**SPECIAL EDUCATION ADVISORY COUNCIL**

**Minutes – August 14, 2020**

**9:00 a.m. – 12:00 p.m.**

PRESENT: Andrea Alexander, Debbie Cheeseman, Rebecca Choi (for Mary Brogan), Mark Disher, Martha Guinan, Scott Hashimoto, Amanda Kaahanui (staff), Annie Kalama, Tina King, Bernadette Lane, Dale Matsuura, Cheryl Matthews, Danielle Mizuta (for James Street), Kaili Murbach, Kau‘i Rezentes, Susan Rocco (staff), Rosie Rowe, David Royer, Francis Taele, Steven Vannatta, Lisa Vegas, Jasmine Williams, Susan Wood

EXCUSED: Brendelyn Ancheta, Virginia Beringer, Annette Cooper, Tina King, Carrie Pisciotto, Ivalee Sinclair,

ABSENT: Bob Campbell

GUESTS: Daintry Bartoldus, Patty Dong, Lei Ito, Lori Morimoto, Vanessa Ott, Cara Tanimura, Brikena White, Aldrec Ulip

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| **TOPIC** | **DISCUSSION/ACTION** |
| **Call to Order/ Welcome** | Chair Martha Guinan called the Zoom meeting to order at 9:05 a.m. and welcomed members back to the brave new world. |
| **Input from the Public** | Access to Services Under Distance Learning   1. Kau‘i Rezentes shared that she had selected 100% distance learning for her daughter Ava, because she is medically fragile and needs to stay away from anyone who might have been exposed to COVID-19. The school informed her that due to this decision, Ava will be forfeiting all medical supports, including OT, PT, and skilled nursing. Kau‘i doesn’t think DOE is doing enough for special education students. Medically-fragile students are the most vulnerable to infection. Ava is on a ventilator already. Kau’i has a meeting with Ava’s teacher later this afternoon, and she wants to know what guidance is being provided to schools. 2. Rosie Rowe commented that this is a typical problem experienced by many parents. 3. Kaili Murbach added that she is going through a similar situation. She is trying to get her son back into school, but there have been gaps in staff training because he is transitioning from one school to another. She went to school on two occasions to provide training to new staff because her son is not able to speak for himself. The Vice Principal just told her that visitors are not allowed on campus, so she has been unable to complete the training. She wants to know her rights. 4. Daintry Bartoldus of the State Council on Developmental Disabilities said that a Council member on Kauai who is a parent of a child with a disability is having similar problems to Kau‘i.   **Action: Annie Kalama asked both Kau‘i and Kaili for the names of their child’s school, and she offered to make contact with both of them to make the schools more aware of their responsibilities to meet the needs of students with disabilities to the greatest extent possible.** |
| **Announcements** | 1. Susan Rocco announced that the SEAC’s annual report for SY 19-20 is undergoing one last round of editing and will be available for distribution to members and the public within a week. |

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| **Announcements (cont.)** | Annie arranged for Susan to work with the Monitoring and Compliance Branch staff to ensure that the data infographic within the report reflects accurate data and source materials. The Superintendent and the Deputy Superintendent will receive the first copies of the report per SEAC’s by-laws.   1. Amanda Kaahanui reported that SPIN is going forward with a virtual parent conference on October 17th. A promotional flyer will be sent to members to help disseminate information of the conference to a large audience. SEAC will be invited to host a virtual informational drop-in room. |
| **Introductions and Member Exercise** | Martha asked members to introduce themselves, describe the membership category they are serving under, and offer one or two words epitomizing why they choose to serve on SEAC. The answers will be used to form a Word Cloud that showcases the diverse motivations behind working together for positive change. |
| **Membership Committee Report** | Rosie reported out for fellow members Susan Wood and Steven Vannatta on the Membership Committee regarding the nomination of candidates for membership. The slate of nominees, once voted on by the full Council, will go to the Superintendent for her consideration for appointment. The nomination of the following individuals as viable candidates for appointment helps to bring SEAC into compliance with a majority of voting members who are parents and persons with disabilities, and replacing vacant positions for agency representation required under SEAC by-laws.  New parent members  The Committee nominates Sarah Man, Paula Whitaker and Kiele Pennington as parents with broad experiences relating to children with disabilities who are in excellent standing in the disability community.  Current member filling a new stakeholder designation  Committee members recommend moving Jasmine Williams, currently a parent member on the Council, into the stakeholder designation of a person with a disability, thereby retaining her expertise and experience on the Council.  Agency representative filling a vacancy  Cheryl Matthews with the Division of Vocational Rehabilitation was nominated to fill the vacancy created when Motu Finau resigned. Sara Alimoot, who works for the Homeless Concerns Office , was nominated to fill Cathy Kahoohanohano’s place.  **Action: Members voted to approve the six nominees and forward their names to the Superintendent for her decision regarding appointment.** |
| **OSEP Determination Based on SY 18-19 APR/SSIP Submission** | Cara Tanimura, Director of the Monitoring and Compliance Branch introduced her IDEA team—Brikena White, Patty Dong, and Lori Morimoto. They reported in turn on the determination received June 25, 2020 from the Office of Special Education Programs (OSEP). Elements of their presentation included: |

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| **OSEP Determination Based on SY 18-19 APR/SSIP Submission (cont.)** | * how OSEP holds states accountable for the delivery of IDEA services, * elements included in a state determination, * OSEP’s determination for Hawaii issued in June, 2020, * the components of the Results-Driven Accountability Matrix, * scoring of results elements and compliance indicators, and * areas identified for improvement.   The MAC team plans to return to SEAC in a few months to discuss the APR/SSIP report due in 2021 and to set indicator targets together. Annie thanked Cara and team members for their presentation.  **Note: The documents reviewed in their report are found on the HIDOE website and a copy of their presentation is attached to these minutes.** |
| **Setting SEAC Priorities for SY 20-21** | Steven Vannatta described the annual process of setting priorities, typically at the first meeting of the school year. With 10 meetings a year and the May meeting taken up by membership issues and planning for the annual report, that leaves 8 meetings to gain more depth of knowledge regarding timely issues and offer suggestions for improvement. Once 3-4 “big bucket” priorities are identified, time is set aside in future agendas for specific presentations.  Recommended priorities set by the SEAC Leadership Team  Annie Kalama met with Steven, Susan Wood, Martha, and Susan Rocco in the last month to develop some potential priorities to start the discussion. A number of issues were discussed and narrowed down to the following six areas:   * General Supervision * Scaling up Evidence-Based Practices * ESY Services * Fiscal Accountability * COVID-19 Impact Services and * Preschool Education   Susan Wood explained that the team tried to include objectives within the larger issues that could be resolved within the year, in order to give members a sense of accomplishment while we work on long-term goals.  Member voting on priorities  Members were invited to offer additional priorities. None were forthcoming, so Martha instructed |

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| **Setting SEAC Priorities for SY 20-21 (cont.)** | Member voting on priorities  members present to indicate a priority of 1 to 6 for the six big bucket priorities by turning on their video screen and holding up fingers when each priority is announced. The top four priorities in order of preference are as follows:  1. COVID-19 Impact Services  2. General Supervision  3. Scaling up Evidence-Based Practices  4. Extended School Year Services  **Note: A more complete description of the priority areas is attached to the minutes.** |
| **Review of the Minutes for May 22, 2020** | There were no corrections to the minutes.  **Action: The minutes were approved as disseminated.** |
| **Agenda Setting for the September 11, 2020 Meeting** | Given the top priority of COVID-19 services, members made the following suggestions for agenda items:   * Covid-19 Impact Services * Covid-19’s impact on services   + How are related services affected (SLP, OT, PT, etc)   + How Re-evals and FBAs are being provided within timelines   + How students with disabilities are progressing   + What is the status of devices, wifi, and assistive technology for students with disabilities   + How are parents being given support with technology * Vetting of Infographics * Review of By-Laws   Martha reminded members that the SEAC by-laws need to be revised to reflect only one Vice Chair. Susan R. suggested a By-Law subcommittee to look at other potential revisions. Volunteers included Martha, Cheryl Matthews, and Kaili. |
| **Return to Learn for Students with Disabilities** | Annie Kalama, the Director of the Exceptional Support Branch, shared a Powerpoint presentation entitled “Reopening Schools, Students with Disabilities Return to Learn” (see attached). She thanked members and guests for their grace while her team is putting together guidance. OSEP has provided no guidance to states, so Hawaii’s response has been based in part on watching what other states are doing and talking with professional organizations.  Return to Learn - FAPE  Original recommendations were to return students with disabilities to the classroom to ensure appropriate implementation of their IEPs. However, a rise in COVID-19 cases prompted a shift to full distance |

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| **Return to Learn for Students with Disabilities (cont.)** | Return to Learn – FAPE (cont.)  learning for the first 4 weeks of the 2020-21 school year. While teachers receive training, there was special consideration for in-person services for vulnerable students. Schools have been told that they must continue to provide FAPE regardless of a school’s instructional model. As COVID-19 cases continue to grow, it is expected that schools may need to shut down again. Parents can opt for full distance learning at any time, and schools must accommodate families who don’t want in-person services.  Review of IEPs/504 Plans  Schools have been told to hold an IEP meeting for each student within the first quarter. The process should include the following:   * Determining what accommodations and modifications are needed to access distance learning, * Developing an individualized contingency plan, and * Identifying any different or additional needs as a result of COVID-19 school closures.   Determining the need for compensatory services  IEP teams must also assume that most students will have experienced a loss in skills and develop a plan to compensate for that loss. After reviewing student data and information gathered from parents the team should discuss three possible options for mitigation:   * Multi-tiered support services (offered to all students), * Additional services in the IEP (and if so, what additional assessments are needed), and/or * COVID-19 Impact services provided beyond the school day.   Priority in scheduling IEP meetings should be given to students with new needs, students who are disengaged in distance learning, and students with obvious severe regression and skill loss.  Distance Learning as Special Designed Instruction (SDI)  SDI—adapting the content, methodology or delivery of instruction to the unique needs of an eligible student that result from his/her disability—must ensure that the student has access to the general curriculum.  Least Restrictive Environment (LRE)  The requirement that students be placed in the LRE has not been waived during the pandemic. Methods to ensure LRE have included virtual classrooms with general education students, face-to-face or distance learning with non-disabled peers, related services through telepractice, Ohana bubbles, etc. Annie has seen a lot of teacher creativity to maintain LRE for students.  Contingency Plans  These are preparations for future disruption to educational services and required for students with IEPs. |

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| **Return to Learn for Students with Disabilities (cont.)** | Contingency Plans (cont.)  School teams must work with the parent to determine what services will be provided and by whom, along with any additional supports needed to access distance learning. The documentation for the contingency plan must be more robust than over the summer.  Parent’s Option for Distance Learning  Distance learning can be offered when parents are not comfortable bringing their child back to campus. For special education students, the option to distance learn must be cleared with the Complex Area Superintendent and the principal. If the IEP cannot be implemented in its entirety via distance learning, a Total Distance Learning Plan must be developed where the IEP is implemented to the *greatest extent possible.* Acellus and other total distance learning programs may not be appropriate for some students with IEPs. In some cases a homebound placement is preferable. It provides the opportunity to maintain services for high-risk students. In person services off campus as still allowable, and homebound services do not always have to happen at home  Questions/comments from members and guests  Q. Can DOE do classes via cable TV access? A. I don’t know about that. Parents would have to have access, too.  Q. What is the due date for completing the Contingency Plan? Does it involve meeting with the parent virtually? A. We gave IEP teams until the end of the first quarter. The law doesn’t require it to be done through an IEP team meeting, but it must include IEP team members.  Q. Will the Contingency Plan be included as a supplemental comment on the IEP? A. It is not the IEP. It is a plan to implement the IEP in case of a shutdown.  Q. Should the Contingency Plan be included in a Prior Written Notice (PWN)? A. The Contingency Plan does not need to happen in an IEP, but if it does, it must be documented in a PWN.  Q. Can the IEP team decide on temporary homebound placement? A. Absolutely. It doesn’t have to be for a full year.  Q. What happens if a student is not safe at school, but the school is only offering the option of 100% distance learning through Acellus? A. We make it clear to schools that the Distance Learning Plan (DLP) should discuss what is appropriate for the student. Acellus is typically used for credit recoupment over the summer. Students are on their own, with a counselor monitoring progress. While the DLP must implement the IEP to the greatest degree possible, parents must understand that they may not be able to implement the IEP fully. |

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| **Return to Learn for Students with Disabilities (cont.)** | Questions/comments from members and guests (cont.)  Q. When schools are able to go back to offering an AB rotation, I expect I must either accept the AB option or Acellus. I have asked for teacher-lead virtual instruction and have been told that no one is doing that. I know that’s not true. What strategy should I use to avoid having to leave school to get what my son needs? A. Once a school comes up with a schedule of options, it may not be possible to provide an adaptation for a student with an IEP. Parents are given the choice to access the school’s offer of FAPE, but it doesn’t mean there should not be efforts to problem solve.  Q. If at the meeting for the Contingency or Total Distance Plan additional accommodations or services are needed, then it would turn into an IEP meeting, correct?  C. Teachers are not learning how to use and monitor Acellus. It does offer additional support, if a student is struggling, such as videos, modified text, etc. Teachers are also providing virtual office hours and in-person, if a student needs help.  Q. For a parent who needs the homebound option, can the team write in “time-limited”. A. The homebound option is based on a new need—the student cannot be subjected to the coronavirus. When there is no threat of contagion, the IEP can be revised.  Q. What is the accountability of an individual school that does not follow a Contingency Plan or Distance Learning Plan and included supports, if not on an IEP? A. We have been able to develop a place in eCSSS to document, but unfortunately the student data system doesn’t have a similar documentation capability. We may need to work with the MAC Office for accountability, and we may request SEAC’s help.  C. A parent on the Big Island whose child attends a charter school was told they would have to dis-enroll the child from the charter school and go to a public school in order to receive homebound services. A. I will do a follow-up on that situation. Charter schools should be offering FAPE to students.  C. It is very confusing for parents to know about all the new requirements due to COVID-19. A. I agree.  C. Plans are only as good as they are honored and followed.  Q. The Distance Learning Plan is only for a total shutdown? A. Yes. As when a plan is developed where a student is coming to school and the Governor says no more face-to-face learning.  Q. If we get back to a situation where all students are not receiving academic services (like in the 4th quarter), will we be told our child won’t get services either, or will the Contingency Plan dictate an alternate plan? A. It is not our desire to provide less than full educational opportunities, and we are trying to be flexible and honor the IEP. OSEP has said that when there are not services to children, we are not obligated to provide services to students with IEPs.  Q. I am confused with the different terms being used—distance learning vs. online learning, for example. |

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| **Return to Learn for Students with Disabilities (cont.)** | Questions/comments from members and staff (cont.)  How can we clarify terms? A. I absolutely agree with the need for clarity on terms. We have just provided SPIN with terms developed by the Office of Curriculum and Instructional Design (OCID) and asked them to develop a family-friendly infographic.  Q. When you provide that information to schools, can you send it to parent organizations at the same time, so that families can effectively participate? If I don’t learn about something until I get to the IEP meeting, I am at a loss. A. We are meeting with our parent partners and haven’t yet finalized the information. Our intention is to share it widely. |