**SPECIAL EDUCATION ADVISORY COUNCIL**

**Draft Minutes – March 10, 2023**

**9:00 a.m. – 12:00 p.m.**

**PRESENT**: Sara Alimoot, Rick Bunny, Deborah Cheeseman, Annette Cooper, Shana Cruz, Martha Guinan, Melissa Johnson, Amanda Kaahanui (staff to SEAC), Tina King, Jennifer Leoiki-Drino, Dale Matsuura, Cheryl Matthews, Paul Meng, Wendy Nakasone-Kalani, Susan Rocco (staff to SEAC), Roxanne Rokero (liaison to the Superintendent), Debora Uyeda, Lisa Vegas, Jasmine Williams

**EXCUSED**: Mark Disher, Melissa Harper-Osai, Carrie Pisciotto, Rosie Rowe, Ivalee Sinclair, Steven Vannatta, Susan Wood

**ABSENT**: Virginia Beringer, Lisa Garcia, Mai Hall, Kerry Iwashita, Kau‘i Rezentes

**GUESTS**: Diandry Bartoldus, Heather Chapman, Allison Eby, Jamia Green, Jackie Jackson, Annie Kalama, Alysha Kim, Lori Morimoto, Katie Raney, Kerry Tom, Brikena White, Tracy Wiltgen, Angela Wong, Jacy Yamamoto

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| **TOPIC** | **DISCUSSION/ACTION** |
| **Welcome and Introductions** | Chair Martha Guinan called the meeting to order at 9:05 a.m. and had members and guests introduce themselves. |
| **Input from the Public** | Melissa Johnson voiced a concern on behalf of several parents in her Facebook group--it is really difficult for a parent to be heard when there is an issue with a teacher or a provider where there is not a good fit for the child’s needs. The parent’s input is not being heard at the school level which leads to greater negative effects down the road. |
| **Announcements** | * Roxanne Rokero announced that Helen Kaniho is the new State Special Education Director. She has been the Kailua-Kalaheo Educational Specialist and will assume her new position on March 15th. * Amanda Kaahanui reminded members that SPIN can waive the registration fee for any member who would like to attend the SPIN Conference on April 22nd. SEAC will have a table in the resource room, and members are asked to consider manning a shift at the table to share information about SEAC, including our infographics. |
| **Mediation Model Form, Brochure and FAQs** | Brikena White and Allison Eby invited feedback on revisions to the Department form used to request a mediation. She directed members to links to the current form, a mediation brochure, mediation frequently asked questions (FAQs), and a feedback form. Members who have questions or concerns or suggestions on how to improve the mediation process are asked to contact the MAC Branch. Members are also encouraged to reach out, if they would like training on mediation and the MAC Branch will present a workshop during SEAC or on a weekend. |

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| **Mediation Model Form, Brochure and FAQs (cont.)** | Definition of mediation  Mediation is an impartial and voluntary problem-solving process that brings together parties to resolve disputes related to special education. It is facilitated by an impartial mediator from the Mediation Center of the Pacific (MCP) and offered at no costs to parents and schools. Discussions during mediation are confidential. MCP coordinates the scheduling of all special education mediation throughout the state. They can be reached at (808) 521-5767. Parents are discouraged from going to other mediation providers within the state as the HIDOE does not have contracts with them. In addition to contacting MCP by phone or [mcp@mediatehawaii.org](mailto:mcp@mediatehawaii.org), to request a mediation, individuals can also contact the District Educational Specialist or submit a Request for Mediation Form found at <https://bit.ly/MCPmediationrequest>.  Model Form  IDEA and Chapter 60 do not require any specific information for a mediation model form, unlike the State Written Complaint and Due Process model forms. The current effort to update the form is merely to make it more user-friendly.  Suggested revisions to the current mediation form  Brikena displayed the [current form](https://bit.ly/MCPmediationrequest) and asked members and guests to provide feedback on suggested changes to the form. She also provided a [link](https://docs.google.com/forms/d/e/1FAIpQLSc502D-sCzrIvTl7syY1QhKqhPy0sH66enEm9LJlpFEoWixjg/viewform?usp=sharing) to record suggestions that may surface after the meeting. Brikena acknowledged that some of the forms in use have been passed down for years and may not reflect cultural responsiveness and preferred language.  Questions and comments regarding the current form included the following:  C. SPIN created an infographic on mediation that can be accessed on the SPIN website.  Q. Is there a reason why “gender” is not the preferred word over “sex”? A. That’s a good question. What is your preference? Response: Gender.  C. Gender is neutral, and individuals can identify themselves however they choose to.  C. There is nothing on the current form that indicates this form is not required to get the process going.  Q. If a parent approaches someone at school and indicates they would like to mediate an issue, will they be told they have to fill out a form first or will the school initiate the process? A. We will check on that. The form is primarily meant for tracking purposes and reporting accountability and not to hold up the process. |

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| **Mediation Model Form, Brochure and FAQs (cont.)** | C. Having gone through 3 mediations, from the administrative side, you don’t want to pair the parent with the person at the school who is part of the conflict. For mediation to be successful, you need a fresh set of eyes. You may want to add a question asking if the parent has a suggestion of who to invite from the school side.  C. In the box at the bottom of the form for MCP use where the word *parent* is used, you may also want to add “or legal representative.” A. That is helpful, because there are some requirements of what legal representatives can do in mediation.  C. You have dedicated a lot of space on the form for the school information, while the area for the parent to record the issues of the dispute is relatively tiny. It would be helpful to create more space to describe the issue. A. Yes, and we do not have to keep the form to one page, if we need to expand that section.  C. Psychologically speaking, having only four lines to record the dispute issues may give off the message to parents that their issues are not that important. Also, by the time a parent gets to the point of requesting mediation, they probably have four or five issues that need resolving.  C. Folks don’t really use fax numbers anymore.  C, You ask for the school address rather than the name of the school, but parents may not have that information. Why is it important to ask for it?  C. Rather than request a phone number for the parent, it might be better to substitute “the best way to contact me.” It could be an email or even snail mail rather than phone.  Q. You ask for both the principal’s name and the name of a contact person. Aren’t they one and the same? A. Sometimes it could be the care coordinator or DES.  C. It sounds as if the contact person is someone the school designates, so the parent would not have that information.  C. Under parent information you have two boxes, but you only need one set of information for the parent who requests mediation.  Suggested revisions to the updated brochure:  Brikena shared a new special education [mediation brochure](https://bit.ly/HIDOESpecialEducationMediation) developed by the MAC Branch. She asked members for their thoughts of whether there is adequate information and clear language. Feedback included the following questions and comments:  C. Where you say, “Mediation is…”, it might be better to say “Mediation by the Mediation Center of the Pacific is free and confidential.” |

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| **Mediation Model Form, Brochure and FAQs (cont.)** | C. Parents can ask for mediation informally, or they can choose to request mediation over a resolution session after a due process hearing request is filed. In our SPIN infographic on mediation, we called the request either informal or formal. Does your brochure mention these two scenarios?  C. The old mediation brochure mentioned a timeline for a mediation of between 1-6 hours. You might want to mention this as an advantage over written complaints and due process hearings that take considerably longer to resolve. A. I can talk to MCP to get an average timeframe to conduct a mediation.  C. I been told on more than one occasion that DOE only pays for two mediation sessions. If you go beyond that, you have to get approval. A. That should not be the case, so I will work with our contractor on that.  Q. Is the brochure just a one-page thing? A. Yes, but on the webpage, there are [FAQs](https://bit.ly/SPEDMediationFAQs) for more information.  Q. When you provide the brochure and FAQs to schools can you require that they also have printed copies for families? A. Absolutely.  C. Other questions to consider include: *How do I request a mediation?*  *Can I invite others? Will the school invite others? What is the timeline when I request mediation?*  C. Under mediation it just specifies the parent, but we know that others can request it. A. We can clarify that. Per the regulations, legal representatives cannot request mediation, but they can support the parent.  C. There should be a reference to the ability to request accommodations if the parent has a disability.  C. In your brochure, you have a box of what mediation is. It might be helpful to include information on what mediation is not. For example, it is not a resolution session, and there is no hearings officer.  Q. Can a student who is 18 or older request mediation?  **Action: Brikena provided a link to a mediation feedback form and asked that members provide their feedback by March 31st. SPIN will send the link to the feedback form out to other parents and professionals through an e-blast.** |
| **Update on Planning for a Positions and Interests Video** | Susan R. reported for Steven Vannatta who was unable to attend due to illness. Susan provided Steven with the CADRE script for the proposed ‘positions and interests video’ and located several YouTube videos that present the topic clearly. One set of effective videos from Comms Lab use humor to make their points, and Steven recommends that the newly formed group to work on the video follow the |

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| **Update on Planning for a Positions and Interests Video (cont.)** | Comms Lab formula: short, to-the-point, easy to understand, and with a light touch of humor that diffuses tension and avoids controversy.  **Action: Susan R. will send out the links to the Comms Lab videos on negotiation.** |
| **Update by the Dispute Resolution Committee** | Paul Meng reported for the committee on ideas for engaging the legal community in addressing the lack of special education legal representation including:   * Organize an orientation for attorneys on special education law and find a way to offer Continuing Legal Education (CLE) training credits; * Approach the Exceptional Support Branch to determine whether it is possible to use Julie Weatherly as a trainer for the legal community; * Work with the Hawaii Bar Association’s Family Law Section to recommend law firms that may be open to providing free legal advice to parents; * Approach the Legal Aid Society regarding their interest in this area; * Send an official letters from SEAC to Chief Justice Mark Recktenwald of the Judiciary, the Access to Justice Committee and the Hawaii Bar Association requesting assistance in providing adequate representation for special education families; and * Poll attorneys who have been involved as plaintiff attorneys over the last 5-10 years to tease out the factors leading to a shortage of plaintiff attorneys.   Jasmine who also serves on the Committee reiterated that the Committee is not interested in finding blame but rather solutions. Martha called for a vote on whether to have SEAC send official letters to the three entities suggested by the Committee.  **Action: Members voted on whether to have SEAC send out the suggested letters. There was not a clear majority, so Martha asked the Committee to draft a letter with more specific information and present it at the April meeting for another vote.**  Questions/comments from members and guests  Q. What is the internal policy regarding telling parents who ask for clarification or have a disagreement on an issue to file for due process rather than try to find a resolution? Is there involvement or oversight by the Monitoring and Compliance Branch to ensure a good faith effort by the Department rather than putting the burden on the parent to take the issue all the way through due process? A. (Brikena) It is the responsibility of MAC to see that schools follow certain requirements of IDEA, including dispute resolution. If families find that that is not happening at their school, we ask them to contact us and we will follow up. |

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| **Update by the Dispute Resolution Committee** | Questions/comments from members and guests  C. I know of one district that is making that offer of mediation in a timely manner, but I don’t know that it is happening in other districts.  C. I am surprised that more people didn’t vote for sending out letters. The Committee would love to hear what your concerns are, so that they can be addressed in the drafts.  C. As a parent, I did not see many members who are in the Department vote for the draft letters. Could it be because the Department is opposed to sending out letters, so employees in the system are not comfortable supporting another position that is favored by parents? It may also be the influence of the Attorney General’s Office who encourage a legalistic approach that protects the Department. That attitude prevents thinking out of the box.  C. (Annie) I want to reassure parent members that we are trying to empower schools to create relationships with parents from the beginning and come to IEP meetings with a new attitude and culture of partnership in supporting the student.  C. One benefit of creating more sources of legal advice for families may be that families understand their options better and don’t act on their emotions. |
| **Update on Special Education Teacher Positions** | Kerry Tom introduced himself as a director of one of the offices in the Personnel Management Branch that hires teachers. In providing data on special education teacher positions in response to a request from SEAC, he took members to the DOE website’s Strategic Dynamic Plan data that kept track on the percentage of teacher positions filled from 2016 through 2021. In SY 2020-21 there was a vacancy rate of 5% which persisted in SY 2021-22. Of the 95% filled positions, another 5% did not come from a State Approved Teacher Education Program (emergency hires, non-licensed teachers, etc.). In SY 2022-23, the vacancy rate increased to 7%.  Efforts to close the gap  On May 1, 2023 DOE will be overhauling its hiring process. Rather than place new hires in a pool that might be circulated across the state, new teachers will be able to see what positions are offered in their own community. The teacher pipeline will be expanded through apprenticeships, residencies, and alternative programs. There is also a plan to reach down into high schools to encourage young people to consider teaching as a profession.  Questions/comments from members and guests  Q. You mentioned getting better data on the pay differential’s effect on retention. Do you have data on teacher retention related to their entry points for becoming teachers? A. In addition to discussing |

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| **Update on Special Education Teacher Positions (cont.)** | Questions/comments from members and guests  money, we are shifting our mindset to trying to place teachers where they want to be. We also want to refocus resources in terms of differentials.  C. Nationally we see some stark trends regarding years of retention depending on the kind of entry point. A. The induction and mentoring folks may have more data that you can use as they have been doing teacher surveys.  C. One longstanding concern of SEAC’s is that the Teacher Standards Board relaxed their requirement for general education teachers to become special education teachers. Now the gen ed teacher has to spend only one year in a special ed placement and pass the Praxis to be considered a special ed teacher. The problem is that teacher has no foundational training in special education. A. You might want to approach the Teacher Standards Board and ask them to strengthen than requirement.  C. I like your goal of encouraging young people to get into the profession of teaching. Have you had any discussions on how to operationalize that? One idea is to offer a student-teaching course in high school allowing students interested in a career in teaching to go into middle and elementary schools and support students for experience. A. Yes, we looked at several possibilities for high school students—apprenticeships, offering classes for later college credit, and allowing certification so that one exits high school certified and then gets intensive mentoring.  Q. When are your teacher numbers collected? A. October 1st. By then staffing needs are more consistent. |
| **Legislative Update** | Susan R. shared a grid showing bills that received a consensus for support by SEAC that are still alive, including the special education portion of HB 300, the state budget bill. SB 1340 which allows teachers to be exempted from the ABA licensure law when implementing behavior plans will take the most effort to pass, because house committees decided not to hear a companion bill earlier in the session. SEAC and DOE will try to meet with Representative Au Belatti of the Health and Human Services Committee to urge her to hear the Senate bill. Daintry Bartoldus from the Developmental Disabilities Council volunteered to help SEAC secure a meeting with Rep. Au Bellati.  EDN 150 Budget Requests  A second grid was shared that outlines the larger budget items that were requested by DOE including contracted nursing and ABA services, ABA positions, and educational psychologists for crisis situations. |

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| **Review of Minutes for February 10, 2023 Meeting** | Susan R. informed members that Wendy Gady, who provided public testimony in February, offered some corrections that were incorporated into the draft minutes.  **Action: Members approved the minutes as corrected.** |
| **Agenda Setting for the April 14,2023 Meeting** | The following items were suggested for inclusion in the April 14th meeting:   * Draft revision of the Procedural Safeguards Notice * HIDOE Budget and Legislative Priorities * Draft letter from Dispute Resolution Committee * Membership issues for SEAC * Transition to Adulthood Updates   Kiele Pennington pointed out that some districts are doing really innovative things to support secondary transition while others are not. It would be helpful to review these shining examples as well as identifying areas of need. |
| **Infographic Work** | Martha reported that Susan and Amanda will videotape their presentation on the Dialogue Guide and provide a link on the member portal for folks to view at their leisure.  Vetting of the Private to Public School Infographic  Jennifer Leoiki-Drino said the work group liked the broad overview infographic that SPIN created and the addition of a QR code that leads the reader directly to the **HIDA Checklist for Students with Learning Disabilities Transferring to Public School** that is housed on the HIDA website. The checklist outlines actions needed when exiting the private school as well as tips for enrolling in a public school and securing necessary student supports. Jennifer added that future work group activities might be to expand on some of the checklist sections and create additional infographics, as well as to work on a Dialogue Guide. Comments from the Council included:   * adding HIDA’s website to the contact information, and * trying to reduce verbiage.   **Action: Members voted to approve the amended infographic for distribution and placement on the SEAC website.**  More guidance on the purpose of the Dialogue Guide  Dale Matsuura mentioned that the group working on Certificate vs. Diploma received a suggestion that they add a FAQ section to the Dialogue Guide. She asked for clarification of whether that is a task for the work group, and if so, how do you gather the questions and answers. Amanda reminded members |

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| **Infographic Work (cont.)** | More guidance on the purpose of the Dialogue Guide (cont.)  that the original intent of the Dialogue Guide was to encourage a feedback loop to bring reactions and suggestions back to SEAC after an infographic is developed. The Dialogue Guide is a how-to for a facilitator to present the information to a selected group of individuals and have a back-and-forth conversation regarding their reactions and ideas for further action or dissemination of information. SEAC has tended to look at the Guide as a place to collect additional information or resource links related to the infographic. Some groups have opted to develop a Q & A as an additional handout. It has been up to the team to determine how to share out additional information—through a Dialogue Guide, through a Q & A or FAQ. Dale responded that they would probably want to develop one FAQ for parents and another for school personnel. Brikena encouraged the work groups to share their draft products with the MAC Branch and Helen Kaniho at the Exceptional Support Branch for input and consistency in messaging. Amanda suggested one FAQ that included sections for parents and teachers. That way everyone is seeing the questions and answers.  Vetting of the Certificate vs. Diploma Infographic  Susan R. reminded members that this 2-page infographic has not been formally vetted due to concern over a statement from the Certificate of Completion Guidelines that students should be graduating with a diploma or a certificate with their same-age peers. The group felt this message is at odds with the flexibility within IDEA that allows students with disabilities more time to earn credits toward a diploma and/or receive continued IEP supports up until the 22nd birthday. Dale agreed that this issue has not been resolved, but Helen Kaniho, who participated in the discussion last month, may encourage the Department to agree with a more flexible message that it is in keeping with the spirit of IDEA now that she is the Exceptional Support Branch Director.  IEP Members Work Group Report  Rick Bunney reported that he and Jasmine and Cheryl had a rich discussion but did not come to a final decision on when to refer to the recipient of special education services as a child or student. Families relate to the term “child”, but for teens and young adults it may be better to refer to the “student.” The group plans to gather more parent input.  Certificate vs. Diploma Work Group Report  Dale reported that Sara and Heather were able to provide some great questions for the FAQ. They plan to forward the questions to Brikena and Helen for more suggestions. |

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| **Infographic Work (cont.)** | Behavior Concerns Work Group  Melissa Johnson reported that the group agreed to add a first step to the process—talk to your child. There may be a need for more infographics to cover the wide range of behaviors. Members agreed to add more resources for teachers and to make the infographic useful to any role group (for example, a bus driver). Martha added that the group plans to meet outside of the SEAC meeting to continue their progress. |