

SPECIAL EDUCATION ADVISORY COUNCIL

Minutes – February 10, 2023

9:00 a.m. – 12:00 p.m.

PRESENT: Sara Alimoot, Virginia Beringer, Annette Cooper, Shana Cruz, Mark Disher, Martha Guinan, Mai Hall, Melissa Johnson, Amanda Kaahanui (staff to SEAC), Tina King, Jennifer Leoiki-Drino, Dale Matsuura, 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: Rick Bunny, Deborah Cheeseman, Melissa Harper-Osai, Kiele Pennington, Carrie Pisciotto, Ivalee Sinclair

ABSENT: Lisa Garcia, Kerry Iwashita, Cheryl Matthews, Kau‘i Rezentes

GUESTS: Michelle Arakawa, Willie Cadena, Will Carson, Heather Chapman, Verna Chinen, Chad Domingo, Patty Dong, Allison Eby, Wendy Gady, Jamia Green, Joseph Gross, Sandy Jessmon, Alex Kagawa, Ken Kakesako, Annie Kalama, Helen Kaniho, Alysha Kim, Lori Morimoto, Curtis Motoyama, Kapua Pickford, Amy Ruhaak, Brikena White, Hillary Watt, Angela Wong, Jacy Yamamoto, Carol Young

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.
Procedural Safeguards Notice (PSN) Feedback Sessions	<p>Brikena White announced that the MAC Branch in coordination with Jennifer Wolfsheimer from WestEd will hold a series of public feedback sessions during the week of March 28th on revisions to the Procedural Safeguards Notice (PSN) to make it more parent-friendly.</p> <p>SEAC members are invited to join the first half of an in-person District Educational Specialist (DES) meeting on Tuesday Mar. 28th from 9:00 to noon. Two additional hybrid meetings (In-person and virtual) will be held on March 29th from 4:00 – 7:00 p.m. and April 2nd from 2:00 – 5:00 p.m. Additionally, Jennifer will hopefully address the April 14th SEAC meeting to share some of the feedback collected and solicit additional comments. The public comment period on the HIDEOE website will run from April 3 – April 17.</p> <p>Action: Members who would like to request an additional feedback session are asked to contact Brikena.</p>
Dispute Resolution Model Form for Due Process Hearing Requests	<p>Brikena and Allison Eby facilitated feedback for a revised dispute resolution model form for due process hearing requests. Although HIDEOE does not require use of the form, it can be helpful, as it includes all of the information required to submit a hearing request. Some of the Department’s proposed changes to the form include the following:</p> <ul style="list-style-type: none"> • adding asterisks next to those required pieces of information; • explaining that areas not highlighted with asterisks are not required to be filled out; • adding a cover letter to include parental rights related to due process plus directions on filling out the form and filing it with the proper personnel; and • including one area where the description of the problem and proposed resolution is stated, rather than trying to include a description and proposed resolution under each part of the special education process (i.e. identification, evaluation, placement, etc.).

<p>Dispute Resolution Model Form for Due Process Hearing Requests (cont.)</p>	<p><u>Recommendations from members and guests:</u></p> <ul style="list-style-type: none">• Have required items in red;• Prepopulate the information in advance--for example, the name of the complex area superintendent (CAS), District Educational Specialist (DES) and complex area (CA)--as parents may not have that information;• Include a handout with the form that lists CAS, DESs, CAs. etc.;• Have the form go to the principal instead of the CAS or merely list “administrator” and have the parent list to whom they are submitting the form;• If the complaint involves the principal, the parent may not want it to go to the principal first;• Simplify the form as much as possible to minimize parent stress and intimidation;• State how the form can be delivered to the CAS (i.e. address of the CAS);• Indicate whether the form can be mailed or hand-delivered instead of sent electronically;• Include a “How to File” sheet and list a phone number, a neutral point of contact, to call with questions;• Have the model form available in the school and prepopulate the form with the information relevant to that school;• Families don’t always know how to describe their problem by category, so it may be necessary to direct them to someone who can help fill out the form;• Ask only for description of the problem, related facts and proposed resolution, rather than ask the parent to link to a specific violation;• Don’t assume that parents understand resolution session and mediation; explain the difference in writing or direct them to someone who can help;• Provide more accommodations in addition an interpreter;• Have a third party to assist in filling out the form;• Create a simple video that can be uploaded to YouTube explaining the terms and the process;• Remove the CAS and DES and indicate that school staff will file with the appropriate parties;• While there is a checkbox asking if the parent will be accompanied by a parent advocate, the advocates are not allowed to speak in the hearing, so the form is misleading;• Remove the checkbox related to the parent advocate or allow the advocates to speak on behalf of the parent;*
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<p>Dispute Resolution Model Form for Due Process Hearing Requests (cont.)</p>	<p><u>Recommendations from members and guests (cont.)</u></p> <ul style="list-style-type: none"> Given that families may already be mistrusting of their child’s DES, or principal, offer a HIDEOE specialist or administrator from another complex to facilitate the resolution session; Include the terminology and procedures in the cover letter; Develop infographics to simplify the language and process; Post the form on the HIDEOE website to solicit additional input and include some of the suggestions that have been made to date. <p>*The MAC Branch is checking on the regulations of having the parent advocate representing/assisting the parent.</p> <p>Action: Members who would like to provide additional input can contact Allison directly at Aliison.Eby@k12.hi.us.</p>
<p>Input from the Public</p>	<p>A parent of a student at a Windward high school presented three issues for consideration by SEAC members.</p> <p><u>Lack of actionable transition plans for youth with disabilities</u> She began by saying her son has one of the most expensive IEPs in the history of the state; however, his needs are not being met. She used the analogy of the sinking of the Titanic to represent her family as the tip of the iceberg of hundreds of families of young adults seeking employment who do not have an actionable transition plan. After two years of advocacy, her son’s school agreed to purchase the Practical Assessment Exploration System (PAES) system at a cost of \$40,000. The system assesses and trains for career potential across 300 potential jobs. While the system has been on campus for four months, it is not being used. She invited others to check out the PAES system on YouTube.</p> <p><u>Refusal of the IEP team to include a communication plan for her son in his IEP</u> Her son is hard of hearing and qualifies for a communication plan; however, his IEP team members met without her and decided that a communication plan wasn’t necessary. After six months and seven IEP meetings, there is still only a working IEP draft.</p> <p><u>No available legal representation for parents who wish to exercise due process rights</u> The parent called 22 attorneys who have some experience in special education law, but none is taking new clients. Her son still doesn’t have legal representation and time is running out to address his transition needs. She ended by requesting everyone’s help to address these systemic issues and asking for statistics regarding how many due process cases in the past 5 years were won by parents, vs. attorneys representing parents.</p>

<p>Input from the Public (cont.)</p>	<p><u>Department response</u> The parent acknowledged that the District Educational Specialist assigned to her son’s high school is aware of the issues and actively working with her, but the issues are statewide and systemic. Roxanne Rokero of the Office of Student Support Services thanked the parent for sharing her experience and offered to meet with the parent and the DES after the meeting to discuss possible solutions. Both she and Brikena White of the Monitoring and Compliance (MAC) Branch acknowledged that secondary transition is a top priority of the Department. A lot of training has been conducted in the field, but more is needed, due in part to staff turnover. ESB and MAC plan to reach out to Leadership in Disabilities and Achievement of Hawaii (LDAH) to provide additional training to both parents and staff. Roxanne and Brikena believe it will take everyone, including SEAC, to improve upon transition services and make sure students have the supports to be successful once they exit school.</p> <p><u>Member response</u> Jasmine Williams shared her perspective that the issue of inadequate transition planning is happening all over the state. To take one family’s issue at a time is not helpful, because the system is failing. Many staff within the Department do not understand their responsibility for supporting students while they are still in school and need to be held accountable at the school level. We need to work on the issue as a system.</p>
<p>Announcements</p>	<p>Amanda Kaahanui made the following announcements:</p> <ol style="list-style-type: none"> 1. A link to the Footsteps to Transition Fair is in the chat. It was held on February 4th and drew about 100 families. Two SEAC members--Lisa Vegas who presented on Diploma v. Certificate and Debbie Uyeda who presented on the Developmental Disabilities Division services—were part of the successful event. Captions are being added to the presentations, and they will be available on the Footsteps website within a few weeks. 2. A hybrid (in-person and virtual) SPIN Conference is scheduled for April 22nd and there are plans to have a SEAC table for the in-person resource fair. Members that are willing to take a short shift at the SEAC table are asked to notify SPIN. Members are also asked to suggest organizations for the resource fair, as the pandemic adversely affected a lot of our former resource agencies. 3. Day at the Capitol, sponsored by the State Council on Developmental Disabilities, will be held on March 3rd at the Capitol. For more information please call SPIN or the DD Council. 4. The HIDOE website now has a special education tab on its opening page. The linked pages are also being revised to be more transparent and user friendly.

<p>Announcements (cont.)</p>	<p>Roxanne announced that the Special Education Conference will be held on two days in March. The 14th is an in-person event at the Hawaii Convention Center and the 16th is a virtual conference with the same 17 sessions as on the 14th, including a SPIN presentation on Building Better Parent Partnerships. Parents and community members are invited to this free event.</p> <p>Susan R. announced that the Pac Rim Conference will be held on March 6 and 7. More information about the conference, and hopefully a special rate for parents, will be included in the next SPIN newsletter.</p>
<p>DOE Budget and Legislative Priorities</p>	<p>Alex Kagawa and Ken Kakesako gave an update on the Department’s budget and legislative priorities. They gave a brief history of the budget over the past three years, including the \$100 million reduction to the budget in 2020. Factors shaping the budget include tax revenues, the Governor’s priorities and the BOE Strategic Plan. High-Leverage Initiatives are seven categories that will move the Department forward beyond where it was pre-pandemic -- vulnerable populations (including special education), workforce development, secondary math, leadership development, K-12 alignment, middle-level education and teacher recruitment.</p> <p><u>Positive trends</u></p> <p>Hawaii 4th graders surpassed the national average in reading scores on the National Assessment of Educational Program (NAEP) in 2021. The gain was attributed to the return to in-person learning and the hard work of teachers to help students make up for lost skills. The tax revenue projections for the next five years are positive, and the state is enjoying a budget surplus.</p> <p><u>Budget challenges</u></p> <p>These include getting the legislature to authorize requests for new positions, inflation and rising costs, and competing priorities between the Board, the Department and education advocates. Hawaii is currently spending more per pupil on instruction than the national average while keeping administrative costs low.</p> <p><u>HIDOE legislative package</u></p> <p>The package does not include a bill addressing harassment, although there are still a number of principals being threatened. This session, rather than pursuing legislation, the Department is working with the Attorney General’s Office to find ways to prosecute bad actors. The package does include seven bills, with SB 1340 being of most interest to the special education advocates. Given the current shortage of behavior analysts, the bill will allow an exemption from behavior analyst licensure requirements for special education teachers to implement behavior plans under the guidance of a certified behavior analyst. The Department has also authored a bill that would require annual reporting on autism services rather than quarterly reporting.</p> <p><u>Questions/comments from members and guests</u></p> <p>Q. Do you have a breakdown on EDN 150 funds? A. The line items for special education are included</p>

<p>DOE Budget and Legislative Priorities DOE Budget and Legislative Priorities (cont.)</p>	<p><u>Questions/comments from members and guests (cont.)</u> in the budget sheets. They include the Board’s version of the budget, vs. the Governor’s version. C. The NAEP scores included in your presentation are for general education. Hawaii’s NAEP scores for special education are typically among the lowest nationally. Q. Do you have clarity on whether the Department has a legislative initiative regarding the harassment of school personnel? A. We are putting a hold on legislation for this session while we work with the Attorney General’s office to find ways to prosecute bad actors. The original bill was not meant to target sped parents, and it was unfortunate that this is how the legislation was construed. We are very concerned about retaining principals. C. Please keep SEAC informed on how the discussions with the Attorney General’s Office are progressing. Q. As you have attended legislative hearings, have you gotten any vibes from Rep. Yamashita who took over the Finance Committee? A. Chair Yamashita is very measured in how he moves forward, and it will be a new experience for us. Governor’s Green’s budget is just now coming down to the House. We have a windfall for now but that could change very quickly, if the revenues drop. We need the most help in getting the funding for needed positions, and then recruiting and retaining them, because some of our positions are vacant due to competition in the job market. Q. When do the budget sheets from the House generally come out? A. Governor Green’s budget message is coming out on Monday. The actual budget sheets won’t come out until the budget crosses over to the Senate—probably late March. Q. I when you try to get something done, you go to the budget people, and SEAC is trying to solve a barrier for parents of not having access to due process attorneys. Do you have any suggestions where we might get that through the budget? Maybe through the AG’s Office via a Chinese Wall? A. I am afraid I don’t know enough about the issue to advise you. C. We don’t have enough plaintiff attorneys for parents who request a due process hearing, so parents have to represent their child “pro se” while the DES on the DOE side has access to legal consultation with the AG. A. (Annie Kalama) I don’t know if this would be a budget issue, but we can continue to work with Brikena and her consultant Jennifer on improving our program.</p>
<p>SEAC Legislative Priorities</p>	<p>Susan Rocco explained that SEAC’s Legislative Committee consists of Martha, Steven, and Susan Wood. The Committee operates on the principle that it will not provide testimony on a bill unless the topic has been discussed with the larger group. The bill that the Committee was holding its breath on this session was the anticipated reintroduction of the harassment bill, and it is good news that it is on hold, as it would be difficult to reword the bill without creating anxiety among parents. Susan referred members to a list of 10</p>

<p>SEAC Legislative Priorities (cont.)</p>	<p>bills under current consideration for action by SEAC. She briefly described the legislation with the acknowledgement that some may not survive until next the SEAC meeting, if they are not heard by a certain date. The following four bills are versions of bills heard last year that did not make it through the session:</p> <p><u>ABA Services in the Classroom (HB 1042/SB 1340)</u> Alysha Kim, a behavior specialist within the Exceptional Support Branch explained that the bill exempts teachers from having to be licensed as behavior analysts in order to implement behavior plans for students when working in collaboration with a licensed behavior analyst or psychologist. The other proposed exemption is to allow Registered Behavior Technicians to work under the supervision of a psychologist. Both proposed changes to the exemptions in the ABA licensure law will expand the number of personnel who can provide timely support to students with autism and other developmental disabilities in need of behavior and communication support in the classroom.</p> <p><u>Seizure Safe Schools (HB 793)</u> This bill provides an important safety net for students with seizure disorders by educating both school personnel and parents about appropriate seizure interventions and assigning school staff to administer rescue medication when needed.</p> <p><u>Sex Abuse/Sex Trafficking (HB 548/SB 308)</u> “Erin’s Law” proposes to require schools to develop curricula for students, training for teachers, and information for parents about sex abuse and sex trafficking risks to students.</p> <p><u>UH Community College Promise Program (SB 1151)</u> This legislation makes it easier for students who leave school with a Certificate of Completion to access funding assistance from UH community colleges.</p> <p><u>Other legislation under consideration</u> Six additional bills were summarized with links to the bill status and language. They included:</p> <ul style="list-style-type: none"> • HB 388 - providing instructional materials in accessible formats for eligible students with disabilities, • HB 834/SB 610 - recognizing American Sign Language as a distinct language, • HB 80 - authorizing schools to use authentic assessments as part of classroom-based performance assessments, • HB 1296 – establishing a early intervention work group to recommend ways to support young deaf and hard of hearing children, • SB 672 – allowing the Hawaii ABLE Savings Program Trust Fund to provide incentive payments to public school ABLE account holders, and
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<p>SEAC Legislative Priorities (cont.)</p>	<p><u>Other legislation under consideration (cont.)</u></p> <ul style="list-style-type: none"> • HB 830/ SB 605 – requiring HIDOE to meet with Hawaii School for the Deaf and Blind stakeholders to develop a plan for transitioning to a conversion charter school. <p><u>Questions/comments from members and guests</u></p> <p>C. LDAH is not in support of the ABA exemptions because they observe skilled teachers who are performing behavior interventions already, and there doesn't appear to be a need for this legislation. A. (Susan) We are in agreement that teachers should be able to implement behavior plans; the problem is that the licensure bill has been used to report teachers who are implementing behavior plans for students with autism to the Department of Commerce and Consumer Affairs. The Department has been forced to work around the licensure law, because it didn't include this exemption for teachers.</p> <p>Action: Members will respond to a poll aimed at registering their vote on whether SEAC should testify or monitor each of the ten bills discussed.</p>
<p>Report from the Ad Hoc Committee on Dispute Resolution</p>	<p>Paul Meng brought members up to date with recent Committee activities. The purpose for meeting is to change the culture of dispute resolution by problem solving to level the playing field for parents. Current foci are mediation and due process hearings.</p> <p>Recent activities have included 1) discussing parent needs for support and training, 2) identifying next steps for community partnering efforts, 3) reviewing the WestEd survey on dispute resolution, 4) identifying initial themes for a survey for attorneys, and 5) reviewing a draft of a dispute resolution survey for parents. Part of the work of identifying partners is to provide the legal community with an awareness of this access to justice issue.</p> <p><u>Feedback on draft survey themes and questions:</u></p> <ul style="list-style-type: none"> • To make the survey simple, it would be helpful to offer an explanation of terms and processes prior to taking the survey (i.e. what is a resolution session?). • Question #27 contains an assumption that an independent educational evaluation might be better than a school-based assessment. Sometimes it is not. <i>Response:</i> I agree. We are trying access the extent to which a family <i>feels</i> that is the case. If you have specific ideas on how to rephrase the question, we would welcome that. • Rather than ask to rate 1-4, explain the scale. For example, 1 is strongly disagree, 2 is slightly disagree, 3 is slightly agree, and 4 is strongly agree. <i>Response:</i> Our plan is to send this out with a survey delivery system. We will have those anchor items and hopefully have a hover text to provide context.

<p>Report from the Ad Hoc Committee on Dispute Resolution</p>	<ul style="list-style-type: none"> • If we don't have a game plan moving forward, a survey will give parents the impression that they are being heard, and then, again, things don't improve. We need to make sure we are going to be able to make changes. <i>Response:</i> I would love to hear more specific ideas on how we can ensure we are honoring the intention to have systems improve. On a personal level, I have been pleased with feedback we have gotten from Department around this difficult topic. I am optimistic that if we can get good data from a wide group of stakeholders and get a sense of what that experience is, then we can engage some collaborative problem solving through SEAC to make improvements over time. • On Question #28 we should add "because the process was too intimidating or overwhelming." • Add "I felt the hearing officer was fair and unbiased."
<p>Review of the Minutes for January 14, 2023</p>	<p>Susan Wood offered some minor typographical changes to the minutes. Action: The minutes were approved as corrected.</p>
<p>Agenda Setting for the March 10, 2023 Meeting</p>	<p>Items offered for consideration for inclusion on the agenda include the following:</p> <ul style="list-style-type: none"> • Update on progress for the "positions and interests" video • Update on SEAC legislation, • Dialogue Guide presentation • Infographic work • Information on the number of unlicensed special education teachers across the state • Secondary transition update • Mediation Model Form review • Truancy and trauma informed care.
<p>Infographic Work Groups</p>	<p>Amanda began by reminding members where their work in progress is housed on the SEAC website under the Member Portal. The portal also includes the current member roster, a short video for new members and the word cloud created by members last August.</p> <p><u>Work Group Meetings</u> Members joined one of four work groups for discussion and reported out as follows:</p> <p>IEP Members Jasmine Williams reported that several members were not present, so the group was not able to make any revisions to their draft document. Amanda asked if the group wants a zoom meeting outside of SEAC, and Jasmine agreed that might be helpful after several members are back from vacation.</p>

<p>Infographic Work Groups (cont.)</p>	<p>Private to Public School Transitions Jennifer Leoiki-Drino reported that the infographic that SPIN created with basic information about transitioning a student with a disability from private to public school now has a QR code that links to HIDA’s parent checklist placed on its website. The next step would be to vet the infographic by the whole Council.</p> <p>Behavior Mai Hall reported that she and two other members who are new to this group discussed the usefulness of the infographic to parents. Suggestions they came up with include:</p> <ul style="list-style-type: none">• List “talk with your child” as the first step ahead of “talk with your child’s teacher.• Note that all behavior is communication.• Stress the importance for parents to come to the teacher with a clear idea of what the behavior issue is.• Add a hyperlink to the infographic on HMTSS, because all the terms under “review needs” are too top heavy. Parents may not understand what these terms mean.• The questions under step 3 are good but busy. We think the questions should be slowed.• Define who is the target audience. Go back to the basics. Offer resources. <p>Jasmine participated in the original draft of the infographic and found it is difficult to talk about behavior because the topic is so large and varied. Are you directing the infographic to a parent of a child with an IEP/504 Plan, or are you targeting a parent whose child has not yet been identified? The original work group tried to incorporate everything into one infographic, and that’s one reason why it is not flowing.</p> <p>Diploma vs. Certificate Lisa Vegas and her group discussed the sentence, “it is the Department of Education’s expectation that all students complete the high school requirements with their grade level peers.” This implies that even Certificate of Completion students are finished in four years. Group members believe that IEP teams should consider the unique needs of students. Once a diploma is acquired, services stop. There will be a Q & A in the Dialogue Guide to offer more clarity. Since the above sentence is not coming from a specific statute, and it may be why kids are pushed out in four years, the group is questioning whether it should be included in the infographic.</p> <p><u>Questions/comments from members and guests</u> Q. Where do we find the SEAC infographics that have already been approved? A. They are under the infographics tab in the main menu. If work groups update a vetted infographic, they are asked to notify Susan or Amanda, so the older infographic can be swapped out with the newer</p>
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Infographic Work Groups (cont.)	<p><u>Questions/comments from members and guests</u> version on the website.</p> <p>Q. If a student who is working on a Certificate track walks with their peers at graduation, are they able to come back until age 22 to complete IEP goals? A. Yes.</p> <p>Q. If I put my kid on a Certificate of Completion track, and they only take two classes a day with postsecondary services, do we re-register after he walks the line to continue classes? A. In my experience we allow students who are not receiving a diploma to experience the graduation ceremony with their same-age peers and then resume classes the next Monday.</p> <p>C. Most principals do not allow that practice.</p>
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