SPECIAL EDUCATION ADVISORY COUNCIL

Minutes – April 17, 2015

9:00 a.m. – 12:00 p.m.

**PRESENT:** Brendelyn Ancheta, Tammy Bopp, Mary Brogan (for Jenny Gong), Bob Campbell, Debbie Cheeseman,Annette Cooper, Gabriele Finn, Martha Guinan, Barbara Ioli, Valerie Johnson, Amanda Kaahanui, Barbara Pretty, Kau`i Rezentes, Susan Rocco, Rosie Rowe, Tricia Sheehey, Ivalee Sinclair, Tom Smith, Lani Solomona, Todd Takahashi, Amy Wiech, Susan Wood

**EXCUSED**: Shari Dela Cuadra-Larsen, Debbie Kobayakawa, Bernadette Lane, Dale Matsuura, Stacey Oshio, Zaidarene Place, Dan Ulrich, Jasmine Williams

**ABSENT:** Natalie Haggerty

**GUESTS**: Brian De Lima, Malia Espinda, Ryan Guinan, Stephanie Shipton, Steven Vannatta

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| **TOPIC** | **DISCUSSION** | **ACTION** |
| **Call to Order** | Chair Ivalee Sinclair called the meeting to order at 9:10 a.m. |  |
| **Announcements** | Susan Rocco announced that the SPIN Conference on May 2nd has over 60 agency displays, including SEAC. A limited quantity of the newly revised *Parent Guide for Partnership in Special Education* is being printed by Correctional Industries for distribution at the Conference. SEAC members will be asked to review the *Guide* prior to the next printing for possible revision. | Barbara Ioli volunteered to take the lead on the SEAC table to be also manned by Annette Cooper, Martha Guinan, Ivalee Sinclair and Tom Smith. |
| **Preparation for SEAC Elections** | Susan reminded members of Ivalee’s intention to step down as Chair of SEAC in May. She asked for volunteers to serve on a Nominating Committee to identify candidates for Chair and Vice Chair. | Bob Campbell, Tom Smith, and Kau`i Rezentes volunteered to serve. |
| **Introductions** | Members and frequent visitor Brian De Lima introduced themselves to guests Stephanie Shipton, Director of Policy, Innovation, Planning and Evaluation, Malia Espinda, Government Affairs Specialist, and Ryan Guinan, son of Vice Chair Martha Guinan. |  |
| **Report from the Special Education Director** | Martha Guinan read a written report from Shari Dela Cuadra-Larsen who was unable to attend due to illness. It included the following:  Application for Part B funds  Hawaii’s application for Part B IDEA funds is due in Washington on May 12th. The public comment period closed on April 13th.  SSIP  The Phase I SSIP was submitted on April 1, 2015, and Shari will inform SEAC when OSEP responds. If anyone wants to discuss the process, they are free to contact Shari. Phase II of the plan is due on February 1, 2016. Details of what will be required are not available. SEAC can choose to |  |

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| **Report from the Special Education Director (cont.)** | include all SEAC members in the process or limit participation to the SSIP Subgroup.  WestEd Report Follow-Up  The Department is planning a presentation of its implementation activities on the WestEd recommendations since April 11, 2013, when it last reported to the Board of Education. Members with questions are encouraged to contact Shari.  Questions/comments from members:  C. The SSIP is 140 pages long including the appendices and contains some interesting statistics.  Q. Does the SSIP mention the results of general supervision? A. (Ivalee) No. It is my understanding that Shari did a desk-top review, but I do not know the results.  C. It would be good to have Shari present on the general supervision data. |  |
| **Application for Part B Funds** | Ivalee reported that Susan compared the latest request for IDEA funds to the 2014 application where SEAC’s input on where to categorically spend discretionary funds was incorporated into the Department’s final request. Although SEAC was not asked to participate again in this effort, it appears that the Department utilized SEAC’s previous guidance in distributing available funds. The amount of funding increased slightly from last year. |  |
| **Report on the April 10th Legislative Briefing** | Ivalee reported that the House of Representatives was dismissed right before the briefing which may have impacted the number of attendees. Ronn Nozoe presented for the Department first and Ivalee presented for SEAC. SEAC’s presentation showed comparisons of Hawaii’s poor special education student performance compared to similar sized states and districts and the growing gap between general education and special education proficiency. It then addressed key WestEd recommendations that have not been implemented. The legislators in the briefing responded positively to SEAC’s input and asked some hard questions of the Department. Ronn admitted that the Department lacked capacity to address some of the problems. Ivalee has asked Senator Kidani and Representative Takumi for a work group to address next steps. |  |

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| **Report on the April 10th Legislative Briefing (cont.)** | Comments/questions from members and guests:  C. It was clear from Ronn’s attitude that he discounted WestEd’s report for several reasons. However, Takumi asked for an explanation of why the Department ignored the recommendations of the consultants they hired.  C. I was shocked to hear from the legislator who appeared to be advocating for grouping kids with disabilities to save resources.  C. The Department stated that there is data showing progress, but it has not been made available to us. I hope that one of the results of the briefing will be information that is more forthcoming.  C. The new Chair of the Student Achievement Committee is Patricia Halagao, and I think she will take on these challenges with a commitment to transparency. I suggest that representatives from SEAC meet with her. | Bob Campbell and Tom Smith volunteered to meet with Chair Halagao. |
| **Report on Legislation** | Tom Smith gave a brief report on legislation SEAC has been following that is still alive in the House or Senate, including bills on autism insurance coverage, epi-pen administration, early childhood and the licensing of behavioral analysts. |  |
| **ESEA Waiver Renewal** | Stephanie Shipton briefed members on the request for a new ESEA Waiver. Although the request has been submitted to the U.S. DOE, there is still an opportunity to make improvements on “low hanging fruit” and to submit amendments in the future. She welcomed SEAC’s input and offered more inclusiveness and transparency in the future. There is lots of discussion in Washington about reauthorizing the Elementary and Secondary Education Act (ESEA), and should that occur, it would trump all existing waivers. Basic elements are still required of the waiver—having recognition, focus and priority schools, measuring four-year graduation rates and achievement gaps, and having consistent measures across all schools. The changes proposed in the new waiver include:  • breaking rankings into three lists: elementary, middle and high school;  • eliminating the cap on the number of recognition schools;  • separating math and ELA achievement;  • acknowledging progress in continuous improvement schools; | Stephanie will share her Powerpoint presentation with SEAC. |

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| **ESEA Waiver Renewal (cont.)** | Proposed changes in the new waiver (cont.):  • including 5 year graduation rates and the % of students participating in college and career ready (CCR) coursework; and  • bonus points for schools (such as reducing chronic absenteeism).  Questions/comments from members and guests:  Q. What are the subgroups included in the high needs group? A. Students with disabilities, disadvantaged students and students who are English language learners (ELL).  C. We were told that there would be a trigger, if a school had poor performance by its special education students, but we are not sure that there is. When you look at the StriveHI report you can’t discern special education performance.  Q. Do you think special education students are doing poorly? A. We could do a lot better.  C. We tracked the 20 schools that were given recognition status last year, and it appeared from the ARCH portal that special education data for a number of those schools was either missing or that it showed a decline in performance.  Q. Why is 30 or 40 used as the minimum cell size to report data for a student group, when Part B IDEA data reports use 10 as a cell size minimum? A. I will look into that.  C. Folks working with students with disabilities need a higher level of attention than they have been getting for decades.  C. On my island, the focus on lowering absenteeism and testing has made it harder for some students. We have had cases of families of students with health issues leading to chronic missed days at school being threatened over their absenteeism. We also have seen students with disabilities being tested for three hours every day triggering their anxiety.  A. We have found that there are lots of mandatory tests that aren’t really mandatory at all.  Q. When the U.S. DOE gives you a final blessing on your submission, will we have a mechanism to share information on the final product? | Susan will forward that tracking data to Stephanie. |

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| **ESEA Waiver Renewal (cont.)** | Questions/comments from members and guests:  A. We will have a press release and meet with the Board of Education. We can also meet with SEAC, if need be.  Q. In the data you are compiling about mandated tests, is there information that specifies either a state or federal requirement? A. Some schools have other tests that they tell students are required.  Q. Are students required to pass end of course exams in order to graduate? A. No. We have no high stakes tests in Hawaii.  C. If I am taking U.S. History, and I fail the end of course exam, I get an “F” and don’t pass. A. Teachers under collective bargaining have the ability to set the requirements for passing a course. Standards are expectations of what students are able to do within a certain time. No where in the the standards do we say that tests are promotion gates. That is reflected at the school level.  Q. I’m a preschool teacher and there is high turnover with many of my students. If you are using a lexile score, can you give bonus points, as the testing results are not always a true reflection of our school performance? A. We would be looking at a student cohort over a period of time for both achievement and growth.  C. The Board and the community, including SEAC, are concerned about how and why you utilize a student co-hort for determining growth percentages. A. Dave Moyer is good at breaking down data points. | Ivalee expressed an open invitation to Stephanie to attend future meetings. |
| **DOE Tracking of Legislation** | Ivalee asked Malia Espinda to comment on the Department’s action on current legislation. Malia responded that they are now tracking about sixty bills, many of which are resolutions. Some bills like the ones on bullying are needing amendments and are broader than the Department. Bills they are tracking besides bullying include Healthy Keiki--a school based health initiative--dual credit, epi-pens and diabetes management, and instructional hours. Ivalee expressed concern about implementation of the seclusion and restraints bill passed last session, as there does not appear to be money for training. | Malia will convey our concern to Sandy Goya. |

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| **Review of Draft By-Laws** | Members took a second look at the revisions to the by-laws suggested at the March meeting. New suggestions included the following:  • adding a 9th function to read “Review and comment with regards to the Department’s federal and state budgets for special education;  • include a statement requiring a Departmental budget presentation annually;  • deleting the section on parliamentary rules; and  • create three Vice Chairs to help share the workload.  Barbara Ioli shared that the orientation sessions she provides have been sporadic this past year. | Members will vote on suggested amendments at the May meeting.  Amanda Kaahanui and Barbara will revisit orientation needs after May. |
| **Input from the Public** | The following input from the public was discussed:   1. Some parents of students with disabilities are being told by their schools that their children have no avenue to opt out of standardized testing; 2. Training by a contractor on the Big Island on Response to Intervention does not acknowledge the requirement in IDEA to honor a parent’s request for an evaluation without undue delay; and 3. IEPs of some students transferring from the Mainland are not being honored.   After a discussion the consensus for action on the first item is to share Rosie Rowe’s advice to have parents write the principal and request an opt out on the statewide assessment, and to put the item up for further discussion in the future. Suggested action on the second issue is to ask the Department for its position on RTI when a parent requests an IDEA evaluation, and then provide information that a contractor is saying otherwise. The consensus of the group on the last item is that schools are clearly not following Chapter 60 by failing to honor an interim IEP while evaluating the student for eligibility in Hawaii. The issue indicates a need for more training in the field. |  |