

**GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL
EDUCATION**

**Education Committee
MINUTES**

LOCATION

**Governor's Council Conference Room
3601 C Street
Anchorage, Alaska
Teleconference**

Meeting Date

**February 25, 2016
1:30 p.m.**

Attendees:

David Kohler - Chair
Jill Burkert
Sandra DeHart-Mayor
Angie Fraize
Jeanne Gerhardt-Cyrus
Margaret Kossler
Patrick Pillai
Amy Westfall
Anthony Cravalho
Anne Applegate
Amber Parker
Maria Pepperworth
Fred Villa
Clayton Holland

Guests:

Ron Cowan
Brianna Brian
Goriune Dudukgian

Staff:

Christie Reinhardt

Prepared by: Sheila Garrant, Peninsula Reporting

CALL TO ORDER – 1:30 p.m.
ROLL CALL

Welcome

David Kohler welcomed the committee members to the meeting.

Announcements and Good News

David Kohler introduced Anne Applegate, who will be joining the committee as a representative from Disability Law Center.

Approval of Agenda and Approval of Previous Meeting Minutes

Margaret Kossler **MOVED** to approve the amended agenda that allows the guest speakers to begin promptly at 2:00. The motion was **SECONDED** by Jill Burkert. Hearing no objections, the motion **PASSED**.

Angie Fraize **MOVED** to approve the minutes from the January 21st meeting with the addition of Mallory Hamilton to the attendees on the title page. During discussion, Fred Villa recommended adding additional information noting that the information regarding the ACT accommodations was sent to the chair and staff. Hearing no objection, the motion **PASSED**.

Correspondence

Christie Reinhardt reported that the Council received correspondence from the University of Washington and from the state of Minnesota asking about the process Alaska used to make regulatory changes to the definition of physician for other health impairments. The Council responded with information and talking points.

Christie Reinhardt and Patrick Reinhart met with Cindy Smith from the American Association of Councils for Developmental Disabilities to talk about the exemplary restraint and seclusion law that Alaska passed and the idea of finding a republican cosponsor for an amendment for a bill for the Every Student Succeeds Act. Patrick Reinhart and Ric Nelson plan to meet with Senator Murkowski on their trip to D.C. to speak to her about being a champion for this advocacy piece. Anne Applegate requested that

a copy of the talking points Patrick and Ric plan to use when meeting with the senator be shared with the committee members.

Reports

Chair's Report

David Kohler commended the committee for the work that was done with the regulations related to the definition of physician for other health impairments, and he noted that Alaska is the first state in the country to accomplish that. He also spoke about the potential impact committees can have in terms of informing educators of key issues and the importance of the committee continuing to do what they are mandated to do, which is to collect information and advise.

SESA

Patrick Pillai reported the following activities with regards to SESA:

- SESA hired a new multiple disability specialist. They have two vacant seats remaining.
- SESA signed the new five-year GAINS Grant, a grant that focuses on helping school districts implement quality behavioral supports.
- The Annual Autism Walk will be held on April 23rd at the Dome in Anchorage.

EED

A report from EED was not available for the meeting.

CASE

Clayton Holland reported that the Council for Administrators of Special Education met in Anchorage at the ASSEC Conference in February where they awarded their \$1,000 scholarship to an aspiring special educator. Clayton expressed his pleasure that the team from Nikiski Middle/High School Life Skills Team won the 2016 Inclusive Practice Award.

Topics of discussion at the CASE meeting included:

- Suspension and expulsion.
- Restraint and seclusion provision with regards to contacting parents.
- Changes to the other health impairment (OHI) regulation allowing advanced nurse practitioners to diagnose FASD.

The Education Committee had a discussion focused on data collection related to suspension and expulsion rates and the inclusion of data related to constructive suspensions. The committee will take steps to find out which channels they need to go through to request that more specific data be gathered regarding suspensions.

FASD

Jeanne Gerhardt-Cyrus reported that the FASD Workgroup has been working with the DD Committee on commenting on regulations. Jeanne noted that the workgroup on FASD has had questions come up on the level of understanding by school staff and special education teachers of what constitutes a FASD. The Anchorage Diagnostic Team has modified the information they are sending out to try and clarify what constitutes a FASD, and a discussion came up in committee that a brochure may be something to send out to school districts that would help clarify the information.

Old Business

Update on Alaska Performance Scholarship (APS) and Diploma Discussion

Christie Reinhardt stated that they are in the process of accessing information from the Alaska College Board about what kind of accommodations could be available to students taking tests, the programs the APS applies to, and other obstacles students with special needs have to negotiate to qualify for the APS.

Recommendations for action items were as follows:

- Explore possible changes to the criteria for eligibility to allow an alternate eligibility criteria.

- Explore the costs to students for testing.

With regards to the diplomas, David Kohler recommended that the committee begin looking at how Alaska is currently granting diplomas and certificates of achievements across the state, and then look at what other states are doing in terms of differentiated diplomas. Anne Applegate stated that the DLC sent a letter to districts to find out how they were informing students who received a certificate of completion about the changes related to the elimination of the HSGQE, and she will forward the information to the committee once it is complete.

Inclusive Practice Award

Christie Reinhardt reported that there were 14 nominations for the Inclusive Practice Award this year, and the award was presented to the Nikiski Middle/High School Life Skills Team. Christie commented that the prestige of the Inclusive Practice Award is growing, and the impact that it has had on those who have been nominated for the award has been tremendous. The Council has been busy with press releases for the award, and a nice write-up has been posted on the Council website.

New Business

Restraint and Seclusion Issues – Special Guest, Goriune Dudukgian

Goriune Dudukgian from the Northern Justice Project joined the meeting to talk about the lawsuit that has been filed against the Anchorage School District on behalf of their client regarding the restraint and seclusion law. Goriune gave a brief summary of the case in which a parent of a student in the Anchorage School District requested educational records for her child and discovered that her child had been restrained or secluded approximately 14 times in the first few weeks of the school year and on only two of those occasions did notification go home letting her know what had happened. Goriune stated that a law was passed that requires certain things happen when a child is restrained or secluded, and it is supposed to be a rare occurrence. Because of the extreme nature of what happens to a child, the parents need to be notified right away, there needs to be a review after every single incident, and among the things that needs to happen in the review is follow up with the parents.

After a lengthy discussion regarding what constitutes seclusion and the interpretation of the statute and definition of the words “seclusion” and “alone” in the statute, the committee members identified the following areas of concern that may not require a statute change, but perhaps regulatory clarification:

- Examine whether or not “alone” is going to allow a greater degree of latitude for isolating and secluding students without triggering the notice requirement and reporting and reviewing.
- Clarify continuous direct visual contact.
- Work toward ensuring that each school district is taking responsibility for training, instruction, and annual notification of their policy with parents and teachers.
- Work towards ensuring that the local school boards are aware of their obligation to report on the school district’s policies annually.
- Explore the possibility of public reporting of restraint and seclusion data.

Christie Reinhardt stated that one of the Education Committee’s roles is advising and assisting with policy, so this will begin a larger discussion about what may need to happen as far as looking at policy change that may come out of lawsuits.

Ron Cowan stated that a few months after the restraint and seclusion law came into effect, DLC sent a letter to all the school districts asking for a copy of their discipline and safety plan as required by the statute. They received over a 50 percent response rate, and they are following up with the non-responsive districts individually. Ron explained that they created an evaluation tool to look objectively at the policies and provide feedback to the districts in a prescriptive manner. Ron stated that it has been a good process, and they have been able to not just get a better sense of what's going on in the state, but also to have some communication with a school district in a way that they are offering a useable service to them as opposed to visiting them on investigations.

Upcoming Meetings and Conferences

February 29, 2016

Autism Society of Alaska First Annual Conference
Pioneer Park Civic Center, Fairbanks

March 23 – 25, 2016

Early Childhood Mental Health Institute
Egan Center, Anchorage

March 30 – 31, 2016

Full Lives Conference for Direct Service Professionals
Hotel Captain Cook, Anchorage

Time and Date of Next Meeting

The next Education Committee meeting is scheduled for March 24, 2016 from 1:30 to 3:00 p.m.

Adjournment

Margaret Kossler **MOVED** to adjourn, **SECONDED** by Sandra DeHart-Mayor. Hearing no objection, the motion **PASSED** and the meeting adjourned at 3:07 p.m.