

**SPECIAL EDUCATION ADVISORY COUNCIL**

**Minutes – April 14, 2023**

**9:00 a.m. – 12:00 p.m.**

**PRESENT:** Rick Bunny, Deborah Cheeseman, Annette Cooper, Mark Disher, Martha Guinan, Melissa Harper-Osai, Melissa Johnson, Amanda Kaahanui (staff to SEAC), Helen Kaniho (liaison to the Superintendent), Tina King, Jennifer Leoiki-Drino, Dale Matsuura, Cheryl Matthews, Paul Meng, Susan Rocco (staff to SEAC), Rosie Rowe, Debora Uyeda, Lisa Vegas, Jasmine Williams

**EXCUSED:** Sara Alimoot, Shana Cruz, Wendy Nakasone-Kalani, Kiele Pennington, Carrie Pisciotto, Steven Vannatta, Susan Wood

**ABSENT:** Virginia Beringer, Lisa Garcia, Mai Hall, Kerry Iwashita, Kau’i Rezentos

**GUESTS:** Will Carlson, Heather Chapman, Patti Dong, Allison Eby, Emmit Ford, Jackie Jackson, Sandra Jessmon, Annie Kalama, Lori Morimoto, Brikena White, Jennifer Wolfsheimer, Angela Wong, Jacy Yamamoto

TOPIC	DISCUSSION/ACTION
<b>Welcome and Introductions</b>	Chair Martha Guinan called the meeting to order at 9:00 a.m. and had members and guests introduce themselves.
<b>Input from the Public</b>	<p>The following four issues were presented for Council awareness/discussion:</p> <p>1) <u>Denial of request to have a DES attend an IEP meeting</u>            Mark Disher reported that a parent on Maui requested the presence of the DES at her daughter’s IEP meeting due to her knowledge of the student’s unique needs, but her request was denied by the CAS. CAS Sides admitted that there was no specific policy behind her decision, and that she was aware that DESs on Maui have attended other IEPs. The parent’s second concern is that her child’s long time RBT is being replaced, despite the need her daughter has for consistency. Helen Kaniho offered to look into the matter and follow-up.</p> <p>Other points of discussion included the following comments:</p> <ul style="list-style-type: none"> <li>• As a person who runs a support group on Maui, I have noticed that sometime DESs are allowed to attend IEPs, but refused in situations where the parent is expected to advocate for their child’s need. Also, Maui policy is to change out RBTs after 2 years.</li> <li>• Is the Board of Education aware of discriminatory practices of the CAS and other administrators?</li> </ul> <p>2) <u>Unethical behavior by a contracted therapist</u>            Melissa Johnson shared concern over inappropriate behavior by her 14-year old son’s BCBA. The BCBA has been asking him to repeatedly analyze his goals, which is not appropriate, and offered to be her son’s therapist. As a result her son’s Post Traumatic Stress Disorder has peaked. Additionally, the BCBA lied and said that a former BCBA believes Melissa triggers her son’s behavior. Despite her son’s assertion that he couldn’t work with the BCBA anymore, the school replied that because the family has denied direct services, the BCBA is continuing to consult with the school. Melissa pointed out a huge disconnect between what she was reporting and how the school was interpreting that as her denying</p>

<p><b>Input from the Public (cont.)</b></p>	<p>2) <u>Unethical behavior by a contracted therapist (cont.)</u> services. Martha suggested that Helen talk to Melissa outside of the meeting to try to resolve the issue.</p> <p>3) <u>Using students on a certificate track to clean classrooms at a high school</u> Melissa Harper-Osai recently found out in an IEP meeting that her son’s life skills class is spending up to 2 hours 4 days a week to clean up to 13 portables and classrooms. Melissa objected to her son providing free student labor, but the rest of the class continues to participate. The teacher, who came up with the idea, stays behind in the classroom, and the students are accompanied by an aide. Melissa asked for feedback and received the following questions/comments:</p> <ul style="list-style-type: none"><li>• Is it just the FSC kids, or is it other classes? the whole grade? A. No, just the FSC kids in her son’s classroom.</li><li>• There is a program for classroom cleaner jobs but the student is paid. Do you know whether this falls under this program? A. No, they are not paid anything.</li><li>• I don’t think that equal access to opportunity means being a janitor.</li><li>• It’s not even promoting socialization, and it’s not academic.</li></ul> <p>4) <u>Policy/protocols for on-line meetings</u> Jasmine Williams was in a virtual IEP meeting where the Vice Principal was sitting in for the gen ed teacher as well. Less than halfway through, his camera was turned off, and he didn’t interact again. She asked the following questions: How can an IEP meeting can be conducted where the administrator leaves before the meeting is completed? Does the DOE have written rules, guidelines or policies about online IEP meetings? Is there a requirement for participants to have their cameras on and not just a name in the window to ensure that they are actually present? If so, can parents have that information?</p> <p>Points of discussion included the following:</p> <ul style="list-style-type: none"><li>• There is a SPIN infographic on how parents can prepare for a virtual meeting, but parents are not privy to what DOE folks have been told to do.</li><li>• (Annie Kalama) We did a memo about virtual IEPs during the pandemic, but it wasn’t specific as to etiquette, like keeping your camera on. The Department at large may have something, because IEP meetings are not the only ones we do virtually.</li><li>• Normally when we [LDAH] are in a meeting, we set the ground rules up front, so there aren’t any misunderstandings. Parents feel a little weird when there are 10 DOE people on the virtual meeting, all of whom have their camera off except the person who is speaking. Sometimes we</li></ul>
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<p><b>Input from the Public (cont.)</b></p>	<p>4) <u>Policy/protocols for on-line meetings (cont.)</u>                  have to say, ‘would everyone who is participating keep their camera on?’ We shouldn’t have to be the ones to do it, but we do.</p>
<p><b>Review of Minutes from March 10, 2023 Meeting</b></p>	<p>Cheryl Matthews called attention to two punctuation errors. Susan W. offered minor corrections to typographical mistakes.  <b>Action: The March 10<sup>th</sup> meeting minutes were approved as corrected.</b></p>
<p><b>Announcements</b></p>	<ul style="list-style-type: none"> <li>• Martha announced that the May meeting will be a hybrid meeting at 475 22<sup>nd</sup> Avenue, Room 226, and encouraged members to come in person, if possible.</li> <li>• Susan R. announced that the following legislative bills that SEAC has been supporting are still alive:                         <ul style="list-style-type: none"> <li>○ ABA licensure exemption for teachers who implement behavior plans; (Note: The ABA bill may be delayed for one year because the House wants to see the Department bill Medicaid for reimbursement of ABA services before it provides the licensure exemption to classroom teachers).</li> <li>○ Instructional materials in accessible formats;</li> <li>○ Recognizing American Sign Language as a distinct language;</li> <li>○ Early intervention work groups for children who are deaf and hard of hearing; and</li> <li>○ Community college Promise funds for qualified students with disabilities without having to apply for financial aid;</li> </ul> </li> <li>• Amanda reminded members that the SPIN Conference is next Saturday, April 22<sup>nd</sup>.</li> <li>• Rosie Rowe announced that LDAH now has a part-time parent consultant on Hawaii island.</li> </ul>
<p><b>Hawaii Application for Part B IDEA funds</b></p>	<p>Helen Kaniho shared a link to the application and an opportunity to comment publicly on the DOE website. Public comments will be collected by Emmitt Ford.  <u>Questions/comments from members and guests</u>                  Q. Is your application similar to last year? Will you be receiving more money? A. (Emmitt Ford) Our current application is about the same as the previous application which brought in about \$45 million in federal dollars. This year’s amount should be the same or slightly higher.                  Q. What percentage is retained by the state office? A. 10-15% is held back at the state level, and the rest of the monies are allocated to the Complex Areas. (Annie Kalama) Much of the monies withheld at the state level are used for large contracts, like with the University of Hawaii to train new teachers.</p>

<b>Hawaii Application for Part B IDEA funds (cont.)</b>	<u>Questions/comments from members and guests (cont.)</u> C. (Martha) Please keep SEAC informed when you receive the spreadsheets of the actual budget amounts for this application. A. Yes, we will provide that information when available.
<b>Procedural Safeguards Notice (PSN) Feedback</b>	Brikena White and Jennifer Wolfsheimer thanked SEAC members who attended the March 28 <sup>th</sup> meeting to revise the PSN. She pointed out that the feedback form is still available on the HIDEOE website, and members also have the option to schedule a time to meet with Brikena and/or Jennifer to discuss changes to the notice. The objective today is to provide an update on the feedback received to date from internal and external stakeholders. As a reminder, Jennifer said the current PSN meets IDEA requirements, so the revisions are in response to feedback that the document needs to be more user-friendly for both parents and staff. <u>Projected timeline for revisions and training</u> After all stakeholder input has been reviewed, the PSN draft will be sent to the Attorney General's Office for review. In SY 23-34 the MAC Branch will provide training to new administrators on how to summarize the contents of the PSN for families using parent-friendly language. A summary document as well as companion materials will be created and posted on the HIDEOE website. MAC hopes to partner with SEAC, LDAH and SPIN to provide training on the new PSN to parents in the community. <u>Definition of the PSN</u> It is the main tool for informing parents and adult students of their rights. It must be given out at least once a year and in the following circumstances: <ul style="list-style-type: none"><li>• At initial referral or parent request for evaluation,</li><li>• When a parent files the first State complaint and first due process hearing request of the school year,</li><li>• After certain discipline procedures; and</li><li>• When requested by a parent.</li></ul> <u>Sections in the Draft PSN</u> Yellow highlighted sections in the draft PSN represent required wording from IDEA and Chapter 60 that cannot be changed. All other sections, and the Q & As within these sections have wording, content and format that is flexible. <u>Feedback Received</u> Suggestions for a revised PSN included the following: <ul style="list-style-type: none"><li>• Include a table with acronyms and a glossary;</li><li>• Create a companion guide/summary;</li></ul>

<p><b>Procedural Safeguards Notice (PSN) Feedback (cont.)</b></p>	<p><u>Feedback Received (cont.)</u></p> <ul style="list-style-type: none"><li>• Develop coaching for how school staff can explain the PSN to families;</li><li>• Improve draft Q &amp; As by simplifying language, changing to bullet points, adding information related to older student needs, adding visuals (flow charts, timelines, etc.), creating links within the document and including short summaries of each section.</li></ul> <p>Suggestions regarding the layout of the PSN fell into three groups:</p> <ol style="list-style-type: none"><li>1. keeping the Q &amp; As distributed throughout in sections,</li><li>2. grouping Q &amp; As together in the front/back and</li><li>3. placing the regulations and Q &amp; As side by side, like the Chapter 60 guidelines.</li></ol> <p><u>Additional feedback</u></p> <p>Members were given a <a href="#">link to the Google feedback form</a> that will be good through May 10<sup>th</sup>. It is also available on the HDOE website. If individuals would like to schedule a meeting with the MAC Branch to provide feedback, call (808) 307-3600.</p> <p><u>Questions/comments from members and guests</u></p> <p>Q. Does the phrase “in accordance with discipline procedures” when discussing when the PSN must be given to parents refer to a disciplinary action which results in a change in placement? A. Yes, and also in the instance where an expedited hearing request has been filed.</p> <p>C. I prefer the Q &amp; As be included in each section.</p> <p>C. I like the option of side-by-side, like the Chapter 60 guidelines.</p> <p>C. I like embedded or side by side. It is much easier to manage for anyone with reading challenges versus having to flip back and forth.</p> <p>C. I like side by side as well.</p> <p>C. If you create an administrator’s summary, it needs to be posted for all to see. Then if the administrator doesn’t bring it to the IEP meeting, the parent and other role groups can still benefit from it.</p> <p>C. My vote is for more Q &amp; As. That’s where parents go first. A. If you think of questions that are not in the document, please include it in the link to the google doc.</p> <p>C. When I re-read IDEA, the PSN must include a full explanation of all safeguards in understandable language. My issue is that the law is not understandable language. We should use a reading level of 5<sup>th</sup> to 6<sup>th</sup> grade. You can reference the section of the law, so that you don’t have to write the statute out. It would shorten the number of parents and be more easily understood.</p>
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<p><b>Procedural Safeguards Notice (PSN) Feedback (cont.)</b></p>	<p><u>Questions/comments from members and guests (cont.)</u>                  Q. Could you remind members how long the PSN draft is? A. It is currently 60 pages.                  C. If there is an electronic version of the document, parents can use the control-find feature to easily find a topic.                  Q. Is it possible to include information about home school families' rights?</p>
<p><b>Post-Secondary Transition Program Updates</b></p>	<p>Heather Chapman brought members up to date on a number of transition programs and shared a website QR code:</p> <ul style="list-style-type: none"> <li>• <u>CTE/SPED Collaboration</u> - In SY 23-24 work-based learning for students with disabilities will be part of the CTE work-based learning certification training. All schools will understand how to support special education students;</li> <li>• <u>DVR/DOE Guidelines</u> are in progress as well as <u>Work-Based Learning &amp; CBI Guidelines</u>;</li> <li>• <u>National Technical Assistance Center on Transition (NTACT) Presentations</u> were made at the SPED Conference on 3/14 and 3/16/23 and assessment kits were given to all high schools;</li> <li>• The Center on Disability Studies presented at the SPED Conference on <u>Keys to Self Determination</u>;</li> <li>• <u>Development of a Work-Based Learning Initiative</u>. The goal is that all high school campuses will have a work-place site along with peer mentors to promote community employment; and</li> <li>• Ongoing projects include <u>quarterly transition meetings</u>, <u>eCSSS updates</u>, <u>Footsteps to Transition Fair</u>, <u>Molokai consultation support</u> and <u>transition resource teacher and high school teacher support</u>.</li> </ul> <p><u>Questions/comments from members and guests</u>                  C. The initiatives for school-based enterprises that we have become aware of don't appear to include gen ed students. They are more like an enclave. Do you know of inclusive models you can share? A. There are a lot of inclusive models. The Work Based Learning Initiative will include CTE Coordinators and gen ed students as well as students with disabilities. Sped teachers are partnering with gen ed teachers to find community employers to provide job shadowing and work-place experiences.                  (Helen) In designing and developing this high-quality framework, it is inclusive from the beginning.                  Q. Does that mean that in the next school year, as schools are receiving their transition kits, all sped students will have access to these transition initiatives, regardless of placement and whether or not they are on a diploma track? A. (Annie) Each IEP team should have an opportunity to combine both gen ed classes and work-based learning classes. The student will need a certain amount of credits to earn a diploma, but they have more time to gather those credits.</p>

<p><b>Post-Secondary Transition Program Updates (cont.)</b></p>	<p><u>Questions/comments from members and guests (cont.)</u> Q. In rural areas where a business may have job opportunities but is concerned about liability, does the school have an obligation to secure the liability insurance? A. Once a work site is certified as a work-based learning environment, the students are covered under Workman’s Comp. Q. Will care coordinators/transition teachers be initiating the process to get students involved once implemented? I know personally as a parent, I am the one initiating the DVR process. The teachers and transition teachers need more training on how to share these resources with families. C. Wouldn’t it be great if schools had meetings about this for all of the kids, so it wasn’t up to that one akamai parent that might know about DVR and ask for it? C. I’m partnered with our career and college counselor, and we are tasked with finding internships/PWE work sites. C. A lot of parents don’t know about DVR services and the option of inviting a DVR coordinator to the IEP meeting where transition is being discussed. C. (Helen) All kids with IEPs are gen ed kids first; the postsecondary planning that is available to kids without IEPs is also going to be available for kids with IEPs. Q. Did the SPED Conference tape the presentations? A. (Helen) We recorded the workshops from the virtual session and will make them accessible to everyone along with materials.</p>
<p><b>Membership Committee Report</b></p>	<p>Susan Wood referred to a membership grid of SEAC’s current membership and how each member fits into the stakeholder designations required by the Individuals with Disabilities Education Act (IDEA) and SEAC bylaws. She reminded members that IDEA requires that every State Advisory Panel maintain a majority of members who are parents of children with disabilities and/or persons with disabilities. <u>Members with Expiring Terms</u> Four members--Martha Guinan, Dale Matsuura, Cheryl Matthews and Kau’i Rezentes--have their 3-year appointment to serve on SEAC expiring in May. All four have indicated an interest in serving another 3- year term. <u>New Members</u> SEAC welcomes two new members—Helen Kaniho, the new Special Education Director who will serve as SEAC’s liaison to the Superintendent, and Christopher Pelayo who will replace Carrie Pisciotto as the representative from the Early Intervention Section.</p>

<p><b>Membership Committee Report (cont.)</b></p>	<p><u>Vacancies</u>                  The Committee is looking for candidates to recommend for three vacant positions—a Central District parent representative to replace Paula Whitaker, a representative from the Department of Human Services representing children with disabilities in foster care, and a representative for incarcerated adults with disabilities who are eligible under IDEA. We are also interested in bringing on several parents of young children to ensure that SEAC maintains a majority of parents and persons with disabilities. The Membership Committee will bring nominations for the vacant slots to the larger Council for a vote to send the nominee to the Superintendent for his appointment to the Council.</p> <p><u>Election of Officers</u>                  Voting for a term of one year in the positions of Chair and Vice Chair will take place at the May meeting. Martha and Susan W. are willing to be considered again for leadership positions, and any member who is also interested in a leadership position is asked to call Susan R. prior to the next meeting.</p>
<p><b>Dispute Resolution Ad Hoc Committee Report</b></p>	<p>Mark Disher shared a draft letter that the Committee would like to send to the Judiciary, the Access to Justice Commission and the Hawaii Bar Association regarding having enough attorneys to assist parents with due process hearing decisions. The letter explains the historical context of legal representation for IDEA special education disputes and the need to address a current shortage of plaintiff attorneys. Martha added that not every parent can represent their child without an attorney (called <i>pro se</i>). Mark spoke to Chief Justice Recktenwald, and he showed an interest in helping to address this access to justice issue. Martha asked members for any editing suggestions and got the following responses:</p> <ul style="list-style-type: none"> <li>• Send a copy of the letter to the Superintendent and the Board of Education Chairperson</li> <li>• Add 504 students;</li> <li>• Add adult students who are competent to exercise their educational rights;</li> <li>• Use the phrase “parents/caregivers”;</li> <li>• Reference parents and adult students, because guardians and other legal representatives are covered under the IDEA definition of “parent.”</li> </ul> <p><b>Action: Members voted to send the letters out from the Council as a whole with the suggested edits.</b></p>
<p><b>Agenda Setting for the May 12<sup>th</sup> Meeting</b></p>	<p>Suggested agenda items included:</p> <ul style="list-style-type: none"> <li>• Election of Officers</li> </ul>



<b>Agenda Setting for the May 12<sup>th</sup> Meeting</b>	<ul style="list-style-type: none"><li>• Nominees for vacant positions</li><li>• Due process Report on Due Process Hearings, Mediations and Written Complaints</li><li>• Infographics</li><li>• Certificates of Appreciation from Superintendent Hayashi</li><li>• Feedback on policies about DESs being able to attend IEP at the request of the parent</li><li>• Feedback on a policy to change out service providers every 2 years.</li><li>• Procedures for online meetings</li><li>• Clarification on the issue of special education students conducting classroom cleaning as a vocational activity without the knowledge or consent of their parents</li></ul> <p>The meeting will be hybrid—in-person and on zoom—and members will be treated to a bento.</p>
<b>Infographic Work</b>	<p>Susan Wood took over the discussion while Martha logged back into the meeting after having been accidentally disconnected.</p> <p><u>Vetting of Certificate vs. Diploma Infographic (2 pages)</u></p> <p>Members discussed whether the statement on the side-by-side infographic that “it is the Department of Education’s expectation that all students complete the high school requirements with their grade level peers” should be removed, because it may be misinterpreted as a requirement to complete all courses and IEP goals within four years. Some students on a certificate track stay in school until their 22<sup>nd</sup> birthday while other students benefit from taking an additional year or two to intersperse credit classes required for a diploma with job shadowing and other transition activities. Lisa Vegas clarified that this statement was added into the original SEAC draft by the Exceptional Support Branch staff, because it is included in the Certificate of Completion guidelines. Helen asked for the timeline for vetting the infographic and Amanda clarified that the expectation was to complete the process at the April or May meeting so that this important information can be available to parents. Other discussion points included:</p> <ul style="list-style-type: none"><li>• Changing the wording under the certificate explanation from the student is “not able to meet all credit requirements of a high school diploma” to the student is “meeting the requirements of an individually prescribed program;”</li><li>• Leaving the above wording intact in order to provide a contrast and a clearer message that parents will understand;</li></ul>

**Infographic Work  
(cont.)**

- Many parents are unaware of the difference between a diploma and a certificate, much less the requirements for each, and are shocked to learn mid-way through high school that their child is not expected to earn a diploma;
- When an infographic work group creates a document, it is brought to the larger Council for vetting, and represents a majority agreement on the content;
- Infographics can be updated periodically, as needed;
- Because of the E.R.K. decision there needs to be clarity within the infographic that special education students have some flexibility in completing graduation requirements, even if it takes an extra year or two, if that is the consensus of the IEP team.
- A statement on the Venn diagram says “each school may have their own process on participation in graduation ceremony and proms.” This should be looked into and addressed in the future to provide more consistency for students.

**Action: Members voted to amend the header on the side by side to read, “It is the Department of Education’s expectation that all students complete the high school requirements with their grade level peers, although they can work towards their IEP goals and diploma credits until their 22<sup>nd</sup> birthday.”**