

SPECIAL EDUCATION ADVISORY COUNCIL

Minutes – August 12, 2011

9:00 a.m. – 12:00 p.m.

PRESENT: Brendelyn Ancheta, Sue Brown, Bob Campbell, Debbie Farmer, Gabriele Finn, Martha Guinan, Tami Ho, Barbara Ioli, Deborah Kobayakawa, Pina Lemusu, Shanelle Lum, Rachel Matsunobu, Dale Matsuura, Barbara Pretty, Susan Rocco, Melissa Rosen, Ivalee Sinclair, Michelle Suzuki (for Stacey Oshio), Jan Tateishi, Cari White

EXCUSED: Annette Cooper, Phyllis DeKok, Dave Fray, Henry Hashimoto, Bernadette Lane, Paula Quealy, Kauai Rezendes, Tricia Sheehey, Duane Yee

ABSENT: Debbie Cheeseman

GUESTS: Tom Smith, Steven Vannatta

TOPIC	DISCUSSION	ACTION
Call to Order	Ivalee Sinclair called the meeting to order at 9:15 a.m.	
Introductions	Ivalee welcomed Bob Campbell as SEAC's new liaison to the Superintendent and asked members to introduce themselves to Bob.	
Announcements	Jan announced that August Suehiro retired at the end of the school year, and his representation on SEAC will be taken over by Olomana's new principal, Stacey Oshio. Susan Rocco announced that she and Ivalee had recently discovered a website for State Advisory Panels hosted by OSEP as part of their Technical Assistance and Dissemination Network. The SAP website is hosting a webinar on August 19th on "Suggestions and Expectations for Stakeholders to Provide Input about the Effectiveness of their State's General Supervision and Fiscal Systems through the use of OSEP's CIV Survey."	The minutes were approved as distributed. Members interested in participating in the webinar were asked to contact Susan for details.
Update by the Special Education Section	Debbie Farmer announced that the annual stakeholder meeting for the SPP/APR is scheduled for December 15 th at the OCISS Annex. In lieu of an update, Debbie asked SEAC for ideas on what topics the Council was interested in. Barbara Ioli suggested that Debbie aim her presentation on the work of SEAC's Committee. Recommendations by members for topics were grouped under committees and included: Transition Issues: ○ Transition resources available in school or community; ○ List of transition coordinators; ○ What schools should be doing about transition; ○ Findings in general supervision relating to transition (getting at the quality of transition services); and ○ Data on drop out and graduation rates.	

Update by the Special Education Section (cont.)	<u>Recommendations for SES Report Topics (continued)</u> Personnel Issues: ○ Job description for PPTs; ○ Process for matching teacher's skill area with available positions; ○ Issues related to employee-based paraprofessionals (training, supervision, retention, recruitment). Due Process Issues: ○ Information on settlement agreements (costs, trends, numbers per district, etc.); ○ Information on the resolution of a due process request (withdrawals, dismissals, settlement agreements, hearing decisions); ○ Information on appeals. Legislative Issues: ○ Legislation that the Department plans to introduce; ○ Policy matters for the Board of Education; and ○ Burning issues from OSEP. General Issues: ○ Updates on DOE Reorganization. Debbie said she would not be able to provide data on APR indicators until three weeks before the December meeting nor information on the reorganization until it is official.	
Federal Compliance and Project Management Office	Ivalee asked Bob Campbell to give members an overview of the office he directs. Bob explained that the functions of the office are to provide technical assistance, research and compliance monitoring support to the Superintendent around any titled program, including the USDA child nutrition program and special education. The office also provides support for big initiatives such as Race to the Top and the American Recovery and Reinvestment Act (ARRA) grants. Ivalee added that Bob's purview also includes No Child Left Behind, adult education and career and technical education. <u>Questions/comments from members:</u> Q. If, in your monitoring, you find something that is not quite right, do	

Federal Compliance and Project Management Office	you report your finding to the Superintendent who then issues a correction to the field? A. We do a risk assessment for the Superintendent's consideration, identifying things that could have been done better or that were not done. Q. Is compliance under the APR a responsibility of the Special Education Section? A. Yes. Anything that a school district needs to do is under the Special Education Section (SES). Oversight of things that the State Education Agency must do is divided between our office and the SES. Q. As you check to see if the State is in compliance, what data are you reviewing? A. We review data that relates to the assurances required of the Superintendent by the U.S. DOE. Our office only has three people, so we do a desk audit of documents rather than pulling random documents in the field. C. Adult students who are incarcerated and covered under IDEA will be negatively affected by cuts to Adult Education. The program has been very helpful to many adult students who want to receive a high school diploma. C. Adult Education does not provide a regular high school diploma; their diploma is not acceptable to the military. A. The Department is trying to sort out its federally required commitment regarding students receiving adult education, and the process will take about a year.	
Due Process Report	Martha Guinan and Dale Matsuura led members through a PowerPoint presentation of the Due Process Committee's findings for SY 09-10. Martha acknowledged Debbie Kobayakawa and Kau'i Rezentes as members of the Committee who participated in the review. The presentation included comparisons of due process data with past years and with national averages. <u>Questions/comments from members:</u> Q. Does the Committee have any thoughts as to why Honolulu, Windward and Maui Districts had the highest rates of due process requests/decisions? A. These three districts have a long history of due process activity, and many of the hearing requests are repeat requests from parents whose children are already placed in a private school. Q. What disabilities are included under the category of Other Health Disability? A. Medical conditions such as asthma and attention problems like ADHD are	A print copy of the report will be given to members in October.

Due Process Report	<u>Questions/comments from members:</u> two of the conditions included in this category. C. For the Division of Vocational Rehab, it would be helpful to have more detail regarding the student's condition or diagnosis within the OHD category when referrals are made in order to determine eligibility for services. C. One of the issues that surfaced in the Private School Placement Task Force is that there are not enough hearing officers or public and private attorneys, so parents can sometimes use extensions as a tactic to keep their child in a private setting under "stay put." C. In my school, if the hearing is not held until three or more months after the request is filed, DOE usually settles, because they have had to make a payment to the private school for "stay put" before the hearing convenes. C. Special education pays for conciliation, mediation and facilitation, and it doesn't have to be linked to a due process request. C. There is confusion in the field over a facilitated IEP by a mediation center and one where the complex level personnel come to facilitate. C. When district personnel act as mediators/facilitators, families do not feel as though the DOE person is unbiased. C. The Special Education Section doesn't keep data on DOE facilitators. C. The slide that shows the costs of due process is misleading, because if services were provided by the complex, rather than the private school, there would still be significant costs involved to serve these complex needs. If SEAC could come up with a method to estimate the non-duplicating costs of hearing requests, it could be very instructive for the Legislature. C. For the recommendation regarding programmatic placements, clarify that these are in lieu of proceeding with due process.	The Committee will clarify the issue about the costs of due process when it writes the report. A draft of the report will be sent to members.
Update on Chapter 60	Ivalee reported that there is no new information on the guidelines or related training for the field.	
Update on the Private School Placement Task Force	Ivalee reported that the Task Force has almost completed the regulations for Act 128 and 129—recently passed legislation that enables DOE to monitor students with disabilities placed in private settings at public expense and requires schools to apply for accreditation. The group is also drafting procedural guidelines to implement the regulations.	

APR Planning: Review of LRE Data	Susan Rocco presented the SY 10-11 618 data regarding placements for students with disabilities aged 6-20 and contrasted it with previous State data as well as data from other states. Hawaii's rate for students with disabilities who spend 80% or more of their school day in regular education settings dropped a few percentage points last year, missing the APR target and placing Hawaii near the bottom of states and territories in serving students in the least restrictive environment.	Members with additional questions regarding LRE will forward them to Susan by August 31 st , so that Debbie Farmer can have a staff member address them at the September meeting.
Review of the May 13, 2011 Minutes	There were no corrections to the minutes for the May meeting.	The minutes were approved as circulated.