

**SPECIAL EDUCATION ADVISORY COUNCIL**  
**Minutes – September 12, 2014**  
 9:00 a.m. – 12:00 p.m.

**PRESENT:** Brendelyn Ancheta, Tammy Bopp, Bob Campbell, Debbie Cheeseman, Annette Cooper, Shari Dela Cuadra-Larsen, Gabriele Finn, Jenny Gong, Martha Guinan, Natalie Haggerty, Valerie Johnson, Zaidarene Place, Barbara Pretty, Kauai Rezentes, Susan Rocco, Ivalee Sinclair, Tom Smith, Lani Solomona, Amy Wiech, Susan Wood

**EXCUSED:** M. J. Dorsey, Barbara Ioli, Bernadette Lane, Dale Matsuura, Stacey Oshio, Tricia Sheehey, Dan Ulrich

**ABSENT:**

**GUESTS:** Mary Boland, Brian De Lima, Brendon Friedman, Dallas Hernandez, Jeffrey Krepps, Camille Masutomi, Steven Vannatta, Jasmine Williams, Jessica Wong-Sumida

TOPIC	DISCUSSION	ACTION
<b>Call to Order</b>	Chair Ivalee Sinclair called the meeting to order at 9:10 a.m.	
<b>Introductions</b>	Guests and members, including new member Natalie Haggerty from Assets School, introduced one another. Tom Smith and Ivalee Sinclair acknowledged Board of Education Vice Chair Brian De Lima for his support.	
<b>Announcements</b>	Lani Solomona disseminated a thank you to members from Jan Tateishi who retired in July. Both Lani and Jan have sponsored a rubber slipper drive each Fall for children who are homeless. Members are encouraged to consider donations to the drive for 2014.	
<b>Special Education Director’s Report</b>	<p>Shari Dela Cuadra-Larsen reported on the following items:</p> <p><u>Annual Performance Report (APR)</u>                      The Office of Special Education (OSEP) is now basing state determinations on both compliance and results. As a result, Hawaii dropped to “needs assistance” for its 2012-13 APR. This requires the Department to utilize technical assistance from a list of designated agencies across the country to help improve Hawaii’s scores for reading and math achievement for students with disabilities.</p> <p><u>State Systemic Improvement Plan (SSIP)</u>                      The SSIP (Indicator 17) is a new requirement in the APR. It includes an analysis of data and subsequent focus on one of four significant targets to improve results for students. The four targets are student achievement in math, student achievement in reading, graduation rates and post-school outcomes. On the 20<sup>th</sup> of September Shari is inviting SEAC members and other community stakeholders to begin to examine data and infrastructure to determine what needs to be sustained or built up.</p>	<p>Members who would like to join SEAC’s APR/SSIP Subgroup are asked to contact Susan Rocco.</p>

<p><b>Special Education Director's Report (cont.)</b></p>	<p><u>State Systemic Improvement Plan (SSIP) cont.</u>                  She is also asking District Education Specialists (DES) to go to their principals and teachers to do an analysis of improvement needs and strategies to achieve results. Shari also took three DESs to an OSEP meeting to prepare them to lead the way at the field level. Their quick feedback is that they need resources and partnerships. In December Shari will bring all groups together to talk again about improvement strategies. In January, the narrative for the SSIP, due in April of 2015, will be written.  <u>Listening Tours</u>                  Deputy Superintendent Ronn Nozoe and Brian De Lima will be holding listening tours—opportunities for teachers and principals to call in and share what improvements are needed and what policies are not working. The dates to call in are September 17, 19, and 22. Brian De Lima added that it is an opportunity to speak out without worrying about retribution.</p>	<p>Shari will provide SEAC members with a draft SSIP narrative to get input.</p>
<p><b>Health-Based Partnerships in Public Schools</b></p>	<p>Camille Masutomi from the Office of Strategy, Innovation &amp; Performance introduced her two partners in the school health collaboration between DOE and the UH School of Nursing--Dean Mary Boland and Brendon Friedman, Project Director. In working with schools from communities that had the greatest academic challenges (Ka'u, Waianae, Olomana, and the Hawaii School for the Deaf and Blind, for example) Camille found that 90% of each community's perception of barriers to academic success related to health and wellness factors. A successful partnership to address these barriers has been forged with the UH School of Nursing, with three nurses dedicated for school health issues whose focus is on identifying needs, resources and creative solutions. The program is relationship driven and open to input. SEAC is encouraged to provide feedback.  <u>Questions/comments from members/guests:</u>                  C. I am concerned about how you will be able to sustain your efforts, since the last two legislative sessions have included budget cuts.                  C. It is important to also address issues posed by students on psychotropic drugs and students with life-threatening allergies.</p>	<p>An overview of the program entitled "Hawaii Keiki: Healthy &amp; Ready to Learn" was distributed. Members with further questions and/or input for Camille and Dean Boland are asked to send them to <a href="mailto:Camille_masutomi@notes.k-12.hi.us">Camille_masutomi@notes.k-12.hi.us</a> with a cc to <a href="mailto:Susan.rocco@doh.hawaii.gov">Susan.rocco@doh.hawaii.gov</a> for distribution to all members.</p>

<p><b>Health-Based Partnerships in Public Schools</b></p>	<p><u>Questions/comments from members/guest:</u>                  Q. Is the program for students with chronic health needs or all students?                  A. It is for all students at the school site plus their families and school staff.                  Q. Are you getting patient records from students' doctors? A. Not yet.                  Q. Will you be working with the agencies that are providing services to medically-fragile students? A. The PHNs are working closely with them, and Bill Patterson is still responsible for contracts.                  C. Special education kids tend to be the last group served by folks who say they serve everyone. Years ago, school based health caused issues for the Board of Education. Q. How embedded are you with the Board?                  A. We just went to the Student Achievement Committee.                  C. There is only so much money to go around, so if programs continue, they must demonstrate a significant impact on student achievement. If you gather information on 100% of the population, you will not have time to help the 1/3 that are struggling. I suggest that you get access to the Longitudinal Data System information that will identify that one-third.                  C. The contract for skilled nursing in school is up for renewal. SEAC and your program may want to give input.</p>	
<p><b>Implementation of the Department's Budget for FY 2015</b></p>	<p>Amy Kunz, Acting Senior Assistant Superintendent responsible for both human resources and fiscal issues, briefed members on the Department's efforts to find the nearly \$25 million in their budget to meet restrictions imposed by the Governor due to reduced revenues. After SEAC and others objected to the initial proposal to take \$9.1 million from "salary savings" in special education (EDN 150), the Department received data from the enrollment count showing 854 fewer students than anticipated. \$3.7 million was then shifted from the Weighted Student Formula to offset the overall budget restriction, reducing the EDN 150 restriction to \$5.4 million. In recognition of the fact that the unspent special education monies are from vacant positions (400 of which are EA positions), the Department is making a new effort to increase recruitment of paraprofessionals. The Parapro Assessment is moving to the Community School for Adults allowing for more frequent opportunities to take the test</p>	<p>A handout on the FY 2015 Budget considerations in light of budget restrictions was disseminated.</p>

<p><b>Implementation of the Department's Budget for FY 2015 (cont.)</b></p>	<p>and for curriculum to be developed to help EA candidates pass the test. Amy speculated that the timeline for getting the program up and running may be 6-8 months. She also reassured members that administrators and schools have been given the directive to try to fill as many of the vacant positions as possible, and the Department will find money to pay for these positions.</p> <p>Brian De Lima, Chair of the Board of Education's Finance &amp; Infrastructure Committee, praised Amy for her commitment to do the right thing and find new ways to fill vacancies. He acknowledged that the Board will likely be forced to restrict some of the special education monies, and he asked SEAC members to trust Amy's promise that no harm will come to special education students.</p> <p><u>Questions/comments from SEAC members</u></p> <p>C. On the Big Island students are not getting speech services and retired teachers with little experience are assigned to students with autism. At the complex level, there is no problem-solving, and people are just told "no." I am afraid the lack of appropriate resources is leading to a lawsuit.</p> <p>C. Even though you promise not to reduce student services, there are cut-backs on services happening right now. At my CCC meeting, we saw a list of 11 IEP violations happening in more than one geographic area.</p> <p>C. There is a rumor in the field that DOE is not planning to renew the BISS contract, even though it probably does not have the capacity to deliver the same services in-house.</p> <p>C. I live on Molokai and am consistently told that travel monies have been cut for service providers coming from Maui. We now have no O.T. services. Q. Who do I contact to address these issues? A. (Shari) Give me the information.</p> <p>C. The "salary savings" that is being used for the budget set-aside are for positions that have been determined as necessary to provide services to students through their IEPs. When you have \$5 million of staff time not available to students, either you have overestimated their need to the Legislature, or you have been shortchanging them in services. Where it plays out is that a school should have 4 EAs but they only have 2.5; that</p>	<p>A list of the violations was distributed as part of LDAH testimony to the CCC.</p>
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<p><b>Implementation of the Department's Budget for FY 2015 (cont.)</b></p>	<p><u>Questions/comments from SEAC members</u>                  may keep students segregated from the general education classroom.                  Q. Do we know where the vacancies are currently? A. The Human Resources staff can make a vacancy list.                  C. Should the BISS contract not be renewed and there are not enough EAs, then the teachers will need additional training, and it will fall on them to show that the student is making behavioral progress.                  Q. Are we restricting any contract monies? A. (Shari) I will check.                  Q. Can you respond to how DOE is taking advantage of Medicaid reimbursements for related services delivery? A. We get some money from that; we are having to work with CAMHD about expanding behavioral health services that are reimbursable.</p>	
<p><b>Input from the Public</b></p>	<ol style="list-style-type: none"> <li>1) A father of a special education student in a Honolulu high school provided his perspective that none of the parents in his daughter's class are aware of what is going on. For the last year and a half, services in the IEP are not always delivered, and now there are twenty students in a room that don't do anything. The father asked if there is any possibility to get a school representative from McKinley to come to SEAC to describe their Po'okela program. Deborah Kobayaka shared that she was at LDAH when their agency was contracted to set up parent resource centers as part of the Po'okela project. They met with a lot of resistance from the administrator. Her understanding is that McKinley students used to do more job-developing in the community; now everything changed over to doing things on campus. Members suggested that the father may want to consider contacting the Autism Society and SPIN, as well as attending a Community Children's Council meeting to get more information.</li> <li>2) Debbie Kobayawa reported on another parent whose child's school is adjusting its minutes of instruction this year and determined (over the objection of the parent) that her child no longer needs Extended School Day services. The parent filed for due process, but has been unable to find an attorney to represent her child.</li> </ol>	

<b>EPSDT Lawsuit</b>	Tom Smith reported that the parent of a child with autism has filed a legal action against the Department of Human Services because it has no policy regarding Applied Behavioral Analysis (ABA) services. Under Medicaid’s Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program, these services are required to be provided at no cost. However, in Hawaii, one insurance agency reimburses for ABA while another does not.	
<b>E.R.K. v. Hawaii Update</b>	Ivalee reported that in 2013, the 9 <sup>th</sup> Circuit Court found that Hawaii must provide special education services to eligible students up to age 22. It charged the Hawaii Federal District Court to come up with an implementation plan with DOE and plaintiff attorneys. They are currently in the process of determining the nature of services needed for these students and how compensatory services will be provided. Susan Wood, whose son is a class member in this suit said she had received a second letter from DOE stating that before DOE discloses her son’s name to plaintiff attorneys, she must give permission. Because she had already given permission before the second identical letter arrived, it caused some confusion. Shari offered that perhaps DOE needs to explain in the letter that it is a second request.	
<b>SSIP Planning</b>	Ivalee explained that SEAC’s APR/SSIP subgroup met to put together a process for giving input at the September 20 <sup>th</sup> SSIP Community Stakeholder meeting. The group used an OSEP tool called a SWOT Analysis ( <u>S</u> trength or <u>W</u> eakness, <u>O</u> pportunity or <u>T</u> hreat) to look at six areas of infrastructure that impact improvement planning. Shari complimented the group on using the SWOT Analysis process, as she also has been planning to utilize the document for her stakeholder meetings. At the meeting on the 20 <sup>th</sup> , stakeholders will be given broad data and asked to identify what group they want to target for the State Identified Measurable Result (SiMR). Amy Wiech asked 1) what is meant by the SWOT infrastructure components professional development (PD) and technical assistance (TA); and 2) is there overlap between the two? Shari responded that PD is information on instructional strategies, TA is information on implementing standards or procedures, and yes, there is	A description of the SWOT tool was disseminated.

<b>SSIP Planning (cont.)</b>	definitely overlap between the two components.	
<b>Update on Restraints and Seclusion</b>	Ivalee reminded members of the bill passes last session regarding banning the use of seclusion in schools and training teachers on when physical restraints are appropriate, as well as preventive strategies. The \$250,000 allocated for teacher training will not be released because of the budget restrictions. There is currently some training occurring in complexes, but it is not consistent, and SEAC would like the Department to collect data on which complexes are trained, as well as the nature of the training and follow-up. Susan Wood asked that charter schools also be included in the data collection. Tom Smith shared that there was an RFP for CPI training, but the budget restriction is holding up the process. Amy Wiech said that she is a certified CPI instructor, and she believes that several other training programs have more of an evidence-base. Ivalee suggested that SEAC try to get Sandy Goya to meet with a small group to discuss the issue.	
<b>Review of Minutes for May 8, 2014</b>	There were no corrections to the minutes for the May meeting.	The minutes were approved as circulated.