team is looking at the transition to the implementation of ESSA in SY 17-18 as a good opportunity to finalize the framework for the SSIP. They will be meeting with the Complex Area Superintendents in early March, and Shari will fill SEAC in on decisions and things that transpire between now the the submission of the SSIP on April 1st.  Family Engagement  The Core Group is looking to SEAC to help with this piece of the SSIP planning process. Susan Wood will pull together another SEAC subcommittee meeting in March to continue discussion with the Core Group.  Questions/comments from members and guests:  C. (Martha) Susan Wood shared the Leading by Convening process and the Family Engagement Framework with your Core Group. I suggested that you include a member of SEAC on this group.  Q. For year two of the SSIP planning Process you decided to include a small subgroup of SEAC members rather than all of SEAC. These members were invited to join the Core Group meeting by phone in January, but only to discuss family engagement. Will SEAC have an opportunity to weigh in on your SSIP targets? A. Yes. We will definitely need feedback on targets and target setting. |  |

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| **Special Education Director’s Report (cont.)** | Questions/comments from members and guests:  Q. Will that happen in March? A. It may be March. I will send out the information when it comes in.  C: (Brian) One of the reasons that I come to SEAC is to get feedback and reactions that our members have. A systemic problem is the idea that decisions are made without full integration of stakeholders. When you look at statistics and we are rock bottom, something is wrong. The Board of Education is undergoing a review of the Strategic Plan and many of us believe it should have a plan for special education, with a specific plan for parent engagement. I know that AS Mulcahy shares some of my frustrations. If you folks are feeling frustrated, you need to communicate that to the Board and the Superintendent. When there are all these vacancies, it makes her job difficult, but the silver lining is that you have $10 million in unspent funds from salary savings at the end of the year that could be reprogrammed. Today Shari talked about scaling up successes. It would be good to know where these successes are and why we have these successes. Is it due to superstar teachers? High functioning students? Involved parents? We still haven’t heard answers. ABA is another issue. I believe it will end up in a lawsuit sooner or later and cost the Department millions more. When we come to these meetings and nothing changes, SEAC is part of the problem, too. I am encouraging you to write the strongest letter to the Superintendent highlighting systemic problems. Call Jim Mendoza and talk about how vacancies are affecting students every day. The culture now is not “can do.” We need a call to action. On July 1st I will not be on the BOE and I’ll be happy to file a lawsuit.  C. Virginia Reynolds at WestEd alerted Ivalee Sinclair and Susan Rocco to a U.S. DOE webinar about the very issue we have been discussing. It’s called “SAP/ICC Stakeholder Involvement in Evaluating the State Systemic Improvement Plan (SSIP).”  C. (Shari) We have kept the implementation plan together to see how it iwill trickle down. It is not like things are happening secretly without | SPIN will email the link to the February 19th webinar to SEAC members. |

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| **Special Education Director’s Report (cont.)** | Questions/comments from members and guests:  people knowing. With the ESSA transition, we can utilize that to see whether what comes down is comprehensive. Then we can utilize everyone’s time correctly. The SSIP is not an end all plan to improve special education.  C. What Brian is saying is so well said. We hope that you will take back this information as the DOE spokesperson. You would like to have all these meetings at the top, but you are not sharing any caring for the parents and teachers. You sit at that level and say it is up to the CAS to decide what is best, up to the principal. It is just about doing what is right. Treat me as you would treat your own monther. Talk to me about my child. Don’t use what I say against me. If you do that in every school, you won’t have any problems. A. That’s why when we talk about relevant stakeholders this group should identify what you want to change at what level. The day to day is not the responsibility of this group. SEAC provides state level input while the SCCs weigh in on school issues.  C. Systems change happens with pressure from the top, the middle and the bottom. SEAC is a state level advisory group, but we also represent folks who are trying to push from the grassroots level.  C. At our triannual CCC co-chair meetings we have dialogue with leadership. We invite the Department of Health, the Developmental Disabilities Division, Child and Adolescent Mental Health Division, Public Health Nursing. We gain the perspectives of what is happening and how to empower local communities.  C. I have been a School Community Council member for three years. That is not the place to take care of everything in the school. It doesn’t have the knowledge and expertise to discuss special education issues.  C. You say that the SSIP is at the state level but not at the local level. If SEAC can’t address what is happening at the local level, that is wasting valuable and important input. I am not paid to sit here. I hear the same issues for years and years, like how to include families. The bottom line is that we need leadership to take responsibility and do something. |  |

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| **Report from the Special Education Director (cont.)** | Questions/comments from members and guests  C. SEAC is a tiered system. We come from grassroots and give input at all three levels. A. Maybe we have to make it more well known. The CAS goes to the CCC meetings.  C. One thing that becomes an issue in community forums is what brings them together. Groups have to find common purpose and bond. If they are only talking problems, it tends to cause too much agitation. For people who are not invested in helping students with disabilities, they don’t understand how to make it better.  C. (Brian) Issues are complex, but there is a problem in not engaging people who are already interested. The real problem is the belief by some that the Department doesn’t know what they are doing due to a lack of communication. That’s why you need more discussions. My suggestion is to take the opportunity to have the Board come up with a plan that requires what should be done. |  |
| **Legislative Report by Daintry Bartoldus** | Daintry Bartoldus from the State Planning Council on Developmental Disabilities (DD Council) reported on bills affecting students with disabilities that she narrowed down from the 343 measures that the Council is tracking. Members were encouraged to join the DD Council’s legislative listserve and to call Daintry with questions regarding legislation. | A summary of bills and current status entitled “Measure Tracking Report: DDC February SEAC Update” was disseminated. |
| **Discussion Regarding HB 868 and SB 1311** | Susan Rocco reported that the Legislative Committee wrote initial testimony in support of HB 868, Proposed Draft 1 before understanding that the purpose of the bill may be to exempt DOE employees and contractors from complying with the requirements of Act 199 (the licensing of individuals providing Applied Behavioral Analysis or ABA). Input was sought by members on what SEAC’s position should be going forward. Susan shared the DD Council’s testimony that opposed both bills but offered a one year window for certain individuals providing ABA to students in DOE to obtain licensure. A number of observations were including the following:  • Parents who want a statement in the IEP that their child has |  |

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| **Discussion Regarding HB 868 and SB 1311** | benefited from ABA have been told by schools that it can only be included in parent notes;  • An email has been sent out to principals by a Complex Area Superintendent advising them not to use the term ABA in the IEP;  • Act 199 has a carve out for professionals (like teachers and psychologists) who perform behavior analysis within their scope of practice;  • ABA and behavior analysis (which is part of most instruction and behavior support) are essentially the same thing; ABA is applied with intensity and fidelity;  • ABA can be delivered by a Registered Behavior Technician (RBT) who is under the supervision of a BCBA; BCBAs can consult with teachers but cannot train an unlicensed Educational Assistant;  • Currently there is no RBT test on the Neighbor Islands;  • Amy Wiech is teaching an RBT course at Leeward Community College;  • Act 199 ensures a level of quality for individuals using ABA strategies;  • Teachers going through a dual preparation program have had exposure to ABA principles and strategies, as well as many emergency hire special education teachers who are required to join a university training program;  • Early intervention programs have had a difficult time finding skills trainers and BCBAs to work with very young children;  • Some skills trainers take the job to see if they like the job and may not have the time or inclination to go to RBT training;  • Ivalee Sinclair suggested giving the ABA bills a one-year sunset period to give DOE time to get its own personnel trained and give contractors time to get necessary training for their employees;  • HABA met with the DOE on February 11th, and DOE now understands Act 199 better but needs time to comply;  • Act 199 as an insurance law only applies to children with autism; | Brian De Lima asked for a copy of the email to be sent to him. |

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| **Discussion Regarding HB 868 and SB 1311** | • The issue is about building capacity and finding solutions—not exempting DOE so they don’t have to find solutions; what we want in the end is the best standards and the best services for children;  • Members may be interested in reading *Sense and Nonsense in the Behavioral Treatment of Autism* by Ron Leaf and others; a chapter within the book, *To BCBA or Not to Be,* questions the necessity of licensing;  • The reason for licensing is consumer protection; there is a complaint avenue through various agencies.  After lengthy discussion, members came to consensus that SEAC testimony should indicate that we do not support the bill as written and that we are in favor of providing a one-year window of time for DOE to come into compliance with Act 199. | Susan Rocco will prepare draft testimony and circulate it to members for comments; member with edits are asked to respond no later than noon on February 16th. |
| **Omnibus Education Bill** | Susan Rocco passed on Ivalee’s concern that certain sections of HSTA’s omnibus education bill, while reflecting positive change, are better suited as policies because legislation is harder to amend when necessary. Ivalee is also concerned that a bill advocating for higher G.E.T. taxes to fund educational reforms will not receive support from legislators this election year. Members as a whole supported the section of the bill that restores $1670 per special education teacher to purchase instructional materials and equipment that support student learning. | The Legislative Committee will draft testimony to support the restoration of special education teacher funds for student learning. |
| **Strategic Plan Update** | Susan Rocco and Martha prepared a summary of the Department’s update on the Strategic Plan for the Special Education Reforms Committee. The Department plans to retool the plan in light of the ESSA implementation. SEAC may provide testimony to the Board regarding adding special education specific goals and metrics to the Plan. | Copies of the summary with specific statistics regarding special education were made available. |
| **Input from the Public** | Susan Rocco shared at a parent’s request the issue of a high school denying transportation to a student who spent equal time in the custody of divorced parents—one who lived within the home school’s geographic neighborhood and one who lived outside of that boundary—when the student was residing in the out-of-boundary household. The student was eligible for transportation as a related service due to the student’s |  |

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| **Input from the Public (cont.)** | disability and had received transportation to the non-home school household while attending elementary school. When the parent asked for a copy of the policy that justified denying transportation, the school did not produce one. After numerous calls to School Transportation Branch, the District Office, and the State Special Education Section, the parent was told that transportation would be provided.  Questions/comments from members and guests:  C. At our agency, this is a problem for a number of divorced families with shared custody who have been denied transportation to one home.  C. From a parent’s perspective, this child legally has two homes. This is another example of how unwritten laws and systemic ways of doing business interfere with a student’s right to appropriate services.  C. Thank goodness the parent had the wherewithal to go all the way to the top. |  |
| **Suggstions for Improving Communication Between SEAC and the Department** | Sage Goto reflected on the tension apparent in the meeting today over SEAC’s perception of its roles and responsibilities and Shari’s frustration with our comments. He suggested that we ask Shari for a written document of what she heard today, and then ask her to submit it to leadership and come back to SEAC with a response. That would provide a level of transparency and may decrease some of the emotion. SEAC would get validation and communication would be improved. Other suggestions and comments included the following:  • Can we ask Shari what her takeaways are from today? Can she reiterate our concerns?  • As a matter of formality, we should send out the minutes to AS Mulcahy.  • Shari has not stayed to the end of the meeting for months.  • Is Shari’s view of SEAC that our only role is with the SSIP? SEAC has many different concerns and opinions in other areas.  • Perhaps we can ask Shari how we can best help her to take back informaton to leadership, and if she thinks the minutes are helpful. | Martha will contact Shari to ask how we can best support her on a report to share with upper management. |