

SPECIAL EDUCATION ADVISORY COUNCIL

Minutes – November 17, 2023

9:00 a.m. – 12:00 p.m.

PRESENT: Kathie Awaya, Mark Disher, Nancy Gorman (for Paul Meng), Martha Guinan, Amanda Kaahanui (staff to SEAC), Helen Kaniho (liaison to the Superintendent), Jennifer Leoiki-Drino, Dale Matsuura, Cheryl Matthews, Kaili Murbach, Wendy Nakasone-Kalani, Susan Rocco (staff to SEAC), Kiele Pennington, Rosie Rowe, Debora Uyeda, Steven Vannatta, Lisa Vegas, Jasmine Williams, Susan Wood

EXCUSED: Sara Alimoot, Virginia Beringer, Annette Cooper, Melissa Johnson

ABSENT: Deborah Cheeseman, Mai Hall, Tina King, Christopher Pelayo, Kau’i Rezentos

GUESTS: Tierney Barcarse, Will Carlson, Jamia Green, Amanda Hawkins, Michael McGushin, Brikena White, Jennifer Wolfsheimer

TOPIC	DISCUSSION/ACTION
Call to Order/ Welcome	At 9:10 a.m. Chair Martha Guinan called the meeting to order.
Roll Call/Introductions	Amanda Kaahanui called the member roll and asked both members and guests to share which stakeholder group they are representing.
Input from the Public	There was no input from the public.
Announcements	<ul style="list-style-type: none"> • Amanda Kaahanui announced that registration for the 2024 SPIN Conference is now open. She directed folks to the conference website for a Save the Date flyer, registration forms for attendees and agency tables, airfare scholarship forms and nomination forms for SPIN Awards. SEAC members who are interested in attending will be hosted by SPIN. • Martha announced that she and Susan Rocco met with Glenn Nochi from OSIP and folks from the Assessment and Accountability Branch regarding a one-year waiver to relieve stress for Maui schools in the wake of the wildfires. The proposal to the U.S. DOE is to exempt all Maui public schools, with the exception of Hana High and Elementary, from accountability reporting and determinations in the annual ESSA Report. Students and families will still receive their individual Smarter Balanced Assessment or HSA-alt reports.
Update on the HIDEOE Dispute Resolution Strategic Plan	<p>Jennifer Wolfsheimer, a Senior Consultant from WestEd and Technical Assistance Adviser to HIDEOE, reminded members that she and Cesar D’Agord conducted a review of Hawaii’s dispute resolution system from January through April of 2022. A review of documents, interviews, surveys, and the HIDEOE website resulted in a SWOTS (strengths, weaknesses, opportunities and threats) analysis. The overall finding was that Hawaii’s dispute resolution system did not meet IDEA compliance requirements and could be remedied with some targeted corrections. WestEd’s recommendations were presented to SEAC in September 2022 with an emphasis on the following:</p> <ol style="list-style-type: none"> 1) Procedural Safeguards Notice, 2) Mediation 3) State Complaints

<p>Update on the HIDEO Dispute Resolution Strategic Plan (cont.,)</p>	<p>4) Due Process Hearing Requests and 5) Overall dispute resolution data collection.</p> <p><u>Year One Accomplishments –July 22 - June 23</u> Brikena White reviewed the accomplishments in the first phase of the 5-year Strategic Plan—exploration and system development—and thanked SEAC for its assistance in:</p> <ul style="list-style-type: none"> • updating model forms, • developing cover letters for all model forms, • providing feedback on the Procedural Safeguards Notice (PSN), • changes to the HIDEO website, including a special education tab on the front page, and organizing the main special education links to be more accessible to the public. <p>She took members and guests on a tour of the main special education page and dispute resolution page. The latter page includes forms and phone numbers for requesting mediation, written complaints, and due process hearings, as well as links to useful information on the Center for Appropriate Dispute Resolution for Special Education (CADRE) website. Jennifer added that the model forms themselves are not required, but certain information must be provided in order to file a complaint or due process hearing request. This required information is asterisked on the model forms. Each of the current model forms and cover letters reflect feedback from SEAC. If members have additional feedback, they were encouraged to contact the MAC team.</p> <p><u>Update on the Procedural Safeguards Notice (PSN)</u> Jennifer reported that the PSN is currently being revised based on all of the comments from SEAC and others. Feedback related to formatting and specific information has been combed through. It will be brought back to SEAC for final review before publishing. The MAC Branch is also working on training materials for principals and vice principals, as well as SPIN, LDAH and others in the community.</p> <p><u>OSEP Questions & Answers 23-01</u> Jennifer commented on a new document by the Office of Special Education Programs on the State General Supervision Responsibilities under Part B of IDEA. This guidance is not new but has updated letters and other information in one document. Two concepts related to dispute resolution discussed within the guidance are <i>area of concern</i> and <i>credible allegation</i>. <i>Area of concern</i> refers to an issue that comes up outside of due process regarding a potential violation of IDEA. This must be investigated by the Department (MAC or ESB) to determine if it is a <i>credible allegation</i> requiring corrective action. If credible, the department has 3 months to issue a notification of noncompliance to the program but are not required to issue a report to parents. HIDEOE has been following this guidance for the last year and a half as General Supervision complaints. An example would be concerns raised in a SEAC meeting.</p>
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<p>Update on the HIDEOE Dispute Resolution Strategic Plan (cont.,)</p>	<p><u>OSEP Questions & Answers 23-01 (cont.)</u> Brikena and Jennifer assured members that this is <u>not</u> a process that circumvents the due process rights of parents, like state written complaints and due process hearing requests.</p> <p><u>Questions/comments from members and guests</u></p> <p>C. I commend you for putting in email addresses and phone numbers that are not specific to a person. A. Yes, MAC avoided specific names, so that email requests would not be delayed should an individual be on leave or be serving in another position. The special education email for written complaints is secure and notifies Brikena and her team when an email request is submitted.</p> <p>C. Thank you for your efforts, your teamwork with SEAC, and your willingness to make changes in favor of greater accessibility.</p> <p>Q. For families whose native language is not English, is there a place on the website that allows them to request information in that language? A. HIDEOE has contracted to have the model forms and cover letter, the Procedural Safeguards Notice and the Parent Survey translated into 15 languages, including English. Jennifer and Brikena are also working on providing other modes of communication that don't have reading or written language, such as for parents who are deaf or blind.</p> <p>C. As much as I would like parents to stop using the word "fighting" for services, I would like it if we did not describe due process as the most adversarial, because for some individuals, they feel the safest having legal representation. A. The choice of describing due process hearings as "most adversarial" was not meant as a negative, but more based on how time consuming and laborious that option is.</p> <p>C. In the past, some parents have been dissuaded from mediation, because they thought that everything used in mediation was confidential and couldn't be shared, if needed, in a due process hearing. If you could add clarity about what confidentiality encompasses, more parents may be open and interested in trying that route. A. (Jennifer) Thank you. That's a good suggestion for both the website and the PSN. (Brikena) I thought we did clarify that a little bit in our mediation brochure, but if that's not the case, Jennifer and I are still working on the PSN and can address it further.</p> <p>C. I do see it on your flyer, but there is information in the community that has been perpetuated over time regarding confidentiality and mediation that requires more education.</p>
<p>Planning for the SPP/APR Stakeholder Meeting on December 8th</p>	<p>Brikena reviewed the invitation to the December 8th SPP/APR MEETING co-sponsored by SEAC, ESB and MAC that will be distributed to a variety of stakeholders, including SEAC members, in the next week. The meeting will focus on 10 key indicators, and participants will have an opportunity to review the latest data to determine whether adequate progress has been made toward the target goals and whether improvement strategies need to be adjusted. Brikena asked members to click on the registration link in the invitation to</p>

<p>Planning for the SPP/APR Stakeholder Meeting on December 8th</p>	<p>register for the meeting and indicate their preference for one of the six indicator discussion groups. She also directed those present to the HIDEOE webpage for the SPP/APR where each of the 17 indicators has a fact sheet and feedback form, and the 10 key indicators have an infographic created by SPIN to provide a basic floor of understanding. Martha encouraged everyone to share the information with other stakeholders who may be interested in participating.</p>
<p>Maui Update for Areas Affected by the August Wildfires</p>	<p>Helen “Kupu” Kaniho began by acknowledging the work of Canoe Complex District Educational Specialists Will Carlson and Michael McGushin who have also taken the time to attend a number of SEAC meetings.</p> <p><u>Health and safety guidance</u> Kupu directed members to where they can find the “Health & Safety Guidance for Reopening Lahaina Schools, Fall 2023” on the HIDEOE website and reviewed the section on Emergency Access Routes. Every school conducts drills for responding to a variety of emergencies. Parents and community members can speak to the principal of the school near them to discuss how this information is communicated.</p> <p><u>BOE updates</u> Kupu then spoke of standing Maui Wildfire Impact Updates at the Board of Education meetings which also provide information about environmental monitoring. She shared a slide from the latest BOE presentation that shows the status of students pre-registered for Lahaina schools as of November 16th.</p> <p><u>King Kamehameha III information</u> On the HIDEOE website there is a dedicated web page included in the West Maui school resources for King Kamehameha III campus updates. Currently the school is sharing a campus with Princess Nahi’ena’ena Elementary until a temporary school can be constructed near the old Kapalua Airport.</p> <p><u>Other information</u> Kupu reported that she and Brikena meet regularly with the Maui DESs to keep their finger on the pulse of current needs. DES Will Carlson added that there has been another waiver granted to students in the Lahaina area to extend free lunches until the end of the school year.</p> <p><u>Questions/comments from members and guests</u> Q. Does this waiver include Lahaina High and Intermediate? A. (Will) Yes, it covers all four Lahaina campuses. Q. Are the Lahaina students who transferred to other schools eligible for free lunches as well? A. (Kupu) We will find that out for you</p>
<p>Review of Minutes for the October 20th Meeting</p>	<p>Cheryl Matthews attended late, so her name needs to be added to those present. Susan Wood offered minor grammatical and spelling edits. Action: The minutes were approved as corrected.</p>
<p>Agenda Setting for the January 12, 2024 Meeting</p>	<p>Members suggested the following issues for agenda items:</p> <ul style="list-style-type: none"> • Maui updates • Suspensions of students with IEPs—what kind and for how long

<p>Agenda Setting for the January 12, 2024 Meeting (cont.)</p>	<ul style="list-style-type: none"> • HIDOE budget requests pertaining to students with disabilities • DD Council update on legislative priorities for the 2024 session • Bullying data disaggregated by special education status <p>Rosie asked for the Maui Update to include more information about the number of wild-fire affected special education students, where they are in terms of their educational needs and whether they are receiving adequate support. The discussion of suspension data will be postponed until March to allow the MAC Branch to complete the submission of the SPP/APR before having to collect additional data.</p>
<p>Infographic and video work groups</p>	<p><u>Positions vs. Interests video</u> Steven gave a quick update on the most current planning for the video. The work group met after the October SEAC meeting and came up with the following ideas:</p> <ul style="list-style-type: none"> • keep the length to four minutes; • use a mock IEP team meeting or have a main presenter with actors playing out certain situations and messages; and • use a graphic overlay to emphasize the messages (would require post-production work). <p>There is another meeting on Monday, November 20th in the afternoon Work group members received the zoom link, and anyone else who is interested should contact Amanda or Susan R. to access the meeting link.</p> <p><u>Bullying Reporting infographics</u> Susan R. shared that the two infographics—one on how to report student-on-student bullying under Chapter 19, and the other on reporting bullying by an adult at school or at a school function under Chapter 89—need work group members to reconcile the current language with recommendations from the Civil Rights Compliance Branch. These two infographics complement a series of infographics on bullying published by SPIN in the last year.</p> <p><u>Suggested topics for new SEAC infographics</u> Martha also reminded members of the suggestions for new infographics made at the September 8th SEAC meeting:</p> <ul style="list-style-type: none"> • a timeline for families/schools to know when to start preparing/planning for postsecondary living; • solutions to common challenges/barriers to inclusion; and • responding to bullying and bullying prevention. <p>Susan Wood suggested finishing out the two bullying reporting infographics before starting on new materials.</p> <p><u>Chapter 89 Bullying Reporting Infographic:</u> Members made the following suggestions regarding the existing draft:</p>

<p>Infographic and video work groups (cont.)</p>	<p><u>Chapter 89 Bullying Reporting Infographic (cont.):</u></p> <ul style="list-style-type: none"> • While the title “Reporting Bullying” is in a large eye-catching font, the “Chapter 89 – Adult on Student Bullying” subtitle is smaller and may not be connected with the larger title; this could lead to a reader confusing the instructions with those for Chapter 19. • Consider highlighting Chapter 89 in another color. • The two infographics—Chap. 89 and Chap. 19 are too similar. • Clarify what is the purpose of the infographic and who is the audience. If families are the audience, and you want to show them how to report bullying, then the content should just be the reporting requirements. Indicate who at the school is responsible and how and what to report. • If you try to include too many points of the process in the infographic, then it gets confusing. • There is a big difference in whether it is a Ch. 19 or Ch. 89 offense—if an adult bullies a student (Ch. 89) it can take as long as 60 days to investigate the complaint, and the investigation is conducted by the Civil Rights Compliance Branch. By contrast, the Ch. 19 complaint goes to the principal and is a much shorter investigative period—usually 5 days. • The points that are covered in the existing drafts are 1) how to file a complaint, 2) what happens after the complaint is filed (for example, who conducts the investigation and how long does it take), 3) actions that can be taken to protect the victim prior to a completed investigation, and 4) procedural safeguards for students with disabilities who are the perpetrators (for example, an expedited hearing). • Even though the principal has 5 days to investigate, s/he can crisis suspend the perpetrator. • Include timelines on what’s going to happen. • Create a separate infographic that just talks about what to do in the interim. • We could have a back page that fills in more details. • Design like it is a simple booklet. • Keep Ch. 89 and Ch. 19 reporting information separate. • Two other kinds of bullying are parents on staff and students on staff. • Break the work groups into one for 19 and one for 89. • It would be beneficial to include Mark as an attorney to ensure that SEAC members understand the intent of the two administrative rules. <p>Amanda suggested that members look at Venngage templates to suggest a new format. Susan R. asked the group to weigh in on CRCB’s comment that any paraphrasing is dangerous because it leaves the possibility of misinterpretation.</p> <p>Action: Amanda and Susan R. will come up with two new drafts for discussion in January’s meeting.</p>
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