

APPROVED MINUTES**Purpose**

The Individuals with Disabilities Education Act (IDEA) requires that each State establish and maintain an advisory panel for the purpose of advising the State special education staff regarding the education of eligible children with disabilities.

Meeting Place: Virtual Meeting

Address: GoToMeeting platform due to COVID 19

Date: Monday, May 18, 2020 (4:30 p.m. to 7:30 p.m.)

Present: Sarah Fabrizio, Rachel Seelig, Scarlett Duncan, Katie Ballard, Tonya Rutkowski, Sandra Chittenden, Jacqui Kelleher, Mary Barton, John Spinney, Crista Yagijan, Joy Wilcox, Jamie Crenshaw, Sarah Kruk, Tara Howe, Randi Lowe, Robin Hood, Vickie Haskins, Mary Lundeen, Carrie Lutz, Kaiya Andrews

Agenda:

4:30-4:35 Introductions/Call to Order
4:35-4:40 Review and Approve Agenda; Review and Approve March 2020, April 2020 Minutes
4:40-5:25 Monitoring Report Presentation
5:25-6:55 Special Education Rules Public Comment Discussion and Drafting
6:55-7:05 Establish Subcommittees Plan for Summer Work; Meeting Schedule for balance of 2020
7:05-7:15 Public Comment
7:15-7:30 Vote on New Members
7:30 Adjourn

Introductions/Call to Order:

Introductions were started and however it was decided that it was too complex for everyone to introduce themselves virtually, members decided before they made a comment during the virtual meeting, they would introduce themselves.

Review and Approve Agenda & past meeting minutes:

A few attendees expressed concern about having to leave the meeting early due to prior scheduled meeting, a switch of the agenda was made for the Special Education Rules public comment discussion and drafting to be discussed first and the presentation second. The Monitoring Report Presentation was asked to be pushed back to 5:30 p.m., and that change was made.

Discussion:

A clarification was made about the 4/14 minutes. In the 4/18 draft minutes there was a motion to table of adverse effect, Rachel provided clarification on the matter. The group also discussed when taking attendance, should each member be identified as far as who is on the council, who is approved by the council but not yet appointed by the Governor, and who is a listening member of the public? Discussion that everyone should participate fully, even though not all folks have been appointed.

Rachel moved to approve the May 8th, 2020 draft minutes, April 14th, 2020, March 19th, 2020 draft minutes. With the motion to approve meeting minutes with the addition to approve Sarah Fabrizio gets added to the attendance, roles of each group member to be added in for attendance. The question was called, and the meeting minutes were tabled for May, April, and March as further clarification was needed.

Special Education Rules Public Comment Discussion and Drafting:

(1) Definition of special education

Discussion:

None

Robin Hood motioned to approve the definition of special education; this was seconded by Joy. By unanimous vote all approved.

(2) Definition of need of special education

Discussion:

There was concern about placing MTSS in the rules as MTSS is part of general education and not special education. The concern shared was that if MTSS is being added into the special education rules; that will be used as a reason to treat MTSS as special education. For example, a tier three intervention such as a math specialist or reading specialist used for MTSS services would be used as a replacement of additional support services for a child with special needs on an IEP. MTSS is available for all general education children and special education children, while IEP are only available for children who qualify for special education.

Joy Wilcox motions to remove A, B, and C of the draft presented by the Chair, seconded by Robin Hood. The motion passed; however, it was not unanimous.

(3) Re-assessment of eligibility of rules

Discussion:

There have been concerns around children who needed evaluations, who were denied by their school district because they were not covered by Medicaid. The comments by the Chair seek to help clarify that any child who needs an evaluation should receive an evaluation regardless of insurance status. If the board was to accept our comments there would have to be an agreement between the school and AHS which already occurs, however the relationship between AHS and schools would need to change. This change would not include school districts being responsible for a child before the age of three years old.

One person mentioned that the topic is overwhelming and that she doesn't specifically understand all the topics which makes it hard to add any comments to this discussion.

Carrie Lutz makes a motion to table this discussion part c to part b, motion seconded by Mary Barton. This section is tabled.

(4) Child Find/MTSS

Discussion:

MTSS shouldn't be a part of special education rules, making a comment on MTSS is outside of the special education rules and regulations and not work that this panel should be commenting on.

Joy Wilcox makes a motion that items 1 through 6 are not incorporated in the public comments. Jamie makes a friendly motion to have MTSS discussed outside of the special education comments. Rachel proposes a friendly motion to keep the six items in the special education rules public comment document and to create a separate amendment to the special education public comment document on MTSS specifically. Sara Kruk seconds the friendly amendment.

The goal of creating a second document with a separate comment on MTSS specifically from the special education public comment document is to clarify that MTSS is not a part of special education.

A concern is raised by a parent who is not, yet a voting member and they would like to keep comments on MTSS in the special education public document.

Amendment to the 5/18 notes -

The May notes left out part of the discussion that some of the parents on the council have regarding MTSS and Special Education. Jamie would like added to the May notes that MTSS is part of both general and special education.

A problem within the group is there a few members who have been waiting a significant time to be appointed to the council. Because they are not appointed, they are non-voting members. The council values parents input and does not want parents who are waiting for approval to feel uninvolved from the process. However, the council is on a time constraint due to the last meeting for public comments on the special education rules is on 5/20. The council doesn't know if this will be extended. Discussion is made about tabling our comments until all members are approved.

Joy is asked if she wants to withdraw her motion and Joy states, she does not want to withdraw her motion.

The motion was put back into a vote by the Chair. The vote was approved, to make the comment on MTSS and Child Find in the Special Education comments to the rules; and to provide separate public comment on the need for an MTSS Rule, that is not part of the Special Education Rules series.

General Supervision and Monitoring Activities:

Presented by Tonya Rutkowski from the Agency of Education.

17 School Districts are currently being monitored by the AOE. This presentation highlighted the Burlington School District. The Burlington School District is one of the largest districts in the state with an increasing population of students with developmental disabilities. Burlington was chosen for an onsite monitoring visit due to not meeting compliance for Child Find, data reviews, and FAPE for students. During the onsite visit Burlington staff was surveyed. The Burlington school staff reported concerns around communication between the district, building, and structure. The concerns that were reported were systemic issues around communication from the central office and progress monitoring was being left to general education teachers. Staff also reported a fear of being reprimanded for reporting their concerns to administration.

During the onsite visit violations of non-compliance were issued. The report of findings from the AOE was given to the superintendent, curriculum director, and special education and director. The report that was given is not a public document however it will be available to the public once the AOE website is updated. As part of their corrective action Burlington School District is required to participate in intensive technical

assistance. All special education files will need to be in the same location by 4/1/2021, professional development called the Educational Benefit Review (EBR) will be given to special educators to create measurable IEP goals, a fiscal review to further unpack 1.5 million dollars that was intended to be used for post-secondary transition plans however there is lack of evidence that transition plans were provided for students, and that Burlington High School hires a person to be a liaison to work directly with the AOE.

In addition to these corrective action items Burlington School District will be under a fiscal audit for IDEA funds.

Discussion:

Sarah Fabrizio asked how Burlington School District was selected. Part was due to Burlington being the largest school district in the State with an increasing number of students with developmental disabilities, another part was the school district had been out of compliance with the AOE for five years. Tonya invited any members who would like to go to a school onsite visit to reach out to her to attend a visit.

Establish Subcommittees Plan for Summer Work; Meeting Schedule for balance of 2020

Discussion:

The bill was passed out of the legislature and signed by the Governor which means that as an advisory council we need to get back to our group By Laws. This bill changes the name of this group and also increases the number of parents that are able to be in the group which is great news.

Rachel mentioned her concerns around summer work as it is often difficult to get critical mass with individuals summer schedules. Rachel asked the council if they would be open to work on sub committees. Some potential sub committees are By Laws, Monitoring, Rules, and Creating an Executive Committee. The group agreed to break into sub committees to continue work over the summer. A doodle poll will be sent out for council members to join specific sub committees.

For the fall schedule the council decided to change their meeting times from meeting during the day for six hours a time, to the meeting time frame be for a duration of three hours and to meet in the late afternoon to evening. This change was made as the council has seen a positive impact around the ability for parents to meet when the advisory council meets during after work hours. The council has been able to increase the number of parent participants which has added much needed and appreciated perspective into the discussions and work of the council.

Polls will be sent out by Rachel.

Public Comment:

None

Special Education Rules Public Comment Discussion and Drafting Continued:

Discussion:

The council returns back to their discussion around the special education rules public comment document. The council decided that Rachel will go to the board meeting on Wednesday 5/20/2020, and present the comments that the council has approved, however, to inform the board that the council will have more public comments for the board once more parents get approved to the council.

The council is reminded that public comment is open to everyone and not just this panel specifically. If you would like to express your public comment around the special education rules you can attend the meeting as well.

Vote on New Members:

Discussion:

Three potential members explained who they are and the reason why they would like to be on the panel.

A motion to approve the new members was made by Carri Lutz, Robin Hood seconded it. By unanimous vote all applicants were approved.

Other Business:

- Rachel will send out a poll to gauge people's interest in subcommittee work
- Rachel will send out a poll to determine the council meeting dates for summer work and into the fall
- The council will not meet as a whole in the months of July and August.

Adjourn:

7:23 P.M. Meeting was adjourned

Meeting Schedule (Hold the Dates):

TBD