

DRAFT MINUTES

Meeting Place: Virtual Meeting

Address: Teams Meeting platform

Date: Tuesday, April 14, 2020 (4:30 p.m. to 7:30 p.m.)

Present: Rachel Seelig, Carrie Lutz, Sarah Fabrizio, Jacqui Kelleher, John Spinney, Robin Hood, Sandra Chittenden, Vickie Haskins, Joy Wilcox, Mary Lundeen, Randi Lowe, Molly McFaun, Katie Ballard, Christa Yagjian, Kristin Bigelow-Talbert, Susan Comerford, Marylynne Strachan, Scarlett Duncan

Agenda:

4:30-4:35 Introductions/Call to Order

4:35-4:40 Review and Approve Agenda; Review and Approve March 2020 Minutes

4:40-7:00 Special Education Rules Public Comment Discussion and Drafting

7:00-7:30 Public Comment

7:30 Adjourn

Introductions/Call to Order:

Participants introduced themselves. Roll call made over the meeting.

Rachel suggested that we spend the last 30 minutes of the meeting to discuss COVID 19 and how it is affecting students in the state of Vermont with special needs and needs that currently aren't being met.

Review and Approve Agenda; Review and Approve March 2020 Minutes:

Minutes from the last minute were not posted - we will vote on them on the next meeting.

Special Education Rules Public Comment Discussion and Drafting:

Where we are: The group sent a letter to secretary French supporting the use of the definition of special education. This was approved. Currently the group was sent out a survey and the group decided what rules would be important to have further discussion on. There will be three meetings where people can give public comments. This was requested to be delayed, however the board said no.

Two of the highest priorities were what the definition of need and the definition of special education.

Topics of high importance included re-eval part c to part b, - Group Discussion

The rule currently says that early intervention services moving into essential early education, part of the rule is that there needs to be a meeting, what do you do with kids who were diagnosed late and a late referral. The rule says the EI goes to EEE goes to the LEA where the child resides. Transition conference needs to occur before the third birthday and given parental right and has to include people from EI and EEE.

The transition is difficult to navigate once a diagnosis is given and getting used to EI to EEE. Age of 3 isn't going to be able to change. Is this something that the advisory council should be spending on, there is

another council that has completed this type of work? The transition at age 3 is in federal law and can't be changed. Concerns around EI being underfunded and understaffed and what the rules are telling us what needs to happen.

As it relates to this council the eligibility date, when you transition doesn't become your new eligibility date, so it becomes all over the place for students.

Oftentimes there is a wait and see approach that the LEA can have, some parents have students that weren't eligible for testing which has been frustrating.

Students who come in with a folder review are not given all tests. It can be hard for teams to identify what services are needed and given to students.

Rachel will take the feedback and incorporate it into a comment for the group.

Child find intersection of MTSS - Group discussion

What is MTSS - Tier one would be good first instruction for all kids. All kids would be expected to get good instruction. Tier two is when you are re teaching an essential skill - typically happens in general education. Tier three more intensive with a special education teacher however it can serve both neurotypical and developmentally delayed students. What does this language purpose and do we have a common definition of what MTSS is?

Common definition of what it should be, not sure if there is a common definition of what it is in practice and how it varies across districts.

Some districts in the State have said there won't be IEP's anymore because there will only be MTSS. Does that mean that we don't provide services anymore because of MTSS?

Other states who have moved to different funding models a big barrier for kids have been that kids are placed in MTSS as a good enough service.

It has gotten muddy for people; the statement should be that MTSS goes along with special education however it isn't a substitute for special education.

Having a separate rule that lays a basic policy and procedures for MTSS.

Guidance is very different than having a clear rule, rules like 4500 doesn't protect special education students, one person commented.

MTSS has been used to delay access of evaluation for students. Vermont does have a rule that prevents the delay of evaluation.

It is important that MTSS can't be used to delay evaluation of services.

Rachel will take the feedback and incorporate it into a comment for the group.

Placement - Group discussion

Placement as an issue for parents - It becomes really confusing for parents because placement isn't a location or a place. It didn't help that we were looking for a least restrictive environment because it was then moved to another school.

One parent shared: Preschool wanted to move him to a full-time preschool to a preschool which meet only three times a week and didn't work well with the family structure. If they refused the new school the child would lose all services. In K felt that he had to go to public school because if he doesn't get any services at all.

The power of the LEA is really bothersome for parents, where they are not treated as equal members of the team, and the LEA makes decisions the parent doesn't have genuine input.

EI has more options where EEE is based on the district and it is less focused on the family structure.

Mental health issues - who pays for the placement why the child struggles.

Working through the placement process it is confusing when you make a placement when the placement is out of the mainstream and it becomes confusing for folks. It needs to be explained that placement is what's wrong. The district took input for who would be the provider for the alternative school. Instead of focusing on the issue we end up fighting on the language.

A team might decide on a placement however LEA can't make a school accept a student.

We lack a robust continuum of placement.

Parents voices not being heard in placement conversations - equal voices for all.

LEA makes the decision regarding placement when they are the least involved person in the team.

Rigor needs to be high, but it doesn't need to be mainstreamed at all cost.

LEA doesn't agree there can be considered the gate keeper.

Placement should be the last decision. What are the needs, what are the students strengths, and then making the decision.

Information piece to parents what are the parent's office.

Parents should be provided with dispute resolutions

Recommend to that the AOE provides a training for LEA's and parents around placement. Help support learning the IEP and how to follow the document.

Rachel will take the feedback and incorporate it into a comment for the group.

Parents signing in the IEP - Group Discussion

After you sign the IEP, if you don't sign the next one that it doesn't matter. Parents don't have support if they disagree or agree and IEP with going to a dispute.

The IEP - I agree, I disagree, or I partial agree. Has been helpful to talk about it at a team level that keeps the document out of resolution.

No signature is required by the parent, the rule is very ambiguous for people.

What if a parent doesn't send it back - how to we prevent students who need the IEP, but their parents don't sign it not because they don't agree but lack of participation in the child's education to make sure that they still receive services.

Important for parents to read the IEP, reflect on the IEP, and have time to digest it and then come back to the team and have the parent sign off on it.

How do we figure out consistency for districts?

A time frame where the IEP is given to the parents ahead of time and they can review it going into the meeting and then the parent can go in prepared.

Concern that this would be a rubber stamp and that parents wouldn't be part of the process, and that isn't fair.

Other parents are concerned that the weight of the parent is the one who has designed the IEP.

How do we create a collaborative process between the schools and parents?

Discussion will be continued at the May Meeting.

Adverse Effect - Group Discussion

Different districts that interpret the rules differently which affects what students qualify for special education students.

From one school to the next, from one special educator to the next it is all interpreted differently. even with training it is a mess. It's very subjective and it differentiated from person to person.

They make rules like a child shouldn't be evaluated because they wouldn't qualify for services which aren't allowed.

Get rid of adverse effect all together.

It can drill down to a skills that are a weakness. Which can be helpful if you know what you are doing, there are people who get it and there's just as many school districts that don't.

What role does money play for some districts and do they use adverse effect to prevent spending money on special education services.

There should be a clearer description about need for students.

Table the need to take off adverse effect.

Act 173 is going to be delayed of 2023.

Definition of Special Education

The group read Rachel's letter - there was no discussion

Definition of Need of Special Education - Group Discussion

Would you be eligible in one district and moved and wasn't eligible in another district?

What does struggle mean for a student - a student who struggles in what. The legislator defines this not us and can't change. What is meant by struggle it means the students isn't meeting grade expectations and trying to figure out why this occurring.

Public Comment:

None

AOE wants the discussion to turn into recommendations, things like guidance training, tools to be captured from the council. Non rule suggestions to the AOE.

COVID Discussion

Amazing work that has been happening - parents have felt very supported. Educators feel an honest desire to help families.

In consistent understanding of everything.

Not a lot of clarity, what should the distance learning plan look like, how do they relate to the the IEP. Four different ways that this happens and how it looks and what the services should look like. What's allowed what's not allowed.

Definitions – unclear.

Really highlighting inequity of services for parents.

What's reasonable and appropriate given the circumstances the Andrew effect? What's manageable for families. What were the IEP services the students had in school and what can families realistically handle at

the time. Hopefully that students will be able to make gains towards their IEP. Teams will have to look at the data. Compensatory services will need to be addressed for students.

Children with special health needs have received a waiver.

Appreciate the guidance from the AOE.

30 million dollars Federal money for education should be prioritized for is ESY for summer services is important, districts should create a plan on how help students with compensatory services, computers, and internet access.

Talk more about the compensatory services.

ESY services how do they qualify for them for compensatory services sometimes only given to students who have regression and not to all special education services - how many hours, daily etc.

Clear guidance in determining ESY services....but there is a difference with compensatory services.

Vote on new members:

Four individuals had re-submitted their applications to Rachel; all were unanimously recommended to proceed through the appointment process, and applications will be forwarded through the Secretary to the Governor's Office. They are: Katie Ballard, Crista Yagjian, Kaiya Andrews, and Vickie Haskins.

7:30 pm: Meeting was adjourned

Meeting Schedule (Hold the Dates):

May 18, 2020 (4:30 pm - 7:30 pm) Virtual

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