SPECIAL EDUCATION ADVISORY COUNCIL

Minutes – April 5, 2019

9:00 a.m. – 12:00 p.m.

**PRESENT:** Brendelyn Ancheta**,** Annette Cooper, Martha Guinan, Scott Hashimoto (for Kurt Humphrey), Lindsay Heller, Amanda Kaahanui (staff), Tina King, Bernadette Lane, Dale Matsuura, Kaili Murbach, Kau‘i Rezentes, Susan Rocco (staff), Rosie Rowe, Drew Saranillio (liaison to the Superintendent), Ivalee Sinclair, Steven Vannatta, Jasmine Williams, Susan Wood

**EXCUSED**: Virginia Beringer,Debbie Cheeseman,Stacy Oshio, Carrie Pisciotto, Tricia Sheehey, James Street, Francis Taele

**ABSENT**: Bob Campbell,Motu Finau, Cathy Kahoohanohano, Amy Wiech

**GUESTS**: Kevin Bardsley-Marcial, Daintry Bartoldus

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| **TOPIC** | **DISCUSSION** | **ACTION** |
| **Call to Order/Welcome** | Chair Martha Guinan called the meeting to order at 9:10 a.m. She speculated that holding the meeting a week earlier than the traditional “second Friday” may account for the greater number of absences. |  |
| **Announcements** | Amanda Kaahanui made two announcements:   1. Four SEAC members have volunteered to man a SEAC table at the SPIN Conference April 13th (Brende Ancheta, Debbie Cheeseman, Martha Guinan and Ivalee Sinclair). 2. May’s meeting includes an annual planning luncheon at the Bangkok Chef (900 N. Nimitz Highway). A sign-up sheet is circulating for members to designate their menu choices. | Members wishing to attend the Conference will contact SPIN to register. |
| **State Systemic Improvement Grant Update** | Drew Saranillio from the Monitoring and Compliance Branch brought members up to date on the State Systemic Improvement Plan report for Phase III, Year 3 that was submitted April 1st. This report was intentionally more succinct than past reports—all of which can be found on the [DOE website](http://www.hawaiipublicschools.org/TeachingAndLearning/SpecializedPrograms/SpecialEducation/Pages/home.aspx).  Overview  The focus of the Plan is improving literacy education, and the State-identified Measurable Result (SiMR) is improved ELA achievement for 3rd and 4th graders with Specific Learning Disabilities, Speech or Language Disabilities and Other Health Disabilities. While this subgroup of students with disabilities is targeted for data collection, professional development to improve ELA achievement for all students with disabilities has been made available.  Improvement from SY 2014-15 to SY 17-18  Drew reported that he is consulting with Cesar D’Agord to tease out real improvement as evidenced by the data. For Grade 4, there were |  |

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| **State Systemic Improvement Grant Update (cont.)** | Improvement from SY 2014-15 to SY 17-18  improvements, but the SSIP targets were not met.  Questions/comments from members and guests  Q. What is name of statewide assessment? A. Smarter Balanced.  Q. Why did the numbers of students tested drop? Is this typical? A. We have seen fluctuation statewide for these categories this year.  C. People might say you removed tough kids for testing in order to get more positive results. A. That is not allowed. We have to hit a 95% participation rate or explain why. That also applies to the Alternative Assessment (HSA-Alt). The choice of appropriate assessment is a team discussion in the IEP meeting.  C. Not surprisingly, students who speak English as a second language do better in math assessments than ELA assessments.  Q. Why are we only measuring the progress of students in the SLD, OHD and SoL eligibility categories? A. There was lots of discussion about which categories to select for the SiMR. Ultimately, the Deputy Superintendent selected those three categories due to having average cognitive ability in common.  Q. Has there been increased training in phonics to address the reading needs of students with disabilities? A. The Superintendent tasked the Office of Student Support Services with doing a yearly conference. Last year they looked at improving the quality and compliance of the IEP. This year’s focus will be on quality of instruction. It will be done statewide sometime during the summer.  C. I have an example of a school that dropped Success for All for a program with less rigor. I think Success for All holds people accountable, and schools shouldn’t have a choice about accountability.  C. Reading Wonders has been the program for K-5 unless a school submitted a waiver.  C. Wonders can be used, but it is not the only source of curriculum.  C. A lot of kids who are pulled out to a resource room may not get access to the curriculum their peers are getting. Q. Are you able to look at the dfference in performance scores for students in a resource room vs. an |  |

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| **State Systemic Improvement Grant Update (cont.)** | Questions/comments from members and guests (cont.)  inclusive language arts program? A. We do that with the District Educational Specialists (DESs). If we are delivering specially designed instruction, we should be seeing growth. The SiMR is looking at proficiency, not at growth which requires two years of instruction. We look at Least Restrictive Environment and whether the data shows that the student’s needs are being met in the general education setting.  C. SEAC has pointed out problems when folks equate LRE—placement in a general education classroom—with inclusive education where students are fully supported. For comparison, it might be better to look at Stetson co-horts that are using the same criteria for delivering inclusive education.  A. DESs are doing walk-throughs in classrooms to get baseline data. Then we do progress monitoring to see if change is being implemented with the desired effect. Every Complex Area Superintendent (CAS) goes through this process with Deputy Superintendent Unebasami.  Q. How much influence does a DES have? In my experience they don’t have much influence at all. A. That’s why the CAS is very influential. DESs give appropriate training and do walk-throughs to check implementation with fidelity.  C. Last month when Brian De Lima was here, he said that one-third of students are doing well, one-third gets by, and one-third gets left behind. Does the growth slide reflect that one-third that does well without help?  C. Brian was referring to the one-third that gets left behind as primarily students with disablities and English Learners.  C. My son is in 4th grade and has significant physical disabilities. I saw him take the grade level SBA assessments with gestures and was appalled. He has never been exposed to this curriculum. Many students are frustrated, because they don’t understand the test or the subject. I emailed the team to say that the SBA is not developmentally appropriate, and my son should be spending time on more appropriate tasks.  Q. (to Kaili) Did the IEP team discuss the statewide assessment with you?  A. (Kaili) He was selected to take the SBA with accommodations, not the Alternate Assessment. A. (Drew) I’m sorry about that experience. The |  |

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| **State Systemic Improvement Grant Update (cont.)** | Questions/comments from members and guests (cont.)  Conversation about testing takes place in the IEP meeting and should consider what is in the best interest of the student. We would like students to take the SBA, but it is not appropriate for every student.  Q. Do a lot of students and/or their parents opt out of statewide testing?  A. About 5%. Hawaii was able to meet the 95% participation rate requirement.  C. Parents are not told that there is opt out, but there is. Then there is the Alternate Assessment, which also must have a 95% participation rate. Everyone must take a grade-level assessment; they cannot take a test at their cognitive ability level.  C. I agree that IEP teams don’t tell you about the Alternate Assessment. A. It should be part of the discussion (i.e. what accommodations are needed? what are the pros and cons?).  C. Most of you have met my adult son. We opted out of statewide assessments every year beginning in 3rd grade, He had never been exposed to the curriculum covered in the testing, and we knew he was not going to do well with the frustration of taking the tests.  C. You can look at the Median Growth Rate, too, to show whether instruction met the student’s needs. A lot of kids also do formative assessments.  Q. Do complexes look at complex level data to see if their scores are improving? A. Yes, the School Renewal Specialists look at data along with the DESs. Many CASs are bringing groups together to see the results and look at ways to review the data—where to focus their attention.  C. My concern is that in elementary school, there are usually 3-4 special education teachers while high schools have more positions. If the CAS took fiscal responsibility for meeting the special education students’ needs based on data, it might be more affordable than coming out of each school’s budget. A. If you address it piecemeal, you won’t see growth throughout the complex area. We need to spend money appropriately. Some are questioning the data and asking what is going on in the classroom. We use the same tool in walk-throughs. We can then tailor |  |

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| **State Systemic Improvement Grant Update (cont.)** | Questions/comments from members and guests (cont.)  professional development to a particular group.  Q. Where is the Department now on moving away from the SBA and toward authentic/innovative assessments? A. (Martha) Hawaii has been taking a wait-and-see attitude to study what other states pilot. |  |
| **Special Education Information on the Department Website** | Drew took members to the [main special education page](http://www.hawaiipublicschools.org/TeachingAndLearning/SpecializedPrograms/SpecialEducation/Pages/home.aspx) on the Department’s website to point to the section on the State Systemic Improvement Plan (SSIP) that he updated, providing links to all phases of the plan. He also pointed out a new section related to school-based Medicaid claiming for reimbursement of the costs of providing health-related services to Medicaid eligible special education students.  Questions/comments from members and guests  C. I read through the 25 pages of the **Annual State Application under Part B of the IDEA.** There was about $36 million that was not accounted for in expenditures. A. Those are the federal funds that are distributed to the field. They can be used for services or personnel.  C. I would like to recommend that you revert to reporting due process decisions by year, with data from past years available and easily accessed. The current system of trying to find it in the Report Finder is hit and miss. It defeats the IDEA requirement that the Department post those decisions where the public can have access to them. |  |
| **Legislative Update** | Daintry Bartoldus, Executive Administrator of the Hawaii State Council on Developmental Disabilities, distributed her latest Measure Tracking Report, and highlighted key bills impacting students with disabilities and/or their parents. These included:   * SB242 which establishes a Developmental Disabilities/Intellectual Disabilities (DD/ID) Task Force to work together with resource allocation. * HB1273 which creates a DD/ID Medicaid Waiver Administrative Claiming Fund. * HB 381 which originated as a means of adding specific conditions like autism and fetal alcohol syndrome to the definition of *developmental disabilities*. The original language was gutted and |  |

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|  | replaced by a bill requiring biannual meetings of the Fuel Tank  Advisory Committee. The disability community is upset about it.   * SB 330, also known as “Kal’s Law,” after Kal Silvert, a bright college student with a severe physical disability requiring extensive medical support paid for through Medicaid. He was devastated to learn he could not work, as he would lose his Medicaid. This bill requires an earned income disregard program as an intermediate step to implementing a Medicaid buy-in program. * HB 232 would have included persons with disabilities under the general minimum wage requirements. It failed but the Hawaii Disability Rights Center has now adopted DD Council’s position that subminimum wages are not acceptable. They are now talking about customized employment and job carving. * HB 179 which provides a nonrefundable income tax credit to any taxpayer who hires an individual with a disability. * SB 341 which exempts special education teachers and teacher trainees from licensure requirements as a behavior analyst.   Daintry informed members that any bill that dies this year can be picked up next year. She also clarified that resolutions hold less power than bills; they are basically strong suggestions. Lastly, Daintry talked about a program set up at Kauai Community College by Dana Hazelton that enables students to take elective classes to become educational assistants—a personnel shortage category throughout the state. |  |
| **Selection of a Nominating Committee** | Martha asked for volunteers to serve on a Nominating Committee to prepare for the May election of officers and to recruit for vacant positions. Rosie Rowe, Susan Wood and Annette Cooper offered to form the committee. Susan R. will provide staff support. Lindsay Heller announced that she will be moving to Pennsylvania in May, and members expressed appreciation of her service through SEAC. |  |
| **Review of February 8 and March 8, 2019 Meeting Minutes** | The February draft minutes contain several typos pointed out by Susan Wood. The March draft minutes require two corrections: 1) in a page 6 comment by Susan W. the text should read that Honoka‘a High & | The two sets of minutes were approved as corrected. |

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| **Review of February 8 and March 8, 2019 Meeting Minutes (cont.)** | Intermediate is having its funding cut due to a lower expected enrollment; and 2) on page 7, Lindsay Heller clarified that she never lived on Maui; she flew her daughter to therapy sessions on Maui because of the scarcity of services on the Big Island. |  |
| **Agenda Setting for May 17, 2019 Meeting** | Members suggested the following agenda items for the May meeting:   * Setting meeting dates for SY 19-20, * Report from the Nominating Committee, * Election of officers, * Presentation of Dr. Suess books to Principal Kikkawa, * Infographic work groups, * Due process update, and * Annual Report outline. |  |
| **Input from the Public** | Jasmine Williams reported that she attended an IEP meeting in Central District where one of the team members brought out a digital device to record the meeting. Jasmine asked what would be done with the recording, and she was told that it would be uploaded to the teacher’s computer. Then when the teacher leaves, the computer will be cleared. Jasmine stated that she feels strongly that this information should be shared with parents, and that people in the field need guidance on protocols for using digital devices. Members made several suggestions:   * transfer the recording to a disc where it can become part of the record; * put the digital recording in the student’s folder in case the parent wants a copy; * let both parties make a recording at the same time; * rather than record the meeting, have the team member who is taking notes make copies of the draft notes and distribute them to each member at the end of the IEP meeting. This strategy was proposed to DOE leadership by Ivalee Sinclair, Susan R. and Tom Smith during the approval process for Chapter 60 in 2009, but DOE did not agree. |  |

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| **Input from the Public (cont.)** | * teachers can take personal notes in the meeting, but if they share them with anyone, the notes become part of the student’s folder.   Drew offered to follow-up with the DESs in that complex area. |  |
| **Infographics Discussion** | Martha informed members that Joanne Cashman has arranged for several members from SEAC to present a webinar on our work with infographics to other State Advisory Panels (IDEA Part B) and State Interagency Coordinating Councils (IDEA Part C) on May 2nd. Martha asked for input on which infographic(s) should be shared and members agreed that the infographic on reading was the closest to having been fully vetted. Martha encouraged each work group to finalize their drafts and consider creating Dialogue Guides to go with the infographic. Feedback included:   * If an infographic is just going to hang on a wall, you wouldn’t need a dialogue guide; * The inclusion infographic has not been finalized, and the one on obtaining school-based medical support is pending final review. * The disproportionality work group is still working on the message it would like to share. | Work groups with final drafts to share will email them to Martha one week prior to the May meeting. |