

**SPECIAL EDUCATION ADVISORY COUNCIL
Draft Minutes – April 8, 2022
9:00 a.m. – 12:00 p.m.**

PRESENT: Sara Alimoot, Annette Cooper, Mark Disher, Martha Guinan, Scott Hashimoto, Melissa Johnson, Amanda Kaahanui (staff), Annie Kalama (liaison to the Superintendent), Tina King, Jennifer Leoiki-Drino, Dale Matsuura, Cheryl Matthews, Paul Meng, Kiele Pennington, Carrie Pisciotto, Susan Rocco (staff), Debora Uyeda (for Mary Brogan), Steven Vannatta, Lisa Vegas, Jasmine Williams and Susan Wood

EXCUSED: Shana Cruz, Melissa Harper Osai, Rosie Rowe and Ivalee Sinclair

ABSENT: Virginia Beringer, Deborah Cheeseman, Mai Hall, Kerry Iwashita, Wendy, Nakasone-Kalani, Kau’i Rezentes and Paula Whitaker

GUESTS: Cesar D’Agord, Daintry Bartoldus, Richard Billingsley, Willie Cadena, Susan Carey, Patty Dong, Linda Elento, Yvonne Humble, Sandy Jessmon, Lori Morimoto, Natalie Nakamura, Mara Pike, Lynda Shimodoi, Mercy Watanabe, Brikena White, Jennifer Wolfsheimer and Jacy Yamamoto

TOPIC	DISCUSSION/ACTION
Call to Order/	Chair Martha Guinan called the Zoom meeting to order at 9:04 a.m.
Introductions	Amanda Kaahanui took a roll call of SEAC members, and guests introduced themselves.
Input from the Public	<p>Martha noted that SEAC did not receive any written testimony for this meeting.</p> <p><u>Oral testimony</u></p> <p>Linda Elento encouraged members to view a two-minute video from a KITV-4 interview for World Down Syndrome Day featuring Linda with two other parents and a speech language pathologist. The message focused on inclusion and communication.</p>
Announcements	<p>Annie Kalama made the following announcements:</p> <ol style="list-style-type: none"> 1) Deputy Superintendent Phyllis Unebasami will be retiring in June after 40 years as an educator. As a result Assistant Superintendent Heidi Armstrong has been reassigned to assist in that transition. In the interim, Dr. Yvonne Humble and Annie will be temporarily assigned as the Assistant Superintendent (AS) of the Office of Student Support Services (OSSS) on a rotating basis. Dr. Humble will serve as Assistant Superintendent from April 4 - May 13. Annie will serve from May 16 - June 30 at which time Roxanne Rokero will be assigned as the Acting Exceptional Support Branch Director. 2) The Department will be partnering with Hazel Health to coordinate additional mental health services to students at no cost beginning in May by linking licensed professionals to students in school and in their home via a telehealth platform. In May, Hazel Health will start in-school services at certain pilot schools, as well as at-home services for students referred by their HMTSS school team. Families at all public schools can contact their school administrator or student services coordinator, if they want their child to receive services at home. The project will be in full implementation in September 2022.

Announcements (cont.)	Martha asked members to follow along with Brikena White’s suggestion of observing a moment of silence in acknowledgement of the victims of the war in Ukraine. She thanked members for their participation and Amanda for putting up a graphic that said “Encourage, lift and strengthen one another. We are connected, one and all.”
Confidentiality & IDEA - Part 2	<p>Brikena continued her presentation on confidentiality and IDEA Part B and began by reminding members and guests that SEAC is a Community of Practice embracing the Leading by Convening process to listen to concerns from stakeholders with the aim of changing practice to benefit children, families and staff. MAC has been partnering with SPIN in producing infographics to simplify complex issues for a broader audience.</p> <p><u>WestEd consultants</u></p> <p>Brikena introduced Cesar D’Agord and Jennifer Wolfsheimer as the WestEd consultants working with Hawaii to improve our dispute resolution system. Jennifer shared that she came to WestEd from OSEP where she worked on dispute resolution for a number of years. She encouraged parents and parent organizations to complete the survey on dispute and/or initiate an email conversation with her in order to gather information that will assist her and Cesar in producing a report with suggested improvements.</p> <p><u>Education records follow-up</u></p> <p>Brikena provided clarification to a question posed as a result of the initial conversation related to education records:</p> <p><i>What happens to documents that contain personally identifiable information (PII) sent via email? A. The documents are stored in the Department’s secure online database. Gmail encrypts all emails in transit, and documents stored in Google Drive are encrypted using 128-bit AES keys. In addition, all staff are required to sign the <i>General Confidentiality Expectations</i>, and all contractors must sign a <i>Data Sharing Agreement</i>.</i></p> <p><u>Notice to Parents</u></p> <p>Informed consent requires that parents are fully informed about the confidentiality of personally identifiable information (PII).</p> <ul style="list-style-type: none"> • Notice must be given in the native languages of the various population groups in Hawaii. The Procedural Safeguards Notice, available in 15 languages, must be given to parents at least once a year, when they request an initial evaluation and when they request due process. • Notice must include a description of the rights of parents and students regarding PII, including rights under FERPA.

<p>Confidentiality & IDEA - Part 2 (cont.)</p>	<p><u>Notice to Parents (cont.)</u></p> <ul style="list-style-type: none"> • The documents <i>Parent Notification and Guide to Student Information Privacy in Hawaii’s Public Schools</i> and the <i>Student Information Privacy Brochure</i> inform parents and students who are 18 how PII is maintained and used under FERPA. They are to be given out once a year. Parents who have not received these two documents are encouraged to reach out to the MAC Branch. • Notice must also include a summary of the policies and procedures that participating agencies must follow regarding disclosure to third parties, storage, retention and destruction of PII. <p><u>Responsibility of participating agencies</u></p> <p>Records must be kept in a secured file cabinet or a secure database such as eCSSS. Agencies must also protect the confidentiality of PII when collecting information, disclosing it to 3rd parties, or destroying PII. Parental consent must be obtained before PII is disclosed to parties unless the party has a legitimate educational interest (like school officials and IEP members). Records must be maintained for 3 years after a student graduates or ages out; then HODOE puts out a legal notice of its intention to destroy the information.</p> <p><u>Listing of individuals who have access to PII</u></p> <p>IDEA requires that an easily accessible listing be maintained of all the individuals, including their positions, who may have access to a student’s confidential information. The list is attached to the file cabinet where the record is kept.</p> <p><u>Responsible school official</u></p> <p>At the school level, the principal or designee is identified as the office responsible for ensuring confidentiality of any PII.</p> <p><u>Staff training</u></p> <p>Individuals who collect or use PII must be trained on the State’s policies and procedures. All DOE staff and adult volunteers are required to complete the US DOE FERPA 101 training module and obtain certification which must be renewed in five years.</p> <p><u>Questions/comments from members and guests</u></p> <p>Q. Who trains the administrator/designee that oversees the management of records? And who ensures that each school complies? A. The Department trains all staff. In the beginning of each year, staff receive a packet regarding the FERPA 101 training, and must produce a certificate of completion for each section of the training in order to be approved.</p> <p>Q. Would it be possible for SEAC members to access the FERPA 101 training? A. I think if you go to the US DOE web link, you can create a password and access the training. I will check with our Hawaii FERPA specialist to confirm that and get back to you with the answer.</p>
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<p>Confidentiality & IDEA - Part 2 (cont.)</p>	<p><u>Questions/comments from members and guests (cont.)</u></p> <p>Q. Are the records stored at the school level or district level? A. Typically they are stored at the school level in a file cabinet. Records are also available in eCSSS.</p> <p>Q. Do all district people who have contact with the student send hard copies to the school or do they maintain the records at the district and destroy them there? A. They can access student records using the eCSSS database once they have approval from their immediate supervisor and the Office of Information Technology Services. If they need to access the cabinet or cumulative record, they would need to go to the school and sign the list to access a hard copy of the records.</p> <p>Q. Given that less and less people get their information via a local newspaper, how can you ensure that all families are aware of the destruction procedures? A. We send a memo to our internal staff and then we are obligated to post it online. Perhaps we need to work together to blast the information out in more ways. I will check to see if there is another step in the process.</p> <p>Q. For the Dispute Resolution Survey, many of my parents in our support group noticed there were not any questions specifically for any kind of barriers to parents being able to access resolution options. Is there a way this can be addressed and included? A. (Jennifer) Please feel free to reach out to me and provide further information or add it under the question regarding recommendations for HIDEO. My email is jwolfsh@wested.org. A. (Brikena) I'll work with Jennifer and Cesar to see if we need to modify the survey.</p> <p>C. I took the survey along with several parents from my support group and the questions were more about "have you heard of this" than mentioning barriers.</p> <p>Q. In regard to the school designee that ensures the records are kept on behalf of the student, who ensures the implementation of record keeping and the parent's request for access at the school level is managed correctly? A. Essentially it is the responsibility of the principal and designee. If you hear otherwise, please let us know.</p> <p>Q. Where are records kept for district level items such as correspondence with above-school-level personnel, due process docs/evidence, etc.? A. Anything that is done via email is stored in the gmail secured database. If the record needs to be printed, it would be stored in the confidential file.</p> <p>Q. Will you be covering the issue of how parents can challenge information in student files that the parent considers inappropriate or inaccurate? A. Parents have the right to review records, and if something is inaccurate, the parent should bring it up to school level folks to see if a mistake was made. If that doesn't correct the problem, parents can ask for mediation or file a state written complaint under FERPA or IDEA.</p>
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<p>Confidentiality & IDEA - Part 2 (cont.)</p>	<p><u>Questions/comments from members and guests (cont.)</u></p> <p>Q. Are parents able to see who has been given access to the education records that are on HIDEOE system, emails, or other electronic means? A. The department must maintain for public inspection the names of those employees who may have access to PII.</p> <p>Q. You called the digital files “permanent”. Aren’t these purged as well? A. Confidential files only get destroyed 3 years after the student receives a diploma or ages out of eligibility for IDEA. Basic information like student name and grade is stored permanently in the system.</p> <p>Q. In the past, when we requested to access hard copy files, we could see the list of personnel who had accessed the files. How can we see who accessed the files online and for what purpose? A. We provide access to appropriate staff to access the eCSSS files. You can actually ask for a copy of that list of folks who access records online. I will check with OITS to see if we provide the date and time that the information was accessed.</p> <p>C. So parents would have to know that this online listing is available in order to ask for a copy.</p> <p>Q. Are the emails going out tracked as well? A. Yes. Everything that is in our database is encrypted and stored, if there is PII on the email.</p> <p>Q. Are parents able to see the agreements made with other agencies, for example, with DVR or the Courts about how they are handling the information? A. Agencies must abide by FERPA and IDEA. Typically they destroy the record within 30 days of the end of the contract. I will double-check that, because it comes from data governance.</p> <p>Q. Is the survey meant for parents whose children are in the system now? A. It is okay for folks who haven’t had children in the system to respond, if they have heard from other parents and have knowledge of the dispute resolution system.</p>
<p>Classroom Observations</p>	<p>Annie and Steven Vannatta discussed the Every Student Succeeds Act (ESSA) requirement for parent engagement that includes classroom observations for Title I schools.</p> <p><u>School-Parent Compacts</u></p> <p>The compact for each Title I school is jointly developed with the parents of its students, and outlines how parents, staff and students share responsibility for improved student academic achievement, including parent-teacher communication, parent responsibilities and the provision of quality curriculum and instruction. Parent-teacher communication includes opportunities to volunteer/participate in class and observe classroom activities. School-Parent Compacts are revisited every year with stakeholders and distributed to parents at the beginning of the school year. Parents are invited but not required to sign the compact.</p>

<p>Classroom Observations (cont.)</p>	<p><u>Next steps</u> Steven expressed his shared view with Annie that SEAC has the opportunity to look deeper into the issue of the compacts and the requirement for parent observations, and how we can elevate the process and best practices around parent observations. It is important to show how the observations strengthen parent-school partnerships and lead to positive student outcomes. Steven clarified that the compact is only a requirement for Title I schools which comprise about half of all public schools. He asked members for suggestions and ideas on how to proceed.</p> <p><u>Questions/comments from members and guests</u> Q. In the Title I schools where the compact exists, is it restricted only to those students within the school who are Title I eligible? How does this pertain to children with disabilities and their parents' requests to volunteer or observe the classroom—especially when it is <u>not</u> a Title I school? A. That question remains open, but within a Title I school, the compact applies to all students. Q. Does each family have an individual family/school compact? A. No. The same document is distributed to all parents within the school. They are not necessarily signed. Q. How are parents invited to give their input and suggestions? A. It is an open question as to how the Title I schools bring people together annually to revisit the compact. Q. Isn't the issue Title I vs. non-Title I obligations? Can we really support a system that doesn't offer equal opportunities to all families? C. The Parent Engagement Program (PEP) from Parents for Public Schools Hawaii includes information about the parent-school compact in their parent training, and 0% of the parents from Title I schools who received the training knew what the compact was. The bigger question is that although it may be written somewhere, are families really engaged? A. I agree that it may be a compliance document in most schools rather than a tool to improve partnerships and improve student outcomes. I am not aware of any surveys to show how the compact positively impacted students. C. PEP modules have been created by retired teachers who also work with the US DOE. If anyone is interested in the trainings, please feel free to contact Susan Wood. C. I love that you are exploring this. Conflict can be a good thing. Through this process it may be possible to allay the school's fears that the parent only wants to observe in order to gather information for a due process complaint. It is also an opportunity to empower parents which improves the family/school partnership. C. A parent I know has a medically fragile child who was hurt at school, so she requested an opportunity to observe the classroom, but was turned away with the school officials citing FERPA as</p>
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<p>Classroom Observations (cont.)</p>	<p><u>Questions/comments from members and guests (cont.)</u> the reason for denying the request. The parent was only seeking an opportunity to help improve the safety of the classroom. A. Parents having a greater familiarity and understanding of what happens in the classroom can not only potentially improve student outcomes but can also encourage parent volunteers. C. Regarding classroom observations & the compact: you can see how non-Title I schools can say "we don't have to do that here." Q. So parents of children with disabilities who attend a Title I school should be able to visit and/or volunteer in their child's classrooms based on this ESSA requirement? A. (Annie) Parents can observe activities in the classroom at any school. We went over the guidelines last month. As a result of our discussions Steven and Annie are thinking about how we can encourage and support this partnership. C. SEAC may want to offer some recommendations regarding classroom observations in our upcoming annual report.</p>
<p>Legislative Update</p>	<p>Susan R. provided members with a color-coded grid reflecting the status of a number of bills targeted by members for SEAC testimony. She emphasized three bills in particular for their significance: HB 2125, SB 805 and HB 1600. <u>HB 2125 – Related to Official School Business</u> Susan R. reported to members that this bill that attempted to create a new offense of harassment of an educational worker died in the Senate Education Committee. Chair Kidani said the reason for her intentional deferment of the bill was widespread misinterpretation of the intent of the bill as it was originally designed. This was due in large part to the comments of Russell Suzuki who stated the bill was targeting special education parents who interfere with school business and timelines. Susan suggested that members consider a recommendation that SEAC be invited to assist the Department in working out a mutually acceptable solution to protecting educators from harassment without unfairly punishing parents who advocate on behalf of their children. <u>SB 805 – Relating to the Practice of Behavioral Analysis</u> This bill from last session contained an important exemption from ABA licensure law for classroom teachers implementing behavior plans. It got stalled in the House because HSTA expressed some opposition, despite having supported the bill in 2021. SEAC made a number of attempts to reach out to HSTA with no success. Dale added that the HSTA’s Special Education Committee was dealing with changes in leadership and got information about the bill too late to be proactive, but she suggested we work together next year on another bill.</p>

<p>Legislative Update (cont.)</p>	<p><u>HB 1600 – Related to the State Budget</u> The Senate held a hearing April 7th on the state budget as marked up by the Finance Committee in the House. The hearing was too rushed to be able to determine action on EDN 150, so SEAC is waiting to see budget sheets that will provide greater detail. <u>Questions/comments from members and guests</u> C. SCR 130 is a resolution to request that ABA be provided to adults 21 and older through Medicaid. The companion Senate resolution, SR 114, was adopted by Senate and the Senate Concurrent Resolution will be heard in the House next week. C. A second resolution is for the Early Learning Board to come up with a road map for 0 to 5 year olds. I encourage SEAC to take a look at both resolutions.</p>
<p>Feedback from the Hawaii Association of Independent Schools (HAIS)</p>	<p>Martha contacted Phillip Bossert from HAIS after the March meeting. He replied that all private schools are independent of one another, so they set their own priorities and procedures with regards to private school students transitioning to public schools. Mr. Bossert said usually student documents, like school and medical records, are given to the parent, and they are on their own to connect with the public school staff. No one on Mr. Bossert’s staff was aware of students with special needs who were transitioning to public school. This means SEAC may need to contact each school individually to get more information. Jennifer Leoiki-Drino reported that she had discussed the issue with Margaret Higa from the Hawaii Branch of the Hawaii Dyslexia Association (HIDA), and they are considering putting together a checklist of steps parents can take when transitioning. It would include information such as having the student evaluated by DOE prior to the exit interview, contacting SPIN and LDAH, etc. ASSETS School probably has the best practice of recommending public school evaluations. A big part of the issue is that there is not a lot of support from the private school during the exit interview. Jennifer asked DOE whether they see a private school student transitioning in the middle of the school year as a red flag that would necessitate questions about whether the student has any learning or behavioral needs. Annie added that the Private School Participation Program is being enhanced and improved. OSEP has sent out new guidance that DOE should be offering equitable access and a proportional share of federal funding to private school students with disabilities. One of the things Annie and her team will be looking at is how DOE is reaching out to non-profit private schools to educate them on child find activities and provide needed resources. Annie offered to reach out to Jennifer to brainstorm new protocols for enhancing supports to these vulnerable students. <u>Questions/comments from members and guests</u> Q. When you say “non-profit schools” is that geared to the charter schools only? A. No. Charter schools</p>

Feedback from HAIS (cont.)	<p>are already under our jurisdiction for special education. C. Maybe SEAC can commit to a parent infographic that might be easier for DOE to distribute to private schools than information from a private organization like HIDA.</p>
Membership Issues	<p><u>Maintaining representation of key stakeholder groups</u> Steven Vannatta began a report by the Membership Committee by sharing a table showing how SEAC's members fall into the representational categories required by IDEA and SEAC's by-laws. The one category that is without representation is that of an agency serving children with disabilities in foster care. The table also highlights current members whose terms are expiring in May. Fortunately these members have expressed an interest in serving another term on SEAC. The Committee is recommending that Ivalee Sinclair, SEAC's longest serving member, be elevated to a SEAC Emeritus status and serve as a non-voting consultant to SEAC, particularly in the area of legislation. At the May meeting nominees to fill vacant member positions will be brought to the full Council for a vote. Once the nominees receive a majority vote, their names will be forwarded to the Superintendent for consideration of appointment to SEAC for a three-year term</p> <p><u>Election of Officers for School Year 2022-23</u> The Membership Committee confirmed the willingness of Martha Guinan, Chair, and Susan Wood, Vice Chair, to be considered for another term. Steven asked any member who would like to be considered for a leadership position to contact him prior to the May meeting when voting for officers will take place.</p>
Review of the Meeting Minutes for March 11, 2022	<p>No one offered edits to the draft minutes. Action: The minutes were approved as distributed.</p>
Agenda Setting for May 13, 2022	<p>Members offered the following agenda items for consideration:</p> <ul style="list-style-type: none"> • Hazel Health Update by Annie • SEAC Annual Report for SY 2021-22 <ul style="list-style-type: none"> ○ Review of recommendations to the Superintendent ○ Organization of the report • Nomination of new members • Election of officers • Results of a poll regarding in-person and virtual meeting attendance and • Acknowledgement of exemplary attendance.
Infographic Work Groups	<p>Members and guests selected work groups for further discussion, and reconvened in a large group to offer individual work group reports as follows:</p>

<p>Infographic Work Groups (cont.)</p>	<p><u>Partnership Using the 5 “Cs”</u> Tina King, Scott Hashimoto and Cheryl Matthews reviewed the questions they have already developed for the dialogue guide and possible avenues of using them in various stakeholder groups. They had a rich discussion around mental health issues prevalent these days and the support and conversations families need around resources and partnering with their team. Cheryl offered to check the infographic for accessibility to readers with a visual disability.</p> <p><u>Extended School Year (ESY)</u> Amanda reported that Annie, Martha, Melissa Johnson, Debbie Uyeda, Mark Disher and Susan Carey worked on defining the six factors considered when determining eligibility for ESY and gave examples for each factor. They will be ready to have the infographic vetted at the May meeting.</p> <p><u>Certificate vs. Diploma</u> Lisa Vegas studied the Dialogue Guide Book and looked through both infographics to look for terms that may need to be explained further, like <i>functional academics, creative curriculum/schedule, informal and formal assessments, related agencies and curriculum content modification.</i></p> <p><u>Hawaii Multi-tiered System of Supports (for parents)</u> Paul Meng reported for the group that included Steven, Susan R. and Linda Elento. Rather than an overview, their vision for the infographic is to make it more actionable as to how parents can interact with HMTSS to meet their child’s needs. Key questions for parents to ask were discussed. Paul explained that while we want to standardize HMTSS, the practices may look different from school to school. A school that has 90% of their students reading below basic level on the SBA would need to intensify Tier 1 supports to free up resources to provide meaningful supports in Tier 2 and Tier 3.</p> <p><u>Are You Concerned about Your Child’s Behavior?</u> Susan Wood reported for Jasmine Williams, Jennifer Leoiki-Drino, and Daintry Bartoldus. They have decided to develop a draft dialogue guide, find a group of parents to add to the dialogue and then refine the dialogue guide with things like checklists and links to other documents (for example, the difference between Section 504 and IDEA). Their vision is that it will essentially be a toolkit, with acronyms, etc., to help families where they are in the process of finding behavioral support for their child.</p> <p><u>MCH LEND Infographics</u> Martha asked Susan W. to update the group in May on the status of the draft infographics developed by the MCH LEND trainees that were reviewed by SEAC in March. Susan W. shared the deadline for the trainees to return draft 2 is April 15.</p>
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