

SPECIAL EDUCATION ADVISORY COUNCIL

Approved as corrected

Minutes – January 13, 2023

9:00 a.m. – 12:00 p.m.

PRESENT: Sara Alimoot, Virginia Beringer, Rick Bunny, Deborah Cheeseman, Annette Cooper, Shana Cruz, Mark Disher, Martha Guinan, Melissa Johnson, Amanda Kaahanui (staff to SEAC), Tina King, Jennifer Leoiki-Drino, Dale Matsuura, Cheryl Matthews, Paul Meng, Susan Rocco (staff to SEAC), Roxanne Rokero (liaison to the Superintendent), Rosie Rowe, Debora Uyeda, Steven Vannatta, Lisa Vegas, Jasmine Williams, Susan Wood

EXCUSED: Melissa Harper-Osai, Kiele Pennington, Carrie Pisciotto, Ivalee Sinclair

ABSENT: Lisa Garcia, Mai Hall, Kerry Iwashita, Kau‘i Rezendes, Paula Whitaker

GUESTS: Don Barrett, Willie Cadena, Will Carson, Verna Chinen, Chad Domingo, Patty Dong, Allison Eby, Jamia Green, Kupu Kaniho, Lori Morimoto, Kapua Pickford, Maria Robinson, Brikena White, Hillary Watt, Jennifer Wolfsheimer, Jacy Yamamoto

TOPIC	DISCUSSION/ACTION
Welcome and Introductions	Chair Martha Guinan called the meeting to order at 9:00 a.m. and had members and guests introduce themselves.
SPP HIDOE’s State Written Complaint Model Form	<p>Jennifer Wolfsheimer, a Senior Consultant from WestEd, described her presentation as meeting two objectives:</p> <ol style="list-style-type: none"> 1) Giving members information re: written complaint model form; and 2) Serving as a tracker on where we are with dispute resolution reforms. <p><u>System Recommendations from the Dispute Resolution Strategic Plan – Year One</u></p> <p>The State Written Complaint Model Form is part of the system recommendations made by West Ed:</p> <ol style="list-style-type: none"> 1) Draft and adopt written policies and procedures for mediation, state complaints and due process requests; 2) Review, revise and create internal Monitoring and Compliance Branch templates; and 3) <i>Update state complaint and due process model forms and translate into required languages.</i> <p>The model form for due process requests will be presented to SEAC in February.</p> <p><u>Comparison of old and new model forms</u></p> <p>In the future the new form will be presented with a cover letter to describe how to fill out the form. Members are welcome to provide recommendations on what else should be included in the cover letter. IDEA requirements regarding the model form include the following:</p> <ul style="list-style-type: none"> • The form is available as a fillable form, and it must be signed with an electric signature. • Specific student information must be included--name, date of birth, current school, and mailing address—if one is alleging that a violation occurred relative to a specific student. • The form states that some violation of IDEA is believed to have occurred. <p>Other changes to the new form to make it more user-friendly are 1) checkboxes have been consolidated in one spot; 2) open ended questions and fillable responses have been moved to page 2; 3) asterisks have been</p>

<p>SPP HDOE’s State Written Complaint Model Form (cont.)</p>	<p>used to designate required information in order for the form to be considered complete; and 4) pre-determined proposed resolutions were replaced with an open-ended question, because it was felt that the checkboxes were limiting.</p> <p><u>Feedback Needed</u></p> <p>The specific areas where feedback is needed are:</p> <ul style="list-style-type: none">• Should MAC include the list of checkboxes regarding the different areas covered under IDEA (i.e. identification, evaluation, placement, provision of FAPE) to indicate Chapter 60 violations?• Should MAC include checkboxes regarding a proposed resolution, or should it provide a textbox for individualized solutions? <p><u>Dissemination of the Model Forms Survey</u></p> <p>Jennifer W. directed members and guests to the link to the survey. The comment period for responding via the Google form soliciting feedback on the proposed Written Complaint Model Form and cover sheet is January 13 – January 31, 2023. Brikena White asked SPIN and LDAH to get the survey regarding changes to the written form out to their parent networks. The MAC Office will get the word out to advocates and other role groups since the written complaint can be filed by anyone—not just parents.</p> <p><u>Questions/comments from members and guests</u></p> <p>C. Martha alerted Jennifer W. that the link to the survey did not allow individuals to access it without permission. A. (Brikena White) Thank you. I am removing that need for permission, so it should open automatically.</p> <p>Q. A couple of years ago the Office for Civil Rights (OCR) came up with a required resolution agreement regarding bullying. Isn’t bullying that rises to the level of disability harassment a reason for a complaint? Should we inform families that that is one area that may be appropriate for a written complaint? A. Bullying related to a student with a disability should be reported to OCR, because it is viewed as discrimination on the basis of a disability. MAC can work with CRCB on these issues.</p> <p>Q. OCR has put out materials that if the bullying rises to the level of disability harassment, then it can affect the student’s access to FAPE. Isn’t that an IDEA issue? A. That sounds like OCR in Hawaii and the Monitoring and Compliance Branch should have that conversation.</p> <p>A. (Brik) If a harassment issue comes to MAC, we would refer it to the Civil Rights Compliance Branch (CRCB). If they determine that the bullying would impact FAPE, then we would work with CRCB together on that. Typically, individuals would come to CRCB before going to OCR.</p> <p>C. I would ask the parents listening to this presentation to offer your comments from your perspective. LDAH spends a lot of time helping parents fill out the Written Complaint form. For many families, they don’t have the skillset to propose a resolution other than “I want my way.” Since the boxes were taken</p>
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<p>SPP HIDOE’s State Written Complaint Model Form (cont.)</p>	<p><u>Questions/comments from members and guests (cont.)</u> away, it may be difficult for parents to come up with the right wording. A. Please have LDAH provide feedback on whether the checkboxes and the sentence starters from the existing form are helpful. Our thinking in removing the sentence starters was to not limit families to only those options. C. On the survey form, the only two options are to remove the checkboxes or leave them in. There is no comment box after each question to offer a nuanced narrative. The only comment box is at the very end of the form, which would require the respondent to go back and forth to consolidate the comments for each section. A. We will change the survey to provide narrative open text boxes for each item. Q. Will you develop a guideline or instruction on how to complete the form? Q. With all of your procedural safeguard forms where does it say that parents who have a disability can get an accommodation in filling out the form—not just access to the form in another language? A. Please put that suggestion regarding accommodations in the comments related to the cover letter. We are considering that to be the place where families will get instructions on filling out the form. They can go to the MAC Branch for assistance. Allison Eby will be the lead for Written Complaints in the MAC Branch.</p>
<p>Input from the Public</p>	<p><u>Accommodations for parents with disabilities in due process</u> Jasmine asked for a response from the Department on the following question: If a parent with a disability is going through this process and has informed the hearing officer that he or she has a disability and has a need for accommodations that have been backed up by a doctor, what is the responsibility of that hearing officer? I would like the answer in writing with a description of the process for the parent to request and receive an accommodation. I know of a parent who was denied an accommodation. The hearing officer asked the HIDOE representative what they felt about the parent asking for an accommodation. That doesn’t seem to be appropriate. Brik White promised to provide a written answer no later than the February SEAC meeting. <u>Volcanic smog</u> An Educational Assistant on Kauai contacted SEAC regarding a recent newsletter article that reported on the negative effect of volcanic smog on academic performance. She would like to know if the Department has a plan to address this issue. A. Roxanne noted that the article includes a response by the Deputy Superintendent. Public schools take precautionary measures when the vog is an issue. The research study is still under peer review. After the peer review is completed, if it is a noteworthy study, then next steps will be considered.</p>
<p>Announcements</p>	<p>Amanda Kaahanui announced the following:</p> <ul style="list-style-type: none"> • The SPIN Conference on April 22nd will be in-person event with a virtual component. The conference will include workshops, a resource fair and an award luncheon. Amanda directed

<p>Announcements (cont.)</p>	<p>interested individuals to 2023 Conference tab on the spinconference.org website to find registration, airfare and resource fair applications as well as a nomination form for the SPIN Awards. SEAC members who wish to attend will have their registration fee waived. Shana Cruz asked that the registration fee that she has already submitted be used to sponsor another parent.</p> <ul style="list-style-type: none"> • SPIN is hoping that SEAC will consider having a table at the Resource Fair. If members are interested in manning a 45-minute shift at the table, please contact Amanda or SPIN (spin@doh.hawaii.org). • The virtual Footsteps to Transition Fair is scheduled for February 4th. She shared a flyer of the free event hosted by Central District with support from SPIN, the Community Children’s Councils and several other organizations. One of the presentations will be by Lisa Vegas on Certificate vs. Diploma considerations. See https://footstepstotransition.weebly.com/. <p>Cheryl Matthews announced that DVR is hosting the Quarterly Transition Meeting on Friday, February 3rd. If anyone would like to attend, please email Cheryl and she will send them an invitation (cmatthews@dhs.hawaii.gov).</p> <p>Verna Chinen announced that the Special Education Conference sponsored by HIDOE will be held March 14th (in person at the Hawaii Convention Center) and 16th (virtually) from 8:00 a.m.to 2:30 p.m. Parents are invited, and there is a time slot allotted to parent partnerships. Agency booths are available. Several SEAC members have been invited to present.</p>
<p>Proposed Projects for Professional Development Utilizing Parents as Co-trainers</p>	<p>Susan W. and Verna described several potential projects for SEAC and DOE to co-present important information to key stakeholders:</p> <ol style="list-style-type: none"> 1. <u>Preschool environments awareness for parents</u> Verna shared an interactive Preschool Environments Toolkit on the IDEA Data Center (IDC) that describes the various environments available to preschoolers with disabilities. Some of the environment descriptions may not be applicable to Hawaii, so HIDOE would like to work with SEAC to make a video for families of all the locally available options for preparing young children for learning including within home and childcare environments. See https://ideadata.org/resources. 2. <u>A CADRE-inspired video on two conversations</u> A parent and an administrator role-play two possible outcomes for a scenario where the parent is asking for additional services for their child with a disability. In the first version, the administrator doesn’t seem to be listening to the parent’s concern leading to miscommunication, and in the second the administrator partners with the parent to come up with a mutually agreed upon plan for improvement.

<p>Proposed Projects for Professional Development Utilizing Parents as Co-trainers (cont.)</p>	<p>3. <u>A CADRE-inspired video on understanding positions and Interests</u> Narrators explain that a bridge to agreement can often be found when parents and school staff examine the interests held by both parents and schools that make up a particular position—for example, a parent wanting more speech therapy and the school feeling the additional therapy is unwarranted.</p> <p>Members were asked to choose which project to be addressed first, as well as volunteers to develop ideas, appear in the training video, and help to disseminate the video to key stakeholders. Understanding positions and interests was the first choice. Volunteers for the work group include Steven, Melissa J., Will Carlson, Don Barrett and Brikena with staff support from Amanda.</p> <p><u>Questions/comments by members and guests</u> Q. Are members familiar with these two CADRE videos that Hawaii wants to model? A. (Martha) The Two Conversations video was shown at an earlier SEAC meeting, and links to both videos were sent out with the meeting agenda. C. (Brikena White) Folks may want to proceed slowly to ensure that the videos are in alignment with the Due Process Strategic Plan. C. (Patty Dong) The MAC would also like to start a work group on the Parent Survey for Indicator 8.</p>
<p>Report from the Ad Hoc Committee on Dispute Resolution</p>	<p>Paul Meng reported for the committee that also includes Melissa Harper-Osai, Melissa Johnson, Leilani Kailiawa, Kiele Pennington, Rosie Rowe, and Jasmine Williams with Susan R. as staff support. The purpose of the committee is to change the culture of dispute resolution by leveling the playing field for parents.</p> <p><u>Focus on mediation</u> Mediation was targeted due to its low utilization compared to other states, and reported dissatisfaction with timeliness and effectiveness. To date the committee has looked at the contract with the Mediation Center of the Pacific, the number of mediators, their training and the typical timeline for engaging the process. The committee also secured the recent WestEd Survey demographics through the MAC Branch and has begun designing a survey examining the barriers to accessing mediation. Paul appealed to the larger SEAC community for volunteers to review a draft survey on mediation and to help recruit participants for the survey.</p> <p><u>Focus on due process hearing requests</u> Major areas are the shortage of plaintiff attorneys, the affordability of legal representation and options for legal counsel for families who file <i>pro se</i>. Activities to date include exploring sources of legal counsel for families such as the Office for Dispute Resolution, private law firms and the Richardson School of Law,</p>

<p>Report from the Ad Hoc Committee on Dispute Resolution (cont.)</p>	<p><u>Focus on due process hearing requests (cont.)</u> identifying important components for parent training around due process requests, and discussing potential survey questions regarding barriers to legal support. Paul solicited broader SEAC input in five areas:</p> <ol style="list-style-type: none"> 1. Volunteers to review a draft survey; 2. Assistance recruiting participants for the survey (parents and attorneys); 3. Data on the number of plaintiff attorneys available over the last five years; 4. Data on the number and kinds of IDEA violations reported; and 5. Data on the number of due process requests by district or complex area. <p>Members and guests can contact Paul directly at paulmeng@hawaii.edu. <u>Questions/comments by members and guests</u> C. I got an email from the West Hawaii Mediation Center looking for mediators. It is a volunteer position but you have to spend \$200+ out of pocket for training. C. (Brikena) By IDEA regulations, mediation is provided at no cost to either party. If mediation centers ask parents for a fee, please let the MAC Branch know. We have a contract with the Mediation Center of the Pacific (MCP) and provide their training as part of the contract. C. In exploring areas for parent legal counsel, you might want to contact the Judiciary and the Hawaii Bar Association. The Judiciary does offer self-help, but the attorneys are volunteering their time and may not have expertise in special education law. C. We have a shortage of not only plaintiff attorneys but also well-trained mediators. MCP has recently hired mediators who do not reside in Hawaii. Q. Do you monitor the handling of confidential information by these out-of-state mediators? A. (Brikena) With any contractor of the Department, they have to sign an agreement regarding confidentiality.</p>
<p>Review of Meeting Minutes for November 18 and December 9, 2022</p>	<p>Susan W. offered minor typographical corrections to the November minutes. Lisa V. said she was not in attendance at the December 9th meeting. Action: Members voted to accept both the November and December minutes as corrected.</p>
<p>Agenda Setting for the February 10, 2023 Meeting</p>	<p>The following agenda items were suggested for inclusion in the February agenda:</p> <ul style="list-style-type: none"> • Dispute Resolution Model Form for Due Process Hearing Requests, • HDOE budget and legislative Priorities, • Infographic work, • Update on progress for “Positions and Interests” video, and • Update on the Ad Hoc Committee on Dispute Resolution survey.

<p>Infographic Work Groups</p>	<p><u>Private to public school transition infographic</u> A new work group has been formed to capture SEAC’s earlier discussion on supports needed for private school students with disabilities who were dismissed from their private school mid-year and entering the public school system. Jennifer Leoiki-Drino, who is a board member of the Hawaii Chapter of the International Dyslexia Association (HIDA), worked with Margaret Higa to prepare a checklist to help families moving from private to public school to navigate the transition. Jennifer explained that many families are traumatized by the dismissal from private school and do not have knowledge of what to do to get support for their child. At HIDA’s request, SPIN has produced a draft infographic to educate families and others about the issue and link to the checklist. The new work group will review the checklist and the infographic and make recommendations on edits and next steps. Roxanne volunteered to recruit an education specialist from the Exceptional Support Branch to assist. Other interested members include Rosie R., Lisa V., and Debbie C.</p> <p><u>“What’s in a Name?” revised draft</u> Amanda explained that new contract changes necessitated a revision of the infographic about personnel who might provide behavioral support to students with disabilities in a school setting. The new tentative title is “6 Support Staff Positions in Hawai’i. Alysha Kim has been assisting with the appropriate position titles. The left side of the infographic describes school personnel who provide both academic and behavior support—professional tutors, paraprofessional educators, and classroom teachers. The right side of the infographic lists personnel who provide intensive behavior support—registered behavior technicians, assistance behavior analysts and licensed behavior analysts. Amanda will disseminate the draft infographic for input on content and a new title.</p> <p><u>Work group meetings</u> Members joined one of the active work groups for discussion and provided the following reports: Are You Concerned About Your Child’s Behavior? Tina King reported out for the work group and displayed a side-by-side comparison of the original infographic and a draft revised version aimed at streamlining the information. The new draft adds HMTSS as part of the supports and services and uses family-friendly language. A long- range plan is to develop a series of infographics that breakdown what specific supports look like in addressing different aspects of behavior.</p> <p>Diploma vs. Certificate Dale reported on the discussion with additional members regarding developing the dialogue guide for this set of infographics. The infographics have been vetted, but a question arose about the origin of the</p>
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<p>Infographic Work Groups (cont.)</p>	<p>Diploma vs. Certificate (cont.) statement “it is the DOE’s expectations that all students complete the high school requirements for with their grade level peers.” Is that Board policy or DOE policy? Is it stated in Chapter 60? Lisa Vegas clarified that it came from the Certificate of Completion Guidelines (page 3), and she was asked by the Department to add it to the infographic. Work group members are considering adding to the statement with the words “if appropriate.” A suggestion was made that the bullet that states students who receive a certificate are “not able to meet all credit requirements of a high school diploma” be reworded using more positive language. For example, the bullet could state that “the student earns the individually prescribed program.”</p> <p>Private to Public School Transition Jennifer reported that the group had a lengthy discussion on the complicated issues for private school students who have been expelled. One issue is that when the student gets to public school, the process needs to be parent driven. Private schools are not necessarily giving this information to the family. Parents of private school students often feel that the school should be accommodating their child’s needs because they are paying a lot of money for their education, but Jennifer has found that the parent must advocate to get what their child needs. We are considering adding a QR code on the infographic that would link directly to the checklist. I will check with HIDA to see if the checklist can be placed on their website. The group is also considering additional infographics to address a variety of issues impacting these students and their families.</p> <p>IEP Team Members Jasmine Williams shared that the work group members were not able to pull up information from the internet, so they discussed other issues, one of which was the preferred usage of the term “child” or “student.” The consensus of the group that they use both terms depending on the context. IDEA uses “child.”</p> <p><u>Questions/comments from members and guests</u> C. I am concerned that the Department’s expectation is that students with IEPs graduate with their peers at age 18. That may be why a lot of kids get pushed toward a Certificate of Completion. This infographic offers the opportunity to state that under IDEA students have an extended window—up to age 22—to finish the requirements for a regular diploma, if they need additional time to accrue the required credits. Most parents don’t know that. Q. Do private school staff know about the Private School Participation Project? How does the Department get information out to private schools about this IDEA requirement for students with disabilities who are parentally placed in the private school? Maybe that venue can be used to also share the SEAC/HIDA</p>
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Infographic Work Groups (cont,)	infographic. C. Annie Kalama mentioned earlier that there is a need to take another look at communicating information to the private schools and see where the gaps are. C. My understanding is that the Department meets with the Hawaii Association of Independent Schools to decide which related services are most needed by the majority of the students with disabilities attending private schools. We discussed in the work group that families are really not given the expectation about how limited those services may end up being because the program uses a finite amount of Federal IDEA funds to pay for them. Also, there is not usually a full array of services offered.
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