**SPECIAL EDUCATION ADVISORY COUNCIL**

Minutes – October 11, 2019

9:00 a.m. – 12:00 p.m.

PRESENT: Brendelyn Ancheta, Andrea Alexander, Bob Campbell, Debbie Cheeseman, Rebecca Choi (for Mary Brogan), Annette Cooper, Mark Disher, Martha Guinan, Scott Hashimoto (for Kurt Humphrey), Amanda Kaahanui (staff), Tina King, Kaili Murbach, Kau‘i Rezentes, Susan Rocco (staff), Rosie Rowe, Drew Saranillio (liaison to the Superintendent), Ivalee Sinclair, Francis Taele, Steven Vannatta, Lisa Vegas (for Stacey Oshio), Jasmine Williams, Susan Wood

EXCUSED: Bernadette Lane, Dale Matsuura, Carrie Pisciotto, Tricia Sheehey

ABSENT: Virginia Beringer, Motu Finau, Cathy Kahoohanohano, James Street, Amy Wiech

GUESTS: Heidi Armstrong, Debbie Farmer, Brian Hallett, C.J. Rice, David Royer, Wendy Sekiya

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| **TOPIC** | **DISCUSSION** | **ACTION** |
| **Call to Order/ Welcome** | Chair Martha Guinan called the meeting to order at 9:08 a.m. |  |
| **Introductions** | Martha asked members to introduce themselves to guest presenters Debbie Farmer and Brian Hallett. |  |
| **Review of Minutes of the September 13th SEAC Meeting** | AS Armstrong offered the following corrections to the minutes:1. On page 3, under **Inclusive Practices Website**, change last sentence to read: “It will also include ~~data and state level information about supports needed by Complex Areas~~ resources and professional development supports.”
2. On page 5, under *Questions/comments from members and guests*, change the percentage in line 8 and line 9 to “44%.”
3. On page 7, under *Questions/comments from members and guests*, change the answer on line 3 to read “There will be an adjustment in April 2020 to account for additional students.”

Francis Taele offered these additional corrections:Under **Update on the Provision of IDEA Services to Eligible Incarcerated Adults**, 1. Change the second sentence under *Basic education opportunities* to read “the ~~vision of the GED/HISET Workforce~~ goal of the Workforce Development Diploma Program is to have graduates of this program holding 7th – 8th grade level skills.”
2. Change the third sentence to read “Individuals can take the high school equivalency test (HISET), general education diploma test (GED), or earn a Workforce Development Diploma (WDD) focused on workplace readiness, computer and money skills, etc.”
 | The minutes were approved as corrected. |

SEAC Minutes

October 11, 2019

Page 2

|  |  |  |
| --- | --- | --- |
| **Review of Minutes of the September 13th SEAC Meeting (cont.)** | 1. Change the fourth sentence under *Recent Improvements* to read “In the future, IDEA eligible students won’t be sent to Arizona due to an inability of that facility to meet their educational needs.”
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| **New SpEd Funding Formula** | Brian Hallett, Interim Assistant Superintendent and Chief Financial Officer from the Office of Fiscal Services and Debbie Farmer, Director of the Exceptional Support Branch, Office of Student Support Services, provided an overview of the newly proposed formula for providing special education supports to schools, developed with the goal of providing predictability, transparency and equity.History of how the new formula was selected The Fiscal Allocation Group was formed as a result of the Special Education Task Force recommendation to improve on the funding formula and met five times. It proposed allocating support in the form of dollars rather than positions with 95% of each school’s allocation based on their sped head count. The fund does not include categorical funding sources like monies targeted for autism program support that provide additional stability for providing supports.Shift from district allocations to school allocationsIn the past, positions have been allocated to districts and teacher positions could not be exchanged for other positions, like Educational Assistants (EAs). In the new formula, money is passed directly to schools and they can make adjustments to their Financial Plan, buying and selling positions as needed, as long as the funding is used for special education services. There is also a limit on non-payroll expenses. Sometimes a Complex Area provides regional supports. That can still operate by having home schools transfer money to the principal that is providing the regional support, like an Intensive Learning Center, for the home school’s students.Stakeholder response to the formula AS Hallett has received mixed reviews from the field. Some respond to the amount of change as too much too fast. Lots of anxiety has surfaced with the idea that some schools will gain and some will lose in the effort to levelthe playing field and provide consistency across complexes. We made  | Shortly after the meeting members received links to a handout entitled “New SPED Funding Formula” and a 15 page set of spreadsheets that were referenced in the presentation. |

SEAC Minutes

October 11, 2019

Page 3

|  |  |  |
| --- | --- | --- |
| **New SpEd Funding Formula (cont.)**  | some changes to the original proposal including:* Adding a weighted factor of .2 for students in OHD, SoL and SLD categories to reinforce inclusion,
* Changing the base funding from $100,000 to $66,000,
* Not starting per pupil funding until the 5th student, and
* Holding 10% rather than 5% of the funds for Complex Area (CA) distribution based on unique needs.

Next StepsThe funding formula is expected be in effect in SY 20-21. A new Fiscal Work Group will be convened to take a second look at the weights and all aspects of the funding allocation process.Questions/comments from members and guestsQ. If a principal wants to hire PPTs instead of EAs, can they do that? A. That is currently a consult and confer issue with the unions. When trading positions, there may be leftover money. In the guidelines we have said schools can use this money to buy positions or training and materials (including whole school training). We don’t want them to bank the money, and we ask them to watch hiring casual employees.Q. From whom have you received feedback? A. We presented the formula to Complex Area Superintendents who passed it on to school personnel. DESs coordinated school responses in some areas.Q. What is the timeline given to CAs for handing out reserve monies? A. We advise that they hold 50% back for unforeseen needs. Q. What about a student who has a behavior issue and is not OHD or SLD? Does he receive additional weighting? A. No. He has a weight of 1.0. However, the Fiscal Allocation Work Group II may change the weights in the future.Q. If you have 5 kids in the SoL eligibility category, do you get per pupil funding? A. The methodology starts at the 5th child with $12,000 per child. Weighted kids get an additional $1200.Q. When a student moves out during the year, will their money follow? A. No. Students will be counted in April and that’s fixed. |  |

SEAC Minutes

October 11, 2019

Page 4

|  |  |  |
| --- | --- | --- |
| **New SpEd Funding Formula (cont.)**  | Questions/comments from members and guests (cont.)Q. We have a transient population at Olomana. A. Olomana is being held harmless in the new formula, and they will be getting special education positions as in the past.Q. Who decided that only the three categories will be receiving extra weighting ? How does my child get funding? A. The Special Education Section was in charge of making that decision.C. By providing a monetary incentive for including certain students with milder needs in the general education classroom, it appears that you are perpetuating the exclusion of students with more significant disabilities.Q. Aren’t students categorized with OHD more represented in elementary schools? A. No, high schools have lots of ADHD kids.Q. This presentation is about EDN 150 funds. What about EDN 100 monies? A. Most of that fund is the Weighted Student Formula, and special education students are still counted as 1.0 in the WSF. Q. Were members of the Special Education Task Force aware of the plan to add a weight to the three categories (OHD, SoL, SLD)? A. No the categories were not included in the SPED Task Force recommendations.Q. How does the decision making process for spending allocated funds interface with School Community Councils (SCC)? A. They will be part of the financial plan process. Ultimately the principal makes the final decisions with input from the SCC. Q. Is the new SPED formula on track to go into effect in the 2021 school year? A. This is the plan. Q. In the Financial Plan process will the Complex Area Superintendent(CAS) use District Educational Specialists(DES) to determine how to use the 10% of the funds set aside? A. We are encouraging that . It depends on the CAS and DES relationship. CASs sign off on every plan to verfiy that this is a viable way to spend the money.  |  |
| **Restraints and Seclusion and Student Safety** | AS Armstrong began the discussion by acknowledging SEAC’s role in helping to gain passage of Hawaii’s Restraints and Seclusion Law in 2014. She stressed that restraints are at the tail end of prevention and early  |  |

SEAC Minutes

October 11, 2019

Page 5

|  |  |  |
| --- | --- | --- |
| **Restraints and Seclusion and Student Safety (cont.)** | intervention efforts. She asked C.J. Rice, an Educational Specialist in the Student Support Section to paint a broad picture of efforts to shape student behavior to maintain overall student safety. C.J. acknowledged a number of SEAC members who she partnered with while working on Project Aware. The project recently got a 6 year no-cost extension as a means of sustaining mental health first aid supports in the Waianae-Nanakuli Complex Area and the Kau-Keaau-Pahoa Complex Area. Hawaii Multi-tiered Student Supports (HMTSS)The HMTSS framework has recently been introduced as a structure for providing academic, behavioral, social–emotional and physical supports to all children. It includes tiered systems of support that are represented by a pyramid with three levels: Level 1 – supports for all students, Level 2 – supplemental supports, and Level 3 – intensive interventions. Social-emotional programming is the best way to prevent bullying, and positive behavior supports represent early intervention into problem behaviors.Recent efforts to promote student safety* Hawaii has received a $5 million trauma-specific grant that will enable the provision of extra mental health services in partnership with the Child and Adolescent Mental Health Division.
* National Bullying prevention month is October, and there is collaboration between the Complex Areas, schools and community agencies to promote Unity Day on October 23rd. Public schools will receive wrist bands, and all schools have banners.
* All schools have received bullying prevention toolkits.
* Students have access to a Speak Now bullying app to report bullying incidents.

History of restraints and seclusion legislationIn 2009 Congress began hearings on banning seclusion and limiting the use of restraints in public school settings. USDOE is planning to make restraints reporting a compliance issue and has promised technical assistance and supports to states. Act 206 (HB 1796) was passed by Hawaii’s legislature in 2014, so Hawaii is already in compliance federally.  |  |

SEAC Minutes

October 11, 2019

Page 6

|  |  |  |
| --- | --- | --- |
| **Restraints and Seclusion and Student Safety (cont.)** | No seclusion or mechanical and chemical restraints are allowed in Hawaii public schools. Physical restraints are restricted to emergency situations, where the safety of the student or others is at risk. Statewide trainingSafety Care training, which focuses on de-escalating behavior, is available to all school campuses, and every district has a liaison. We have produced over 400 trainers with 250 currently active and 3,000 specialists on school campuses. Trainers and specialists need recertification every year. In addition, contracted providers have now been trained in Safety Care. Questions/comments from members and guestsC. SEAC requested that you share restraints data from your database at this meeting. A. In 2015-16 we didn’t have statewide data. We are supplying SY 17-18 data to the USDOE Civil Rights Data Collection (CRDC), and I thought SEAC could see that information when it is released.C. The suspension data collected by the USDOE for SY 15-16 was just released this year as there is a big lag between collecting the data and reporting the data. That means SEAC would have to wait for close to two years to see that data, even though we have requested it from HIDOE for the past two years. A. I will look at releasing it sooner.Q. When Jean Nakasato last presented to SEAC (January 2017) on Quality Behavioral Solutions, members asked to include in the QBS training parents whose children may be restrained or to provide parents with a shortened version. Are we any closer to parent training? A. QBS has created a Family Module, and I will take the training so that we can begin to provide parents with information they need at home.C. One reason we asked for the training was so that we would know what to expect from school personnel.Q. What kind of people at the school level are trained? A. We suggest the Vice Principal, security personnel and special program staff.C. SEAC also stressed to Jean the importance of training long term substitute teachers. A. They can receive training. We cannot train contracted providers, but we require that they train their own staff. |  |

SEAC Minutes

October 11, 2019

Page 7

|  |  |  |
| --- | --- | --- |
| **Restraints and Seclusion and Student Safety (cont.)** | Questions/comments from members and guestsQ. What is your timeline for getting family training up and running? A. I’m not sure. My funding is restricted, but I am going to look into that. QBS has some restrictions on their contract.C. Shortly after Act 206 was passed, HIDOE was underfunded for setting up the restraints database and securing a coordinator, so Ivalee Sinclair helped to lobby the Legislature two years in a row for about $460,000 that also covered the training certifications. A. Thank you, Ivalee! The Data collection is not in our office. It has moved to the Infinite Campus database.C. There are other ways to work with schools and IEP teams while you are waiting for the family module. Parent training can be individulized as a related service to help support a student’s behavior.  |  |
| **Act 270 – 2019 Suicide Prevention Law** | C.J. reported that previous versions of this bill had the Board of Education in charge of the activities listed in the legislation. BOE asked that it go to the HIDOE with funding, however it slipped through without notice and without money or timelines. C.J. directed SEAC’s attention to a requirement to develop a mandatory youth suicide awareness and prevention training program based on existing DOH training and provide it to teachers, EAs, administrators and counselors. Each Complex Area must survey the training that took place the previous school year and report back to the Department by September 15th of each year.Partnering with the Department of HealthDOH received $150,000 through Act 180 for suicide prevention, but two of their staff have retired. DOH is partnering with us to help implement training for educators and youth. There is no specific DOH curriculum, but there is a Prevent Suicide Task Force curriculum. Risk Referral ProtocolEvery school should have a risk referral protocol to keep students safe. People are not mandated to report if someone talks about self-harm, but ethically, you are responsible. The referral protocol nationally is to not leave a vulnerable student alone and make sure to get help. Help could be a counselor, | A copy of Act 270 (SB 383) was distributed to members and guests.Members were directed to the handout “General Resources for Mental Health Promotion & Suicide Prevention” for a list of free suicide trainings in Hawaii.  |

SEAC Minutes

October 11, 2019

Page 8

|  |  |  |
| --- | --- | --- |
| **Act 270 – 2019 Suicide Prevention Law (cont.)** | Risk Referral Protocol (cont.)a school based behavioral health staff or an administrator. If necessary, call the Crisis Line and the student’s parents. There is now a national Crisis Text Line: text 741741. If a student texts ‘aloha’ the Text Line, staff know the call is from Hawaii.Questions/comments from members and guestsC. Principals say they don’t have subs in order to get their folks trained. It is not about funds but about a lack of bodies. A. With Safety Care, there is money for subs.C. When we brought Safe Talk to Big Island high schools years ago, they were actually referring. Can we impress upon schools the importance of training kids?C. The American institutes for Research has materials for bus drivers. C. There are lots of training opportunities but pulling special education teachers out from classroom to get trained is detrimental to students. Q. Are there other training methodologies that keep folks in the classroom? Have you done an analysis of how much time teachers spend in the classroom vs. outside? A. (AS Armstrong) A lot of mandatory trainings must be within the confines of the school day per the teacher contract. (C.J.) We need to work smarter, not harder--giving an array of vetted training programs to give schools flexibility without taking away from class time. The Neighbor Islands don’t even have subs. |  |
| **Announcements** | 1. Mark Disher announced that he recently sent members copies of a September 6, 2019 memo from the Superintendent regarding determining the need for individualized instructional supports (ISS) due to his concerns that the memo is vague and subject to multiple interpretations in the field, thereby risking IDEA violations. He asked for an opportunity to discuss the issue at the November SEAC meeting. AS Armstrong responded that the memo is intended to clean up current practices and she assured members that any student who warrants ISS as determined by the IEP team will receive that support.
 |  |

SEAC Minutes

October 11, 2019

Page 9

|  |  |  |
| --- | --- | --- |
| **Announcements (cont.)** | 1. Amanda Kaahanui reminded members that the Footsteps to Transition Fair will take place on Saturday, November 2nd from 9:00 to noon at Kapolei Middle School.
2. Amanda also announced that the Children and Youth Summit at the Legislature was held yesterday, and that her son Ikaika was on the student panel.
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| **Agenda Setting for November 8, 2019 Meeting** | Susan R. suggested that members identify how major agenda items link to SEAC’s top priorities for the year—Multi-tiered Systems of Support (MTSS), Professional Development (PD) and Inclusive Education (IE)—in order to maintain focus on goals. Agenda items that gained consensus were as follows:* Discussion of the Superintendent’s Memo re: Determining the Need for Individualized Instructional Supports (MTSS and PD)
* Presentation on the MTSS Framework (MTSS) by Fern Yoshida
* Discussion of the Framework for Inclusive Education (IE)
* Infographic Work Groups
	+ Presentations and vetting for infographics—SSIP/Reading and School Health Services
	+ Work Group meetings.

Items identified for future discussions/agendas included* Presentation by the Office of Talent Management re: professional development and retention
* Data presentation on the incidence of restraints of Hawaii students (particularly special education students)
* Legislative updates
	+ Exempting sped teachers with appropriate ABA training from ABA licensure
	+ Capping suspensions
* Student Behavioral Supports (BIP, BSP, SEL).
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