

**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

**May 19, 2016
1:30 p.m.**

Attendees:

David Kohler - Chair
Jill Burkert
Anthony Cravalho
Cassidy Jones
Angelina Fraize
Jeanne Gerhardt-Cyrus
Heidi Haas
Clayton Holland
Mallory Hamilton
Amy Westfall

Community Members/Guests

Anne Applegate
Sarah Emmal
Kristi Fuller
Amber Parker
Barbara Thompson
Colleen Gabriel
Ron Cowan

Staff:

Christie Reinhardt
Patrick Reinhart

Prepared by: Paula DiPaolo, Peninsula Reporting

CALL TO ORDER – 1:30 p.m.
ROLL CALL

Welcome

David Kohler welcomed committee members to the meeting.

Announcements and Good News

Christie Reinhardt announced that today is the last day of school.

Conflict of Interest Declaration

Committee members had no conflicts of interest to declare at this time.

Approval of Agenda

Mallory Hamilton **MOVED** to approve the agenda as presented, **SECONDED** by Cassidy Jones. Hearing no objection, the motion **PASSED**.

Approval of Previous Meeting Minutes

Jill Burkert **MOVED** to approve the minutes from the March and April 2016 meetings, **SECONDED** by Jeanne Gerhardt-Cyrus. Hearing no objection, the motion **PASSED**.

Correspondence

Christie Reinhardt reported that she e-mailed the committee members a proposed education regulation change that the Council received as correspondence. She stated that she will present comments to the State Board of Education during their June meeting, and she would like to make comments around the Council's support for not tying teachers' rating scores to students' academic gains on standardized tests. She asked committee members to provide her written comments if they have anything additional to add beyond what the Council's position has always been on this issue.

Barbara Thompson stated that what the board is attempting to do at this meeting in June is repeal regulations that are no longer required because of the Every Student Succeeds Act (ESSA). The attempt will be to leave it to the districts to decide.

Reports

Chair's Report

David Kohler reported that early next week he plans to send something to all the members of this committee asking them their preferences for projects to be involved in relative to the Education Committee's work plan activities.

Christie Reinhardt added that a tremendous amount of the Council's Five-Year State Plan involves looking at the Council's role in advising, assisting, and working as a collaborator. What she would like to see for the next couple of years is an increased role within stakeholders and committee members by participating more at an advocacy level outside of just their participation in this committee.

SESA

There was no report from SESA available for this meeting.

EED

Cassidy Jones updated the committee on the following activities of EED:

- Continue to participate in mandatory meetings related to special education.
- Completed the federal application for the State Improvement Grant as well as the state education Part B grant application.
- A self-evaluation tool for statewide correctional facilities is complete regarding services for school-aged inmates, and it was distributed.
- The Annual Performance Report and the State Systemic Improvement Plan have been submitted to the federal government.
- This coming school year's monitoring schedule has been posted to the website.
- The EED website is under reconstruction to make it more accessible.

- The special education team is currently investigating the possibility of moving to a statewide paperwork system for special education for cost effectiveness and a reduction of district effort for some of the reporting requirements.

CASE

Clayton Holland reported on the following activities for CASE:

- Mandy Evans, the special education director from Sitka, was elected to be the CASE representative on the SESA board.
- CASE is busy closing out all the schools.
- CASE has been made aware of the legislative reduction to the \$50 add-on to the Base Student Allocation at a time when districts had already been assured they would receive the add-on and based their budgets and signed contracts with staff because of it.
- ESSA and student performance data will be a good topic for CASE to discuss.
- KPBSD is piloting the Student Growth Map (SGM), and information can be found on the KPBSD webpage.

State Board of Education and Early Development

Barbara Thompson reported that the State Board is actively engaged in developing a strategic plan, which includes: Respecting local control, modernizing the system, and increasing teacher and educator skills and quality.

The State Board is actively engaged in selecting a new education commissioner, and that will occur at the June board meeting in Juneau.

Barbara Thompson reported that the staff at EED and State Board of Education board members are wading through the Every Student Succeeds Act and looking for flexibility and taking steps now to eliminate things that have been put in regulation that are no longer required.

Christie Reinhardt shared a concern, which will lead to comments she will make at the State Board meeting in June, which is that Alaska is one of the very first states to develop an ESSA plan about what the new law will look

like in the state, and a group of stakeholders has been convened as a leadership team.

The National Association of Councils on Developmental Disabilities (NACDD) has inquired of the Council because they are collecting data as states are developing their ESSA plans on what the input is at the very beginning of the planning as far as civil rights groups, parents, and disability advocates.

The Council has brought to the attention of the State Board that the state leadership team does not have meaningful representation of parents or special educators. In particular, the Council has asked that a representative from the SEAP be a part of this leadership team. Thus far the Council as the SEAP has not been invited to participate. This information has been passed along to the NACDD, who is then passing it on to the President's commission on oversight.

Christie stated that the Council has a highly vested interest in being in on this at the ground level. They will be moving forward in the continued request to come to the table with this leadership team. Barbara Thompson stated that Christie's points are well taken, and she encouraged the Council to continue in their efforts. She will support Christie's comments at the June meeting and regrets that the Council has not received any positive reaction back at this point.

FASD

Jeanne Gerhardt-Cyrus reported that the FASD Workgroup presented to the Trust at their last meeting on the issue of FASD getting recognition similar to what the Trust did for traumatic brain injury. They requested to meet with the Trust's planning committee, and Jeanne hopes that this happens in the fall. She also explained to the Trust that the FASD population does also not seem to be included in the 1915(i) and (k) Medicaid reform.

Old Business

Update on the Five-Year State Plan

Patrick Reinhart reported that the draft State Plan was put out today for a 45-day public comment period, and it includes the objectives and activities the Education Committee forwarded.

Anne Applegate suggested an amendment to the draft plan under objective 4.3 by adding the following language: Advocate for the development of a quality assurance criteria for ensuring that service delivery through telepractice meets existing professional standards of practice in related services. She would like an activity to be that the Council call on statewide experts and national organizations for professionals in related services and ask them to help create a criteria that guarantees that students are receiving the same quality of services through telepractice as they would face to face.

Christie Reinhardt added that they have already been in communication with UAA to look at embedding teaching via distance delivery as part of the student teaching experience.

Christie Reinhardt then reviewed with the members some minor changes to the objectives for this committee that were made by combining objectives to make the plan conform to the reporting requirements. All of the objectives remain; some are just combined now.

Mallory Hamilton asked for clarification about the duties of the SEAP. Christie Reinhardt stated that they will have a PowerPoint presentation for the committee members on their roll as the SEAP at the August meeting.

New Business

Discussion on Restraint and Seclusion. What has happened in the past two years?

Ron Cowan from the Disability Law Center provided an overview of what has been happening with restraint and seclusion since the law went into effect in October of 2014. DLC sent out letters and questionnaires to all the school districts to find out what they had in place to implement the new requirements. For the districts that responded, DLC evaluated the responses with a tool to determine whether or not their new policies and procedures met the requirements of the law, and then informed the districts of their findings. At this time, they still have not received a response from 13 of the 54 school districts in the state.

Ron Cowan reported that they have seen a slowdown in the number of complaints they were receiving, and the complaints have shifted.

In summary, some of the issues that have been identified with districts in terms of the restraint and seclusion law are as follows:

- Clear definition of the term “seclusion” and applying the legal definition to policies and procedures within districts.
- Conflict in the statute that requires “continuous observation” but also references “alone,” and there is not a clear definition of what the term “alone” means in the statute.
- It seems to be a common trend in districts to make makeshift seclusion areas in the schools that are not seclusion rooms in a traditional sense but constitute seclusion nonetheless.
- Some school districts are also misusing “time-out” that leans more toward seclusion.
- In the course of Ron Cowan’s investigations, professionals and paraprofessionals more often than not do not know what their restraint and seclusion policy is or they misstate it.
- Many districts do not have a complaint process.

Ron Cowan stated that about half of the districts that returned the questionnaires have done pretty well with their policies after some fine tuning. The other half of the districts have some significant omissions of parts of the requirements.

When asked what the Council could do to assist, Ron Cowan stated that the need for districts to enact a complaint process to track and respond to complaints needs to be addressed. He also would like to address getting rid of the word “alone” in the statute. He also noted that Don Enoch has offered to be a resource for any district DLC was having problems assisting in developing their policies and procedures.

Anne Applegate stated that the Education Committee has an activity under one of their objectives to advocate for teacher preparedness programs to include a course in evidence-based behavior. It might be something for this committee to consider linking restraint and seclusion training with positive behavior supports.

Clayton Holland recommended that Ron Cowan speak at the Alaska Statewide Special Education Conference as well as the principal conference coming up this fall.

Upcoming Meetings and Conferences

- Community Concert to Benefit Stone Soup Group - May 26.

Other Information for the Good of the Order

Anne Applegate stated that Amy Westfall has been actively pursuing Wrightslaw, and DLC will be partnering with Stone Soup Group to bring in the legal community. Amy Westfall stated that Wrightslaw will be March 24 and 25. They would like feedback regarding specific topics for the agenda. They have booked the BP Center, but they may need a larger space, so if anyone has ideas on the space, please e-mail Christie Reinhardt or David Kohler.

Time and Date of Next Meeting

The next Education Committee meeting is scheduled for June 16, 2016 from 1:30 to 3:00 p.m.

Adjournment

Mallory Hamilton **MOVED** to adjourn the meeting, **SECONDED** by Jeanne Gerhardt-Cyrus. Hearing no objection, the motion **PASSED**, and the meeting adjourned at 3:07 p.m.