

SPECIAL EDUCATION ADVISORY COUNCIL

Minutes – April 7, 2017

9:00 a.m. – 12:00 p.m.

PRESENT: Brendelyn Ancheta, Bob Campbell, Debbie Cheeseman, Annette Cooper, Gabriele Finn, Sage Goto, Martha Guinan, Amanda Kaahanui (staff), Dale Matsuura, Thomas Moon (for Stacey Oshio), Kaili Murbach, Kauai Rezentes, Susan Rocco (staff), Tricia Sheehey, Todd Takahashi, Christina Tydeman, Steven Vannatta, Jasmine Williams, Susan Wood

EXCUSED: Valerie Johnson, Bernadette Lane, Rosie Rowe, Ivalee Sinclair, James Street

ABSENT: Dan Ulrich, Amy Wiech

GUESTS: Ray Camacho, Nancy Gorman, Patti Meyer

| TOPIC | DISCUSSION | ACTION |
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| Call to Order | Chair Martha Guinan called the meeting to order at 9:12 a.m. | |
| Introductions | Members introduced themselves to guest Ray Camacho from the Hawaii State Teachers Association (HSTA). | |
| HSTA Presentation on Feedback from Teachers | <p>Ray Camacho, the Negotiations Specialist for HSTA, expressed his appreciation for the opportunity to address SEAC, as much of SEAC’s work aligns with HSTA efforts.</p> <p><u>HSTA Outreach to Special Education Teachers</u></p> <p>Ray and Dale Matsuura, who is part of the HSTA special education committee that meets regularly with DOE, shared feedback gathered through a 2015 survey of special education teachers, focus groups on Oahu and in Hilo in the summer of 2016, and open hearings at the 2017 Teacher Institute Hearings on Molokai, Lanai, Maui, Kona, Hilo, and Kauai. The hearings gathered feedback about best practices, difficult tasks, most helpful resources and DOE improvements needed. Favored best practices included:</p> <ul style="list-style-type: none"> • Collaboration with other special ed and general ed teachers; • Time to observe other teachers; • Additional preparation time, especially for inclusion; • Professional development (e.g. how to develop IEPs); • Assistive technology for learning; and • Dedicated special education mentors and open labs. <p><u>Recruitment and retention</u></p> <p>HSTA’s outreach efforts also discovered a disturbing trend of teachers leaving special education. Some of the reasons for leaving included: lack of time, caseload, and a demoralizing teacher evaluation not tailored well for special education teachers. They have asked DOE for access to exit</p> | A handout entitled “HSTA Teacher Institute Week February 13-17, 2017: Hearings on Special Education Teaching and Learning Conditions” was distributed to members. |

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| <p>HSTA Presentation on Feedback from Teachers (cont.)</p> | <p><u>Recruitment and retention (cont.)</u> interviews, but there are none. In order to recruit more teachers, HSTA has advocated for classroom based mentorship, especially for new teachers.</p> <p><u>Role of Administrators</u> Outreach efforts reinforced the importance of having a supportive administrator who sets a positive tone and culture. Administrators who also have a familiarity with special education through personal experience can make a world of difference. However, there is a lot of turnover with DOE administrators and more attention is needed to ensure all administrators develop special education expertise.</p> <p><u>Future opportunities to partner with SEAC</u> HSTA is planning to have a road show on an annual basis to reach out to the 1700 special education teachers. Dale and Ray asked SEAC to consider attending the hearings on the various islands. Martha thanked Dale and Ray for the invitation and the presentation.</p> <p><u>Questions/comments from members and guests</u> Q. Does HSTA provide training to teachers? A. Yes, HSTA has taken on a larger role in providing professional development, and has made a number of proposals regarding training in the new contract. Q. You mentioned that you were not able to get exit interviews from DOE. Have you done some checking on your own? A. We have tried to figure out how to reach out to teachers who leave, but DOE owns the database, and the contact must be timely to be useful. There is general data that leavers had less than five years or were close to retirement. C. The University of Hawaii’s Special Education Department has been receiving a lot more candidates for their Post Baccalaureate program (folks with a college degree who want to become a licensed special education teacher) than for their Dual Certification program which produces more prepared teachers who stay in the field longer. C. We have two tracks at UH—post bac and dual prep, and the momentum has shifted to post bac students, many of whom are emergency hires who are already teaching and think they know what</p> | |
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| <p>HSTA Presentation on Feedback from Teachers (cont.)</p> | <p><u>Questions/comments from members and guests (cont.)</u> to do. Some opt to take the Praxis exam without student teaching, but then we have no demonstration of their skills as teachers. We have a mentoring program for emergency hires, but their caseload is 20+. Q. From the outside perspective of a military liaison, SEAC has heard every finding you have discussed over the last 30 years. With the search for a new Superintendent, there is a leaning toward local school autonomy, but you are calling for consistency. What is going to give? A. We've had a conversation with the Governor, and he agrees that schools should be supported to chart their own course with the exception of special education. There should be a floor and standards. We learned from proportional staffing that if folks don't have special education knowledge, positions get handed out to the 'squeaky wheel.' C. I've noticed HSTA being much more proactive at the Legislature and the Board of Education meetings in the last year or two, and I think it's a great thing that you're speaking up for what students and teachers need to be successful.</p> | |
| <p>Announcements</p> | <p>Susan Rocco acknowledged that there has been some controversy in the media over the search for a new Superintendent. She offered her assurances as a member of the Advisory Committee involved in the search, that the process has been handled very professionally and ethically.</p> | |
| <p>Review of Minutes of the March 10, 2017 Meeting</p> | <p>Under Announcements, Amy Wiech and Annette Cooper were added to the names of members who volunteered to man a SEAC table at the SPIN Conference.</p> | <p>The minutes were approved as corrected.</p> |
| <p>Special Education Director's Report</p> | <p>Christina Tydeman reported on the following: <u>State Systemic Improvement Plan – Phase 3 Submission</u> The 55 page SSIP report was submitted on March 31st and is now posted on the DOE website. It reflects input from SEAC, particularly in the area of evaluation of the plan, creating results and parental inclusion. Part of the challenge with writing the report was the need to tie it to the previous submission.</p> | <p>Members were encouraged to read the plan at http://www.hawaiipublicschools.org/DOE%20Forms/Special%20Education/SIPPhaseIII.pdf.</p> |

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| <p>Special Education Director’s Report (cont.)</p> | <p><u>State-identified Measurable Result (SiMR)</u> Hawaii didn’t meet the targets set for the year, particularly with the group of students identified as having a speech-language disability.</p> <p><u>Additional SSIP Challenges</u> DOE did not have some of the quantifiable data needed for progress. The big focus is to look at existing data that can be used to measure progress. For example, if one is talking about evidence-based practices, the first stage is to see if training is available. Are teachers taking more than one course? By putting data together, it will give a bigger picture. Another challenge is the change in leadership.</p> <p><u>Next Steps</u> These include quarterly data collection, identifying people in the system, connecting to Human Resources people, establishing more Leading by Convening session, and talking to the Community Engagement Office to find more people who want to participate.</p> <p><u>State Vocational Rehabilitation Council</u> Christina’s office now has a representative on the Council, so they can have more integrated conversations.</p> <p><u>Questions/comments from members and guests</u> C. Of the professional development courses you are examining, are they such that individuals can come back for more information, and are they evaluated as to their quality? A. I agree these components are important, but professional development (PD) by itself is not the answer. Also, local training may be more valuable than state offered PD. C. The principal of Kailua Intermediate said that mentoring is the most important support.</p> | |
| <p>Input on the Draft 2017 IDEA Grant Application</p> | <p>Martha explained that DOE has to submit an application for IDEA funding every year, providing assurances related to IDEA policies and procedures, as well as a budget showing how the state portion of the federal funds will be spent. SEAC added a function in its latest by-laws (May 2015) to review and comment on this application, so Susan R. analyzed the application for discussion today in order to prepare comments by the deadline of April</p> | <p>A grid was distributed showing the amounts and percentages of monies allocated for state activities for FY 14 to the current FY 17 proposal.</p> |

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| <p>Input on the Draft 2017 IDEA Grant Application (cont)</p> | <p>17th. The distribution of the monies allotted for state-level activities were very similar to the distribution recommendations by SEAC in 2014. Martha asked Christina for clarification on two statements in the application: 1) Why did Hawaii say it could not assure that it had established goals for the performance of children with disabilities in the State until September 18, 2017? A. That is when the State ESSA Plan is due, and we wanted to be sure we had alignment with the final plan. 2) Under Determination of Eligibility, why did the application say students were eligible from age 3 to 20 and reference the E.R.K. deliberations? A. Chapter 60 has not been revised to reflect the 9th Circuit Court’s decision that students should be considered eligible to age 22 if they meet eligibility requirements. The reason is because the DOE and plaintiff attorneys have not reached a final resolution. However, in practice, students are being served up to age 22. Christina also clarified that the Part B award of \$40,602,179 for FY 17 is actually last year’s amount. The federal government has not yet released the figures for FY 17.</p> | <p>Christina will check with the Deputy A.G. to find out the timeline for revising Chapter 60.</p> <p>Members will review the grid and provide any additional input by Monday, April 10th. Susan R. will draft a letter expressing support for the budgeted amounts for Martha to sign and submit by April 17th.</p> |
| <p>Nominating Committee Report</p> | <p>Todd Takahashi reported on the following membership activities that he and Rosie Rowe are conducting: <u>Expiring member terms</u> For members whose three-year term expires in June 2017, the committee is checking to see if those members would like to be considered for another term. So far they have heard from Dale, Martha, Jasmine and Brende. <u>Vacant stakeholder representative</u> A representative is needed from the DOE office that serves students who are homeless, including students with disabilities. Christina offered to inquire with OCISS. Dale Matsuura identified a district representative, Dean Nishimura, in the event that a state rep is not available. <u>Vice Chair Positions</u> Todd led a discussion of the current and future function of the three Vice Chair positions added to the 2015 bylaws. The duties of the Vice Chairs are to chair a standing committee and to perform the Chair’s</p> | |

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| <p>Nominating Committee Report (cont.)</p> | <p><u>Vice Chair Positions (cont.)</u> duties in her absence. Since SEAC embraced the Leading by Convening process, only the Legislative Committee has been active. Members weighed their options and came together on the following suggestions:</p> <ul style="list-style-type: none"> • Maintain the three positions for Vice Chairs; • Reconfigure the three standing committees—Legislative, Student Success and Staff Success—as needed through the Leading by Convening process; and • Sit down with the new Superintendent to identify her priorities. <p><u>Slate of Officers for May Elections</u> Todd ascertained that Chair Martha Guinan, and Vice Chairs Dale Matsuura (Staff Success), Tricia Sheehey (Student Success/Inclusion) and Ivalee Sinclair (Legislative) are willing to serve another term. The Vice Chairs are also willing to have new Vice Chairs voted in after the new school year begins, if new committee designations warrant different leaders. Members were reminded that nominations can also be entertained from the floor when the voting begins next month.</p> | |
| <p>Restraints and Seclusion Training</p> | <p>Dale reported that the memo about the implementation of new procedures and training on restraints and seclusion has still not gone out to schools. Quality Behavioral Solutions, Inc. (QBS) is the new training contractor, but many in the field still think that CPI training protocols are currently used. Gavin Villar reported that in Central District they don't have the trainers trained, and the two-day training with only 10 slots at a time makes it hard to find the time to take the training. Martha pointed out that Jean Nakasato's retirement may have negatively impacted the progress of implementation.</p> | |
| <p>Legislative Committee Report</p> | <p>In Ivalee's absence, Susan R. passed out SEAC testimony to the Senate Ways and Means Committee that supported key budget items including the Hawaii Keiki: Healthy and Ready to Learn Program, 60 positions for special education preschool staff, funds for seclusion and restraint training, and new positions for School-Based Behavioral Health. SEAC asked Charlene Robles to describe the Early Intervention Section's</p> | |

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| <p>Legislative Committee Report (cont.)</p> | <p>funding request for a web-based data system. Charlene explained that having the new database would show how 0-3 kids are doing and enable more efficient reporting. The funding bill has passed all hearings to date, and Charlene thanked SEAC for its support. Susan R. then distributed an analysis of a new impactful Supreme Court Decision—<i>Andrew F. v. Douglas County School District</i>—which requires schools to provide a program reasonably calculated to enable the student with a disability to make progress appropriate in light of the student’s circumstances. It rejected the lower court opinion that schools had only to provide “more than de minimis” benefits under IDEA.</p> | <p>A copy of “Opinion analysis: Court’s decision rejecting low bar for students with disabilities, under the spotlight” by Amy Howe was distributed.</p> |
| <p>Due Process Update</p> | <p>Susan R. presented SEAC’s 12th annual review of due process activity with a focus on school years 14-15 and 15-16. The review covered mediations, written complaints, due process hearing requests and due process hearing decisions, offering analysis over time and as compared to national norms. Major findings in the review included:</p> <ul style="list-style-type: none"> • More families utilized hearing requests than mediation or written complaints; • There are fewer hearings than in past years, and DOE tends to be the prevailing party; • Over 50% of the hearing requests are resolved in the resolution session; • Hawaii’s numbers of hearing requests and hearings held are considerably higher than the national norm, and the utilization of mediation is much lower. <p><u>Questions/comments from members and guests</u> Q. Do you have any information on repeat filers — parents who request a due process hearing every year or two? A. DOE and the Department of Commerce and Consumer Affairs (DCCA) have the information, but the decisions that SEAC pulls from the DOE website are redacted of all personally identifiable information. Q. How many requests were over an independent educational evaluation? A. Just a handful in the two years reviewed.</p> | <p>A copy of the powerpoint presentation was distributed to members.</p> |

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| <p>Due Process Update (cont.)</p> | <p><u>Questions/comments from members and guests (cont.)</u> Q. Do we know if DOE does an analysis of the hearing request and decision data? A. The Complaints Management Office used to publish a quarterly report that had lots of useful data, as it included data on schools involved, issues listed in the requests, and resolution status. It hasn't been published for a number of years; however, attorney John Deller continues to summarize every hearing decision and appeal to the Hawaii Circuit Court and the 9th Circuit Court of Appeals. He allows us to post his summary on our SEAC website. C. Some of the explanations that DOE used to give OSEP for Hawaii's large number of hearing requests in the past were 1) that parents just wanted their child to go to private school, or 2) we had a glut of attorneys in Hawaii. Neither explanation was accurate. C. In my experience, the majority of requests for independent educational evaluations are for assessments not routinely done by DOE. Those complexes that have a higher rate of litigation are often open to additional assessments without requiring the parent to file for due process, as they provide a more thorough picture of needs. Q. Going through a due process hearing is very stressful; is there a follow up with the families who did not prevail to ask about their educational experience? A. We're not aware of a policy, but SEAC has advocated for years that there should be a neutral group available to debrief with families and schools, so that the relationship is not irretrievably broken. Q. In written complaints, are the reports for the school? The parent? I have a decision, but no one follows up on the recommendations. A. There is currently no way for SEAC to know the particulars of or to track the progress of a written complaint. They used to be posted on line, but were taken down because IDEA didn't require posting. C. I personally believe in the value of a written complaint; it can make changes in a school, complex or district.</p> | |
| <p>Annual Report Discussion</p> | <p>Given time constraints, Martha tabled the discussion of the annual report components until the May meeting.</p> | |

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| <p>Agenda Setting for May 12, 2017 Meeting</p> | <p>Members agreed on the following agenda items for May 12th:</p> <ul style="list-style-type: none"> • Election of officers • Leading by Convening Process Reflection • Sharing of Information about Transfer of Knowledge • Annual Report Discussion <ul style="list-style-type: none"> ○ Recommendations to the Superintendent ○ Past and Future Activities ○ Data on Students • Presentation of Certificates • Input from the Public <p>The meeting will conclude with SEAC’s annual luncheon at the Spaghetti Factory.</p> | |
| <p>Input from the Public</p> | <p>Amanda reported on two problems presented by SPIN callers:</p> <ol style="list-style-type: none"> 1) Now that insurance is covering ABA services for children with autism, there are long waitlists to receive those services. 2) A parent looking for the Bill of Rights for Deaf Children that was originally drafted in 1997 and adopted by Hawaii’s Board of Education in 1998, can no longer find it on the Board’s website. Amanda shared that parents and teachers still refer to this document, so she is going to contact the Board to uncover the link. <p><u>‘Lock down’ incident</u></p> <p>Kau‘i Rezentes brought up the issue of ‘lock down’ procedures when a school perceives an imminent threat. Last year her daughter and other students from Ewa Makai were visiting Campbell High School when a lock down was ordered. Rather than take in the visiting students, Campbell ordered them to leave, thus putting them in harm’s way. None of the parents were informed at the time, and she discovered the incident by accident. She’s planning to investigate the issue further to ensure that in the future 1) a policy is in place to protect all students on campus, and 2) immediate communication occurs to inform families when a similar incident occurs.</p> | |