

APPROVED MINUTES

Meeting Place: Microsoft Teams platform (Virtual Meeting)

Date: Tuesday, March 15, 2022 (4:30 p.m. to 7:35 p.m.)

Present: Rachel Seelig, Sara Kruk, Sandra Chittenden, Karen Price, Crista Yagjian, Scarlett Duncan, Barbara Joyal, Mary Barton, Katie Ballard

AOE: Jacqui Kelleher, Chris Case, Linda Moreno, John Spinney

Guests/Potential New Members: Rene Sanchez, Susan Aranoff, Dana Lesperance, Alison Amidon, Richard Boltax

Agenda:

4:30-4:35 Come to Order, Review Meeting Expectations, Approve Minutes

4:35-4:45 Story Share

4:45-5:55 Discussion: Restraint & Seclusion, and Exclusionary Discipline

5:55-6:15 Addressing the Success Gap (Part 1: Report from the field, review unmet needs document with success gap lens)

6:15-6:20 Break

6:20-7:00 Addressing the Success Gap (Part 2: Develop recommendations / advisement)

7:00-7:10 SEA OSEP Budget Update

7:10-7:20 Public Comment

7:20-7:35 New Member Nominations

7:35 Adjourn

Come to Order, Review Meeting Expectations, Approve Minutes, Public Comment:

Katie Ballard brought the meeting to order as the Chair, Rachel Seelig and Vice Chair, Carrie Lutz were not in attendance. Katie went over the meeting norms, expectations, and meeting roles PowerPoint slides. Katie acknowledged the chat messages regarding potential members and the process. The Panel has quorum and voted to adjust the agenda to add membership and potential new members.

Story Share –

No Story Share this month and has been tabled.

Introduction about SEAP (Special Education Advisory Panel):

Reviewed what the panel was about and how to be a member of SEAP. Jacque provided federal regulations around SEAP.

New Member Nomination:

The Panel members motion 10/0 was made to have Alison Amidon a member of the Panel and to move her application forward to Governor appointment.

Follow up discussion with AOE on Restraint/Seclusion/Exclusionary Discipline area of unmet need:

Rachel shared the goals of this follow up discussion: (1) Hear from AOE on what action they have taken since our letter was sent; (2) Discuss whether any advice was unclear and how SEAP can be an ongoing partner; (3) Discuss the “why” of disproportionate use of these practices.

Jacqui and Chris Case began by presenting how the AOE has responded to the letter from the panel. Chris explained that response is preliminary and AOE is in early stages of this work. Chris requested an opportunity to return in 4-6 months to respond. Rachel will put on June/September agendas. Chris shared the history and structures related to oversight of Rule 4500 from the AOE and using Admin Complaint Process if parents need to address concerns. The AOE is working on suggestions from panel such as new training, and new data collection process and walked through aspects of each including meetings with special education team at the AOE, parent training and collaborations with partnerships with agencies like VFN. Looking forward to collaborating with panel on this.

Panel discussion ensued. Topics included (1) educator fears about reporting, (2) difficulty in gathering information without fear interfering, (3) history of Rule 4500, (4) need to shift to a preventative focus and avoiding escalation by better identifying behaviors; (5) connection between restraint & seclusion and exclusionary discipline and incarceration, (6) burden on parents to go through formal processes to address concerns, (7) concern about differing messaging and technical assistance on restraint and seclusion to parents and LEAs, (8) inconsistency of achieving outcomes through admin complaint process, (9) appropriateness of the rule as a generally applicable rule given disproportionality; (10) difficulty for staff as well in engaging in practices. Additional sharing of personal experiences with children’s trauma and harm from restraint and seclusion.

Chris responded that the work at AOE is embarking on is not meant to find a solution to everything all at once or create additional burden on parents.

Rachel suggested that a panel member or members be included in AOE work. Katie asked about convening a subcommittee of panel to work on this between meetings. Chris indicated he was open to this and will follow up with Jacqui and Rachel.

Because discussion of the “why” of disproportionality had just begun, this will be placed on the March agenda. In addition, in March the panel will discuss the recommendation around monitoring, and specifically, what could that monitoring look like?

Break

Break occurred from 5:47 to 5:52.

Joint AOE/Panel Item: Closing the Achievement Gap-*Specific activities within this block TBD based on January meeting.*

Rachel started by explaining that, to date, panel has looked at lots of data related to achievement gaps, and goal today is to hear from the panel about why we see these gaps. Jacqui explained that this was a top priority for State Directors, and she is excited to dig deeper into WHY there is a gap.

Discussion ensued. Reasons identified by panel members and guests included:

- Goals in IEPs are not aligned with grade level standards and teams don't always set ambitious enough goals to close gaps.
- Goals are repeated year to year.
- Lack of progress monitoring with consistency or comparing progress apples to oranges.
- Disconnect when IEPs written by administrators, not educators
- Lack of follow through after meetings
- IEPs as failed documents
- Ineffective use of data for academics as compared to behavior (ABA data collection)
- Ongoing viewing of students as "special ed students"
- Disconnect between IEP goals and data sharing and IEP goals and broader goals for students around inclusion and participation with peers.
- Lack of teacher preparation
- Lack of approved/best practice curricula and progress monitoring
- Band aids in lieu of high-quality evidence-based first instruction
- Local control and need for solid data collection systems to know what is happening for students
- Risk of loss of Medicaid coverage due to "lack of progress"
- Discrepancies between types of data (e.g., SBAC data, curriculum-based monitoring, etc.)
- For dyscalculia and dysgraphia, need for increased knowledge and research to develop evidence-based methods for remediation.
- Misunderstanding of rights of students with disabilities to access both special education services and MTSS supports.
- Over-identification of emotional disturbance with consequent shift to focus on behavior over academics
- In addition, Katie Ballard shared the benefit of the pandemic for some students in teams thinking outside of the box, using external support services.

Richard Boltax said he doesn't believe this is an achievement gap. Special education is built because we accept that there is a gap.

Rachel Seelig said she was pushing back on that notion, that she does not accept that a gap is inevitable, and students with disabilities can achieve with high expectations and supports in place. She shared that she feels most panel members not okay with accepting the inevitability of a gap either. Jacqui Kelleher shared that she does not feel that 9% of students with disabilities achieving proficiency is acceptable. She asked that we review and revise our unmet needs document and bring new recommendations where appropriate, as we did with restraint and seclusion.

Rachel will put this on the March meeting agenda and share the unmet needs document prior to that meeting.

Jacqui invited Linda Moreno to speak and share her thoughts. Linda shared information about the alternate assessments, and she was learning a lot from this conversation.

Transition Age Youth, Transfer of Rights, and Alternatives to Guardianship:

Max Barrows from Green Mountain Self Advocates (GMSA), Lee Reilly (Max's assistant), Kirsten Murphy (DD Council) joined the meeting to present with support from Karen Price, John Spinney, and Rachel Seelig.

Karen, Max, Kirsten, and John shared the work of a workgroup on alternatives to guardianship and supported decision making. They provided information on guardianship, the impact of guardianship on the rights of people with disabilities, and the relationship between guardianship and special education. They asked the panel to advise the AOE to issue guidance on supported decision making in lieu of guardianship as part of transition services.

Scarlett Duncan made a motion to agree to this ask. Katie Ballard seconded. All panel members were in favor (a quorum had been achieved at this point in the meeting). No panel members opposed.

Rachel will send this advisement to Jacqui.

AOE Item: Potential Request for Information/Response to Proposal on Statewide IEP and Special Education Data Collection System:

Jacqui and Chris explained that AOE is considering putting out an RFI or RFP on creating a statewide IEP and data collection system. This is being considered because of concerns and challenges around quality of IEPs and goals with lots of room to improve, but it is hard to advise with different systems across the State. In addition, the State has many data collection challenges. Another reason to consider this would be to improve parent participation/transparency. The question they have for the panel is whether this is worth further exploring?

Panel members all supported further exploring this. One guest also shared that it would be great if a system could enable both a sending school and an independent school to access the same IEP document. One guest opposed pursuing this, saying the AOE had already created a uniform IEP, and this would increase paperwork and not result in improved instruction which is what is needed.

Jacqui will move forward with an RFI.

Adjourn:

The meeting adjourned at 7:35.

Meeting Schedule (hold the dates):

March 15, 2022, from 4:30 - 7:30 p.m.

April 18, 2022, from 4:30 - 7:30 p.m.

May 17, 2022, from 4:30 - 7:30 p.m.

June 9, 2022, from 4:30 - 7:30 p.m.